

OBJECTIONS

Two processes go on at the same time during a certification application.

1. an officer investigates facts for the Board, and then the Board makes a ruling; and
2. the people affected (i.e., the employer, union and employees) decide whether they oppose the application or want to raise concerns over particular issues.

This policy describes:

- how employers and unions make objections to an officer's report; and
- how employees make known objections to an application.

FORMAL OBJECTIONS AND RESPONSES

Employers, other affected trade unions and employees may object to an application for certification. Normally, the objection is framed as an objection to something in the Board officer's report, rather than general opposition. Objections must be in writing. Objections must be filed with the Board. Objections must be clear, specific and detailed. See: [[Particulars, Chapter 19\(b\)](#)]. The Board expects more than a general objection without particulars. Rather than saying "the bargaining unit is inappropriate" the objector should say why that is so.

The Director of Settlement's letter sending out the officer's report tells all affected parties they must file their formal objections to the officer's report no later than one full business day prior to the hearing. The objections must be copied to all affected parties. Parties must particularize their objections to the officer's report. If the report goes out late, the Board **may** change the deadline or the hearing date, with suitable notice to the parties. The Board has the discretion to accept late objections or to adjourn a hearing, but only does so cautiously. See: [[Rule of Procedure 26, Information Bulletin #3](#)]. If a hearing is adjourned because the parties are not available, this does not change the deadline for filing objections.

Acknowledge all correspondence and formal objections in a single letter to all parties. **Be careful to protect employee trade union selection information.** Officers should make sure all parties have all the necessary correspondence before the hearing. Parties who need Notices to Attend must follow the procedures set out in Information Bulletin #5. See: [[Notice to Attend and Produce, Chapter 32](#)].

The Board usually avoids dealing with inclusion or exclusion disputes at the hearing unless they affect the 40% support. If the 40% support is jeopardized, the Chair or Vice-Chair orders a vote (based on the initial investigation report) with the ballot box sealed at the end of the vote.

Then the Board conducts a panel hearing with the parties to deal with the 40% issue and any other objections. Sometimes the hearing into the 40% objections is held as scheduled before the vote is ordered. See: [[Information Bulletin #8](#)]. Try to sort out these issues wherever possible during the process. Record any agreement. The Returning Officer makes a ruling at the polling station if any disputed individual attends to vote. If someone challenges the ruling, the Returning Officer double-seals the disputed ballot(s), seals the ballot boxes and returns them to the Board. The Board then schedules the dispute for hearing as soon as possible. See: [[Representation Votes, Chapter 28\(a\)](#)].

EMPLOYEE INVOLVEMENT

When an application is received, the Board notifies bargaining unit employees by having the employer post a Notice to Employer and Employees at the worksite. This notice describes the application and gives the hearing date. It tells employees how to contact the Board if they want to make any submissions about the application. The Board has a toll-free 1-800 number to make it easier for employees to contact the Board about applications. See: [[Telephone Procedures, Chapter 12\(a\)](#)]. Treat employees who choose to register formal objections and become involved as intervenors in the same way as any other affected party.