

# CONSOLIDATION OF CERTIFICATES

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## INTRODUCTION

The Board may consolidate certificates belonging to one or more bargaining agents. Unions may desire consolidation due to changes following certification. For example, a union may become certified for several units of similar employees of a particular employer. It may be more administratively convenient to consolidate them into one single certificate. This policy describes:

- the statutory requirements;
- the application;
- processing the application; and
- the disposition of the application.

## THE STATUTORY REQUIREMENTS

Section 41 of the [Code](#) sets out the statutory requirements of a consolidation application:

41(1) One or more certified bargaining agents may apply to the Board for the consolidation of certificates of one or more bargaining agents into a consolidated certificate.

(2) When the Board, after any inquiry it considers necessary, is satisfied that the certificates of the bargaining agents should be consolidated, the Board shall issue a consolidated certificate

- (a) naming the trade union or trade unions as the certified bargaining agent or agents,
- (b) naming the employer in respect of which the trade union or trade unions are certified as bargaining agent or agents, and
- (c) describing the unit in respect of which the trade union or trade unions are certified as bargaining agent or agents.

(3) When a consolidated certificate is issued, the Board may declare which collective agreements, if any, shall continue in force and which collective agreements, if any, shall terminate.

## THE APPLICATION

Only a certified bargaining agent or agents may apply for consolidation of certificates. The application is usually in the form of a letter with supporting documents. The applicant must serve a copy of the application on the respondent. See: [[Rules of Procedure 5.1 and 6](#)]. The Director of Settlement checks the application for:

- the names and contact information of all affected parties and their counsel (if any);
- the certificate or certificates affected;
- what the applicant or applicants propose to do; and
- any documents submitted in support of the application.

Bring any deficiencies to the attention of the applicant(s) immediately. Have them provide missing information before accepting the application. Enter the matters in the database and open a process file. The Director of Settlement then assigns it to an officer.

## PROCESSING THE APPLICATION

The officer contacts all the parties about the application. To inform affected employees of the application, the Board prepares notices and directs the employer to post them. The notices give a brief description of the application. They tell affected employees who have objections or comments to contact the Board—usually within 14 days. The Director of Settlement, usually with the officer, decides on a dispute resolution strategy. See: [[Dispute Resolution Initiatives, Chapter 19\(c\)](#)].

These applications are not usually complex. Often, the parties can agree to the facts and may be able to resolve any differences with little help from the officer. At other times they may require extensive officer assistance to:

- **Compile a list of agreed documents to use as exhibits in a hearing.** This will narrow the issues and shorten the time of the hearing.
- **Compile a statement of agreed facts.** There may be non-contentious events that do not require the evidence of an individual before the Board.
- **Discuss settlement options.**

Meet with the parties to get information for an officer's report. The officer looks for the following:

- the certificates involved;
- the units of employees affected, and how;
- the bargaining agents involved;
- the collective agreements involved;
- how circumstances have changed since the issuance of the certificates to warrant the consolidation; and
- how the unit on the consolidated certificate should be described.

The strategy may require the officer to make a recommendation as to how to dispose of the application, such as:

- which trade union or trade unions to name as the certified bargaining agent;
- which employer to name on the consolidated certificate;
- what is the appropriate bargaining unit; and
- which collective agreement should remain in force, and which one should terminate.

At yet other times, the matter is set down to hearing immediately.

## **DISPOSITION OF THE APPLICATION**

If the Board finds consolidation appropriate, it will revoke the individual certificates and issue a consolidated certificate. It will name the trade union or trade unions, and the employer as well as describe the unit. The Board may also declare which collective agreement or collective agreements will continue in effect and which ones will terminate. Once the Board makes its decision, advise the parties in writing, and issue the consolidated certificate(s). Revoke the previous certificates. Update the database and close the file.