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ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0625-16-R**

Ontario Public Service Employees Union ("OPSEU"), Applicant v
College Employer Council, Responding Party

BEFORE: Brian McLean, Alternate Chair

DECISION OF THE BOARD: June 2, 2016

1. This is an application for certification brought pursuant to s.79 of the *Colleges Collective Bargaining Act, 2008*, S.O. 2008 c.15 (the CCBA"). The application was filed on May 31, 2016.

2. The parties have agreed that all communication between the parties and the Board regarding this application will be by way of email.

3. The parties also agreed to file submissions with respect to the following issues and agreed to a schedule for the filing of those submissions:

- i) the date by which the responding party must file its response; and
- ii) the date any representation vote should be held.

4. The responding party filed submissions outside of the agreed to schedule. I have not taken those submission into consideration in making this decision and, in fact, this decision was largely completed before the submissions were received.

Date for Filing of Response

5. The applicant asserts the responding party should file its response by June 6, 2016. The responding party asserts it should be

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permitted to file its response by no later than June 14, 2016. It notes there are a great number of colleges and employees without any central register as to the number of employees (and other employment information) who might be affected by the application. It also notes that in previous applications the applicant agreed that a response could be filed within two to three weeks of the application date.

6. The applicant notes those agreements were made in a different context than this application. In this application the applicant is seeking a quick vote and if the response time is too late then that vote cannot take place. In previous applications, the applicant was not seeking a quick vote.

7. In my view the appropriate date by which the Council must file its response is June 8, 2016. I note that the response time for applications filed under the Labour Relations Act is two days and this application is similar to a number of such applications being filed on the same day. The extra time beyond the normal two day period is required to ensure that the employee information filed by the colleges can be properly compiled.

Date of Vote

8. I am unable to, at this point, determine the date to hold any representation vote in this matter. The appropriate date can only be determined once the Board knows, at least generally, how many employees remain working at the colleges.

9. Accordingly, when the Council files its response it should also file supplemental submissions regarding the date of the vote, having regard to the number of employees at work. The union will then have as many as two days to file response supplemental submissions. The Council's reply supplemental submissions are due one day after receipt of the union's supplemental submissions.

10. The Board has modified its "Notice to Employees of Application for Certification" and provides it, attached to this decision. The Council is directed to arrange for the immediate posting of the "Notice to Employees of Application for Certification" at all Colleges of Applied Arts and Technology and associated work locations where employees may be affected by this application. The Council is directed to then

immediately return the "Confirmation of Posting" (form attached) to the Board.

11. The Council is directed to arrange for the posting of this decision, alongside the Notice to Employees. These copies must remain posted for 45 business days.

12. I am not seized.

"Brian McLean"
for the Board

APPENDIX A / ANNEXE A

Ryder Wright Blair & Holmes LLP
333 Adelaide Street W, 3rd Floor
Toronto ON M5V 1R5
Attention: Richard Blair
Tel: 416-340-9070 Ext 223
Fax: 416-340-9250
Email: rblair@rwbh.ca; rgisonni@rwbh.ca

Ryder Wright Blair & Holmes LLP
333 Adelaide Street W, 3rd Floor
Toronto ON M5V 1R5
Attention: David Wright
Counsel
Tel: 416-340-9070; 416-340-9070 Ext 237
Fax: 416-340-9250; 416-340-9250
Email: dwright@rwbh.ca; loshea@rwbh.ca

Ontario Public Service Employees Union
2550 Victoria Park Avenue, Suite 400
Toronto ON M2J 5A9
Attention: Connie Huziak
Organizing Representative
Tel: 416-443-8888
Cell: 416-788-9245
Fax: 905-712-2916
Email: chuziak@opseu.org

College Employer Council
20 Bay Street, Suite 1600
Toronto ON M5J 2N8
Attention: David Brook
CEO
Tel: 647-258-7701
Fax: 647-258-7719
Email: david.brook@theCouncil.ca

Hicks Morley Hamilton Stewart Storie LLP
77 King Street W, Floor 39
P.O. Box 371
Toronto ON M5K 1K8
Attention: Wallace M. Kenny
Tel: 416-864-7306; 416-362-1011
Fax: 416-362-9680
Email: wallace-kenny@hicksmorley.com; sandra-clarke@hicksmorley.com

Form A-1

COLLEGES COLLECTIVE BARGAINING ACT, 2008

APPLICATION FOR CERTIFICATION

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION ("OPSEU")

Applicant,

- and -

COLLEGE EMPLOYER COUNCIL

Responding Party.

PLEASE READ INFORMATION BULLETIN NO. 1 – CERTIFICATION OF TRADE UNIONS BEFORE COMPLETING THIS FORM.

The applicant applies to the Ontario Labour Relations Board for certification of the employees of the responding party in a unit described below.

1. (a) Name, address, telephone number, facsimile number and e-mail address of the applicant:

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION
2550 Victoria Park Avenue, Suite 400
Toronto, Ontario M2J 5A9**

**Attn: Ms. Connie Huziak, Organizing Representative
Tel: 416-443-8888 (w); 416 788-9245 (cell)
Fax: 905-712-2916
Email: chuziak@opseu.org**

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- (b) Name, address, telephone number, facsimile number and e-mail address of a contact person for the applicant (Please Note: this individual **must** be regularly available by phone during the five (5) days leading up to the date set for the vote. Your contact person should be an individual with the authority to enter into agreements on your behalf.):

MS. HUZIAK SHOULD BE CONTACTED REGARDING VOTER LISTS AND VOTE ARRANGEMENTS

Connie Huziak, as above, and:

**Ryder Wright Blair & Holmes LLP
333 Adelaide St. West, 3rd Floor
Toronto, Ontario M5V 1R5**

**Attn: Richard Blair
Tel: 416-340-9070 ext. 223
Fax: 416-340-9250
Email: rblair@rwbh.ca**

And:

**Attn: David Wright
Tel: 416-340-9070 ext. 237
Fax: 416-340-9250
Email: dwright@rwbh.ca**

- (c) E-mail address of representative and assistant (if any):

- | | | |
|--------------------------|---|--|
| <input type="checkbox"/> | Counsel: <u>rblair@rwbh.ca</u>
<u>dwright@rwbh.ca</u> | Assistant: <u>rgisonni@rwbh.ca</u>
<u>loshea@rwbh.ca</u> |
| <input type="checkbox"/> | Paralegal: | Assistant: |
| <input type="checkbox"/> | other: | Assistant: |

[Periods of time referred to in this application, in other Board forms and notices, and in the Board's Rules of Procedure do not include weekends, statutory holidays, or any other day that the Board is closed.]

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- (d) Name, address, telephone number, facsimile number and e-mail address of the responding party and contact person:

**College Employer Council
20 Bay Street, Suite 1600
Toronto, Ontario M5J 2N8**

**Attn: Mr. David Brook, CEO
Telephone: 647-258-7701
Fax: 647-258-7719
Email: david.brook@theCouncil.ca**

[Before you file your application with the Board, you must deliver to the responding party: a copy of your application, a blank response form (A-2, including Schedules A and B and the Instructions for filing Excel Schedules with the Board, found at Tab 4 of the Spreadsheet, a blank Confirmation of Posting (A-124) , a Notice to Employer of Application for Certification (Form C-1) with the names of the parties and the date inserted, a copy of Information Bulletin No. 1 -- Certification of Trade Unions, a copy of Information Bulletin No. 3 -- Vote Arrangements, a copy of Information Bulletin No. 4 -- Status Disputes in Certification Applications, and a copy of Part III of the Board's Rules of Procedure. You must also complete the attached Certificate of Delivery.]

2. Detailed description of the unit of employees of the responding party that the applicant claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:

The bargaining unit is prescribed by statute in the *Colleges Collective Bargaining Act, 2008* and reproduced below. It is, by statute, a province-wide bargaining unit:

Part time support staff bargaining unit

4. (1) Subject to subsection (2), the part time support staff bargaining unit includes,

- (a) all persons regularly employed by an employer for not more than 24 hours a week in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff; and

Form A-1

- (b) all persons employed by an employer for a project of a non-recurring kind in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff.
- (2) The part time support staff bargaining unit does not include,
- (a) foremen or supervisors;
 - (b) persons above the rank of foreman or supervisor;
 - (c) persons employed in a confidential capacity in matters related to employee relations or the formulation of a budget of a college or of a constituent campus of a college, including persons employed in clerical, stenographic or secretarial positions;
 - (d) other persons employed in a managerial or confidential capacity within the meaning of section 5 of this Schedule;
 - (e) students employed in a co-operative educational training program undertaken with a school, college or university;
 - (f) a graduate of a college during the period of 12 months immediately following completion of a course of study or instruction at the college by the graduate if the employment of the graduate is associated with a certification, registration or other licensing requirement;
 - (g) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity; or
 - (h) a person employed outside Ontario.

Definition

5. In this Schedule,

“person employed in a managerial or confidential capacity” means a person who,

Form A-1

- (a) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the employer or in the formulation of budgets of the employer,
 - (b) spends a significant portion of his or her time in the supervision of employees,
 - (c) is required by reason of his or her duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
 - (d) is employed in a position confidential to any person described in clause (a), (b) or (c),
 - (e) is employed in a confidential capacity in matters relating to employee relations,
 - (f) is not otherwise described in clauses (a) to (e) but who, in the opinion of the Ontario Labour Relations Board, should not be included in a bargaining unit by reason of his or her duties and responsibilities to the employer.
3. Number and addresses of locations where affected employees work (Please list):

There are 24 colleges and 105 associated work locations where affected employees work:

College	Address	City & Postal Code
1. Algonquin	1385 Woodroffe Ave	Ottawa ON K2G1V8
2. Algonquin	1 College Way	Pembroke ON K8A0C8
3. Algonquin	7 Craig St.	Perth ON K7H1X7
4. Cambrian	91 Tudhope Street, Suite 101	Espanola ON P5E1S6
5. Cambrian	7 Water Street	Little Current ON P0P1K0
6. Cambrian	1400 Barrydowne Rd	Sudbury ON P3A3V8
7. Canadore	55 Aviation Avenue	North Bay ON P1B8G2
8. Canadore	60 Commerce Crescent	North Bay ON P1B8G4
9. Canadore	100 College Dr	North Bay ON P1B8K9
10. Canadore	1 College Drive	Parry Sound ON P2A0A9

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11. Centennial	755 Morningside Avenue	Toronto ON M1C5J9
12. Centennial	941 Progress Avenue	Toronto ON M1G3T8
13. Centennial	75 Ashtonbee Rd	Toronto ON M1L4C9
14. Centennial	951 Carlaw Ave	Toronto ON M4K3M2
15. Collège Boréal	31, rue St-Paul	Alfred ON K0B1A0
16. Collège Boréal	136, rue Bayfield, Suite 100-110	Barrie ON L4M3B1
17. Collège Boréal	120, rue King Ouest, Niveau Plaza	Hamilton ON L8P4V2
18. Collège Boréal	64, 9e rue	Hearst ON P0L1N0
19. Collège Boréal	3, avenue Aurora	Kapuskasing ON P5N1J6
20. Collège Boréal	Citi Plaza - 355, rue Wellington, bureau 279	London ON N6A3N7
21. Collège Boréal	280, rue Armstrong	New Liskeard ON P0J1P0
22. Collège Boréal	96, rue Main	Sturgeon Falls ON P2B1N3
23. Collège Boréal	21, boulevard Lasalle	Sudbury ON P3A6B1
24. Collège Boréal	395, boulevard Thériault	Timmins ON P4N0A7
25. Collège Boréal	1 rue Yonge, Suite 300	Toronto ON M5E1E5
26. Collège Boréal	Black Walnut Building - B12	Welland ON L3C7L3
27. Collège Boréal	7515, promenade Forest Glade	Windsor ON N8T3P5
28. Conestoga	95 Darling Street	Brantford ON N3T2K7
29. Conestoga	850 Fountain Street South	Cambridge ON N3H0A8
30. Conestoga	460 Speedvale Ave W	Guelph ON N1H0A8
31. Conestoga	420 Thomas Street	Ingersoll ON N5C3J7
32. Conestoga	299 Doon Valley Drive	Kitchener ON N2G4M4
33. Conestoga	108 University Avenue East	Waterloo ON N2J2W2
34. Confederation	100 Casimir Avenue	Dryden ON P8N3L4
35. Confederation	440 McIrvine Road	Fort Frances ON P9A3T8
36. Confederation	500 Second Street West	Geraldton ON P0T1M0
37. Confederation	900 Golf Course Rd	Kenora ON P9N3X7
38. Confederation	14 Hemlo Drive	Marathon ON P0T2E0
39. Confederation	60B Hwy 105, Box 328	Red Lake ON P0V2M0
40. Confederation	70 Wellington Street	Sioux Lookout ON P8T1B1
41. Confederation	1450 Nakina Drive	Thunder Bay ON P7C4W1
42. Confederation	3 Maple Street	Wawa ON P0S1K0
43. Durham	2000 Simcoe Street N	Oshawa ON L1H7K4
44. Durham	1340 Pickering Parkway	Pickering ON L1V0C4
45. Durham	1610 Champlain Ave	Whitby ON L1N6A7

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46. Fanshawe	1001 Fanshawe College Blvd Po Box 7005	London ON N5Y5R6
47. Fanshawe	137 Dundas Street	London ON N6A1E9
48. Fanshawe	634 Ireland Road	Simcoe ON N3Y4K8
49. Fanshawe	120 Bill Martyn Parkway	St. Thomas ON N5R6A7
50. Fanshawe	369 Finkle St.	Woodstock ON N4V1A3
51. Fleming	1005 Elgin Street West	Cobourg ON K9A5J4
52. Fleming	297 College Drive	Haliburton ON K0M1S0
53. Fleming	200 Albert Street South	Lindsay ON K9V5E6
54. Fleming	599 Brealey Drive	Peterborough ON K9J7B1
55. George Brown	51 Dockside Drive	Toronto ON M5A0B6
56. George Brown	50 Tankhouse Lane	Toronto ON M5A3C4
57. George Brown	200 King Street East	Toronto ON M5A3W8
58. George Brown	99 Gerrard Street East	Toronto ON M5B2K8
59. George Brown	160 Kendal Avenue	Toronto ON M5R1M3
60. Georgian	One Georgian Dr.	Barrie ON L4M3X9
61. Georgian	111 Wellington St	Bracebridge ON P1L1E2
62. Georgian	499 Raglan Street	Collingwood ON L9Y3Z1
63. Georgian	649 Prospect Blvd	Midland ON L4R4K6
64. Georgian	22 Centennial Rd	Orangeville ON L9W1P8
65. Georgian	825 Memorial Ave.	Orillia ON L3V6S2
66. Georgian	1450 Eighth St E	Owen Sound ON N4K5R4
67. Humber	275 Alder Street	Orangeville ON L9W5A9
68. Humber	3199 Lake Shore Blvd W	Toronto ON M8V1K8
69. Humber	205 Humber College Blvd	Toronto ON M9W5L7
70. La Cité Collégiale	570, rue Kitchener	Hawkesbury ON K6A2P3
71. La Cité Collégiale	801, promenade de l'Aviation	Ottawa ON K1K4R3
72. Lambton	1457 London Road	Sarnia ON N7S6K4
73. Loyalist	195 Hastings Street North	Bancroft ON K0L1C0
74. Loyalist	376 Wallbridge-Loyalist Road	Belleville ON K8N5B9
75. Mohawk	1400 Main Street W	Hamilton ON L8S1C7
76. Mohawk	135 Fennell Ave West	Hamilton ON L9C1E9
77. Mohawk	2160 Fourth Line, P.O. Box 700	Ohswéken ON N0A1M0
78. Mohawk	481 Barton Street	Stoney Creek ON L8E2L7
79. Niagara	5881 Dunn St	Niagara Falls ON L2G2N9
80. Niagara	135 Taylor Road	Niagara-On-The-Lake ON L0S1J0

Form A-1

81. Niagara	300 Woodlawn Rd	Welland ON L3C7L3
82. Northern	640 Latchford Street	Haileybury ON P0J1K0
83. Northern	140 Government Rd. E	Kirkland Lake ON P2N3L8
84. Northern	First Avenue	Moosonee ON P0L1Y0
85. Northern	4715 Highway 101 East	South Porcupine P0N1H0
86. Sault	443 Northern Ave	Sault Ste Marie ON P6B4J3
87. Seneca	13990 Dufferin Street	King City ON L7B1B3
88. Seneca	8 The Seneca Way	Markham ON L3R5Y1
89. Seneca	16655 Yonge Street	Newmarket ON L3X1V6
90. Seneca	1 York Gate Blvd	North York ON M3N3A1
91. Seneca	3660 Midland Avenue	Scarborough ON M1V0B8
92. Seneca	1750 Finch Ave. E.	Toronto ON M2J2X5
93. Seneca	70 The Pond Road	Toronto ON M3J3M6
94. Seneca	21 Beverly Hills Dr.	Toronto ON M3L1A2
95. Seneca	1490 Major Mackenzie Drive West	Vaughan ON L6A4H6
96. Sheridan	7899 Mclaughlin Road	Brampton ON L6Y5H9
97. Sheridan	4180 Duke of York Blvd	Mississauga ON L5B0G5
98. Sheridan	407 Iroquois Shore Road	Oakville ON L6H1M3
99. Sheridan	1430 Trafalgar Rd	Oakville ON L6H2L1
100. St. Clair	1001 Grand Ave. West	Chatham ON N7M 5W4
101. St. Clair	2000 Talbot Road West	Windsor ON N9A6S4
102. St. Clair	275 Victoria Avenue	Windsor ON N9A6Z8
103. St. Lawrence	2288 Parkedale Ave.	Brockville ON K6V5X3
104. St. Lawrence	2 St. Lawrence Drive	Cornwall ON K6H4Z1
105. St. Lawrence	100 Portsmouth Ave	Kingston ON K7L5A6

4. The number of employees the applicant believes to be in the proposed unit (Please provide a breakdown by location listed in paragraph 3):

The Applicant believes there are 16,462 employees in the proposed bargaining unit. The Applicant is not in a position to advise as to the number of employees at each location.

Form A-1

5. General nature of the responding party's business:

Education

6. Does the proposed bargaining unit include guards?

N/A

7. Name, address, telephone number, facsimile number and e-mail address of any trade union known to the applicant which claims to represent any employee(s) who may be affected by this application:

[Before you file your application with the Board, you should deliver to the union(s) named in paragraph 7: a copy of this application, a blank intervention form, a copy of Information Bulletin No. 1 -- Certification of Trade Unions, a copy of Information Bulletin No. 3 -- Vote Arrangements, a copy of Information Bulletin No. 4 -- Status Disputes in Certification Applications, and a copy of Part III of the Board's Rules of Procedure. You must also complete the attached Certificate of Delivery.]

8. Membership evidence relating to this application accompanies this application and

does
 does not

represent membership evidence on behalf of 35 percent or more of the employees in the proposed bargaining unit.

9. Other relevant statements (attach additional pages if necessary):

See Schedule "A"

Form A-1

Vote Arrangements (Please read Information Bulletin No. 3 - Vote Arrangements before completing this portion of the form.)

10. Do you assert that a vote should take place on the fifth day after the date on which this application is filed with the Board?

[] Yes
[x] No

If no, please explain fully. As well, please state the date on which you believe the vote should take place, and explain why:

A proposed vote schedule is attached. The attached vote proposal has the vote taking place over a two-week period between June 20 to June 30 inclusive. OPSEU recognizes that the Board does not have infinite resources to conduct a province wide vote and the proposal is designed to permit the efficient use of Board officers' time.

The proposal involves polls at 63 of the 105 possible work locations. The number of officers required over the course of the vote varies but reflects a reasonable use of the Board's resources.

Please note that the attached proposed vote schedule lists all 105 work locations. However, we are only requesting that polls be held at the 63 locations where dates and times are listed.

It is particularly important that the vote take place during the last half of June prior to the dispersal of many of the affected employees over the summer period.

Also see attached Schedule "A".

11. Please list your proposed hours for the vote specifying start and finish times and either a.m. or p.m.:

See attached vote proposal

Form A-1

Please explain the reasons for your proposed vote times (e.g., shift change, employee start times etc.):

The attached proposal provides for the effective use of Board officers and takes into account the time necessary to travel between poll locations and also maximizes opportunity for employees to vote. Polls are scheduled at convenient times likely to make them accessible to voters.

12. Please indicate the location you propose for the poll(s):

The Applicant has not indicated specific locations at each address because specific rooms may have to be arranged for at each College location.

The Applicant Union also proposes that an employee be able to vote at any poll location – for example, to permit a part-time employee who lives in Hamilton but works in Toronto or Oakville to vote at the Hamilton Mohawk College poll location.

13. Please state the name of the Scrutineer you have selected to represent you at each poll:

Connie Huziak or designate for all locations

14. Please state the name of the Agent you have selected to represent you at the counting of the ballots:

Connie Huziak or designate

15. Please indicate the name of the applicant as you wish it to appear on the Notice in the voting booth (and, in a displacement application, on the ballot):

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION ("OPSEU")
SYNDICAT DES EMPLOYES DE LA FONCTION PUBLIQUE DE
L'ONTARIO ("SEFPO")**

Form A-1

DATED May 31, 2016



**Signature for the
Applicant**

ATTACHMENTS

THE FOLLOWING DOCUMENTS MUST ACCOMPANY THIS APPLICATION WHEN IT IS FILED WITH THE BOARD:

- (A) ANY MEMBERSHIP EVIDENCE RELATING TO THIS APPLICATION;
- (B) ONE COPY OF A LIST OF EMPLOYEES, IN ALPHABETICAL ORDER, CORRESPONDING WITH THE MEMBERSHIP EVIDENCE FILED; AND
- (C) A COMPLETED DECLARATION VERIFYING MEMBERSHIP EVIDENCE (FORM A-4)

NOTE: THE MEMBERSHIP EVIDENCE, LIST OF EMPLOYEES CORRESPONDING WITH THE EVIDENCE, AND THE DECLARATION VERIFYING EVIDENCE ARE NOT TO BE DELIVERED TO THE EMPLOYER OR ANY AFFECTED TRADE UNION.

Form A-1

CERTIFICATE OF DELIVERY

1. I certify that the following documents were delivered to the employer, as follows:
 - a copy of the Application for Certification (Form A-1);
 - a blank copy of a Response to Application for Certification (Form A-2) including Schedules A & B (List of Employees);
 - ~~a blank Confirmation of Posting (A-124);~~
 - a completed copy of the Notice to Employer of Application for Certification (Form C-1), **with the names of the parties and the date inserted;**
 - a copy of Information Bulletin No. 1 -- Certification of Trade Unions;
 - a copy of Information Bulletin No. 3 -- Vote Arrangements;
 - a copy of Information Bulletin No. 4 -- Status Disputes in Certification Applications; and
 - a copy of Part III of the Board's Rules of Procedures.

**COLLEGE EMPLOYER COUNCIL
DAVID BROOK, CEO**

647 258-7719

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were
delivered

2. **[Complete this section only if you identified an affected trade union in paragraph 7 of the application.]**

I certify that the following documents were delivered to the trade union(s) named in paragraph 7 of the application, as follows:

- a completed copy of the Application for Certification (Form A-1);
- a blank copy of an Intervention in Application for Certification (Form A-3);

Form A-1

- a copy of Information Bulletin No. 1 -- Certification of Trade Unions;
- a copy of Information Bulletin No. 3 -- Vote Arrangements;
- a copy of Information Bulletin No. 4 -- Status Disputes in Certification Applications; and
- a copy of Part III of the Board's Rules of Procedure.

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were
delivered

[Complete either section 3 or section 4 below.]

3. The documents were delivered by [X] facsimile transmission or []
hand delivery on May 31, 2016 at _____ a.m./p.m.
(Date)

4. The documents were given to _____ on
(Name of Courier)
_____, and I was advised that they would be delivered
(Date)
not later than _____, at _____ a.m. /p.m.
(Date)

NAME: Lois O'Shea

TITLE: Assistant to David Wright

SIGNATURE: _____

Form A-1

IMPORTANT NOTES

FRENCH OR ENGLISH

Si vous communiquez avec la Commission, vous avez le droit de recevoir des services en français et en anglais. Vous pouvez consulter les règles de la Commission, les formulaires et les bulletins d'information sur le site Web de la Commission au www.olrb.gov.on.ca ou composer le 416-326-7500 ou (sans frais) le 1 877 339-3335 pour de plus amples renseignements. Veuillez prendre note que la Commission n'offre pas de services d'interprétation dans les langues autres que le français et l'anglais.

You have the right to communicate with, and receive available services from, the Board in either English or French. You can access the Board's Rules, Forms and Information Bulletins from its website at www.olrb.gov.on.ca or by calling 416-326-7500. Please note that the Board does not provide translation services in languages other than English or French.

CHANGE OF ADDRESS

Please notify the Board immediately of any change in your address, phone or fax numbers, or your e-mail address. If you fail to notify the Board of any changes, correspondence sent to your last known address may be deemed to be reasonable notice to you and the application may proceed in your absence.

EMAIL

If you have provided an e-mail address with your contact information, the Board will in all likelihood communicate with you by e-mail from a generic out-going address. Please be advised that the Board is not yet equipped to receive communications from you by e-mail.

OLRB RULES OF PROCEDURE

The Board's Rules of Procedure describe how an application, response or intervention must be filed, what information must be provided and the time limits that apply. You can obtain a copy of the Rules from the Board's office at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1 (Tel: 416-326-7500) or from the Board's website.

ACCESSIBILITY and ACCOMMODATION

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, the Board makes every effort to ensure that its services are provided in a manner that respects the dignity and independence of persons with disabilities. Please tell the Board if you require any accommodation to meet your individual needs.

Form A-1

FREEDOM OF INFORMATION and PROTECTION OF PRIVACY

Personal information is collected on this form under the authority of the Board's governing legislation to assist in the processing of this application. In addition, information received in written or oral submissions may be used and disclosed for the proper administration of the Board's legislation and processes. The *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 F.31 governs the collection, use and disclosure of this information.

Any information that you provide to the Board that is relevant to this application must in the normal course be provided to the other parties to the proceeding.

HEARINGS and DECISIONS

Board hearings are open to the public unless the panel decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library, and over the internet at www.canlii.org, a free legal information data base. Some summaries and decisions may be found on the Board's website under *Highlights* and *Recent Decisions of Interest*.

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SCHEDULE "A"

OPSEU is an "employee organization" within the meaning of the CCBA

1. The *Colleges Collective Bargaining Act, 2008* (the "Act") definition of "employee organization" means a trade union within the meaning of the *Labour Relations Act, 1995*.
2. OPSEU currently represents two bargaining units under the CCBA, a full-time and partial load academic bargaining unit and a full-time support bargaining unit. OPSEU has done so continually since the Act was first passed into law in 1975.
3. There can also be no doubt that OPSEU is a "trade union" pursuant to the *Labour Relations Act, 1995* and therefore is an "employee organization" within the meaning of the CCBA and as such has status to bring this Application for Certification. Furthermore, OPSEU has filed certification applications in respect of part-time employees governed by the *Colleges Collective Bargaining Act* in the past (see OLRB File #2724-08-R and #1201-09-R). In neither application was OPSEU's status as an "employee organization" disputed.

Procedural issues and submissions

4. The OLRB has established *Rules of Procedure* which cover all proceedings before the Board.
5. Rule 1 .1 states that "These Rules apply to all cases before the Ontario Labour Relations Board".
6. Rule 1.2 states that "Where matters are not covered by these Rules, the practice will be decided in a similar way, or in a way the Board or Registrar considers advisable".
7. OPSEU submits that the Board's *Rules of Procedure* apply to this Application for Certification on the basis of either Rule 1 .1 or Rule 1.2.
8. Rule 9 covers applications for certification. OPSEU submits that Rule 9 applies to this Application for Certification and has attempted to ensure that its Application meets the requirements of the *Rules* in terms of the use of Board forms, service and filing requirements, posting requirements etc. For example, OPSEU has submitted its membership evidence and other documentation relating to the membership evidence in accordance with Rule 9.1. OPSEU has also complied with any requirements contained in the CCBA respecting the filing of Applications.
9. OPSEU has also delivered this Application to the College Employer Council (the "Council").

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10. While Rule 9.5 requires the Responding Party to file a response to the Application no later than two days after the Application was delivered to it, which response must include a list of the employees in the bargaining unit, in the context of a statutory bargaining unit covering 24 separate colleges these timeframes may not be practical. In the circumstances, OPSEU would be prepared to agree that the Board permit the Responding Party to respond to the Application, including the providing of a list of employees in the bargaining unit, by no later than 5 p.m. Monday, June 6, 2016.

Other Vote and Related Issues

11. As stated in the Application itself in relation to OPSEU's Vote Proposal, it has attempted to strike a balance between accessibility and efficiency. OPSEU's vote proposal assumes that the Board can devote the necessary Board officers during the 9 day voting period.
12. Subsection 30(4) of the *Act* states that the Board shall hold the representation vote in a timely manner. Subsection 30(5) of the *Act* states that the Board shall ensure that the vote is held during a time period when the persons eligible to participate in the vote are substantially representative of persons likely to be substantially affected by the result of the representation vote.
13. OPSEU requests that the vote begin on June 20, 2016.
14. A vote conducted by the end of June, 2016, is more likely to be representative of the persons likely to be substantially affected. A vote held at this time is most likely to be accessible to persons with a demonstrated employment relationship with the Employers. The vote would be held relatively proximate to the application and reflects the value of a reasonably quick representation vote.
15. Furthermore, a great many of the part-time employees of the Colleges are employed for a very short duration, at various junctures during the year. As a result, regardless of when the vote is conducted during a year, there will be significant turnover among the affected employee group. There is no time of the year at which a representation vote would be any more representative than during the month of June as requested by the Union.
16. OPSEU reserves the right to make further submissions based on the employer's vote proposal.
17. In the same spirit, OPSEU requests the Board do the following with regard to the vote:
 - (a) Clearly indicate that employees can vote at any vote location in the Province regardless of whether they work at that College or location. This will allow employees who live near one College but work at another College to vote where

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it is most convenient for that employee. There would have to be a province wide voter's list and the ballots would have to be segregated for this to work.

(b) Clearly indicate on the postings and notices that any employee who believes that they are a part-time or sessional support employee be entitled to vote.

(c) Clearly indicate that if a part-time support employee works at more than one College but in the same unit, that they are only permitted to vote once. For example, there are many employees that teach part-time at two or more colleges.

Bilingual Notices and ballots

18. College Boreal and La Cité College are French language colleges. Therefore there will need to be notices in French posted at those Colleges. In addition, the ballots will either need to be in French for those colleges or printed generally for all Colleges in both official languages.
19. It would also be appropriate for the Board Officers assigned to polls at those Colleges to be bilingual.

Other Matters

20. OPSEU reserves the right to make further submissions on any aspect of this Application and in particular after receiving the Responses of the Council or the Colleges.

OPSEU Proposed Vote Schedule

Total: 63 Polls

College	Address	City & Postal Code	Date	Times	Officers
1	Algonquin 1385 Woodroffe Ave	Ottawa ON K2G1V8	20-Jun	10am-1pm	A
2	Algonquin 1 Collee Way	Pembroke ON K8A0C8	20-Jun	4-5pm	A
3	Algonquin 7 Craig St.	Perth ON K7H1X7	20-Jun	2:30-3:00PM	C
4	Cambrian 91 Tudhope Street, Suite 101	Espanola ON P5E1S6			
5	Cambrian 7 Water Street	Little Current ON P0P1K0			
6	Cambrian 1400 Barrydowne Rd	Sudbury ON P3A3V8	29-Jun	10am-1pm	B
7	Canadore 55 Aviation Avenue	North Bay ON P1B8G2			
8	Canadore 60 Commerce Crescent	North Bay ON P1B8G4			
9	Canadore 100 College Dr	North Bay ON P1B8K9	29-Jun	1-2:00pm	A
10	Canadore 1 College Drive	Parry Sound ON P2A0A9	29-Jun	9-10am	A
11	Centennial 755 Morningside Avenue	Toronto ON M1C5J9	28-Jun	4-5pm	A
12	Centennial 941 Progress Avenue	Toronto ON M1G3T8	28-Jun	1:30-3:30pm; 6pm-7pm	A
13	Centennial 75 Ashtonbee Rd	Toronto ON M1L4C9			
14	Centennial 951 Carlaw Ave	Toronto ON M4K3M2			
15	Collège Boréal 31, rue St-Paul	Alfred ON K0B1A0			
16	Collège Boréal 136, rue Bayfield, Suite 100-110	Barrie ON L4M3B1			
17	Collège Boréal 120, rue King Ouest, Niveau Plaza	Hamilton ON L8P4V2			
18	Collège Boréal 64, 9e rue	Hearst ON P0L1N0			
19	Collège Boréal 3, avenue Aurora	Kapuskasing ON P5N1J6			
20	Collège Boréal Citi Plaza - 355, rue Wellington, bureau 279	London ON N6A3N7	29-Jun	3PM-4PM	C
21	Collège Boréal 280, rue Armstrong	New Liskeard ON P0J1P0			
22	Collège Boréal 96, rue Main	Sturgeon Falls ON P2B1N3			
23	Collège Boréal 21, boulevard Lasalle	Sudbury ON P3A6B1	29-Jun	4-5pm	A
24	Collège Boréal 395, boulevard Thériault	Timmins ON P4N0A7			
25	Collège Boréal 1 rue Yonge, Suite 300	Toronto ON M5E1E5			
26	Collège Boréal Black Walnut Building - B12	Welland ON L3C7L3			
27	Collège Boréal 7515, promenade Forest Glade	Windsor ON N8T3P5			
28	Conestoga 95 Darling Street	Branford ON N3T2K7			
29	Conestoga 850 Fountain Street South	Cambridge ON N3H0A8	24-Jun	3:00PM-4:00PM	A
30	Conestoga 460 Speedvale Ave W	Guelph ON N1H0A8	24-Jun	10:30am-1:30pm	A
31	Conestoga 420 Thomas Street	Ingersoll ON N5C3J7			
32	Conestoga 299 Doon Valley Drive	Kitchener ON N2G4M4			
33	Conestoga 108 University Avenue East	Waterloo ON N2J2W2			
34	Confederation 100 Casimir Avenue	Dryden ON P8N3L4	30-Jun	1pm-2pm	B
35	Confederation 440 McIrvine Road	Fort Frances ON P9A3T8	30-Jun	3:30pm-4:30pm	C
36	Confederation 500 Second Street West	Geraldton ON P0T1M0			

OPSEU Proposed Vote Schedule

Total: 63 Polls

Colleg	Address	City & Postal Code	Date	Times	Officers
37	900 Golf Course Rd	Kenora ON P9N3X7	30-Jun	9:30am-10:30	B
38	14 Hemlo Drive	Marathon ON P0T2E0			
39	60B Hwy 105, Box 328	Red Lake ON P0V2M0			
40	70 Wellington Street	Sioux Lookout ON P8T1B1	30-Jun	4pm-5pm	B
41	1450 Nakina Drive	Thunder Bay ON P7C4W1	30-Jun	9:30am-10:30	C
42	3 Maple Street	Wawa ON P0S1K0			
43	2000 Simcoe Street N	Oshawa ON L1H7K4	21-Jun	10:30-1:30pm	C
44	1340 Pickering Parkway	Pickering ON L1V0C4	21-Jun	2:30pm-3:30PM	C
45	1610 Champlain Ave	Whitby ON L1N6A7	21-Jun	4:30pm-5:00pm	C
46	1001 Fanshawe College Blvd Po Box 7005	London ON N5Y5R6	23-Jun	10:30-12:30pm	C
47	137 Dundas Street	London ON N6A1E9			
48	634 Ireland Road	Simcoe ON N3Y4K8	23-Jun	4:30-5pm	C
49	120 Bill Martyn Parkway	St. Thomas ON N5R6A7	23-Jun	2pm-3pm	C
50	369 Finkle St.	Woodstock ON N4V1A3			
51	1005 Elgin Street West	Cobourg ON K9A5J4			
52	297 College Drive	Haliburton ON K0M1S0			
53	200 Albert Street South	Lindsay ON K9V5E6			
54	599 Brealey Drive	Peterborough ON K9J7B1	21-Jun	1-3pm	B
55	51 Dockside Drive	Toronto ON M5A0B6	27-Jun	3:30pm-4:30pm	B
56	50 Tankhouse Lane	Toronto ON M5A3C4			
57	200 King Street East	Toronto ON M5A3W8	27-Jun	11am-2pm; 5-7pm	B
58	99 Gerrard Street East	Toronto ON M5B2K8			
59	160 Kendal Avenue	Toronto ON M5R1M3			
60	One Georgian Dr.	Barrie ON L4M3X9	27-Jun	11am-1pm	C
61	111 Wellington St	Bracebridge ON P1L1E2	22-Jun	11am-2pm; 5-7pm	A
62	499 Raglan Street	Collingwood ON L9Y3Z1	22-Jun	3:00-4:00	A
63	649 Prospect Blvd	Midland ON L4R4K6	22-Jun	10-11am	C
64	22 Centennial Rd	Orangeville ON L9W1P8	22-Jun	12:30-2PM	C
65	825 Memorial Ave.	Orillia ON L3V6S2	22-Jun	10-11am	B
66	1450 Eighth St E	Owen Sound ON N4K5R4	22-Jun	4-5pm	C
67	275 Alder Street	Orangeville ON L9W5A9	22-Jun	2pm-3pm	B
68	3199 Lake Shore Blvd W	Toronto ON M8V1K8	28-Jun	10am-12noon	A
69	205 Humber College Blvd	Toronto ON M9W5L7	27-Jun	3pm-5pm	C
70	La Cité Collégiale 570, rue Kitchener	Hawkesbury ON K6A2P3	20-Jun	11am-2pm	B
71	La Cité Collégiale 801, promenade de l'Aviation	Ottawa ON K1K4R3	20-Jun	4-5pm	B

OPSEU Proposed Vote Schedule

Total: 63 Polls

College	Address	City & Postal Code	Date	Times	Officers
72 Lambton	1457 London Road	Samia ON N7S6K4	23-Jun	11am-1pm	B
73 Loyalist	195 Hastings Street North	Bancroft ON K0L1C0	21-Jun	10:30am-11:00am	B
74 Loyalist	376 Wallbridge-Loyalist Road	Belleville ON K8N5B9	21-Jun	3:00pm-4:00pm	A
75 Mohawk	1400 Main Street W	Hamilton ON L8S1C7	27-Jun	11am-2pm	A
76 Mohawk	135 Fennell Ave West	Hamilton ON L9C1E9	27-Jun	3:00-4:00	A
77 Mohawk	2160 Fourth Line, P.O. Box 700	Onswéken ON N0A1M0	24-Jun	11am-1PM	C
78 Mohawk	481 Barton Street	Stoney Creek ON L8E2L7	24-Jun	2:30pm-3pm	C
79 Niagara	5881 Dunn St	Niagara Falls ON L2G2N9	24-Jun	4pm-5pm	C
80 Niagara	135 Taylor Road	Niagara-On-The-Lake ON L0S1J0	29-Jun	10am-12noon	C
81 Niagara	300 Woodlawn Rd	Welland ON L3C7L3	30-Jun	11am-2pm	A
82 Northern	640 Latchford Street	Haileybury ON P0J1K0	28-Jun	3:30pm-5:00pm	B
83 Northern	140 Government Rd. E	Kirkland Lake ON P2N3L8	28-Jun	10-11am	C
84 Northern	First Avenue	Moosonee ON P0L1Y0	28-Jun	10am-11am	B
85 Northern	4715 Highway 101 East	South Porcupine P0N1H0	28-Jun	12noon -2pm	C
86 Sault	443 Northern Ave	Sault Ste Marie ON P6B4J3	28-Jun	12noon -2pm; 6:30pm-8p	B
87 Seneca	13990 Dufferin Street	King City ON L7B1B3	28-Jun	4-5pm	C
88 Seneca	8 The Seneca Way	Markham ON L3R5Y1	24-Jun	3:30-4pm	B
89 Seneca	16655 Yonge Street	Newmarket ON L3X1V6	24-Jun	5pm-6pm	B
90 Seneca	1 York Gate Blvd	North York ON M3N3A1	23-Jun	4:30-6PM	B
91 Seneca	3660 Midland Avenue	Scarborough ON M1V0B8	24-Jun	11AM-2PM	A
92 Seneca	1750 Finch Ave. E.	Toronto ON M2J2X5	23-Jun	3:00-4:00	A
93 Seneca	70 The Pond Road	Toronto ON M3J3M6	23-Jun	11am-1pm	A
94 Seneca	21 Beverly Hills Dr.	Toronto ON M3L1A2	20-Jun	12:30-1:00pm	C
95 Seneca	1490 Major Mackenzie Drive West	Vaughan ON L6A4H6	20-Jun	10am-11am	C
96 Sheridan	7899 McLaughlin Road	Brampton ON L6Y5H9	21-Jun	11am-1pm	A
97 Sheridan	4180 Duke of York Blvd	Mississauga ON L5B0G5	20-Jun	12:30-1:00pm	C
98 Sheridan	407 Iroquois Shore Road	Oakville ON L6H1M3	20-Jun	10am-11am	C
99 Sheridan	1430 Trafalgar Rd	Oakville ON L6H2L1	21-Jun	11am-1pm	A
100 St. Clair	1001 Grand Ave. West	Chatham ON N7M 5W4			
101 St. Clair	2000 Talbot Road West	Windsor ON N9A6S4			
102 St. Clair	275 Victoria Avenue	Windsor ON N9A6Z8			
103 St. Lawrence	2288 Parkedale Ave.	Brockville ON K6V5X3			
104 St. Lawrence	2 St. Lawrence Drive	Cornwall ON K6H4Z1			
105 St. Lawrence	100 Portsmouth Ave	Kingston ON K7L5A6			