

HEARINGS

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

- if they will attend the hearing;
- if they are filing objections;
- who will represent them at the hearing; and
- the number of witnesses and the expected length of their presentation.

The hearing coordinator prepares packages or resumes for the Board panel members.

If an employer, former employer or trade union made the application and no one wishes to raise objections, the Board may deal with the case without an in-person hearing (see below). If the application is employee initiated and the officer has left it to the Board to decide the voluntariness of the signatures, the spokesperson for the petitioners must attend the hearing to answer questions about the voluntariness of the petition signatures.

Each hearing must have a hearing summary that records the events that took place during the hearing. See: [[Hearings, Chapter 34](#)].

If there are objections to the application or the officer's report, the Board will hear from the parties on these matters at the hearing. Often, when the parties come together for the hearing, the Board officer helps them resolve any disputes before the hearing starts. See: [[Role of the Officer, Chapter 20](#)]. 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:

- the timeliness of the application;
- if there is evidence of 40% support (if the application was made by a group of employees);
- if the signatures on the petition were gathered voluntarily; 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 on those issues necessary to order a vote. 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 until completion of hearing into the rest of the issues. See: [[Representation Votes, Chapter 28\(a\)](#)].

At the hearing, the Board will either:

- adopt the vote arrangements recommended in the officer's report;
- modify the arrangements recommended in the officer's report, if necessary; or
- if the officer's report makes no recommendations, arrange the vote right there or leave it to the officer to arrange the vote later. If the panel alters or makes vote arrangements, it should consult with the officer first to make sure its directions are workable.

For more information on arranging and conducting votes, see: [[Representation Votes, Chapter 28\(a\)](#); [Employee Vote Procedures, Chapter 28\(f\)](#)].

CANCELLING A HEARING

If there are no objections to the revocation application and the officer's report, the Board may cancel the scheduled hearing. The Board decides the application on the basis of the officer's report. The Board will still hold the hearing if objections exist or an affected party asks for a hearing.

If it appears a hearing can be cancelled, the officer must:

- confirm there are no objections;
- notify affected parties of the hearing cancellation; and
- process the application without a hearing.

Confirming There are No Objections

Twenty-four hours before the hearing, the assigned officer confirms there are no objections by telephoning the union, the employer or former employer, and any employees with status.

Notifying the Affected Parties of the Cancellation

Tell the affected parties that the Board has received no objections. Then discuss cancelling the hearing. If they agree to waive the hearing, cancel it. If any affected party insists on a hearing, the hearing goes ahead as scheduled. This is so, even if no one files an objection.

Prepare a memo to file confirming the Board received no objections to the application or the officer's report. It confirms whether the parties agreed to waive the hearing. Post the memo on the file as a supporting document. Contact the Hearing Co-ordinator who tells the panel members of the cancellation. This must be done no later than 4:00 p.m.

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, Chair or Vice-Chair can sit alone. If there are objections, see: [\[Objections, Chapter 23\(e\)\]](#). The Board will order a representation vote if there are employees in the unit and the application meets the relevant requirements. If not, it may dismiss the application. In applications from former employers or trade unions, the Board grants or denies the application without a vote.