

COLLEGES COLLECTIVE BARGAINING ACT, 2008

NOTICE TO EMPLOYEES OF APPLICATION FOR CERTIFICATION

APPLICATION FOR CERTIFICATION

This Notice has been posted because a union is applying to represent employees at your workplace.

A copy of the Union's Application for Certification should be posted beside this Notice. The bargaining unit applied for as set out in Schedule 1 to the CCBA, 2008 is:

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
 - (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,
- (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

A vote will likely be held to determine whether employees wish to be represented by the union in their employment relations with the employer.

VOTE ARRANGEMENTS

The Board will determine the voting constituency, which is the group of employees who will vote.

The Board will also consider the requests of the union and the employer as to where and when the vote should be held.

IN THE NORMAL COURSE THE BOARD WILL DIRECT YOUR EMPLOYER TO POST A "NOTICE OF VOTE AND OF HEARING" BESIDE THIS NOTICE. THAT NOTICE WILL SET OUT THE DATE AND TIME OF THE VOTE, THE LOCATION(S) OF THE POLLING PLACE(S), AND THE VOTING CONSTITUENCY.

To ensure that you are informed of the vote arrangements, you should regularly check this space for the "Notice of Vote and of Hearing".

CONDUCT OF THE VOTE

An official of the Ontario Labour Relations Board will conduct the vote, which will be by secret ballot. If you believe that you may be eligible to vote, or have any question as to whether you are eligible to vote, you should attend at a polling place and identify yourself to the Board Officer conducting the vote.

AFTER THE VOTE IS HELD

If the union and the employer agree to count the ballots, or if the Board so orders, a report that sets out the results of the vote will be posted next to this Notice.

If any issues are not resolved, the results of the vote may not be announced, and a meeting with one of the Board's Mediators and/or a Hearing may be held by the Ontario Labour Relations Board. The date, time, and location of meetings and hearings will be set out in the Notice of Vote and of Hearing.

MAKING A STATEMENT TO THE BOARD

If you want to say something to the Board about this application, you must send a written statement to the Board setting out your name(s), address and phone number, the file number that appears at the top of this Notice, the names of the union and your employer, and a detailed statement of what you want the Board to consider.

YOU SHOULD NOT WRITE TO THE BOARD IF THE ONLY THING YOU WANT TO SAY IS THAT YOU SUPPORT OR DO NOT SUPPORT THE UNION. YOU WILL HAVE AN OPPORTUNITY TO EXPRESS YOUR WISHES BY VOTING.

If you decide to send a statement to the Board, you should do so as soon as you become aware of the information you wish to give to the Board. You may send your statement by mail, courier, fax or personal delivery, but it must be actually received in the Board's offices not later than five (5) days (not counting weekends or holidays on which the Board is closed) after the date of the vote.

AT THE SAME TIME THAT YOU SEND YOUR STATEMENT TO THE BOARD, YOU MUST SEND A COPY OF YOUR STATEMENT TO BOTH THE UNION AND THE EMPLOYER. THE CORRECT NAMES AND ADDRESSES OF BOTH APPEAR ON THE APPLICATION FOR CERTIFICATION POSTED BESIDE THIS NOTICE, IN PARAGRAPHS 1(A) AND 1(C). YOU SHOULD TELL US IN YOUR STATEMENT HOW YOU DELIVERED THESE COPIES.

You should read and follow the Board's Rules of Procedure if you intend to make a statement to the Board. Copies of the Board's Rules may be obtained from the Board's offices located on the 2nd floor at 505 University Avenue, Toronto, Ontario (Tel. (416) 326-7500) or downloaded from the Board's website at www.olrb.gov.on.ca.

If the Board decides prior to a hearing that your statement will not change the result of the application, the Board may decide the application without any more notice to you. If this occurs, a copy of the Board decision will be sent to you.

If you send a statement to the Board, you must come to any meetings and hearings that are held or send someone to speak for you, or the Board may decide the application without any more notice to you and without considering your written statement.

Most applications are settled by discussions with a Mediator without the need for a meeting or hearing. A Mediator may call you to discuss the application.

THE ONTARIO LABOUR RELATIONS BOARD

The Labour Relations Board is an independent government agency that administers and enforces the Labour Relations Act and the Colleges Collective Bargaining Act, 2008.

The Board is a neutral body where the parties to labour relations matters can have their applications dealt with and complaints resolved.

RIGHTS OF EMPLOYEES

Employees in Ontario have the right to bargain collectively with their employers. This right is guaranteed by the Colleges Collective Bargaining Act, 2008, which establishes methods for employees to choose trade union representation, and describes how a trade union bargains with an employer in order to reach a collective agreement that sets out the terms and conditions of employment.

The Act also sets out rules of fair play that govern trade unions, employers, and employees in their labour relations activities.

YOU SHOULD BE AWARE THAT EMPLOYEES IN ONTARIO HAVE THESE RIGHTS:

- To organize themselves and form a trade union.
- To join a trade union and participate in its lawful activities.
- To act together for collective bargaining.
- To refuse to do any or all of these things, or to remain neutral.
- To cast a secret ballot in favour of, or in opposition to, representation by a trade union.
- Not to be discriminated against or penalized by an employer or a trade union for supporting or opposing a trade union, or participating in its lawful activities.
- Not to be penalized for exercising rights or participating in a proceeding under the Colleges Collective Bargaining Act, 2008.

If you believe your rights have been violated, you have the right to file a complaint with the Board.

DATED: March 9, 2016



Catherine Gilbert
Registrar

Website: www.olrb.gov.on.ca

Address all communication to:

The Registrar
Ontario Labour Relations Board
505 University Avenue, 2nd Floor
Toronto, Ontario M5G 2P1
Tel: 416-326-7500
Toll-free: 1-877-339-3335
Fax: 416-326-7531

**THIS IS AN OFFICIAL NOTICE OF THE BOARD AND
MUST NOT BE REMOVED OR DEFACED.
THIS NOTICE MUST REMAIN POSTED FOR 45 DAYS.**

Cet avis est disponible en Français

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.

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.