



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 document(s):

Decision - April 11, 2024

DATED: April 11, 2024

Catherine Gilbert
Registrar

Website: www.olrb.gov.on.ca

Address all communication to:

The Registrar
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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



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0019-24-R**

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

BEFORE: Patrick Kelly, Vice-Chair

DECISION OF THE BOARD: April 11, 2023

1. This is an application for certification filed under the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act").

2. In a decision dated April 8, 2024, the Board ordered a representation vote to commence on April 11, 2024. The Board did so in the absence of a timely response from the responding party. Among other things, the Board found that the application had been properly delivered to a law firm in Ottawa. In addition, the Board ordered both the applicant and the responding party to provide to the Board only the email addresses, mailing addresses, telephone numbers and employee numbers for each of the individuals in the voting constituency within their respective possession so that the Board would be in a position to provide electronic email notice of, and facilitate, the vote.

3. The Board is in receipt of correspondence dated April 11, 2024 from counsel for the applicant, as well as correspondence of the same date from counsel for the responding party together with the responding party's response to the application. (It would appear that both initial letters were prepared without either party having received the correspondence from the party opposite. However, two further letters from counsel for the applicant, also dated April 11, 2024, and another from the responding party were received by the Board, upon which I will comment later in this decision.) Counsel for the applicant notes that the applicant received from the Board a list of the names of 1896 individuals at 5:40 p.m. on April 10, 2024. The applicant says that the list is untimely and contains inadequate information (compared to what would normally be provided by a responding party in the form of a Schedule A

and Schedule B list). Counsel further observes that as of the date of his correspondence, the applicant had not received a response from the responding party, and that the applicant is not consenting to the late filing/delivery of same. The applicant claims serious prejudice.

4. Counsel for the responding party takes the position that the application was never properly delivered on the basis of certain allegations of fact and seeks reconsideration of the Board's decision of April 8, 2024 in this regard or the outright dismissal of the application. In the alternative, counsel requests that the Board receive the responding party's response (which objects to the holding of a vote in light of the improper delivery of the application, includes a section 8.1 objection, alleges there were no employees in the applicant's proposed bargaining unit on the date of the application, and provides a Schedule A list of 1807 individuals) for processing in the normal course, for reasons that need not be detailed here. The responding party says that, otherwise, it is irreparably prejudiced, and that the applicant will suffer no prejudice as a result of the Board processing the response.

5. I return to the additional correspondence of both parties. In the first letter, counsel for the applicant (not surprisingly) indicates its objection to the responding party's request that the Board receive and process the response to the application. In the second letter, counsel for the applicant makes lengthy submissions pursuant to a request that the Board order the responding party to provide personal contact information including email addresses and phone numbers for all potential members of the voting constituency ("Personal Contact Information") prior to the representation vote taking place, or that the Board simply provide this information to the applicant. The responding party responded in writing to the applicant's request for Personal Contact Information, indicating that it is opposed to the request and is preparing further submissions on its objection.

6. The Board is not prepared at this stage to determine the issues raised by the parties in their initial correspondence of April 11, 2024, nor is the Board prepared to delay or stop the vote that is currently in process. The Board is, however, prepared to consider further written submissions from the responding party in response to the applicant's request for Personal Contact Information; as well as any submissions by both parties that they may wish to make concerning whether in the circumstances the Board should order the ballot box sealed and the ballots individually segregated pending the determination of the issues raised by the parties (apart from the applicant's request for Personal Contact Information). Given that the voting continues until **April 17,**

2024, the parties are to file and deliver their written submissions on or before **April 12, 2024**. Any written submissions they wish to make in response to that of the party opposite are to be filed and delivered by **April 15, 2024**.

7. I am not seized.

"Patrick Kelly"
for the Board

APPENDIX A

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