

FORM C

EMPLOYERS/EMPLOYERS' ORGANIZATION /
ACCREDITED EMPLOYERS' ORGANIZATION

PROVINCE OF NEW BRUNSWICK



Industrial Relations Act

(R.S.N.B., Chapter I-4)

REPORT TO THE MINISTER OF POST-SECONDARY EDUCATION, TRAINING AND LABOUR UNDER
SUBSECTION 99(1) OF THE INDUSTRIAL RELATIONS ACT

In the matter of a vote on (PLACE CHECK MARK IN APPROPRIATE SQUARE(S))

- (1) a lock-out under subsection 95(1) of the *Industrial Relations Act*;
- (2) a lock-out under subsection 95(2) of the *Industrial Relations Act*;
- (3) the acceptance or rejection of the report of a conciliation board under subsection 93(1) of the *Industrial Relations Act*;
.....
(name(s) of employers/employers' organization/accredited employers' organization)

herewith deposit(s) with the Minister the ballots and such other documents relating to the taking of this vote in accordance with the requirements of subsection 99(1) of the Act.

- NOTE: (1) If two or more employers or one or more trade unions are involved, the names and addresses of all must be listed.
- (2) If an employers' organization, an accredited employers' organization or a council of trade unions is involved, the names and addresses of the individual employers and the names and addresses of the unions and of their official representatives must be given and the list must be appended to this form.

1. Address(es) for service (incl. postal code) of employers, employers' organization or accredited employers' organization:
2. Name(s) and address(es) for service (incl. postal code) of any other person, trade union or council of trade unions affected by the vote:
3. Name(s), address(es) and occupation(s) of returning officer(s) (that is, person(s) responsible for taking the vote):
* Name(s), address(es) and occupation(s) of deputy returning officer(s) (that is, person(s) who assisted the person(s) responsible for taking the vote):

*Strike out if not applicable.

4. * Where a vote has been taken on the acceptance or rejection of the report of a conciliation board under subsection 93(1) of the Act AND on a lock-out: **(PLACE CHECK MARK IN APPROPRIATE SQUARE)**

(a) the votes were taken separately (complete a separate Form C for each vote)

(b) the votes were taken together

5. * (a) The vote was held on the day of 20
(day) (date) (month) (year)

and on such additional days, if any, as hereinafter set out
.....
.....

* (b) The vote was taken by MAIL, the ballots of which were mailed on the
(day) (date)

the day of, 20, and were returnable on
(date) (month) (year) (day)

the day of, 20
(date) (month) (year)

6. * (a) The date of signing of recognition agreement:

* (b) The date of certification of union:

* (c) The date of signing of (last) collective agreement:

(i) parties bound by the agreement:
.....

(ii) terms of agreement as to renewal or revision:
.....

* (d) The date of accreditation:

7. Under section 98 of the Act, the following condition expressed in paragraph 91(2)(a), (b) or (c) of the Act has been met: **(PLACE CHECK MARK IN APPROPRIATE SQUARE)**

(a) The Minister has been requested to instruct a conciliation officer to confer with the parties and *seven days* have elapsed from the date on which the Minister has released to the parties a notice under subsection 36(3) of the Act that the Minister does not deem it advisable to appoint a conciliation officer or to appoint a mediator under section 70 of the Act.

(b) The Minister has appointed a conciliation officer or a mediator, as defined in (a) above, to confer with the parties and *seven days* have elapsed after the Minister has released to the parties a notice that the Minister does not deem it advisable to appoint a conciliation board.

(c) The Minister has appointed a conciliation board and *seven days* have elapsed after the Minister has released to the parties the report of the conciliation board.

* Date Notice Released _____

* Date Report Released _____

* Strike out if not applicable

8. * Where a vote has been taken on a lock-out or a vote has been taken on acceptance or rejection of the report of a conciliation board under subsection 93(1) of the Act or both of these votes have been taken: (PLACE NUMBER IN APPROPRIATE COLUMN(S)):

Note: Record as "YES" a) a vote favouring a lock-out where there is a separate lock-out vote or a combined vote; or b) a vote favouring the acceptance of the conciliation board report where there is a separate vote on the conciliation board report	Lock-out Vote	Vote on Conciliation Board Report	Combined Vote on Lock-out and Conciliation Board Report
(a) total number of employers represented by the employers, employers' organization or accredited employers' organization that have employees in the bargaining unit:			
(b) <i>number of employers voting "YES"</i> that are represented by the employers, employers' organization or accredited employers' organization that have employees in the bargaining unit:			
(c) <i>number of employers voting "NO"</i> that are represented by the employers, employers' organization or accredited employers' organization that have employees in the bargaining unit:			
(d) total number of employers in the bargaining unit employed by the employers represented by the employers, employers' organization or accredited employers' organization:			
(e) <i>number of employers</i> in the bargaining unit <i>employed by the employers</i> represented by the employers, employers' organization or accredited employers' organization, <i>voting "YES"</i> :			
(f) <i>number of employers</i> in the bargaining unit <i>employed by the employers</i> represented by the employers, employers' organization or accredited employers' organization, <i>voting "NO"</i> :			
(g) number of spoiled ballots:			

NOTE: (1) (a) For the purpose of undertaking a legal lock-out when subsection 95(1) of the Act applies (where two or more employers or two or more employers who are members of an employers' organization, are engaged in the same dispute with employees in the same bargaining unit), a majority of such employers representing a majority of such employees of such employers must support the lock-out.

OR

- (b) For the purpose of undertaking a legal lock-out when subsection 95(2) of the Act applies (where an accredited employers' organization is authorized to bargain for or on behalf of an employer), a majority of all such employers with employees in the bargaining unit, employing a majority of such employees of all such employers, must support the lock-out. An employer who does *not* vote shall *not* be counted in determining the number of employers eligible to vote and his employees shall *not* be counted in determining the number of employees in the unit.
- (2) For the purposes of a vote under subsection 95(1) or (2) of the Act, no employee shall be deemed to be an employee unless he has been on the payroll of his employer for the weekly payroll period immediately preceding the day of the vote (see also subsection 95(7) of the Act).

9. * Where additional pages have been annexed or attached, please state:

(a) number of pages:

(b) section(s) of this form completed on the additional pages:

10. Attached are

Ballots

List of Eligible Voters Who Voted

* Payroll Records for the Weekly Payroll Period immediately Before the Day of the Vote

* Other (*Specify*)

Dated at , this day of , 20

(place) (date) (month) (year)

We, the undersigned, hereby certify that:

- only those employees eligible to vote did so;
- those entitled to vote had ample opportunity to cast their ballots;
- all ballots cast in this vote were cast in such a manner that a person expressing his or her choice cannot be identified with the choice expressed;
- all statements in or documents attached to this report are true and correct; and
- except that required in the discharge of duty, no information pertaining to this vote will be disclosed to any person, other than the total number of votes cast "for" or "against" and such information will only be disclosed if authorized by the employers, employers' organization or accredited employers' organization, as the case may be.

.....
(signature) Returning Officer
(Person Responsible for Taking the Vote)

.....
(signature) Officer of Employers' Organization /
Accredited Employers' Organization / Employers

REFERENCES

When employers, an employers' organization or an accredited employers' organization enters into the taking of a vote on a lock-out or a vote concerning the acceptance or rejection of the report of a conciliation board, either separately or together, attention should be directed to sections 91, 92, 93 and 95, and subsections 96(3) and (4), 97(2) and (3), 98(3) to (5) and 99(1) of the Act.

NOTE: All communications concerning this report should be addressed to:

**Director, Industrial Relations,
N.B. Department of Post-Secondary Education, Training and Labour,
P.O. Box 6000, Fredericton, New Brunswick
E3B 5H1**

*Strike out if not applicable

88-18; 2000, c.26, s.164; 2006, c.16, s.91; 2007, c.10, s.51