

FORM B

TRADE UNION/COUNCIL OF TRADE UNIONS

PROVINCE OF NEW BRUNSWICK



*Industrial Relations Act*

(R.S.N.B., Chapter I-4)

**REPORT TO THE MINISTER OF POST-SECONDARY EDUCATION, TRAINING AND LABOUR UNDER  
SUBSECTION 99(1) OF THE INDUSTRIAL RELATIONS ACT**

In the matter of a vote on **(PLACE CHECK MARK IN APPROPRIATE SQUARE(S))**

- (1) a strike under paragraph 94(1)(a) of the *Industrial Relations Act*;
- (2) a strike under paragraph 94(1)(b) of the *Industrial Relations Act*;
- (3) the acceptance or rejection of the report of a conciliation board under subsection 93(1) of the *Industrial Relations Act*;

.....  
(name(s) of trade union/council of trade unions)

herewith deposit(s) with the Minister the ballots and other documents relating to the taking of this vote in accordance with the requirements of subsection 99(1) of the Act.

- NOTE: (1) If one or more employers or trade unions are involved, the names and addresses of all must be listed.
- (2) If a council of trade unions, an employers' organization or an accredited employers' organization is involved, the names and addresses of the unions and of their official representatives, and the names and addresses of the individual employers must be given and the list must be appended to this form.

1. Address(es) for service (incl. postal code) of trade union(s) or council of trade unions:
2. Name(s) and address(es) for service (incl. postal code) of any employer, employers' organization or accredited employers' organization affected by the vote:
3. Name(s), address(es) and occupation(s) of returning officer(s) (that is, person(s) responsible for taking the vote):

\* Name(s), address(es) and occupation(s) of deputy returning officer(s) (that is, person(s) who assisted the person(s) responsible for taking the vote);

\*Strike out if not applicable.

4. \* Where a vote has been taken on the acceptance or rejection of the report of a conciliation board under subsection 93(1) of the Act AND on strike action: (PLACE CHECK MARK IN APPROPRIATE SQUARE)

(a) the votes were taken separately (complete a separate Form B for each vote)

(b) the votes were taken together

5. \* (a) The vote was held on ..... the ..... day of ..... 19 .....

(day) (date) (month) (year)

and on such additional days, if any, as hereinafter set out .....

.....

.....

\* (b) The vote was taken by MAIL, the ballots of which were mailed on ..... (day)

the ..... day of ....., 19 ....., and were returnable on .....

(date) (month) (year) (day)

the ..... day of ....., 19 .....

(date) (month) (year)

6. \* (a) The date of signing of recognition agreement: .....

\* (b) The date of certification of union: .....

\* (c) The date of signing of (last) collective agreement: .....

(i) parties bound by the agreement: .....

(ii) terms of agreement as to renewal or revision: .....

\* (d) The date of accreditation: .....

7. Under section 98 of the Act, the following condition expressed in paragraph 91(2)(a), (b) or (c) of the Act has been met: (PLACE CHECK MARK IN APPROPRIATE SQUARE)

(a) The Minister has been requested to instruct a conciliation officer to confer with the parties and *seven days* have elapsed from the date on which the Minister has released to the parties a notice under subsection 36(3) of the Act that the Minister does not deem it advisable to appoint a conciliation officer or to appoint a mediator under section 70 of the Act.

(b) the Minister has appointed a conciliation officer or a mediator, as defined in (a) above, to confer with the parties and *seven days* have elapsed after the Minister has released to the parties a notice that the Minister does not deem it advisable to appoint a conciliation board.

(c) The Minister has appointed a conciliation board and *seven days* have elapsed after the Minister has released to the parties the report of the conciliation board.

\* Date Notice Released .....

\* Date Report Released .....

\*Strike out if not applicable

8. \* Where a vote has been taken on the acceptance or rejection of the report of a conciliation board under subsection 93(1) of the Act or a vote has been taken on strike action and paragraph 94(1)(a) and subsection 94(3) of the Act apply or both of these votes have been taken: (PLACE NUMBERS IN APPROPRIATE COLUMN(S)):

Note: Record as "YES"	Strike Vote	Vote on Conciliation Board Report	Combined Vote on Strike and Conciliation Board Report
a) a vote favouring strike action where there is a separate strike vote or combined vote; or			
b) a vote favouring the acceptance of the conciliation board report where there is a separate vote on the conciliation board report			
(a) number of employees who, except for the exclusion under subsection 94(3) of the Act, would have been eligible to vote:			
(b) number of employees who voted:			
(c) number of eligible employees voting "YES":			
(d) number of eligible employees voting "NO":			
(e) number of spoiled ballots:			

9. \* Where a vote has been taken on the acceptance or rejection of the report of a conciliation board under subsection 93(1) of the Act or a vote has been taken on strike action and paragraph 94(1)(b) of the Act applies or both of these votes have been taken: (PLACE NUMBERS IN APPROPRIATE COLUMN(S)):

Note: Record as "YES"	Strike Vote	Vote on Conciliation Board Report	Combined Vote on Strike and Conciliation Board Report
a) a vote favouring strike action where there is a separate strike vote or combined vote; or			
b) a vote favouring the acceptance of the conciliation board report where there is a separate vote on the conciliation board report			
(a) total number of employees in the bargaining unit:			
(b) number of <i>members</i> in the bargaining unit:			
(c) number of <i>members</i> in the bargaining unit voting "YES":			
(d) number of <i>members</i> in the bargaining unit voting "NO":			
(e) number of spoiled ballots:			

NOTE: For the purpose of undertaking a legal strike when paragraph 94(1)(b) of the Act applies, a majority of the *members affected* under (b) above must support the strike and such majority of members must include a majority of employees in the bargaining unit.

\*Strike out if not applicable

10. \* Where additional pages have been annexed or attached, please state:

(a) number of pages:

(b) section(s) of this form completed on the additional pages:

11. Attached are

Ballots

List of Eligible Voters Who Voted

\* Under subsection 94(3) of the Act, list of employees scheduled to work who worked

\* Other (*Specify*)

Dated at ....., this ..... day of ....., 19 .....

(place)

(date)

(month)

(year)

We, the undersigned, hereby certify that:

- only those employees eligible to vote did so;
- those entitled to vote had ample opportunity to cast their ballots;
- all ballots cast in this vote were cast in such a manner that a person expressing his or her choice cannot be identified with the choice expressed;
- all statements in or documents attached to this report are true and correct; and
- except that required in the discharge of duty, no information pertaining to this vote will be disclosed to any person, other than the total number of votes cast "for" or "against" and such information will only be disclosed if authorized by the trade union(s) or council of trade unions, as the case may be.

.....  
(signature) Returning Officer  
(Person Responsible for Taking the Vote)

.....  
(signature) Officer of Trade Union(s)/  
Council of Trade Unions

**REFERENCES**

When a trade union or council of trade unions enters into the taking of a vote on strike action or a vote with respect to the acceptance or rejection of the report of a conciliation board, either separately or together, attention should be directed to section 91 of the Act. Subsection 91(4) of the Act has specific reference to persons employed full-time by a municipality or rural community as members of a fire department (see also section 80). Subsections 91(5) and (6) of the Act deal specifically with police officers. See also sections 92, subsections 93(1) to (3), section 94 and subsections 96(1) and (2), 97(1), 98(1), (2), (4) and (5) and 99(1) of the Act.

**NOTE:** All communications concerning this report should be addressed to:

**Director, Industrial Relations,  
N.B. Department of Post-Secondary Education, Training and Labour,  
P.O. Box 6000, Fredericton, New Brunswick  
E3B 5H1**

\*Strike out if not applicable

88-18; 2000, c.26, s.164; 2005-59; 2006, c.16, s.91; 2007, c.10, s.51