

## #15 PROPOSAL VOTES

### I. INTRODUCTION

In three situations, the *Labour Relations Code* provides for a vote on a proposal to settle a collective agreement. These Board conducted secret ballot votes are called "proposal votes".

The Code allows a proposal vote to be held on:

- the recommendations of a mediator;
- the recommendations of a Disputes Inquiry Board ("DIB"); or
- a party's most recent collective bargaining offer.

This Bulletin outlines how the Board will conduct proposal votes. The Board's Voting Rules contain specific rules about proposal votes and should be consulted. These formal rules prevail in the event of a conflict with this descriptive bulletin. *See: Voting Rules, Part II.*

Proposal votes are not available to parties bargaining under the *Public Service Employee Relations Act*.

### II. THE APPLICATION

#### **Disputes Inquiry Board**

A proposal vote must be held on any unaccepted recommendations of a disputes inquiry board. In such cases, no application is necessary. *See: Section 107(2).*

#### **Mediator's Recommendation or Party's Last Offer**

A party that has accepted a mediator's recommendation may apply to the Board to conduct a vote of the persons represented by the other party. *See: Section 68.*

Each party during collective bargaining has one opportunity to ask the Board to conduct a vote on its most recent offer. This can only be done after proposals have been exchanged. *See: Section 69.*

In either case, the party requesting the vote must complete an application form available from the Board. This form must be accompanied by the information required by the Rules. *See: Rules of Procedure, Rule 4.*

A completed application includes:

- a fully completed application form;

- a copy of the proposal or recommendation to be voted upon;
- a copy of the most recent collective agreement between the parties;
- a list of affected employers or employees; and
- a statement in a form prescribed by the Board, confirming the application has been served in a manner approved by the Board, on any parties known to be affected by the proceeding or subsequently added by the Board. *See: Rules of Procedure, Rule 5.1.*

*See: Voting Rules, Rule 18, Rules of Procedure, Rule 6.*

The Board will conduct proposal votes as quickly as possible. This is particularly so when a strike or lockout is about to start, or in progress.

Employees or employers affected by the dispute are eligible to vote on a proposal. *See: Section 70(1).*

No application for a proposal vote will be accepted without a list of affected employees or employers. This will be used as a preliminary voters list. Employers and employers' organizations applying for a proposal vote must advise the Board of the number of affected employees at each work location. This gives the Board an early indication of the time and resources necessary for the vote. *See: Voting Rules, Rule 18.*

### **III. THE PROPOSAL**

In all proposal votes the Board will take steps to let the voters know the proposal being voted upon. This may include postings at the work site or other suitable locations. It may include a mailout or similar mechanism. *See: Voting Rules, Rule 21.*

Where the proposal to be voted on is a mediator's recommendation, the applicant must provide a true copy of that recommendation. Where the proposal is a Disputes Inquiry Board report, the Board will obtain the report directly.

Where a party applies for a vote on its last collective bargaining offer, that offer may not be entirely in writing. The applicant must provide an accurate and complete written version of its last contract offer. An authorized representative of the applicant must certify it as complete and accurate. *See: Voting Rules, Rule 19.*

Before a last offer vote is taken, the Board must be satisfied that the offer, if accepted, could form the basis of a collective agreement. The Board encourages the parties to make their offers clear and concise. *See: Section 69(2).*

Applicants should restrict their proposals to the terms of agreement proposed and avoid editorial comment.

The Board will examine the proposal to ensure that voters can identify and understand the terms proposed without difficulty. If the proposal is vague, ambiguous or otherwise could not form a collective agreement, the Director of Settlement may return the proposal to the applicant for clarification or amendment. *See: Royal Alexandra Hospitals v. UNA and UNA Local 200 [1995] Alta.L.R.B.R. 355.*

## **IV. PRELIMINARY DIRECTIONS**

The Director of Settlement is the Chief Returning Officer for proposal votes. *See: Voting Rules, Rule 4.*

The Director will normally appoint a Returning Officer as soon as an application to conduct a proposal vote is received. *See: Voting Rules, Rule 6.*

The Returning Officer will contact the parties immediately to discuss the details of the vote. The Officer will try to secure early agreement on the date, time and places of the vote and distribution of the proposal. Where agreement cannot be reached, the Returning Officer will give these directions. *See: Voting Rules, Rules 8(a), (b), 21.*

A proposal vote among employees will generally be held on the employer's premises or at a work site where a significant number of employees work.

The Director of Settlement may direct an advance poll or mail-in vote. Given the expedited nature of most proposal votes, advance polls will be rare. Mail-in votes may be directed where members of an employers' organization are being polled. *See: Voting Rules, Rule 8(e), (f).*

If a party objects to a preliminary direction of a Returning Officer or the Director of Settlement, it should make written objection to the Board, with reasons for the objection, within 24 hours of being notified of the direction. The Board may hold an expedited hearing on such an objection. *See: Voting Rules, Rule 10.*

## **V. THE VOTERS LIST**

The Board uses the list of employers or employees supplied with the application as its preliminary voters list. The application and the list are forwarded to the other party as soon as they are received. The Board decides eligibility to vote in proposal votes in the same way as representation votes. *See: Voting Rules, Rules 16, 17, 20.*

Information Bulletin 14 explains these eligibility rules.

Challenges to eligibility of individual voters will not be heard in advance of the vote. If a party objects that the voters list is generally unrepresentative of the bargaining unit (e.g. entire groups or classes of persons are wrongly included or excluded), a preliminary objection should immediately be made in writing to the Board. The Board may convene an expedited hearing to resolve this kind of objection.

## **VI. DISTRIBUTION OF THE PROPOSAL**

The Returning Officer will direct the manner in which the proposal to be voted on will be distributed to voters. In votes of employees, the preferred method will be posting of a Notice of Vote with the proposal (and often the most recent collective agreement) attached. In larger bargaining units, multiple postings will be ordered. *See: Voting Rules, Rule 21.*

The Board may supplement posting by other means. In small bargaining units, it may direct that copies of the proposal documents be distributed or mailed to employees. It may direct that copies be

deposited in the workplace for employees to pick up. In very large or geographically-dispersed units, the proposal may be published in the press.

## **VII. PRE-VOTE HEARINGS**

Unlike representation votes, the Board need not hold a hearing prior to every proposal vote.

If a party objects that a proposal could not, if accepted, form a collective agreement, or does not accurately represent the party's most recent offer, the objection will be scheduled for hearing on an expedited basis.

## **VIII. CONDUCT OF THE VOTE**

Once the details of the vote have been set and all preliminary questions are resolved, a proposal vote proceeds in exactly the same manner as a representation vote. *See: Bulletin 14.*

For information on advance polls, electioneering, scrutineers, and objections to the conduct of the vote, please refer to the Board's Information Bulletin 14 on representation votes.

*See also:*

Information Bulletin 14  
Rules of Procedure, Part II

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