



MANITOBA LABOUR BOARD

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www.manitoba.ca/labour/labbrd

November 10, 2016

**MANITOBA LABOUR BOARD
INFORMATION BULLETIN NO. 3
THE CERTIFICATION PROCESS**

This bulletin is intended to provide the labour relations community with information relative to the procedure that will be implemented by the Manitoba Labour Board (the "Board") in processing applications for certification filed subsequent to November 10, 2016.

Effective November 10, 2016, the Board will be required to conduct representation votes in those certification proceedings where, pursuant to section 40(1)(a) of *The Labour Relations Act*, C.C.S.M. c. L10, (the "**Act**") greater than forty percent (40%) of the employees in a bargaining unit proposed by the applicant union appear to be members of that union on the date of application.

Upon receipt of an application for certification, the application will be processed by the administrative staff of the Board and will be served on the employer, in most cases, by an officer of the Board. Where that is logistically not possible, other means of service, including priority post, facsimile or email may be utilized. The material served on the employer will include the normal application documentation, as well as notice of a planning meeting to establish the voting criteria. The hearing date shall be set in keeping with the Board's established practice and procedure and notice of such hearing shall be included with the material provided. Correspondence confirming receipt of the application, together with notice of the planning meeting and the hearing date, will simultaneously be sent to the applicant union and other interested parties.

The *Manitoba Labour Board Rules of Procedure, Regulation 184/87R*, requires the employer to file its return within two (2) days of receipt of the application for certification. It is contemplated that a planning meeting will be scheduled shortly after the filing of the employer's return. It is further contemplated that, although the legislation provides other than in cases where the Board is satisfied that exceptional circumstances exist, a vote must be held within seven (7) days, most votes will be conducted on the sixth (6th) or seventh (7th) day.

Where there is a dispute in respect to the appropriateness of the bargaining unit affecting voter eligibility, the disputed ballots will be double-sealed and the sealed ballot box will be returned to the Board's office pending the Board's determination of those issues on the previously scheduled hearing date. Situations where a party or parties purport that they should be treated as falling within the exceptional provisions of the certification process will be dealt with according to the merits of the particular case.

A copy of ***The Labour Relations Act***, C.C.S.M. c. L10, and the ***Manitoba Labour Board Rules of Procedure, Regulation 184/87 R***, may be viewed on the Board's website at www.manitoba.ca/labour/labbrd, and/or obtained from Statutory Publications, 10th Floor – 155 Carlton Street, Winnipeg MB R3C 3H8, Telephone: 204-945-3101.

If you require additional information, please contact the Board's office at 204-945-2089.

Date: November 10, 2016