

Labour Relations Board certifying their employees, without employees having had any chance to express how they feel about being unionized.

If the government is determined to allow the Ontario Labour Relations Board to make the decision on certification on behalf of employees, the circumstances in which this power will be used must clearly be set out in the law. The ORHMA recommends that this section of the Bill be amended to:

- **set out the types of conduct that can trigger remedial certification, specifically:**
 - **repetitive acts or threats of physical violence against employees,**
 - **termination of two or more employees known by the employer to be authorized and acting as inside organizers on behalf of the trade union where the terminations are determined by the Board to be contrary to the Act, and**
 - **repeated breaches of an order of the Board;**
- **place the onus of proof on the applicant to prove that no other remedy exists;**
- **provide that a full, three-person panel of the Board must agree to remedial certification before it can be ordered; and,**
- **ensure in every case that employees are given at least one opportunity to cast a ballot, and exercise the democratic right to express their views.**