

Date:	August 12, 2020	Hearing Type:	Administrative	Hearing No:	Hearing-000638
Location:	Board's Office (E) 501, 10808 - 99 Avenue Edmonton, AB			Start Time:	8:30 AM
				End Time:	9:10 AM
				<i>*Time does not include preparation or decision writing time.</i>	
Member(s):	Ian Smith, Vice-Chair	Panel Type:	Not Seized		
		Hearing Coordinator:	Nicoleta Taslaoanu		

Process File(s): CR-05696

Hearing Outcome Types:	Hearing Outcome Type	Hearing to Reconvene	Notes
	Board Adopts LRO Report; Directs Vote Oral Decision Issued – Letter to Follow		<p>DECISION PROVIDED ORALLY TO THE PARTIES DURING VIDEO-CONFERENCE HEARING ON WEDNESDAY, AUGUST 12, 2020</p> <p>With respect to the Employer's objection to the Board Officer's recommendation for a mail-in vote, I have considered the oral and written submissions of the parties and am satisfied there is no compelling basis in this case to depart from the Board's current default policy of conducting representation votes by mail-in ballot.</p> <p>The Employer's submissions for why an in-person vote is the only appropriate approach for the representation vote are, in my view, predominantly speculative, in that mail-in ballots may be lost or delayed; employees may not be residing at residences currently on file; employees may not pick up or read their mail; and employees may not properly complete and return the mail-in ballot. Most of these perceived problems can be addressed in the timing of the vote, the cross-checking of employee addresses, the issuance of notices regarding the mail-in vote; and the provision of clear instructions on how to mark and return the ballot. The Board has a solid track record in conducting successful mail-in ballot votes and there is no compelling information before me to suggest that would not be the case here.</p> <p>The speculative concerns about the mail-in vote do not, on balance, outweigh the very real and present public health and safety concerns that exist in relation to the coronavirus and the ongoing pandemic.</p> <p>The Employer's concern that its workforce is culturally diverse and there may be language limitations that could negatively impact voter comprehension in a mail-in ballot process can be addressed by the Board, working with the parties, to ensure the instructions accompanying the mail-in</p>

ballot are clear and understandable and, if necessary, translated into other languages. The Board has experience in assisting parties in this regard and I have confidence that concern can be addressed.

I do not accept the Employer's assertion voter response via an in-person vote will be assuredly higher than via a mail-in vote. The current circumstances, in particular as relating to a pandemic, do not guarantee such an outcome. Compelling reasons exist from both sides for why voter response will be superior and I find this an unpersuasive factor.

The fact that the provincial government has taken steps to open up society somewhat does not mandate that the Board should follow by taking on the unnecessary public health and safety risk of an in-person vote. Public health messaging still asks that the public avoid or minimize risk. A reliable representation vote can be conducted via mail-in ballot at a far lower risk to public health.

As a result, the Board declines the Employer's request for an in-person vote. The current circumstances justify the vote proceeding by mail-in ballot and I so direct. The Board Officer will work with the parties to finalize the details of the mail-in vote.

Case Management Directive

FURTHER CASE MANAGEMENT DIRECTIVE

With the employer's objections dismissed, given there are no other objections filed to the Board Officer's report, that report is adopted for the purposes of the mail-in ballot vote.

Exhibit No.(s) Filed: _____

Notes: _____

Approved by:



Ian Smith, Vice-Chair

Parties Involved:

Party No.: ER-12409
Carpenter Enterprises Inc.

Party No.: CL-02158
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (United Steelworkers), Local 1-207

Matter(s) Involved:

Process File: CR-05696 **Location:** Edmonton **Officer:** Dan Galdamez

Application Date: 07/28/2020 **Application No:** CR-05696-APP-00001 **Matter No:** 001

Applicant(s): CL-02158 United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 1-207

Section No: 32 Certification

Application for certification for a unit of "All employees at the 4840 52 Avenue McDonald's In Red Deer except office and clerical personnel ". Estimated unit of 52 employees.