



TRANSITIONAL RULES OF PROCEDURE FOR EMPLOYMENT STANDARDS APPEALS

WHEREAS in O.C. 316/2018 the Lieutenant Governor in Council has designated the Labour Relations Board as the appeal body for the purposes of the *Employment Standards Code* (the “Code”);

AND WHEREAS section 69 of the *Code* authorizes the Board to establish rules of practice and procedures relating to the conduct of appeals, including establishing panels and quorums, and to adopt or modify practices and procedures under the enactment under which it was established;

THEREFORE the Board establishes the rules and practices below relating to the conduct of appeals under the *Code*:

PART I: DEFINITIONS

1. In these *Rules of Procedure*:
 - (a) “Board” means the Alberta Labour Relations Board;
 - (b) “Chair” means the Chair of the Alberta Labour Relations Board, appointed pursuant to section 8(3) of the *Labour Relations Code*;
 - (c) “Director of Settlement” means the Director of Settlement of the Board;
 - (d) “Registrar” means the Registrar of Appeals under the *Code*;
 - (e) “Vice-Chair” means a vice-chair of the Alberta Labour Relations Board, appointed pursuant to section 8(3) of the *Labour Relations Code*.
2. Pursuant to section 95 of the *Code*, appeals must be commenced by service upon the Registrar. Appeals may not be commenced by serving the appeal upon the Board.
3. Pursuant to section 96(1) of the *Code*, the Registrar shall refer appeals to the Board to the Director of Settlement or his or her designate in the manner and form as may be required by the Director of Settlement from time to time.

4. Quorum of the Board for the purpose of hearing appeals and any other matters under the *Code* shall be the Chair or a Vice-Chair, sitting alone.
5. The Board may, on its own initiative or on application, order persons be added as parties to an appeal, and may require the Registrar to give notice of the appeal to such parties as required by section 96(1)(b) of the *Code*.
6. The Board has the same power as is vested in the Court of King's Bench of Alberta for the trial of civil actions: (a) to summon and enforce the attendance of witnesses, (b) to compel witnesses to give evidence under oath or otherwise, (c) to compel witnesses to give evidence in person or otherwise, and (d) to compel witnesses to produce any record, object or thing that relates to the matter being heard.
7. Parties seeking to have the Board compel the attendance of witnesses or the production of documents shall file an Application for a Notice to Attend, or Notice to Attend and Produce, with the Director of Settlement in the form attached as an Appendix to these Rules.
8. Issues concerning the issuance of a Notice to Attend / Notice to Attend and Produce, and any dispute concerning this Rule, may be determined by the Chair or a Vice-Chair.
9.
 - (a) A notice to attend or a notice to attend and produce documents directed to an individual shall be personally served on the witness.
 - (b) A party may apply for a notice to attend and produce documents to issue in the name of a corporation or trade name.
 - (c) Service may be affected pursuant to any method described in the Board's general Rules of Procedure.
 - (d) Unless otherwise agreed between them, the party serving a notice under this rule shall provide to the witness in advance of the hearing:
 - (i) conduct money of \$25.00 for each day, or any portion of that day, that the party requires the person's attendance, and
 - (ii) transportation arrangements to and from the hearing or, in its place,
 - A) an allowance for air, bus or train fare by the most direct route, or
 - B) mileage costs for private vehicle use at \$0.43 per kilometre, and

- (iii) if necessary, arrangements for overnight lodging of reasonable quality or an allowance of \$110.00 per night, and
 - (iv) a meal allowance of \$8.50 per breakfast, \$10.75 per lunch and \$19.20 per supper.
- 10. All parties should be aware that hearings and decisions of the Board are public. As a result, parties' names, filed documents and evidence may become public and may be referred to in the Board's decisions. The Board's decisions must be in writing, and are provided to the Registrar who must keep a public record of all decision, which may include the public reporting of those decisions. Parties who wish to apply to have their names masked where sensitive personal information would be disclosed by a decision must make that request of the Chair or Vice-Chair at the hearing of their appeal. Decisions about the masking of names are in the sole discretion of the Chair or Vice-Chair.
- 11. Parties applying to the Board for orders or directions on matters relating to appeals may apply by letter mailed or faxed to the Director of Settlement at the Board's office in either Edmonton or Calgary.
- 12. The Board may, where it considers it necessary to avoid a miscarriage of justice, relieve against the failure of any person to comply with these Rules and may make such direction in respect of the non-compliance as it deems appropriate.