

EMPLOYER VOTE PROCEDURES

INTRODUCTION

The *Labour Relations Code* allows for various types of secret-ballot votes. The Board **conducts** some of these votes, others it **supervises**. See: [[Employee Vote Procedures, Chapter 28\(f\)](#)]. Employers vote in certain circumstances to determine their views on the question at issue.

Employers cast ballots in the following types of Board-**conducted** votes:

- registration, see: [[Section 168\(1\)\(e\); Construction Registration, Chapter 25\(b\)](#)];
- cancellation of registration, see: [[Section 180\(1\); Construction Registration, Chapter 25\(b\)](#)]; and
- proposals, see: [[Proposal Votes, Section Chapter 28\(d\)](#)].

Employers cast ballots in the following types of Board-**supervised** votes:

- lockouts, see: [[Strike and Lockout Votes, Chapter 28\(b\); Single-Employer Lockout Polls, Chapter 28\(c\)](#)]; and
- construction industry lockouts, see: [[Strikes and Lockouts Under Registration, Chapter 25\(i\)](#)].

The actual procedures for supervising or conducting an employer vote are no different from those for an employee vote except there is usually a group of employers affected by the vote. This policy addresses the following issues:

- who to notify about the vote;
- who votes on behalf of an employer;
- vote arrangements; and
- special considerations for multi-employer votes.

Applicants must serve copies of any application on the respondent(s).

WHO TO NOTIFY ABOUT THE VOTE

Because the Board is sometimes only given the company name on an application for a Board conducted or supervised vote, give written notice of the vote to the person authorized under Section 61(1) and (2) to conclude a collective agreement. Get this information from the employer.

If the employer cannot be contacted for this information, conduct a Corporate Registry search and send the notice of vote to the employer's registered office address. If an employers' organization

(EO) or a registered employers' organization (REO) is affected by a vote, a representative of the EO or REO should provide the Board with the contact person for each employer. If not, get a list of the employers it represents. Conduct Corporate Registry searches and send the notice of vote to each employer's registered office address.

WHO VOTES ON BEHALF OF AN EMPLOYER

When conducting or supervising an employer vote, the officer must identify each corporate body and their authorized polling person. The eligible voter is normally a corporate body or a group of corporate bodies. This body or bodies must be clearly identified in order to determine who is eligible to vote. It is up to an employer's Board of Directors, Council or internal rules to determine what constitutes appropriate authorization. A corporate body can designate a company officer or other representative to vote on its behalf.

If the company or organization is headed by a Board of Directors, the company has one vote. Polling a Board of Directors does not mean asking each Director to vote and basing the result on a cumulative total. The person authorized to vote casts one ballot reflecting the collective decision of the Board of Directors. The Board's application form for a single employer lockout poll includes a Declaration of Voter that states who is authorized to cast the ballot on behalf of the employer.

VOTE ARRANGEMENTS

Where there are a number of employers involved in a single, Board-conducted vote, the Board looks to the affected parties for suggestions on the location and timing of a vote. If the voters are all in the same city, one central location for the polling is usually selected. If the voters are spread throughout the province, a mail-in ballot may be more appropriate. For more information on material and supplies for a vote, control of the polling station, voting procedures, handling disputed ballots and counting the ballots, see: [[Employee Vote Procedures, Chapter 28\(f\)](#)].

SPECIAL CONSIDERATIONS FOR MULTI-EMPLOYER VOTES

For information on determining who is eligible to vote in votes involving more than an individual employer, see the relevant sections of the Code and the Board's Voting Rules. Also consult the sections in this manual devoted to specific types of votes. Some employers' organizations have a weighted vote system as part of their ratification process. This must be considered when determining what constitutes a majority in a proposal vote. See: [[Proposal Votes, Chapter 28\(d\)](#)]. Section 187(5) outlines the percentage support required from employers in a lockout vote in the construction industry.