

**Ryder Wright Blair & Holmes LLP**

July 23, 2009

**By Courier**

Mr. Don Sinclair,  
Executive Director  
Colleges Compensation and Appointments Counsel  
2 Carlton Street  
11<sup>th</sup> Floor  
Suite 1102  
Toronto, Ontario  
M5B 1J3

Dear Mr. Sinclair,

**Re: Ontario Public Service Employees Union – Application for  
Certification for Part-Time Support Staff under the Colleges  
Collective Bargaining Act, 2008**

We are counsel to the Union in the above noted application.

Enclosed please find an Application for Certification for Part Time Support Staff of the Colleges of Applied Arts and Technology.

Please note that no forms for such an Application have yet been promulgated under the Colleges Collective Bargaining Act, 2008. We have therefore used existing forms, including a blank Response form with schedules and a Form C-1 (Notice of Application) promulgated under the Labour Relations Act, amended as necessary to reflect the Colleges Collective Bargaining Act. Also, in order to adhere as closely as possible to the Rules of Procedure of the Ontario Labour Relations Board, we have provided the Board's Information Bulletins which normally apply in certifications under the Labour Relations Act, although no similar bulletins under the Colleges Collective Bargaining Act have been promulgated by the Board.

Thank you for your attention.

Yours very truly,  
**RYDER WRIGHT BLAIR & HOLMES LLP**



**Richard A. Blair**

**Cc: Connie Huziak, OPSEU**

**Form C-1**

COLLEGES COLLECTIVE BARGAINING ACT, 2008

**NOTICE TO EMPLOYER OF  
APPLICATION FOR CERTIFICATION**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

**Between:**

ONTARIO PUBLIC SERVICE EMPLOYEES UNION ("OPSEU")

**Applicant,**

- and -

COLLEGE COMPENSATION AND APPOINTMENTS COUNCIL

**Responding Party.**

**TO THE RESPONDING PARTY:**

1. The applicant has initiated an application with the Ontario Labour Relations Board for certification as bargaining agent of your employees in a bargaining unit described in the Application for Certification enclosed with this notice.
2. This notice and other material are being sent to you because you are the Responding Party. **An application for certification is a legal proceeding and may affect your legal rights and obligations. You may wish to seek legal advice immediately.**
3. Enclosed with this notice are the following documents:
  - (a) a copy of the Application for Certification (Form A-1);
  - (b) a blank Response to Application for Certification (Form A-2), including Schedules A & B (List of Employees);
  - (c) a copy of Information Bulletin No. 1 - Certification of Trade Unions;
  - (d) a copy of Information Bulletin No. 3 - Vote Arrangements;

## Form C-1

- (e) a copy of Information Bulletin No. 4 - Status Disputes in Certification Applications; and
- (f) a copy of Part III of the Board's Rules of Procedure.

4. **Your Response to the application (including Schedules A and B) must be filed with the Board no later than two (2) days after the Application for Certification was delivered to you.**

**You may file your Response with the Board by facsimile transmission. The Board's facsimile number is (416) 326-7531.**

**You must also ensure that a copy of your Response (including Schedules A and B) is delivered to the applicant and to any affected trade union identified by the applicant in paragraph 7 of the application before or at the same time that you file these documents with the Board. You may deliver these documents by facsimile transmission. You must also complete a Certificate of Delivery. (Do not deliver your Response to any affected union that was not identified by the applicant. The Board will serve any such union.)**

5. Please note that periods of time referred to in this notice, 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.
6. **It is an offence punishable on summary conviction to fail to comply with a direction of the Board -- see section 63 of the Colleges Collective Bargaining Act, 2008.**
7. If the Board determines that 35 percent or more of the individuals in the bargaining unit proposed in the application for certification appear to be members of the union, the Board will direct that a representation vote be taken among the individuals in a voting constituency determined by the Board.

**Section 30(4) of the Colleges Collective Bargaining Act, 2008 directs the Board to hold the representation vote within a timely manner, within a time period determined by the Board. Section 30(5) of the Colleges Collective Bargaining Act, 2008 directs the Board to ensure that the vote is held during a time period when the persons eligible to vote are substantially representative of persons likely to be substantially affected by the result of the representation vote.**

8. Any direction from the Board to conduct a representation vote and any determination by the Board regarding a voting constituency for such a vote will be contained in a Decision of the Board which will be sent to you. If the Board directs that a representation vote be held, a notice indicating the time and the place the vote will be held will be sent to you for posting in the workplace.

## Form C-1

9. The Board's Rules of Procedure require the Applicant to deliver the enclosed application to you (and to any affected union named in the application) before filing it with the Board. Once the application is filed, the Board sends to the parties a confirmation of the filing and a Board file number. If you do not hear from the Board within two days after you receive the application, you may wish to contact the Board.
10. In the normal course, an Officer of the Labour Relations Board will be contacting you to discuss this application with you.

**DATED :** July 23, 2009.

The Registrar  
Ontario Labour Relations Board

**NOTE:** All communications should be addressed to:

The Registrar  
Ontario Labour Relations Board  
505 University Avenue  
2nd Floor  
Toronto, Ontario  
M5G 2P1  
Tel. (416) 326-7500

### IMPORTANT NOTES

YOU HAVE THE RIGHT TO COMMUNICATE WITH, AND RECEIVE AVAILABLE SERVICES FROM, THE BOARD IN EITHER ENGLISH OR FRENCH.

VOUS AVEZ LE DROIT DE COMMUNIQUER AVEC LA COMMISSION ET DE FAIRE APPEL À SES SERVICES EN ANGLAIS OU EN FRANÇAIS.

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

COLLEGES COLLECTIVE BARGAINING ACT, 2008

APPLICATION FOR CERTIFICATION

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION ("OPSEU")**

Applicant,

- and -

**COLLEGE COMPENSATION AND APPOINTMENTS 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.

The applicant states:

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

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION ("OPSEU")  
5757 Cooper Avenue  
Mississauga, ON  
L4Z 1R9**

**Attention: Connie Huziak, Organizing Representative**

**Telephone: 1-888-990-9008 ext. 3  
Fax: 905-712-2916  
Email: chuziak@opseu.org  
Cell : 416-788-9245**

**Form A-1**

(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 RE VOTERS' LISTS AND VOTE ARRANGEMENTS.**

**RYDER WRIGHT BLAIR & HOLMES LLP  
333 Adelaide St. W., 3<sup>rd</sup> Flr.  
Toronto, ON M5V 1R5  
Attention: David Wright and Richard Blair**

**Telephone: 416-340-9070  
Fax: 416-340-9250  
E-mail: [dwright@rwbh.ca](mailto:dwright@rwbh.ca)  
[rblair@rwbh.ca](mailto:rblair@rwbh.ca)**

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION ("OPSEU")  
5757 Cooper Avenue  
Mississauga, ON L4Z 1R9  
Attention: Connie Huziak, Organizing Representative**

**Telephone: 1-888-990-9008 ext. 3  
Fax: 905-712-2916  
Email: [chuziak@opseu.org](mailto:chuziak@opseu.org)  
Cell: 416-788-9245**

[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.]

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

**COLLEGE COMPENSATION AND APPOINTMENTS COUNCIL  
2 Carlton Street, 11th Floor, Suite 1102  
Toronto, ON M5B 1J3  
Attention: Donald Sinclair, Executive Director**

**Telephone: 416-325-2908  
Fax: 416-325-2917  
Email: [don.sinclair@ontario.ca](mailto:don.sinclair@ontario.ca)**

## Form A-1

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 set out in the *Colleges Collective Bargaining Act, 2008* and reproduced below. The bargaining unit is Province wide.**

### **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.

## Form A-1

### 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.

#### 3. Number and addresses of locations where affected employees work (Please list):

##### 24 MAIN LOCATIONS

**ALGONQUIN COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
1385 Woodroffe Avenue  
Ottawa, ON K2G 1V8  
Attention: Robert Gillett, President

Telephone: 613-727-4723, Ex. 7705 or 1-800-565-4723  
Fax: 613-727-7743  
Email: gilletr@algonquincollege.com

**CAMBRIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
1400 Barrydowne Road  
Sudbury, ON P3A 3V8  
Attention: Sylvia Barnard, President

Telephone: 705-566-8101, Ext. 7462 or 1-800-461-7145  
Fax: 705-524-2809  
Email: sylvia.barnard@cambriancollege.ca

## Form A-1

CANADORE COLLEGE OF APPLIED ARTS AND TECHNOLOGY  
100 College Drive  
P.O. Box 5001  
North Bay, ON PIB 8K9  
Attention: Barbara Taylor, President

Telephone: 705-474-7600, Ext. 5232  
Fax: 705-474-4165  
Email: [barbara.taylor@canadorec.on.ca](mailto:barbara.taylor@canadorec.on.ca)

CENTENNIAL COLLEGE OF APPLIED ARTS AND TECHNOLOGY  
1960 Eglinton Avenue East  
P.O. Box 631 - Station A  
Scarborough, ON M1K 5E9  
Attention: Ann Buller, President

Telephone: 416-289-5000, Ext. 5289  
Fax: 416-439-7358  
Email: [abuller@centennialcollege.ca](mailto:abuller@centennialcollege.ca)

COLLEGE BOREAL D'ARTS APPLIQUES ET DE TECHNOLOGIE  
21, boulevard LaSalle  
Sudbury, ON P3A 6B1  
Attention: Denis Hubert, President

Telephone: 705-560-6673, Ext. 6000 or 1-800-361-6673  
Fax: 705-560-0545  
Email: [denis.hubert@borealc.on.ca](mailto:denis.hubert@borealc.on.ca)

COLLEGE D'ARTS APPLIQUES ET DE TECHNOLOGIE LA CITE COLLEGIALE  
801, promenade de l'Aviation  
Ottawa, ON K1K 4R3  
Attention: Andree Lortie, President

Telephone: 613-742-2483, Ext. 2852 or 1-800-267-2483  
Fax: 613-742-2472  
Email: [dville@lacitec.on.ca](mailto:dville@lacitec.on.ca)

CONESTOGA COLLEGE INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING  
299 Doon Valley Drive  
Kitchener, ON N2G 4M4  
Attention: John Tibbits, President

Telephone: 519-748-5520 or 519-748-3500 (direct)  
Fax: 519-748-3558  
Email: [jtibbits@conestogac.on.ca](mailto:jtibbits@conestogac.on.ca)

## Form A-1

### CONFEDERATION COLLEGE OF APPLIED ARTS AND TECHNOLOGY

1450 Nakina Drive  
P.O. Box 398, Station F  
Thunder Bay, ON P7C 4W1  
Attention: Patricia Lang, President

Telephone: 807-475-6110 or 807-475-6350 (direct)  
Fax: 807-475-5252  
Email: [plang@confederationc.on.ca](mailto:plang@confederationc.on.ca)

### DURHAM COLLEGE OF APPLIED ARTS AND TECHNOLOGY

2000 Simcoe Street North  
P.O. Box 385  
Oshawa, ON L1H 7L7  
Attention: Leah Myers, President

Telephone: 905-721-2000 or 905-721-3217 (direct)  
Fax: 905-721-3180  
Email: [leah.myers@durhamcollege.ca](mailto:leah.myers@durhamcollege.ca)

### FANSHAWE COLLEGE OF APPLIED ARTS AND TECHNOLOGY

1001 Fanshawe College Blvd.  
P.O. Box 7005  
London, ON N5Y 5R6  
Attention: H. Rundle, President

Telephone: 519-452-4277 or 519-452-4200 (direct)  
Fax: 519-451-8831  
Email: [hrundle@fanshawec.ca](mailto:hrundle@fanshawec.ca)

### FLEMING COLLEGE OF APPLIED ARTS & TECHNOLOGY

599 Brealey Drive  
Peterborough, ON K9J 7B1  
Attention: Tony Tilly, President

Telephone: 705-749-5530, Ext. 1535  
Fax: 705-749-5540  
Email: [ttilly@flemingc.on.ca](mailto:ttilly@flemingc.on.ca)

**Form A-1**

**GEORGE BROWN COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
500 MacPherson Avenue  
P.O. Box 1015, Station B  
Toronto, ON M5T 2T9  
Attention: Anne Sado, President

Telephone: 416-415-2000, Ext. 4471  
Fax: 416-415-4641  
Email: asado@georgebrown.ca

**GEORGIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
One Georgian Drive  
Barrie, ON L4M 3X9  
Attention: Brian Tamblyn, President

Telephone: 705-728-1951, Ext. 1248  
Fax: 705-722-1559  
Email: btamblyn@georgianc.ca

**HUMBER COLLEGE INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING**  
205 Humber College Boulevard  
P.O. Box 1900  
Etobicoke, ON M9W 5L7  
Attention: John Davies, President

Telephone: 416-675-6622, Ext. 5070  
Fax: 416-675-3154  
Email: john.davies@humber.ca

**LAMBTON COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
1457 London Road  
P.O. Box 969  
Sarnia, ON N7S 6K4  
Attention: Tony Hanlon, President & CEO

Telephone: 519-542-7751, Ext. 2410  
Fax: 519-541-2420  
Email: tonyh@lambton.on.ca

**Form A-1**

**LOYALIST COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
Wallbridge - Loyalist Road  
P.O. Box 4200  
Belleville, ON K8N 5B9  
Attention: Maureen Piercy, President

Telephone: 613-969-1913, Ext. 2200 or 1-888-569-2547  
Fax: 613-967-5804  
Email: [mpiercy@loyalistc.on.ca](mailto:mpiercy@loyalistc.on.ca)

**MOHAWK COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
135 Fennell Avenue East  
P.Q. Box 2034  
Hamilton, ON L8N 3T2  
Attention: MaryLynn West-Moynes, President

Telephone: 905-575-1212 or 905-575-2222 (direct)  
Fax: 905-575-2313  
Email: [marylynn.west-moynes@mohawkcollege.ca](mailto:marylynn.west-moynes@mohawkcollege.ca)

**NIAGARA COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
300 Woodlawn Road  
Welland, ON L3C 7L3  
Attention: Dan Patterson, President

Telephone: 905-735-2211, Ext. 4040  
Fax: 905-736-6020  
Email: [dpatterson@niagaracollege.ca](mailto:dpatterson@niagaracollege.ca)

**NORTHERN COLLEGE OF APPLIED ARTS AND TECHNOLOGY**  
P.O. Box 321 1, Hwy.101 East  
Timmins, ON P4N 8R6  
Attention: Michael Hill, President

Telephone: 705-235-3211, Ext. 7136  
Fax: 705-235-7277  
Email: [hillm@northern.on.ca](mailto:hillm@northern.on.ca)

**Form A-1**

**SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

443 Northern Avenue

P.O. Box 60

Sault Ste Marie, ON P6A 5L3

Attention: Ron Common, President

Telephone: 705-759-6774, Ext. 2409

Fax: 705-759-2916

Email: ron.common@saultcollege.ca

**SENECA COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

1750 Finch Avenue East

Toronto, ON M2J 2X5

Attention: David Agnew, President

Telephone: 416-491-5050

Fax: 905-948-0578

Email: david.agnew@seneca.on.ca

**SHERIDAN COLLEGE INSTITUTE OF TECHNOLOGY AND ADVANCED  
LEARNING**

1430 Trafalgar Road

Oakville, ON L6H 2L1

Attention: Dr. Robert Turner, President & CEO

Telephone: 905-845-9430

Fax: 905-815-4023

Email: robert.turner@sheridaninstitute.ca

**ST. CLAIR COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

2000 Talbot Road West

Windsor, ON N9A 6S4

Attention: Dr. John Strasser, President

Telephone: 519-966-1656

Fax: 519-966-3763

Email: lstrasser@stclaircollege.ca

## Form A-1

ST. LAWRENCE COLLEGE OF APPLIED ARTS AND TECHNOLOGY  
100 Portsmouth, P.O. Box 6000  
Kingston, ON K7L 5A6  
Attention: Chris Whitaker, President & CEO

Telephone: 613-544-5400, Ext. 1145  
Fax: 613-545-3926  
Email: cwhitaker@sl.on.ca

EMPLOYEES ALSO WORK AT OTHER CAMPUSES DEPENDING ON THE PARTICULAR COLLEGE. SEE ATTACHED VOTE PROPOSAL.

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

<u>COLLEGE</u>	<u># OF EMPLOYEES</u>
Algonquin College of Applied Arts and Technology	280
Cambrian College of Applied Arts and Technology	116
Canadore College of Applied Arts and Technology	50
Centennial College of Applied Arts and Technology	170
Collège Boreal d'arts appliqués et de technologie	101
Collège d'arts appliqués et de technologie La Cité collégiale	32
Conestoga College Institute of Technology and Advanced Learning	154
Confederation College of Applied Arts and Technology	98
Durham College of Applied Arts and Technology	98
Fanshawe College of Applied Arts and Technology	130
Fleming College of Applied Arts & Technology	101
George Brown College of Applied Arts and Technology	287
Georgian College of Applied Arts and Technology	237
Humber College Institute of Technology and Advanced Learning	222
Lambton College of Applied Arts and Technology	47

**Form A-1**

Loyalist College of Applied Arts and Technology	65
Mohawk College of Applied Arts and Technology	189
Niagara College of Applied Arts and Technology	125
Northern College of Applied Arts and Technology	72
Sault College of Applied Arts and Technology	51
Seneca College of Applied Arts and Technology	606
Sheridan College Institute of Technology and Advanced Learning	225
St. Clair College of Applied Arts and Technology	100
St. Lawrence College of Applied Arts and Technology	75
<b>TOTAL</b>	<b>3666</b>

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:

**N/A**

[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.]

**Form A-1**

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"**

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  
 No

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

**The attached vote proposal has the vote taking place over 10 days starting September 21, 2009 and continuing for a further 8 business days until September 30, 2009.**

**OPSEU recognizes that the Board does not have infinite resources and the vote proposal is designed to be run by teams of three Board officers.**

**It is of critical importance to the fairness of the vote that the vote start and finish by the end of September.**

**ALSO SEE 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**

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

**The vote times are designed to maximize voting time while ensuring that Board officers have time to get to the next location with the traveling poll.**

**OPSEU has attempted to ensure that the polls are open at convenient times.**

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

**SEE ATTACHED VOTE PROPOSAL**

Please explain the reason for your proposed poll location(s):

**OPSEU has not indicated specific locations at each campus because specific rooms may have to be booked at each College.**

**The Union also proposes that an employee be able to vote at any poll location. For example it may be more convenient for a part-time employee who lives in Hamilton but works in Toronto to vote at Mohawk College.**

**ALSO SEE SCHEDULE "A"**

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")**

DATED July 23, 2009



Signature for the Applicant  
Richard A. Blair

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);
- as per agreement of the parties.

College Compensation and Appointments Council  
Attn: Donald Sinclair, Executive Director

2 Carlton Street  
11<sup>th</sup> Floor, Suite 1102  
Toronto, ON M5B 1J3

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

\_\_\_\_\_  
Address to where 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);
- 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 [ ] facsimile transmission on \_\_\_\_\_  
(Date)  
at \_\_\_\_\_ a.m/p.m.

Form A-1

4. The documents were given to MAPLE COURIER on JULY 23, 2009  
(Name of Courier) (Date)

and I was advised that they would be delivered not later than JULY 23, 2009  
(Date)

by  
at 12:00 a.m. (p.m.)

NAME: LOIS O'SHEA

TITLE: OFFICE MANAGER

SIGNATURE: Lois O'Shea

## Form A-1

### IMPORTANT NOTES

YOU MUST FILE WITH THE BOARD ONE SIGNED ORIGINAL AND ONE COPY OF THIS APPLICATION.

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.

THE BOARD'S RULES OF PROCEDURE DESCRIBE HOW AN APPLICATION 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 AT [www.olrb.gov.on.ca](http://www.olrb.gov.on.ca)

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.CANII.ORG](http://WWW.CANII.ORG), FREE LEGAL INFORMATION DATA BASE.

SOME SUMMARIES AND DECISIONS MAY BE FOUND ON THE BOARD'S WEBSITE UNDER *HIGHLIGHTS* AND RECENT DECISIONS OF INTEREST AT [www.olrb.gov.on.ca](http://www.olrb.gov.on.ca).

## 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.

### **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.
9. 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.
10. OPSEU has also delivered this Application the College Compensation and Appointments Council (the "Council").

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### 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 three Board officers full time for the 8 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 September 21, 2009. Classes will have begun before that date and the Colleges will be fully staffed for the fall semester. Therefore the persons eligible to vote during the voting period will be substantially representative of the persons likely to be substantially affected by the result of the representation vote.
14. OPSEU reserves the right to make further submissions based on the employer's vote proposal.
15. 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 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

16. College Boreal and La Cite 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.

## Form A-1

17. It would also be appropriate for the Board Officers assigned to polls at those Colleges to be bilingual.

### **Other Matters**

18. 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.