

CERTIFICATION HEARINGS

INTRODUCTION

The Board normally holds a hearing for each certification application. This hearing allows the Board to review the officer's report and make a decision about the application. Each party's objections to the officer's report are also heard and considered. This policy discusses:

- the Board hearing; and
- cancelling a hearing.

BOARD HEARINGS

Normally, certification applications are heard by a Chair or Vice-Chair sitting alone approximately 10 days after a certification application is filed. This hearing takes place on the date scheduled by the officer at the outset of the certification process. At least 24 hours before any hearing, the officer contacts the parties to find out if they are filing objections.

If there are objections to the application or the officer's report affecting the 40%, the hearing may take place as scheduled. If the parties are not all available or they do not agree to the Chair or Vice-Chair sitting alone, then a panel of the Board must be scheduled to hear from the parties in order to deal with the objections (including the 40%). Meanwhile, the Chair or Vice-Chair sitting alone normally orders a vote with the ballot box sealed pending a hearing into the objections (including the 40% support). If a hearing is necessary after the vote, schedule it as soon as possible.

If a hearing is necessary, the Board will usually rely on the officer's report unless a party raises facts that show the officer's report is incorrect or incomplete. See: [[Rule of Procedure 26](#)].

At the hearing the Board decides:

- bargaining unit appropriateness;
- trade union status;
- the timeliness of the application;
- if there is evidence of 40% support among employees in the bargaining unit;
- the voluntariness of petition signatures if the Board, the officer or a party has concerns about them; and
- the date, time and place of any vote.

The Board usually decides these issues right away. Sometimes the Board may adjourn a hearing or reserve the decision. Sometimes, the Board decides only those issues necessary to order a vote. See: [[Section 32\(2\)](#)]. It orders the representation vote but seals the ballot box until it completes its hearing into the rest of the issues. See: [[Representation Votes, Chapter 28\(a\)](#)].

At the hearing, the Board usually adopts the vote arrangements recommended in the officer's report, or leaves it to the officer to arrange the vote.

Record whichever option the Board selects in the hearing summary.

CANCELLING A HEARING

The Board may cancel a hearing. This occurs when there are no objections to the officer's report. The officer's report must also leave no issues to be decided by the Board. There are three steps to cancelling a hearing:

- confirming there are no objections;
- notifying affected parties of the hearing cancellations; and
- processing the application.

Confirming There Are No Objections

At least 24 hours before the hearing, the officer contacts the parties to find out:

- if they will attend to hearing;
- if they are filing objections;
- if not, whether they consent to cancelling the hearing;
- who will represent them at the hearing; and
- the number of witnesses and the expected length of their presentation.

If no one wishes to raise objections, the Board may deal with the case without an in-person hearing. See: [[Hearings, Chapter 34\(a\)](#)]. If any of the parties demands a hearing, it must go ahead. For example, trade union status is investigated by the officer. If there is an objection to this finding, the trade union must prove its status. Each hearing must have a record of the events that took place during the hearing. See: [[Hearing Summary, Chapter 34\(b\)\(ii\)](#)].

Notifying Affected Parties of the Cancellation

If there are no objections and the parties agree to waive the hearing, prepare a memo to that effect. Post the memo on the file as a supporting document. See: [[Standard Letters & Documents, Chapter 21\(h\)](#)]. Contact the Hearing Co-ordinator who tells the panel members of the cancellation.

Processing the Application

If the Board receives no objections, it processes the application based upon the information in the officer's report. In these cases, a Chair or Vice-Chair can sit alone. If there are objections, see: [[Objections, Chapter 21\(e\)](#)].