

Form A-21

LABOUR RELATIONS ACT, 1995

**APPLICATION FOR DECLARATION CONCERNING
STATUS OF SUCCESSOR TRADE UNION**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Public Service Alliance of Canada

Applicant,

- and -

Carleton University Postdoctoral Association

**Responding Party
Trade Union,**

- and -

Carleton University

**Responding Party
Employer.**

The applicant applies to the Ontario Labour Relations Board under Section 68 of the Act for a declaration that

Public Service Alliance of Canada

(Name of trade union claiming to be successor)

has

has not acquired the rights, privileges and duties of its predecessor

Carleton University Postdoctoral Association

(Name of predecessor trade union)

by reason of a merger, amalgamation or a transfer of jurisdiction.

Form A-21

The applicant states:

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

Public Service Alliance of Canada
233 Gilmour Street
Ottawa, Ontario K2P 0P1

ph. (613) 560-4200
fax (613) 563-3492
email: blatts@psac.com

- (b) Name, address, telephone number, facsimile number and e-mail address of a contact person for the applicant:

Public Service Alliance of Canada
Vancouver Satellite Office
300 - 5238 Joyce Street
Vancouver, British Columbia V5R 6C9

Attn: Ms. Shannon Blatt
Legal Officer, Regional Offices Branch (counsel)

ph (604) 345-3315
fax (604) 566-0402
email blatts@psac.com

Public Service Alliance of Canada
233 Gilmour Street
Ottawa, Ontario K2P 0P1

Attn: Mr. Adrian Dumitru
Organizing Program Officer

ph (613) 560-4219
fax (613) 563-3492
email dumitra@psac.com

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

Form A-21

X Counsel: **Assistant:** sabourl@psac.com

Paralegal: **Assistant:**

other: **Assistant:**

- (d) Name, address, telephone number, facsimile number and e-mail address of the employer:

Carleton University
Human Resources
507 Robertson Hall
1125 Colonel By Drive
Ottawa, Ontario K1S 5B6

Attn: Mr. Robert Monti
In-house counsel,
Director of Labour/Employee Relations and Compliance

ph (613) 520-2600 x 8635
fax (613) 520-4464
email robert.monti@carleton.ca

- (e) Name, address, telephone number, facsimile number and e-mail address of the predecessor trade union.

Carleton University Postdoctoral Association
Herzberg Building, Room 2448
1125 Colonel By Drive
Ottawa, Ontario K1S 5B6

Attn: Mr. William Leight
President

ph (613) 400-3235
fax n/a
email wleight@physics.carleton.ca

Attn: Ms. Judith Brown
Vice President, Communications

ph. (613) 276-4821
fax n/a
email mmjbrown@gmail.com

Form A-21

2. (a) Name, address, telephone number, facsimile number and e-mail address of any other person, trade union, employer or employers' organization that may be affected by the application:

n/a

- (b) The person, trade union, employer or employers' organization named in paragraph 2(a) is affected by the application for the following reason(s):

[Before you file your application with the Board, you must deliver to the responding parties and to the person(s) named in paragraph 2(a): a copy of your application, a blank response form, and a Notice to Responding Party and/or Affected Party of Application for Declaration Concerning Status of Successor Trade Union (Form C-8) with the names of the parties and the date inserted. You must also complete the attached Certificate of Delivery.]

3. Detailed description of the unit of employees for which the predecessor was the bargaining agent, including the municipality or other geographic area affected:

ARTICLE 3 – Scope and Recognition

3.1 Pursuant to the certificate issued by the Ontario Labour Relations Board dated the 15 October 2014, the Employer recognizes the Union as the exclusive bargaining agent of all persons employed as Post-Doctoral Fellows by Carleton University, in the City of Ottawa, save and except the following:

- a) Persons who exercise managerial functions or who are employed in a confidential capacity in matters related to labour relations;
- b) Persons when performing work for which another trade union has bargaining rights under the *Ontario Labour Relations Act*;

Form A-21

- c) Persons employed as Research Assistants; Research Associates; Research Fellows; Clinical Fellows; Clinical Scholars; Visiting Scholars; Visiting Researchers; or Visiting Faculty;
- d) Postdoctoral Fellows whose internal remuneration constitutes less than half of the minimum annual salary on a pro-rated basis as per this Collective Agreement.

Clarity Notes:

- (i) Notwithstanding the exclusion in (d) above Postdoctoral Fellows appointed into this bargaining unit cannot be excluded solely due to negotiated increases in the minimal annual salary stipulated in this Collective Agreement.

4. Approximate number of employees in the unit described in paragraph 3:

Fifty five (55.)

5. The date of the certification, if any, of the predecessor as bargaining agent of the employees in the unit:

October 15, 2014 (Board File No. 0905-12-R)

6. The predecessor trade union and the employer are or were parties to or bound by a collective agreement that,

(a) was signed on _____;
(Date)

(b) became effective on February 26, 2016 _____;
(Date)

(c) contains the following provision relating to its termination or renewal:

ARTICLE 27 – Duration & Renewal

27.1 Except as specifically otherwise provided herein, this Agreement shall come into force on the date of ratification, and shall remain in effect until April 30 2018, and thereafter will automatically renew for periods of one (1) year unless either party declares to the other, within the period of ninety (90) calendar days prior to any expiry date, its intent to bargain a renewal Collective Agreement. It is understood that both parties shall subject the agreement to a ratification vote. For the purposes of this article the date of ratification shall be defined as the date upon which the Union ratifies the agreement.

Form A-21

27.2 If either party desires to bargain with a view to renewal of this agreement, with or without modification, such party shall give notice of such desire to the other party not more than ninety (90) calendar days prior to the expiry of this agreement.

27.3 If negotiations fail to produce a renewal of this Collective Agreement prior to its expiry date, the terms and conditions of this Agreement will continue in full force and effect until a new Agreement is concluded, or until all proceeding prescribed by the *Ontario Labour Relations Act* have been completed. The parties shall meet within twenty (20) working days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a Collective Agreement.

7. In support of its request, the applicant relies on the following material facts:

See Appendix A, attached.

(Include **all** of the material facts on which you rely including the circumstances, what happened, where and when it happened, and the names of any persons said to have acted improperly. Please note that you will not be allowed to present evidence or make any representations about any material fact that was not set out in the application and filed promptly in the way required by the Board's Rules of Procedure, except with the permission of the Board.)

8. The applicant makes the following representations in support of the specific order(s) requested:

See Appendix A, attached.

(Include **all** of the submissions that you would like the Board to consider.)

9. The applicant submits with this application the following documents:

- Constitution and Regulations of the Public Service Alliance of Canada
- Constitution and Bylaws of the Carleton University Postdoctoral Association
- Collective Agreement between Carleton University and Carleton University

Form A-21

Postdoctoral Association

- Minutes of April 5, 2016 Meeting of the Executive of the Carleton University Postdoctoral Association
- Notice of General Meeting Distributed by Electronic Mail on April 8, 2016
- Notice of General Meeting Posted in Workplace
- Minutes of April 22, 2016 General Meeting of the Carleton University Postdoctoral Association
- Letter of May 4, 2016 from President of Carleton University Postdoctoral Association to National President of Public Service Alliance of Canada, Offering Transfer of Jurisdiction
- Interpretation (Determination) of May 9, 2016 by the Alliance Executive Committee of the Public Service Alliance of Canada
- Letter of June 1, 2016 from National President of Public Service Alliance of Canada to President of Carleton University Postdoctoral Association, Accepting Transfer of Jurisdiction

(List all relevant documents and include copies of them. The documents must be arranged in consecutively numbered pages and must be accompanied by a table of contents describing each document.)

10. [] The applicant consents to the declaration requested being made without an oral hearing by the Board;

OR

- [] The applicant requests an oral hearing of the application by the Board and undertakes to attend a hearing for this purpose. The applicant makes the following representations in support of its request:

(Explain why the Board should schedule an oral hearing in this matter.)

Form A-21

11. Other relevant statements:

See Appendix A, attached.

DATED June 16, 2016

A handwritten signature in black ink, appearing to be "S. D. Roll", written over a horizontal line.

Signature for the Applicant

CERTIFICATE OF DELIVERY

1. I certify that the following documents were delivered to [] the responding party trade union, [] the employer, and [] any affected party named in paragraph 2 of the application:
 - Application for Declaration Concerning Status of Successor Trade Union;
 - a blank copy of a Response to Application for Declaration Concerning Status of Successor Trade Union (Form A-22);
 - a blank Confirmation of Posting (Form A-124); and
 - Notice to Responding Party and/or Affected Party of Application for Declaration Concerning Status of Successor Trade Union

Form A-21

NAME: Line Sabourin

TITLE: **Administrative Assistant, Organizing & Mobilization**

SIGNATURE: *Line Sabourin*

Form A-21

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

Form A-21

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.