



January 2, 2001

Notice to the Labour Relations Community

Certification/Rescission Applications

The Board conducted public meetings with members of the Labour Relations Community in Saskatoon on November 29th and in Regina on November 30th regarding the proposed changes to the certification and rescission procedures. With minor exceptions, those appearing before the Board agreed with the amendments. We did receive comments from trade unions that the notice of hearing may give employees the false impression that a hearing will be conducted in all certification applications and that they will have a right to file material after the date of the application. The notice of application has been altered to better reflect the Board practice and to provide employees with some information on their rights and protections under the Act. The implementation of the new procedures will be delayed from January 1, 2001 to February 1, 2001. At that time, we anticipate that an investigating officer will be in place at the Board to assist with the completion of statements of employment.

The following procedure will be implemented by the Board effective **February 1, 2001**:

1. Hearing dates on all applications for certification/rescission will be set at the time the application is received by the Board. The hearing will be scheduled within twenty (20) days of receiving the application. For instance, if an application is received on November 1, 2000, it will be scheduled for hearing in the period from November 15 to November 20. The Board will notify the respondents of the hearing date when it forwards the application, reply form and statement of employment form to the respondents. The applicant will be notified at the same time. The Regulations currently require the respondent to file its reply and statement of employment within twelve (12) days after the date on which the application is received in the Board's office or within ten (10) days after the date on which a copy of the application was forwarded to the respondent. These rules will remain in force. The parties will be required to present all evidence and argument on the dates set for hearing by the Board and routine adjournments will not be granted to any party.

2. Parties will be advised by the Board if they are not required to attend at a hearing. If there are no matters in dispute between the Union and the Employer other than employee support for the application, the application will be dealt with in-camera by a panel of the Board.
3. The Board may direct an investigating officer to compile a statement of employment from the Employer's records and investigate other issues on the application. The investigating officer will file a report with the Board and forward copies by fax to the parties. Both parties will be directed to file any objections to the investigating officer's report with the Board and the opposing party within 24 hours of receipt of the investigating officer's report. If no objections are received, the Board will process the application in-camera based on the findings reported by the investigating officer. If objections are received, the Board will proceed with a hearing on the objections.
4. The Board will also use this opportunity to address the question of notice to employees. Currently, there is no requirement for posting a notice of a pending certification or rescission application. In some circumstances, employees wish to make representations to the Board but are unaware of their entitlement to appear at a hearing. The Board will prepare a Notice of Hearing to be posted by the Employer in each work site when an application for certification or rescission is filed with the Board. A draft copy of such a notice is attached.
5. The Board will issue Orders on each application within ten (10) days of the hearing date. Reasons for decision will be issued within the same time frame, as best as possible.

Gwen Gray
Chairperson