

Case Name:
Polaris Star Suites Inc.

**International Alliance of Theatrical Stage Employees
and Moving Picture Technicians, Artists and Allied
Crafts of the United States, its Territories and
Canada, Local 411, Applicant v. Polaris Star Suites
Inc., Responding Party**

[2003] O.L.R.D. No. 586

File No. 3800-02-R

Ontario Labour Relations Board

**BEFORE: Mary Anne McKellar, Vice-Chair, and Board Members
J.A. Ronson and D.A. Patterson**

February 25, 2003

(11 paras.)

DECISION OF THE BOARD

- 1** This is an application for certification.
- 2** It appears that the applicant has not previously been found to be a trade union within the meaning of section 1(1) of the LABOUR RELATIONS ACT, 1995, (the "Act"). The applicant is therefore directed to, not later than March 14, 2003, file with the Board and deliver to the other parties copies of all materials upon which it intends to rely in establishing that it is a trade union within the meaning of section 1(1) of the Act.
- 3** The responding party, although duly served with the application material on February 20, 2003, according to the certificate of delivery filed by the applicant, failed to file its response with the Board within the time stipulated by Rule 69 of the Board's Rules of Procedure.

4 It appears to the Board on an examination of only the information provided in the application and the information and membership evidence filed by the applicant (see section 8(3) of the Act), that not less than forty per cent of the individuals in the bargaining unit proposed in the application for certification were members of the union at the time the application was made.

5 The Board directs that a representation vote be taken of the individuals in the following voting constituency:

all employees of the Responding Party in the Province of Ontario, save and except supervisors and persons above the rank of supervisor.

6 The vote will be held on February 27, 2003. Other vote arrangements will be as determined by the Registrar and set out on the attached "Notice of Vote and of Hearing".

7 All individuals who had an employment relationship with the responding party in the voting constituency on February 20, 2003, the certification application filing date, are eligible to vote. Employees having an employment relationship on February 20, 2003, the certification application filing date, include employees who were not at work on that date, so long as there is a reasonable expectation of their return to employment.

8 Voters will be asked to indicate whether or not they wish to be represented by the applicant in their employment relations with the responding party.

9 The responding party is directed to post copies of this decision and of the "Notice of Vote and of Hearing" adjacent to each of the posted copies of the "Notice to Employees of Application for Certification". These copies must remain posted for 30 days.

10 Any party or person who wishes to make representations to the Board about any issue remaining in dispute which relates to the application for certification, other than status disputes, including any matters relating to the representation vote, must file a detailed statement of representations with the Board and deliver it to the other parties, so that it is received by the Board within five (5) days (excluding Saturdays, Sundays and holidays on which the Board is closed) of the date on which the vote is taken. Representations with respect to any status dispute must be made in accordance with the directions provided in Information Bulletin No. 4: Status Disputes in Certification Applications (Non-Construction).

11 The matter is referred to the Registrar.

cp/e/qlesm