



## ONTARIO LABOUR RELATIONS BOARD

Labour Relations Act, 1995

OLRB Case No: 0019-24-R  
Certification (Industrial)

Canadian Union of Postal Workers, Applicant v SkipTheDishes Restaurant  
Services Inc., Responding Party

### COVER LETTER

TO THE PARTIES LISTED ON APPENDIX A:

The Board is attaching the following documents:

Confirmation of Filing  
Notice to Employees

DATED: April 03, 2024

Catherine Gilbert  
Registrar

Website: [www.olrb.gov.on.ca](http://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



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### CONFIRMATION OF FILING OF APPLICATION

TO THE PARTIES LISTED ON APPENDIX A:

#### CONFIRMATION OF FILING AND DELIVERY

This will confirm that an Application was filed with the Board on April 03, 2024, the Application Date.

The Applicant has certified that a copy of the Application and other relevant documents were delivered to the other party(ies) on April 03, 2024. This date is the Delivery Date.

The Board has assigned the above OLRB Case Number to this Application. Please refer to the OLRB Case Number in any communication with the Board in connection with this matter.

This Confirmation of Filing is being sent to you because you are the Applicant or the Responding Party or because you have been identified in the Application as a person who may be affected by the Application. An Application before the Ontario Labour Relations Board is a legal proceeding and may affect your legal rights and obligations. You may wish to seek legal advice immediately.

#### POSTING

Enclosed with this document is the Notice to Employees of Application.

The Employer(s) must make and immediately post copies of the:

Application (if not already posted)  
Notice to Employees of Application

A sufficient number of these are to be posted next to each other where they are most likely to come to the attention of all employees or other individuals who may be affected by the Application. They must remain posted for 45 business days.

The Employer must also post a copy of its Response next to the Application and other documents.

The Employer or its Representative must then verify the posting of the Application, the Notice to Employees and the Response by completing the Confirmation of Posting Form in the Application package delivered by the Applicant. This Confirmation of Posting Form should be filed with the Board along with the Response, and copied to all the other parties.

If any party becomes aware that the Employer has failed to post the documents, please notify the Registrar as soon as possible at the contact information provided below.

Under the Act, it is an offence punishable on summary conviction to fail to comply with a direction of the Board.

#### FILING AND DELIVERING OF RESPONSE AND DOCUMENTS

The Responding Party(ies) (and any Intervenor(s) who choose to participate in the case) must file with the Board one signed original of the Response/Intervention to the Application no later than the Response Date.

The Employer must also file:

Schedules A and B - Lists of Employees (in a Certification Application)  
OR Schedule C – List of Employees (in a Termination Application)

These documents may be filed by facsimile transmission. The Board's facsimile number is set out below.

In addition to hard-copy versions attached to the Response, the Schedule(s) (i.e. the List(s) of Employees) should also be sent to the Board in Excel format by email to [vote.coordinator@ontario.ca](mailto:vote.coordinator@ontario.ca) (please note that the Board will accept ONLY these Schedules by email – no other material can be filed with the Board by email). Pre-formatted Excel versions of these documents may be found on the Board's website (see website address below).

Copies of these schedules should also be provided by email to the primary contact for the Applicant Union – or, in a Termination case, to the primary contact for the Applicant Employee (and to the primary contact for any Intervenor Union, if applicable). The Union(s)/Applicant Employee should indicate their challenges on the appropriate column in the Excel Schedules, and send them by email to [vote.coordinator@ontario.ca](mailto:vote.coordinator@ontario.ca), with a copy to the primary

contact for the Employer (and other Union(s), if applicable).

The Response Date is 2 business days after the Delivery Date.

Before these documents are filed with the Board, copies must first be delivered to the Applicant and every other party identified in the Application and Response. A Certificate of Delivery must also be completed.

A party with notice of this Application who does not file a Response or Intervention as required by the Board's Rules of Procedure may be deemed by the Board to have abandoned its claim, if any, to any interest in this Application.

Unless an expedited hearing has been scheduled, the Board's normal process is that each party must also file with the Board one copy of all documents upon which it will be relying in the case by the Document Delivery Date, at least 10 business days before the first date set for any type of hearing. At the same time, each party must deliver copies of those documents to each of the other parties.

## SETTLEMENT

Many disputes at the Board are resolved through mediation, and for most but not all cases, the Board's usual practice is to assign a Mediator to assist the parties to try to settle their case.

If a Mediator is already assigned, you can expect to see his/her name, contact information and a Mediator Report Date below, but in some cases a Mediator is assigned after this document is sent to the parties.

If a Mediator is assigned to this case, she or he will contact the parties soon to arrange for settlement discussions to take place. The parties are generally expected to meet with the Mediator before the Mediator Report Date.

Mediator Assigned: No Mediator Currently Assigned

The Mediator (if one is assigned to this case) will advise the Registrar whether or not the case has been settled. If there is no settlement, and no hearing dates have yet been set, the Registrar may then set hearing dates after determining the kind of hearing that would be appropriate in this case. If hearing dates have already been set, they will proceed as scheduled unless the case has been settled or the dates are cancelled by the Board.

If you require further information, you may contact the Mediator. If no Mediator is assigned or the assigned Mediator is not available and you wish to speak to someone urgently, you may contact the Manager, Mediation Services at 647-236-7574.

## HEARING

No hearing date has been set in this matter. If a hearing of any type is scheduled, written notice of it will be sent to you by the Registrar.

Please see the Sections above concerning the requirement to file documents before a hearing of any kind.

DATED: April 3, 2024

Catherine Gilbert  
Registrar

Website: [www.olrb.gov.on.ca](http://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 IMPORTANT NOTES

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### FRENCH OR ENGLISH

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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.

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Personal information is collected on this form under the authority of the Board's governing legislation to assist in the processing of cases before it. Information received in written or oral submissions may be used and disclosed for the proper administration of the Board's legislation and processes. Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. The Freedom of Information and Protection of Privacy Act may also address the collection, use and disclosure of personal information. If you have any questions, contact the Solicitors' Office at the numbers 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. In the event of emergencies or other circumstances, the Board may post a Notice to Community on its website, which will prevail over the Rules of Procedure and Filing Guide. You should check the Board's website prior to filing. Note that the e-filing 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.

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OLRB Case No: 0019-24-R  
Certification (Industrial)

Canadian Union of Postal Workers, Applicant v SkipTheDishes Restaurant Services Inc., Responding Party

Application Date: April 03, 2024  
Delivery Date: April 03, 2024

### NOTICE TO EMPLOYEES OF APPLICATION

THIS IS AN OFFICIAL NOTICE OF THE BOARD AND  
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 MUST RETURN A CONFIRMATION OF POSTING  
TO THE REGISTRAR

THIS NOTICE MUST REMAIN POSTED FOR 45 BUSINESS DAYS

#### TO THE PARTIES LISTED ON APPENDIX A:

This Notice is being posted because an Application has been filed with the Ontario Labour Relations Board.

The Ontario Labour Relations Board is an independent government agency that administers and enforces various employment and labour relations statutes. The Board is a neutral body where the parties to employment and labour relations matters can have their applications dealt with and complaints resolved.

A copy of the Application should be posted beside this Notice. It describes the facts relied on by the Applicant and the orders and/or remedies that the



Applicant is asking the Board to grant.

The Application also includes a description of the proposed bargaining unit which is at issue in this Application.

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### VOTE-BASED APPLICATIONS

Where the Board is satisfied that the Applicant appears to have the support of at least 40 percent or more of the employees (including dependent contractors) in the proposed bargaining unit, it will likely direct that a vote be held. However, in some circumstances the Board may not order a vote if the Applicant has not complied with the Act.

A vote is usually held five business days after the date on which the Application is filed with the Board (the Application Date). In limited circumstances the vote may be delayed one or more days. The Application Date and Delivery Date are set out at the top of this Notice.

The Board will consider the bargaining units proposed by the parties and will then determine the voting constituency, which is the group of employees who will vote.

The Board will direct the Employer to post a Notice of Vote and/or Hearing beside this Notice. That Notice will set out the voting constituency, the date, time and place of the vote, and the date on which a meeting and/or hearing will take place. You should expect the Notice to be posted one or two days prior to the date of the vote. To ensure that you are informed of the vote arrangements, you should regularly check this space for the Notice.

### VOTE ARRANGEMENTS

The Board will consider the requests of the parties as to where and when the vote should be held.

### CONDUCT OF THE VOTE

One of the Board's Vote Officers will conduct the vote, which will be by secret ballot. If you believe that you may be eligible to vote, or have any question as to whether you are eligible to vote, you should attend at a vote location and identify yourself to the Vote Officer.

### AFTER THE VOTE IS HELD

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 will 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 meetings and hearings (if any) are set out in the attached Notices.

### MAKING A STATEMENT TO THE BOARD

If you want to say something to the Board about this Application and/or participate in the Board's proceedings, you must file one signed original of a statement with the Board no later than five days after the date of the vote. You may file your statement with the Board by mail, courier, fax or personal delivery. Your statement must include the following details:

- (a) the OLRB Case No. that appears on this Notice;
- (b) your full name, address, telephone number and facsimile number; as well as the name, address, telephone number and facsimile number of a contact person, if any;
- (c) a statement of agreement or disagreement with each fact or allegation set out in the Application;
- (d) a statement of your position with respect to the orders or remedies requested by the Applicant, supported by full reasons for your position;
- (e) where you rely on a version of events different from the Applicant's version, a detailed statement of all material facts on which you rely, including the circumstances, what happened, when and where it happened, and the name(s) of any person(s) said to have acted improperly;
- (f) a statement as to whether an oral hearing is requested and the reasons for the request, if one is made.

Attach to your statement copies of all documents upon which you will be relying, arranged in consecutively numbered pages and accompanied by a table of contents describing each document.

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.

### THE BOARD'S RULES OF PROCEDURE

You should read and follow the Board's Rules of Procedure if you intend to make a statement to the Board. Copies of the Board's Rules may be obtained from the Board's offices or website at the contact information listed below.

## DELIVERING YOUR STATEMENT TO OTHER PARTIES

Before filing your statement with the Board, you must deliver a copy to the Applicant and to the Responding Party (and to any affected person identified in the Application). Please consult the Application posted beside this notice for contact information for the Applicant, the Responding Party, and any affected parties.

A copy of your statement may be delivered to the other parties by facsimile transmission, hand delivery, courier, regular mail or email.

Your statement must include the names and titles of the persons to whom your statement was delivered and information regarding the date, time and method of delivery.

## CONSEQUENCES OF NO STATEMENT OR INCOMPLETE STATEMENT

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 your statement and filed promptly in the way required by the Board's Rules of Procedure, except with the permission of the Board.

If you fail to file a statement, the Board may take action in the matter and may decide the Application without further notice to you.

If you send a statement to the Board, you must come to any meetings and hearings that are held or send someone to speak for you, or the Board may decide the Application without any more notice to you and without considering your written statement.

Further, if the Board decides that your statement will not change the result of the Application, the Board may decide the Application without any further notice to you. If this occurs, a copy of the Board decision will be sent to the last current address you have provided on file.

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## THE LABOUR RELATIONS ACT

The Labour Relations Act sets out the rights and responsibilities of employees, employers, and trade unions. The Purposes of the Act are:

1. To facilitate collective bargaining between employers and trade unions that are the freely-designated representatives of the employees.
2. To recognize the importance of workplace parties adapting to change.
3. To promote flexibility, productivity and employee involvement in the

workplace.

4. To encourage communication between employers and employees in the workplace.
5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.
6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.
7. To promote the expeditious resolution of workplace disputes.

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### RIGHTS OF EMPLOYEES

Employees in Ontario have the right to bargain collectively with their employers. This right is guaranteed by the Labour Relations Act, which establishes methods for employees to choose trade union representation, and describes how a trade union bargains with an employer in order to reach a collective agreement that sets out the terms and conditions of employment.

The Act also sets out rules of fair play that govern trade unions, employers, and employees in their labour relations activities.

YOU SHOULD BE AWARE THAT EMPLOYEES IN ONTARIO HAVE THESE RIGHTS:

- To organize themselves and form a trade union.
- To join a trade union and participate in its lawful activities.
- To act together for collective bargaining.
- To refuse to do any or all of these things, or to remain neutral.
- To cast a secret ballot in favour of, or in opposition to, representation by a trade union, if applicable.
- Not to be discriminated against or penalized by an employer or a trade union for supporting or opposing a trade union, or participating in its lawful activities.
- Not to be penalized for exercising rights or participating in a proceeding under the Labour Relations Act.

If you believe your rights have been violated, you have the right to file a complaint with the Board.

DATED: April 3, 2024

Catherine Gilbert  
Registrar

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## APPENDIX A

Cavalluzzo LLP  
Attention: Cole Eisen  
Tel: 416-964-1115  
Fax: 416-964-5895  
Email: [vgomez@cavalluzzo.com](mailto:vgomez@cavalluzzo.com); [ceisen@cavalluzzo.com](mailto:ceisen@cavalluzzo.com)

Cavalluzzo LLP  
Attention: Ryan D. White  
Tel: 416-964-1115  
Fax: 416-964-5895  
Email: [rdwhite@cavalluzzo.com](mailto:rdwhite@cavalluzzo.com); [fdasilva@cavalluzzo.com](mailto:fdasilva@cavalluzzo.com)

Canadian Union of Postal Workers  
Attention: Jody Hutton  
Tel: 613-236-7238  
Fax: 613-563-7861  
Email: [jhutton@cupw-sttp.org](mailto:jhutton@cupw-sttp.org)

SkipTheDishes Restaurant Services Inc.  
c/o: Labarge Weinstein LLP  
515 Legget Drive  
Suite 800  
Kanata ON K2K 3G4  
Tel: 613-599-9600  
Fax: 613-599-0018