



ONTARIO LABOUR RELATIONS BOARD

Labour Relations Act, 1995

OLRB Case No: 2747-19-R
Termination (Industrial)

Richard Meredith, Applicant v Unifor Canada and Local 4304, Responding Party
v Regional Municipality of Waterloo, Intervenor

COVER LETTER

TO THE PARTIES LISTED ON APPENDIX A:

The Board is attaching the following documents:

Decision
Notice of Vote
Notice of Vote Poll
Notice of Vote Count
Notice of Regional Termination Meeting
Notice of Hearing

DATED: December 31, 2019

A handwritten signature in black ink that reads "Catherine Gilbert".

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



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **2747-19-R**

Richard Meredith, Applicant v Unifor Canada and Local 4304,
Responding Party v **Regional Municipality of Waterloo**, Intervenor

BEFORE: John D. Lewis, Vice-Chair

DECISION OF THE BOARD: December 31, 2019

1. This is an application for termination of bargaining rights filed under the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act").
2. The applicant has applied to the Board under section 63 of the Act for a declaration that the responding party no longer represents the employees in the bargaining unit for which it is the bargaining agent.
3. This application was filed on December 24, 2019. The employees who are affected by this application are covered by a collective agreement between the responding party and The Regional Municipality of Waterloo, with an effective date of January 1, 2017, until December 31, 2019. The bargaining unit description in that collective agreement is as follows:

all Bus Operators, Certified Motor Vehicle Trade Technicians, all Specialized Transit Vehicle Operators and Specialized Transit Dispatchers/Reservationists and related service personnel of the Transit Services Division of the Regional Municipality of Waterloo, save and expect for students, supervisors, those above the rank of supervisor, office and clerical employees, stock keepers and those employees represented by CUPE Local 1883 and CUPE Local 1656.

Having regard to the provisions of section 63(2) of the Act, the Board finds that this application is timely.

4. The application indicates it has the support of 326 employees in the unit that do not wish to be represented by the trade union. It estimates the bargaining unit to have had 650 employees in the unit on the application date. The application submits the vote should take place on either January 8, 9 or 10, 2020 in order to maximize the participation of the workforce returning from Christmas holidays and the proposed dates also are in advance of an upcoming strike date of January 14, 2020.

5. The intervenor employer filed a Schedule "C" – Employee List that contains 730 Employee names in the bargaining unit. It disagrees with the applicant's estimate of employees and the applicant's proposed hours for the vote. The intervention agrees with the applicant's proposed vote dates, but its preference is January 9, 2020.

6. The trade union's response indicates the proper name of the responding party is Unifor and its Local 4304. The response disagrees with the applicant's estimate of employees and disagrees with the proposed dates for the vote, hours of voting and proposed voting locations. It submits the vote should take place in accordance with Information Bulletin No. 2 and schedule the vote for five to eight days following the application filing date.

7. The response also states the following:

For the consideration of the Board, Unifor is submitting a number of documents whereby employees in the bargaining unit revoke any expression of support they may have previously given in favour of terminating Unifor's bargaining rights. A confidential list for the Board's consideration is attached as Schedule "B" but is not being provided to the Applicant or the Employer. The original signed documents are also provided to the Board only along with this A-7 form.

8. The Board notes that the responding party trade union filed a Schedule "B" that contains the names of 368 individuals who allegedly revoked their interest in terminating Unifor's bargaining rights. The Schedule "B" is accompanied by 368 standard form revocations documents allegedly signed by the respective individuals. All revocation documents are dated prior to December 24, 2019, the application filing date. The Board has reviewed the revocation documents and finds there are approximately 48 revocations that match with names on the Schedule "A" and 51 revocation documents that match with names on the Schedule "C".

9. The standard form revocation document, signed by various individuals, is set out below:

STATEMENT OF SUPPORT FOR UNIFOR

I, [insert name], am an employee of Grand River Transit and my union is Unifor Local 4304

I understand that a petition or other document has been circulated in my workplace to express opposition to Unifor Local 4304 and to support an application to the Ontario Labour Relations Board for the termination of Unifor Local 4304's bargaining rights.

By signing this statement below, I wish to indicate that:

1. I revoke any expression of support that I may have given for such an application, whether by signing a petition or other document, or by any other means.
2. I reaffirm my support for Unifor Local 4304 as my bargaining agent.

I understand that this statement may be given to the Ontario Labour Relations Board by Unifor Local 4304 in response to an application for the termination of Unifor Local 4304's bargaining rights, or in anticipation of such an application being filed.

Date [insert date]

Printed name

Signature

10. Upon closely examining the revocation documents the Board finds that there are at least 18 of the matching revocation documents which are irrelevant as the particular individual has signed a petition subsequent to the date they signed their revocation document. Therefore, the last expression of the true wishes of that individual indicates they did not want the union to represent them. When the remaining and arguably relevant revocations are taken into account, the applicant does not fall below the 40% threshold. In this regard, the Board is not making any finding as to whether the remaining revocation documents are relevant or timely and the Board notes that there is no indication whether any of the revocation documents were provided to

the parties in advance of the application filing date. Therefore, the Board finds that a representation vote should take place as the remaining revocations are numerically irrelevant.

11. It appears to the Board on an examination of the evidence before it, that not less than 40% of the employees in the bargaining unit had expressed a wish not to be represented by the trade union at the time the application was filed.

12. The Board directs that a representation vote be taken of the employees of The Regional Municipality of Waterloo (Transit Service Division), employed in the bargaining unit described in paragraph 3 above. All those employed in that bargaining unit on December 24, 2019, the application filing date, will be eligible to vote.

13. The vote will be held on **Wednesday, January 8, 2020** (the 8th day from the application filing date). Other vote arrangements will be as determined by the Registrar and set out on the attached "Notice of Vote".

14. Voters will be asked to indicate whether or not they wish to be represented by the responding party (Unifor) in their employment relations with The Regional Municipality of Waterloo (Transit Services Division).

15. The employer is directed to post copies of this decision and of the "Notice of Vote" adjacent to all copies of the "Notice to Employees of Application for Termination of Bargaining Rights" posted previously. These copies must remain posted for 45 business days.

16. Any party or person who wishes to make representations to the Board about any issue remaining in dispute which relates to the application for termination of bargaining rights, other than status disputes, must file a detailed statement of representations with the Board and deliver it to the other parties, so that it is received by the Board within five days (excluding Saturdays, Sundays and holidays on which the Board is closed) of the date on which the vote is taken. Representations with respect to any status disputes must be made in accordance with the directions provided in Information Bulletin No. 5: Status Disputes in Termination Applications (Non-Construction).

17. The matter is referred to the Registrar.

18. I am not seized.

"John D. Lewis"

for the Board



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CONFIRMATION OF POSTING

Instructions: Each Employer or Employer's Representative must fill out this form after posting of applicable documents and send it to the Registrar of the Board. Although the Application and Notice to Employees must be posted immediately, the Employer may wait to complete ONE form to indicate posting of Application, Notice to Employees and Response, and then file this form along with its Response.

Forms indicating immediate posting of OTHER documents should be faxed to the Registrar at Fax. No. 416-326-7531 as and when the documents are posted.

Name of Employer completing the Posting:

Name and Title of Person completing this Form:

I declare that the above-named Employer has posted, according to the above instructions, copies of the following documents (if and as applicable) at the workplace(s) or at worksite(s) where the documents are most likely to come to the attention of the employees or other individuals affected by the Application.

DOCUMENT	NUMBER POSTED	DATE POSTED	TIME POSTED
Application and Notice to Employees of Application			
Response			
Decision and Notice of Vote, Vote Poll(s), Vote Count, Meeting, Hearing			
Vote Office's Report			

DATE:

SIGNATURE:



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Application Date: December 24, 2019

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MUST NOT BE REMOVED, DEFACED OR DESTROYED

THE EMPLOYER MUST IMMEDIATELY POST THIS NOTICE (IN LOCATIONS WHERE IT IS MOST LIKELY TO COME TO THE ATTENTION OF EMPLOYEES OR OTHER INDIVIDUALS AFFECTED BY THE APPLICATION) NEXT TO THE BOARD'S NOTICE TO EMPLOYEES OF APPLICATION AND/OR THE BOARD'S DECISION ORDERING A VOTE

THE EMPLOYER OR ITS REPRESENTATIVE MUST RETURN A CONFIRMATION OF POSTING TO THE REGISTRAR

THIS NOTICE MUST REMAIN POSTED FOR 45 BUSINESS DAYS

NOTICE OF VOTE

TO THE PARTIES LISTED ON APPENDIX A:

The Board has ordered a Representation Vote. A copy of the Board's Decision ordering the Vote is posted with this Notice.

VOTING CONSTITUENCY

The Board has ordered that the following group of voters (the voting constituency) is eligible to vote:

all Bus Operators, Certified Motor Vehicle Trade Technicians, all Specialized Transit Vehicle Operators and Specialized Transit Dispatchers/Reservationists and related service personnel of the Transit Services Division of the Regional Municipality of Waterloo, save and expect for students, supervisors, those above the rank of supervisor, office and clerical employees, stock keepers and those employees represented by CUPE Local 1883 and CUPE Local 1656.

This voting constituency includes all employees (including dependent contractors) who were in the bargaining unit who had an employment relationship with the Employer on the Application Date at the top of this Notice. Employees having an employment relationship include employees on maternity leave, sick leave, vacation, workers' compensation, lay-off, etc. so long as there is a reasonable expectation of their return to employment.

VOTE DATES

The vote will be held on the following date(s):

Vote Start Date:	January 8, 2020
Vote End Date:	January 8, 2020

VOTE POLL DETAILS

Details about poll date(s), times and location(s) are attached.

VOTE COUNT

If the parties agree at the vote about the eligibility of employees to vote, the ballots will normally be counted and 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 and/or hearing may be held. However, many applications are settled by discussions with a Board Mediator without the need for a meeting or hearing.

The date, time and location of a Vote Count (if one is held) and of meetings and hearings (if meetings or hearings are scheduled) are attached.

Only the representatives for each of the parties and the Board's Vote Officer(s) are present at the Vote Count. Voters do not attend the Vote Count unless they are also a representative of one of the parties.

SECRET BALLOT

The vote will be by secret ballot. The Board's Vote Officer will issue a ballot to voters who attend at a vote location to vote. Voters will mark their ballot in secret behind a vote screen, fold it, and put it in the ballot box provided at the vote location.

DO NOT SIGN, NUMBER OR OTHERWISE MARK YOUR BALLOT
IN A WAY THAT WOULD REVEAL YOUR IDENTITY.

IF YOU BELIEVE THAT YOU MAY HAVE SPOILED YOUR BALLOT,
SPEAK TO THE VOTE OFFICER BEFORE PUTTING THE BALLOT IN
THE BALLOT BOX.

VOTERS ARE ENTITLED TO VOTE WITHOUT INTERFERENCE, RESTRAINT OR
COERCION.

SCRUTINEERS

One scrutineer representing each interested party may be present at each polling place. Scrutineers have the following duties and privileges: 1) To check the Voters List as voters attend to vote; 2) To assist in the identification of voters; and 3) To assist in the conduct of the vote as may be required by the Vote Officer.

QUESTION ON THE BALLOT

The ballot that will be provided to voters contains the question which appears on the attached Schedule A.

If you wish to say something to the Board about this Application and to participate in any meetings and/or hearings held, you must send a written statement to the Board (as described on the Notice to Employees of Application)

not later than January 15, 2020, the Vote Objection Date. Your written statement must be served on all other parties before you file it with the Board.

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.

DATED: December 31, 2019



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

SCHEDULE A

QUESTION ON THE BALLOT

The ballot that will be provided to voters contains the following question:

In your employment relations with your Employer, do you wish to be represented by the union?

Dans vos relations de travail avec votre employeur, désirez-vous être représenté(e) par le syndicat?

ONTARIO LABOUR RELATIONS BOARD IMPORTANT NOTES

The Board's forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website <http://www.olrb.gov.on.ca> or by calling 416-326-7500 or toll-free at 1-877-339-3335.

FRENCH OR ENGLISH

Vous avez le droit de communiquer et recevoir des services en français et en anglais. 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 and receive services in either English or French. The Board does not provide translation services in languages other than English or French.

CHANGE OF CONTACT INFORMATION

Notify the Board immediately of any change in your contact information. If you fail to do so, correspondence sent to your last known address (including email) may be deemed to be reasonable notice to you and the case may proceed in your absence.

ACCESSIBILITY AND ACCOMMODATION

The Board is committed to providing an inclusive and accessible environment in which all members of the public have equitable access to our services. We will aim to meet our obligations under the Accessibility for Ontarians with Disabilities Act in a timely manner. Please advise the Board if you require any accommodation to meet your individual needs. The Board's Accessibility Policy can be found on its website.

COLLECTION AND DISCLOSURE OF INFORMATION AND DOCUMENTS

Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. Personal information collected on this form and in written or oral submissions may be used and disclosed for the proper administration of the Board's governing legislation and case processing. In addition, the Tribunal Adjudicative Records Act, 2019 requires that the Board make adjudicative records (which include applications filed and a listing of such applications) available to the public. The Board has the power to make part or all of an adjudicative record confidential. The Freedom of Information and Protection of Privacy Act may also address the treatment of personal information. More information is available on the Board's website www.olrb.gov.on.ca. If you have any questions concerning the collection of information or disclosure of adjudicative records, contact the Solicitors' Office at the number listed above or in writing to the OLRB, 505 University Ave., 2nd floor, Toronto, ON M5G 2P1.

E-FILING AND E-MAIL

The Rules of Procedure and Filing Guide set out the permitted methods of filing. Forms and submissions may be filed with the Board by a variety of methods including the Board's e-filing system, but not by e-mail. Note that the efiling system is not encrypted and e-filing is optional. Contact the Client Services Coordinator at the numbers listed above if you have questions regarding e-filing or other filing methods. If you provide an e-mail address with your contact information, the Board will in most cases communicate with you by e-mail from an out-going only generic account. Incoming emails are not permitted.

HEARINGS AND DECISIONS

Hearings are open to the public unless the Board 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 www.canlii.org. Some summaries and decisions may be found on the Board's website.



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NEXT TO THE BOARD'S NOTICE TO EMPLOYEES OF APPLICATION
AND/OR THE BOARD'S DECISION ORDERING A VOTE

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NOTICE OF VOTE POLL

TO THE PARTIES LISTED ON APPENDIX A:

This notice contains information only about vote poll times and location(s). For other information about the Vote, please see the Notice of Vote (and Notices of Meeting and/or Hearing, if applicable).

Voters may vote at the following vote poll times and location(s):

Vote Poll Number:	1
Vote Poll Date:	January 08, 2020
Vote Poll Times:	04:30 AM to 09:00 AM
Location:	250 Strasburg Road, Strasburg Garage, Operator Lounge, Kitchener ON
Vote Poll Number:	2
Vote Poll Date:	January 08, 2020
Vote Poll Times:	05:00 AM to 08:00 AM
Location:	460 Conestoga Boulevard, Conestoga Garage, Operator Lounge, Cambridge ON
Vote Poll Number:	3
Vote Poll Date:	January 08, 2020
Vote Poll Times:	12:00 PM to 03:00 PM
Location:	381 Hespeler Road, Cambridge Centre Station, Operator Lounge, Cambridge ON
Vote Poll Number:	4
Vote Poll Date:	January 08, 2020
Vote Poll Times:	12:30 PM to 03:00 PM
Location:	250 Strasburg Road, Strasburg Garage, Operator Lounge, Kitchener ON
Vote Poll Number:	5
Vote Poll Date:	January 08, 2020
Vote Poll Times:	05:00 PM to 08:00 PM
Location:	85 Chandler Drive, Chandler Garage, Lounge, Kitchener ON

DATED: December 31, 2019

Travis Kearns
Manager, Mediation Services
Tel: 647-236-7574
Toll-free: 1-877-339-3335
Fax: 416-326-6299
travis.kearns@ontario.ca

Website: www.olrb.gov.on.ca

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NOTICE OF VOTE COUNT

TO THE PARTIES LISTED ON APPENDIX A:

Only the representatives for each of the parties and the Board's Vote Officer(s) are present at the Vote Count. Voters do not attend the Vote Count, unless they are also a representative for one of the parties.

Date(s) and Time: January 09, 2020 at 01:30PM
Location: 505 University Avenue, Ontario Labour Relations Board, Floor 2, "Board Room", Toronto ON M5G 2P1

DATED: December 31, 2019

Travis Kearns
Manager, Mediation Services
Tel: 647-236-7574
Toll-free: 1-877-339-3335
Fax: 416-326-6299
travis.kearns@ontario.ca

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APPLICATION) NEXT TO THE APPLICATION, THE BOARD'S NOTICE TO
EMPLOYEES OF APPLICATION, AND/OR THE BOARD'S DECISION**

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NOTICE - REGIONAL TERMINATION MEETING

TO THE PARTIES LISTED ON APPENDIX A:

The Board has scheduled the following:

Date(s) and Time: January 29, 2020 at 10:00AM
Location: 505 University Avenue, Floor 2, "Board Room", Toronto ON M5G 2P1

The purpose of a Regional Certification Meeting or Regional Termination Meeting is to mediate the issues in dispute, and to record the parties' positions on the outstanding issues.

Please bring with you any records that may be relevant to these issues, including documents that relate to the inclusion or exclusion of employees from the bargaining unit.

The Board's processes are explained in its Information Bulletins, available on the Board's website (see below). If you have any additional questions, please raise them at the meeting.

DATED: 31-Dec-2019

Travis Kearns
Manager, Mediation Services
Tel: 647-236-7574
Toll-free: 1-877-339-3335
Fax: 416-326-6299
travis.kearns@ontario.ca

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NOTICE OF HEARING

TO THE PARTIES LISTED ON APPENDIX A:

The Board has scheduled the following:

Hearing Type:	Regular Hearing
Date(s) and Time:	February 03, 2020 at 09:30AM
Location:	505 University Avenue, Floor 2, "Board Room", Toronto ON M5G 2P1

Hearing Type:	Regular Hearing
Date(s) and Time:	February 04, 2020 at 09:30AM
Location:	505 University Avenue, Floor 2, "Board Room", Toronto ON M5G 2P1

The purpose of the hearing is to hear the evidence and representations of the parties with respect to all matters relating to this application that have not been settled by the time the hearing occurs. The parties are entitled to be represented by counsel or an agent, and may be expected to call and examine witnesses, to conduct cross-examination, and to present argument.

If disputes about whether certain individuals should or should not be on the voters' list or in the bargaining unit form any part of the outstanding issues, the hearing will likely be postponed by one week. If this happens, a notice providing the new hearing date will be sent to the parties, and the Board will order the Employer to post the notice beside this Notice.

IF YOU DO NOT ATTEND, THE BOARD MAY DECIDE THE APPLICATION WITHOUT FURTHER NOTICE TO YOU AND WITHOUT CONSIDERING ANY DOCUMENT YOU MAY HAVE FILED.

DATED: December 31, 2019



Catherine Gilbert
Registrar

Website: www.olrb.gov.on.ca

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APPENDIX A

Soni Law Firm
4789 Yonge Street
Suite 314
Toronto ON M2N 0G3
Attention: Rahul Soni
Counsel
Tel: 416-901-8560
Fax: 226-240-9199
Email: rmiisra@sonilaw.ca; rsoni@sonilaw.ca



