



ONTARIO LABOUR RELATIONS BOARD

Colleges Collective Bargaining Act, 2008

OLRB Case No: **0805-17-R**
Certification (Industrial)

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

COVER LETTER

TO THE PARTIES LISTED ON APPENDIX A:

The Board is attaching the following document(s):

Decision - July 30, 2024 and French translation

DATED: July 30, 2024

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



ONTARIO LABOUR RELATIONS BOARD

THIS IS AN OFFICIAL NOTICE OF THE BOARD

**OFFICIAL NOTICES OF THE BOARD MUST NOT BE REMOVED, DEFACED
OR DESTROYED**

**ALL NOTICES MUST IMMEDIATELY BE POSTED BY THE EMPLOYER (IN
LOCATIONS WHERE THEY ARE MOST LIKELY TO COME TO THE
ATTENTION OF EMPLOYEES OR OTHER INDIVIDUALS AFFECTED BY THE
APPLICATION) NEXT TO THE APPLICATION, THE BOARD'S NOTICE TO
EMPLOYEES OF APPLICATION, AND/OR THE BOARD'S DECISION**

NOTICES MUST REMAIN POSTED FOR 45 BUSINESS DAYS



COMMISSION DES RELATIONS DE TRAVAIL DE L'ONTARIO

Loi de 2008 sur la négociation collective dans les collèges

N° de cas de la CRTO : **0805-17-R**
Accréditation syndicale (secteur industriel)

Syndicat des employés de la fonction publique de l'Ontario ("SEFPO"), requérant
c **Conseil des employeurs des collèges**, partie intimée

LETTRÉ D'ACCOMPAGNEMENT

À L'ATTENTION DES PARTIES INDIQUÉES À L'ANNEXE A :

La Commission joint à la présente le ou les documents suivants :

Décision rendue le 30 juillet 2024 et la traduction en français

FAIT LE : 30 juillet 2024

Catherine Gilbert
Greffière

site Web : www.olrb.gov.on.ca

**Toutes les communications
doivent être adressées à :**

La greffière
Commission des relations de travail de
l'Ontario
505, avenue University
2^e étage
Toronto (Ontario) M5G 2P1
Téléphone : 416-326-7500
Sans frais : 1-877-339-3335



**COMMISSION DES RELATIONS DE TRAVAIL DE
L'ONTARIO**

**CET AVIS OFFICIEL DE LA COMMISSION
NE DOIT PAS ÊTRE ENLEVÉ, ALTÉRÉ OU DÉTRUIT**

**L'EMPLOYEUR DOIT AFFICHER IMMÉDIATEMENT CETTE DÉCISION (AUX
ENDROITS OÙ ELLE EST LE PLUS SUSCEPTIBLE D'ATTIRER L'ATTENTION
DES EMPLOYÉS ET AUTRES PERSONNES TOUCHÉES PAR LA REQUÊTE), À
CÔTÉ DE LA REQUÊTE, DE L'AVIS DU DÉPÔT DE LA REQUÊTE DONNÉ PAR
LA COMMISSION AUX EMPLOYÉS ET/OU DE TOUTES LES AUTRES
DÉCISIONS DE LA COMMISSION.**

**LE PRÉSENT AVIS DOIT RESTER AFFICHÉ PENDANT 45 JOURS
OUVRABLES.**



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0805-17-R**

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

BEFORE: Jesse Kugler, Vice-Chair

DECISION OF THE BOARD: July 30, 2024

1. This is an application for certification brought by the Ontario Public Service Employees Union ("OPSEU") pursuant to the *Colleges Collective Bargaining Act, 2008*, S.O. 2008 c.15 (the "CCBA") seeking to represent part-time academic staff as defined in the CCBA. This application was filed on June 23, 2017. The bargaining unit applied for covers thousands of employees employed at various colleges across the province of Ontario.

2. In its response to the application for certification, the responding party, the College Employer Council ("CEC"), gave notice under section 31 of the CCBA that it disagreed with OPSEU's estimate of the number of individuals in the bargaining unit. Accordingly, by decision dated July 14, 2017, the Board directed that a representation vote be conducted commencing on October 2, 2017. Given that the CEC's section 31 notice was numerically relevant, the ballots cast in the representation are presently sealed.

3. At issue at this stage of the proceeding is whether OPSEU has the requisite support (35%) to be entitled to count the ballots cast in the representation vote. The number of status disputes raised by the parties was daunting. However, the parties have been working together cooperatively to narrow the list of status disputes and have made significant progress in that respect.

4. In its correspondence to the Board dated July 12, 2024, OPSEU requests that the Board conduct a review of the membership evidence against the employee lists as agreed to by the parties pursuant to

section 31(5) of the CCBA. OPSEU submits that when the Board engages in that exercise, it will be apparent that it has met the threshold of 35% membership in the bargaining unit and, in accordance with paragraph 6 of section 31(5) of the CCBA, the ballot box should be opened, and the ballots should be counted. While OPSEU indicates that it is not withdrawing its remaining challenges, it submits that those challenges are numerically irrelevant to the outcome. In its July 12, 2024 correspondence, OPSEU helpfully set out the various agreements reached between the parties regarding the employee lists.

5. In its correspondence to the Board dated July 12, 2024, the CEC states that it does not object to the Board conducting a review of the membership evidence against the employees lists as requested by OPSEU. However, it states that any cards that have been identified by the Board as having "issues" should not be used for the purposes of the review by the Board.

6. Given the parties' agreement, the Board has conducted a careful and thorough review of the membership evidence relied upon by the applicant and has compared that to the employee lists (that is, all of the employees that are agreed to be on the employee list and all of the employees who remain in dispute). In doing so, the Board has not counted any membership evidence that, on its face, has "issues". Based on that review, the Board is satisfied that at least 35% of the individuals in the bargaining unit were members of OPSEU at the time the application for certification was filed with the Board.

7. Therefore, in accordance with paragraph 6(i) of section 31(5) of the CCBA, the Board directs that the ballot boxes be opened, and that all unchallenged ballots be counted.

8. This matter is referred to the Manager of Field Services to schedule a date to open the ballot boxes and count the unchallenged ballots.

9. I remain seized.

"Jesse Kugler"

for the Board

APPENDIX A / ANNEXE A

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

Ontario Public Service Employees Union
2550 Victoria Park Avenue
Suite 400
Toronto ON M2J 5A9
Attention: Ed Ogibowski
Supervisor of Organizing
Tel: 416-443-8888
Cell: 416-788-9237
Fax: 905-712-2916
Email: eogibowski@opseu.org

Hicks Morley Hamilton Stewart Storie LLP
77 King St. W 39th Floor, Box 371 TD Centre
Toronto ON M5K 1K8
Attention: Scott Williams
Tel: 416-864-7325
Cell: 416-805-3200
Fax: 416-362-9680
Email: scott-williams@hicksmorley.com; nina-polyakova@hicksmorley.com

College Employer Council
Attention: Trish Appleyard
Email: tappleyard@collegeemployercouncil.ca

College Employer Council
Attention: Robert Day
Email: rday@collegeemployercouncil.ca