

# OATHS

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## INTRODUCTION

Section 14(1) of the [Labour Relations Code](#) provides:

14(1) For the purposes of this Act, officers and members of the Board may administer oaths.

Although the Board has the authority to accept unsworn testimony, without exception, witnesses to a hearing are sworn before giving evidence.

The essential elements of an effective oath are that:

- the form of oath be one that the witness considers binding on the witness's conscience;
- the oath imposes an obligation to give truthful testimony;
- the witness understands the obligation created by the oath; and
- the obligation is accepted without reservation.

There is no magic in the wording of an oath, but consistency is important. The law recognizes and uses a number of standard oaths that are adapted to the Board's process. These are described below.

## THE FORMS OF OATH

Normally the Board affirms a witness. A Board member says the following words to the witness and waits for an affirmative reply:

Do you affirm the evidence you are about to give before this tribunal is the truth, the whole truth and nothing but the truth?

A witness may feel uncomfortable with an affirmation. It is up to the witness to state the witness's preferred oath. In this case, a Board member would then administer the witness's oath of choice.

### ***Christian Civil Oath***

If a witness prefers, the Board will use the common Christian civil oath. The oath is normally administered to a standing witness while s/he holds the Bible. A witness may raise their right hand if desired. A Board member says the following words to the witness and waits for an affirmative reply:

Do you swear the evidence you are about to give before this tribunal is the truth, the whole truth, and nothing but the truth, so help you God?

### ***Jewish Witnesses***

Jewish witnesses may be sworn on the Old Testament or on the Bible opened to the Pentateuch (Exodus, c. 20) by a modified civil oath. A Board member says the following words to the witness and waits for an affirmative reply:

Do you swear that the evidence you are about to give before this tribunal is the truth, the whole truth and nothing but the truth so help you God?

The head of the witness should be covered while the oath is being administered unless the witness declares himself bound by the oath without his head being covered.

### ***Muslim Witnesses***

The witness places a hand on the Koran and repeats after a Board member:

In the presence of and in the name of Allah, I solemnly declare that I will state the truth and nothing but the truth. So help me Allah.

The Board member then asks:

Are you bound by that oath?

The Board member waits for an affirmative answer.

### ***Interpreter's Oath***

Where an interpreter is necessary, the interpreter is to be sworn **before** the oath is put to the witness. The oath used is one binding upon the interpreter's conscience. For example:

"Do you affirm that you shall well and truly interpret from the English language to the \_\_\_\_\_ language and from the \_\_\_\_\_ language to the English language the oath to the witness and his (her) answers thereto and all such matters and things as shall be required of you to the best of your skill and understanding?"

The Board member waits for an affirmative answer. The witness is then administered the appropriate oath through the interpreter.