

CLERKING PROCEDURES

INTRODUCTION

The Hearing Co-ordinator and the presiding Chair or Vice-Chair have a number of responsibilities before, during and after regular and urgent hearings. In addition to the initial scheduling of a hearing and the booking of Board members, see: [[Hearings and Scheduling, Chapter 34\(a\)](#)], the Hearing Co-ordinator is responsible for:

- preparing and distributing hearing packages;
- preparing the hearing room; and
- gathering participant information.

The presiding Chair or Vice-Chair is responsible for:

- introducing the Board panel, the participants and the particulars;
- controlling the exhibits;
- swearing in witnesses;
- preparing the hearing summary; and
- retaining exhibits.

PREPARING AND DISTRIBUTING HEARING PACKAGES

Board members receive a hearing package before each hearing. The packages inform the panel of the information contained in the Labour Relations Board process file. See: [[Files & File Numbers, Chapter 9\(a\)](#)].

Three copies of the hearing package are required for the hearing panel. The Board members usually review the hearing packages in the hour before the hearing. The Hearing Co-ordinator places the packages in the caucus room before the hearing for the Board members. If the file is large, the Board members like to have the packages before the date of the hearing. Board members may pick them up at the Board offices or receive them by courier.

Prepare packages from the initial application and onward. Include all the documents accepted at the time of application including certification support. The initial application should be the first document in the package. Use numbered tabs, corresponding to the hearing particulars list if the file contains many documents. (Include only the original of a document on the file not the fax copy.) Enter the documents in date order as they appear on the Board file. Place a copy of the hearing particulars list at the front of the package. This list is generated from the database.

Have the Board file available at the hearing in case the panel needs to review it. For example, there may be a dispute about times documents were received by the Board.

PREPARING THE HEARING ROOM

The hearing room should be set up with enough chairs to accommodate the parties and observers. The Board members require writing paper, pens, pencils and highlighters. Prepare coffee approximately one hour before each hearing begins. The exhibit stamp is needed for identification of exhibits.

GATHERING PARTICIPANT INFORMATION

Provide each party with a list of the hearing particulars. Parties review the hearing particulars list and will inform the Chair or Vice-Chair if they are missing any of the documents. Provide the representative with a copy of any missing particulars. Do not release the certification or revocation application form, notices to attend or any document indicating employee support.

Ask the parties for the names of the legal counsel, spokesperson or representatives to enable the Chair or Vice-Chair to introduce the parties. Get the exact spelling of the witnesses' names. Provide the panel with a list of the witnesses' names. Refer witnesses to the framed notice "General Information for Witnesses."

INTRODUCING THE PANEL, PARTICIPANTS AND PARTICULARS

Encourage the participants to set up in the hearing room and complete their preliminary discussions so the hearing can begin on time.

When the parties and their representatives are all present in the hearing room, inform the panel the hearing is ready to proceed.

The Chair or Vice-Chair introduces the panel and the representatives from each party. Include the names of the legal counsel, spokesperson or employer representative that are present and their titles. It is not necessary to introduce observers or witnesses present at the hearing.

CONTROLLING THE EXHIBITS

The exhibit record indicates the type of document (e.g., letter, collective agreement, etc.), the relevant date and which representative entered it into evidence. The exhibit stamp is to be used for identification purposes. Exhibits entered at a hearing must be kept in numerical order. The exhibit number and description must be entered in the text field of the database after the hearing. See: [[Hearing Summary, Chapter 34\(b\)\(ii\)](#)].

The parties are expected to provide one copy of exhibits to each Board member as well as one copy for the witness and one copy of each of the other parties. See: [[Information Bulletin #4](#)].

The Board suggests parties use breaks to make any additional copies they may require for distribution.

SWEARING IN WITNESSES

The Board takes evidence under oath. The Board usually affirms witnesses rather than having them swear on a Bible. If the witness objects to the affirmation, they may swear on a Bible or take another acceptable oath. For more information on swearing in witnesses, see: [[Oaths, Chapter 34\(b\)\(iii\)](#)].

PREPARING THE HEARING SUMMARY

A hearing summary is usually the only record of proceedings before the Board. The presiding Chair or Vice-Chair records the summary. It is a short-form summary of what occurred during a hearing. For more information on preparing hearing summary, see: [[Hearing Summary, Chapter 34\(b\)\(ii\)](#)].

RETAINING EXHIBITS

The presiding Chair or Vice-Chair should ensure that the original of every exhibit entered at each hearing is retained for the Board's records. If all copies are photocopies, simply stamp one as the original exhibit to keep on file. Exhibits are retained pending further Board or Court proceedings. See: [[Court Return/Brief, Chapter 36\(a\)](#)].

Exhibits are entered as supporting documents in a separate module of the database (under hearing). The Board's copy of the exhibits is kept in a locked filing cabinet in a red file folder identified by an 8116, 8117 and 8118 number. The Chair's copy is kept with their hearing package.

The Hearing Co-ordinator and the Chair's assistant review the exhibits 90 days from the closing date of the file. If there is no further action on the matter, the copies of exhibits are destroyed. Any original exhibits should not be destroyed without notice to the parties. Return any exhibits to a party if requested.