

PROVINCE OF NEW BRUNSWICK

FILE NO. _____



Industrial Relations Act
(R.S.N.B., c. I-4)

APPLICATION FOR A DECLARATION TERMINATING
BARGAINING RIGHTS, CONSTRUCTION INDUSTRY
BEFORE THE LABOUR AND EMPLOYMENT BOARD
CONSTRUCTION DIVISION

Between:

Applicant,

-and-

Respondent.

The applicant applies to the Labour and Employment Board pursuant to section _____ of the Act for a declaration

*that the respondent no longer represents the employees in the bargaining unit for which it is the bargaining agent.

OR

*that the respondent was not, at the time an agreement was entered into, entitled to represent the employees in the bargaining unit.

The applicant states:

- 1. (a) Name of applicant:
- (b) Address of applicant:
- (c) Address for service:
- 2. (a) Name of respondent:
- (b) Address of respondent:
- (c) Address for service:

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*Strike out if not applicable

*3. (Where the applicant is not the employer)

(a) Name of employer of employees affected by the application:

(b) Address of employer:

*(c) Name of employers' organization affected by the application if the employer is a member thereof:

*(d) Address of employers' organization:

*(e) Address for service:

*4. (Where the applicant is the employer and is a member of an employers' organization affected by the application)

(a) Name of organization:

(b) Address for service:

5. Detailed description and geographic location of the unit of employees for which the respondent is the bargaining agent, including (as applicable) the municipality or other geographic area affected:

6. Approximate number of employees in the unit described in paragraph 5:

*7. (Where the application is made under subsection 42(1) of the Act by an applicant within the subsection) The applicant submits with the application:

(a) the document or documents by which employees in the bargaining unit have voluntarily signified that they support the application or have voluntarily signified in writing that they no longer wish to be represented by the respondent; and

(b) the following statements of representations in support of the application:

*8. (Where the application is made under subsection 42(2) of the Act by an applicant within the subsection)

The applicant submits with the application:

- (a) the document or documents by which the employees in the bargaining unit have voluntarily signified that they support the application or have voluntarily signified in writing that they no longer wish to be represented by the respondent; and
- (b) the following statement of representations in support of the application:

*9. (Where the application is made under subsection 23(2) of the Act by an applicant within the subsection)

The applicant submits with the application:

- (a) the document or documents by which employees in the bargaining unit have voluntarily signified that they support the application or have voluntarily signified in writing that they no longer wish to be represented by the respondent; and
- (b) the following statement of representations in support of the application:

*10. (Where the application is made under subsection 23(1) or (2) of the Act by an applicant within subsection 23(6))

The applicant submits with the application:

- (a) evidence that a substantial question exists as to whether the *trade union *council of trade unions is supported by or has the voluntary support of the majority of the employees in the unit; and
- (b) the following statement of representations in support of the application

*11. (Where the application is made under subsection 23(1) or (2) of the Act by an applicant within subsection 23(7))

The applicant submits with the application:

- (a) the document or documents by which employees in the bargaining unit have voluntarily signified that they support the application or have voluntarily signified in writing that they no longer wish to be represented by the respondent; and
- (b) the following statement of representations in support of the application:

*12. (Where consent to the application is requested under subsection 23(8) of the Act)
The applicant requests consent to early termination and submits with the application the following statement of representations in support of early termination:

*13. (Where the application is made under section 24, 25, 26 or 29 of the Act)
The applicant submits with the application the following statement of representations in support of the application made under section _____ :

*14. With respect to the application of section 30 of the Act to the application, the applicant submits the following statement of particulars known to the applicant with respect to each subsection thereof:

*15. Other relevant statements:

*16. Additional pages annexed or attached:

(a) Number of pages:

(b) Paragraph numbers of this form completed on the additional pages:

*17. In addition to the normal service of documents relating to this application, the applicant requests that copies be forwarded as follows (name and address):

Dated at _____, this _____ day of _____, 20 ____ .

(Signature and office)

(Signature and office)

N.B. This form must be completed and signed in accordance with provisions made in the Act and under the rules of the Board.

USE THIS FORM IN THE CONSTRUCTION INDUSTRY ONLY

*Strike out if not applicable