

STRIKE VOTE REGULATIONS

(Section 81)

48. In this regulation "vote" means a strike vote under section 81 of the Code.
49. Prior to a vote being conducted pursuant to section 81, the trade-union shall notify the Labour Relations Board in writing, setting out the name of the employer and the certified bargaining agent and such other facts as will adequately identify the dispute, and the name of the returning officer appointed in accordance with this regulation. *done*
50. All employees in the bargaining unit, whether or not they are members of trade-unions taking a vote conducted under section 81, are eligible to vote and shall be given a reasonable opportunity to vote. *post signs*
51. (1) A trade-union proposing to conduct a vote under section 81 shall appoint a person to be the returning officer to conduct the taking and counting of a vote and, prior to the taking of the vote, shall notify the Minister and the board in writing of the name and address of the returning officer. *letter re deputies*
 (2) The returning officer may appoint such deputy returning officers and clerks as he considers necessary, and may delegate to the deputy returning officers any or all of his duties under this regulation.
52. The returning officer shall
- (a) determine the date and time for taking the vote, ✓
 - (b) subject to the direction of the board, determine the form of ballot, ✓
 - (c) determine the number and location of places where the vote shall be taken and take adequate provision to ensure the privacy of the voter and the secrecy of the ballot during the taking of the vote.
 - (d) prepare notices of the vote in a form authorized by the board and post those notices not less than 48 hours before the taking of the vote in such places as will be reasonably likely to give notice of the poll to the employees in the bargaining unit,
 - (e) invite the trade-union to appoint, in writing, scrutineers, and permit 2 scrutineers at any one time to be present during the taking and counting of the vote,
 - (f) prepare a list of employees eligible to vote, and furnish a copy of the list to the board, the trade-union, the employer and each scrutineer,
 - (g) refer to the board any question as to the eligibility of a person to vote,
 - (h) prior to balloting, examine the ballot-box in the presence of the scrutineers, if any, remove the contents, if any, and ensure that it remains closed and provide for the security of it during balloting,

- (i) except as provided in section 58, hand the ballot to the voter,
- (j) keep a record of the persons to whom ballots are issued,
- (k) provide for the deposit in a sealed envelope identified by name of the voter, a ballot cast by a person whose eligibility to vote has been contested under this regulation and refer every contested ballot to the board for decision as to the eligibility of the voter,
- (l) at the close of the poll, open the ballot-box, count the ballots in the presence of the scrutineers, if any, prepare and sign a statement of the poll showing the number of ballots cast and the number of ballots counted, spoiled, or contested, request the scrutineers present to sign the statement of the poll, file it with the board and deliver a copy to the trade union,
- (m) on completing the count of the vote, including contested ballots ruled on by the board to be eligible, forthwith prepare and sign a return of the poll showing the number of votes cast in the affirmative and the number of votes cast in the negative, file the return with the board and deliver a copy to the trade-union,
- (n) at the time of filing the return of poll, forward to the board the marked ballots, unused ballots, copy of the notice of poll, letters of appointment of scrutineers, all voters' lists and a record of persons to whom ballots were issued, and
- (o) give such special directions or instructions as the returning officer considers necessary for the proper conduct of the vote

53. A scrutineer shall, in respect of the polling-place to which is assigned,
- (a) deliver a letter of appointment to the returning officer or deputy returning officer, and
 - (b) prior to balloting, examine the ballot-box in the presence of the returning officer or deputy returning officer.

54. A scrutineer may, in respect of the polling-place to which he is assigned,
- (a) contest the eligibility of a person to vote if the scrutineer has reason so to do, and
 - (b) sign the statement and return of poll.

55. The following general rules apply to the taking of a vote:
- (a) on receipt of a ballot, the voter shall mark it with an "X" in the appropriate prescribed space indicating his choice and, in the presence of the returning officer, deputy returning officer, or clerk, deposit the ballot in the ballot-box and leave the premises;
 - (b) all issued ballots that are not marked, or are marked otherwise than in one of the prescribed spaces, or have on them writing or a mark other than "X" shall be declared spoiled, but where the voter has, in the opinion of the returning officer or deputy returning officer, clearly indicated his choice by some other mark, the returning officer, whose decision shall be final, may declare the ballot not spoiled and count it accordingly;

- (c) no person shall impede or otherwise interfere with a voter during the marking of his ballot or do any other thing that may detract from the secrecy of his vote.

56. Ballots shall be in such form and the voting conducted in such a manner that an employee's vote cannot be identified.

57. Every ballot shall pose the following question:

Are you in favour of a strike? Yes No

58. Where the trade-union requests or the board directs that a mailed vote should be conducted, the following conditions, in addition to the other provisions of this regulation, apply:

(a) the returning officer shall

(i) furnish each employee eligible to vote with

(A) a ballot

(B) a letter setting out the information contained in the notice referred to in section 49, and instructions for voting,

(C) a blank envelope with the word "ballot" printed on it, and

(D) an addressed envelope for the return of the ballot, with a space in the upper left-hand corner for the signature of the voter.

(ii) designate the time and place for counting the ballots, and so notify the scrutineers, and

(iii) in the presence of a scrutineer, if any, deposit in the ballot-box the unopened ballot of each eligible voter:

(b) a ballot

(i) need not be returned, and shall not be counted, until 10 days have expired after the day the ballots were either mailed or delivered by the returning officer,

(ii) that is not received within the time specified by the returning officer for the taking of the vote shall not be counted.

(iii) returned in an unsigned envelope is a spoiled ballot;

(c) a ballot forwarded to a voter by the returning officer in the ordinary course of mail shall be deemed to have been received by that voter.

60. The board shall preserve and keep all ballots and other documents relating to the conduct of the vote for a period of three months after the date of the counting of the vote, or such longer period as the board may determine.

61. Applications to the board under section 81 (2) of the Code shall

(a) be in writing,

(b) specify the grounds for the application, and

(c) be made within 7 days after the date on which the report of

the returning officer is filed with the board

62. The board shall appoint persons to be present during the taking and counting of a vote and the returning officer, deputy returning officer and clerks shall give those persons access to
- (a) the polling-places or any other place where votes are taken and counted, and
 - (b) all lists, records, ballot forms and other documents used in the taking and counting of the votes.
63. (1) Where the returning officer reports in the board that,
- (a) under the circumstances, it is impossible or impractical to comply strictly with this regulation, or
 - (b) there has been an omission or impediment in carrying out this regulation, or in complying with the time allowed to do any act,

the board may make orders varying or suspending a provision of this regulation that are not inconsistent with the Act and are necessary for the purpose of facilitating and regularizing the casting and counting of the vote while maintaining the privacy of the voter and the secrecy of the ballot.

- (2) An order made under this section is not a regulation under the Regulations Act.