

APPLICATION FOR CERTIFICATION AS BARGAINING AGENT

- | | | |
|-----|---|--------------------------|
| (1) | Labour Relations Act | <input type="checkbox"/> |
| (2) | Public Service Collective Bargaining Act | <input type="checkbox"/> |
| (3) | Fishing Industry Collective Bargaining Act | <input type="checkbox"/> |
| (4) | Teachers Collective Bargaining Act | <input type="checkbox"/> |
| (5) | Interns and Residents Collective Bargaining Act | <input type="checkbox"/> |

NB: The Applicant must indicate by 'x' the Act(s) under which the application is made.

I have read, understand and agree with the enclosed **DISCLOSURE OF PERSONAL INFORMATION (Openness and Privacy Policy) of the Labour Relations Board.**
(the agreement of a party is indicated by marking "x")

In completing each section of the application, read carefully the information and directions given on Page 4 of this form.

1. Name of applicant trade union/employee organization/association _____

Address/E-Mail/Telephone _____

2. Name of employer _____

Address/E-Mail/Telephone _____

3. General nature of employer's business: _____

4. Description and location of the bargaining unit which the applicant trade union claims is appropriate for collective bargaining and for which certification is desired

(The description of the bargaining unit must be in conformity with Sec. 4 of the instructions on page 4)

5. Approximate number of employees in the bargaining unit which the applicant desires to represent

6. Approximate total number of employees in the work, undertaking, business, plant or plants involved

7. Number and percentage of employees in the proposed bargaining unit who are members in good standing of the applicant trade union.

Number: _____

Percentage: _____

8. Give the names of any competing trade union claiming to represent for collective bargaining purposes any or all of the employees affected by this application

9. Is there an existing or recently expired collective agreement? If so, give date of last signing and expiration date. If known, quote terms of agreement as to renewal and termination

Remarks (if any) _____

10. The applicant trade union, claiming that it has as members in good standing a majority of employees in the bargaining unit hereinbefore described, hereby makes application to be certified by the Newfoundland Labour Relations Board as bargaining agent for employees in the said bargaining unit.

Made and signed on behalf of the applicant trade union this _____ day of _____, 20____
by:

Signature (1) _____
(Name)

(Trade union office held, name of trade union, local number and affiliation)

(Address of person affixing signature)

Signature (2) _____
(Name)

(Trade union office held, name of trade union, local number and affiliation)

(Address of person affixing signature)

DECLARATION

I/We solemnly declare that the answers and information contained in the foregoing application are true in substance and in fact and make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as is made under oath, and by virtue of the Canadian Evidence Act.

Severally declared by the said

(Print)

(Signature)

and

(Print)

(Signature)

before me at _____

in the District of _____

in the Province of Newfoundland and Labrador,

this _____ day of _____, 20 _____.

A Commissioner, etc.

(To be declared before a Commissioner for taking affidavits or any other person authorized by law to administer an oath).

**INFORMATION AND GUIDE FOR THE USE OF PERSONS
COMPLETING THE FORM OF APPLICATION FOR
CERTIFICATION AS BARGAINING AGENT**

(The numbers given to the following paragraphs correspond to the numbers given to the sections or questions on pages 1, 2 and 3).

1. The full and correct name of the trade union making application should be given. If made by a local unit of the trade union, the number of the local should be included. The address reported should be the address of the local office of the trade union if one is maintained, or, if not, the address given may be that of one of the persons signing the application. The telephone number and E-Mail address should also be given.
2. The full and correct name of the employer or employing company should be given. If in doubt, consult the letterhead of the employer or a reliable trade index. The telephone number and E-Mail address should also be given.
3. Relate the general nature of the employer's business.
4. The description and location of the bargaining unit should be as precise as possible. The term "bargaining unit" means the group of employees for whom the applicant trade union desires to be certified as bargaining agent. In giving the desired description of the group of employees, or "bargaining unit", the occupational classifications or positions should be reported, and, for purposes of clarity, the applicant should also state the groups, classifications or positions not meant to be embraced in the application. Where the applicant does not desire to act as bargaining agent for office staff, supervisory staff, craft groups, or certain classifications, the applicant may describe the bargaining unit as: "all employees, except" (carefully listing the groups of classifications outside the desired group).
5. The reply to this section will be the total number of employees embraced in the application as reported in Section 4.
6. The reply to this section will be the total number of employees embraced in the application as reported in Section 5 plus all other persons in whom the applicant is not interested.
7. In reply to this section, the applicant trade union should give the number and percentage of its members enrolled in good standing who are employees in the bargaining unit described in Section 4. The reply must give the number making up more than half the number of employees and a percentage in excess of 50% of the total number of employees covered by the application. This is necessary in view of the fact that Section 36 of the Act provides that an application may be made only if a trade union has as members in good standing a majority of employees in a bargaining unit.
8. A "trade union" is defined in the Act as meaning any organization of employees formed for the purpose of regulating relations between employers and employees. Therefore, a reply to Section 8 should give, without distinction, the names of all competing organizations claiming to represent for collective bargaining the group of employees included in the bargaining unit.

N.B. - One copy of the applicant trade union's constitution and by-laws and a list of its executive officers with their addresses should accompany the application.

DISCLOSURE OF PERSONAL INFORMATION

Openness and Privacy Policy

The Labour Relations Board (“the Board”) is an independent quasi-judicial tribunal that operates very much like a court and has responsibilities under the *Labour Relations Act*; *Public Service Collective Bargaining Act*; *Fishing Industry Collective Bargaining Act*; *Teachers’ Collective Bargaining Act*; *Interns and Residents Collective Bargaining Act*; *Labour Standards Act*; *Occupational Health and Safety Act*; *Smoke-Free Environment Act, 2005* and *House of Assembly Accountability, Integrity and Administration Act*; and *Public Interest Disclosure and Whistleblower Protection Act*. This document outlines the Board’s policy on the openness of its processes and describes how it handles issues relating to privacy.

When filing any application with the Newfoundland and Labrador Labour Relations Board, all information included in the application is provided to the other party or parties as respondents or interested parties. Further, such information may be referred to in any order or reasons issued by the Board at the conclusion of the matter, on the Board’s website and in print and online reporting services that may publish the Board’s decision.

This Bulletin does not apply to the confidentiality of union membership information provided to the Board.

The open court principle is significant in our legal system. In accordance with that principle, the Board conducts its oral hearings in public, save for exceptional circumstances. Because of its mandate and the nature of its proceedings, the Board maintains an open justice policy to foster transparency in its processes, accountability and fairness in its proceedings.

The Board’s website, policy circulars, information bulletins and other publications advise parties and the community that its hearings are open to the public. Parties that engage the Board’s services should be aware that they are embarking on a process that presumes a public airing of the dispute between them, including the public availability of decisions. Parties and their witnesses are subject to public scrutiny when giving evidence before the Board, and they are more likely to be truthful if their identities are known. Board decisions identify parties and their witnesses by name and may set out information about them that is relevant and necessary to the determination of the dispute.

At the same time, the Board acknowledges that in some instances mentioning an individual’s personal information during a hearing or in a written decision may affect that person’s life. Privacy concerns arise most frequently when some identifying aspects of a person’s life become public. These include information about an individual’s home address, personal email address, personal phone number, date of birth, financial details, SIN, driver’s licence number, or credit card or passport details. The Board endeavours to include such information only to the extent that is relevant and necessary for the determination of the dispute.

With advances in technology and the possibility of posting material electronically — including Board decisions — the Board recognizes that in some instances it may be appropriate to limit the concept of openness as it relates to the circumstances of individuals who are parties or witnesses in proceedings before it.

In exceptional circumstances, the Board departs from its open justice principles, and in doing so, the Board may grant requests to maintain the confidentiality of specific evidence and tailor its decisions to accommodate the protection of an individual’s privacy (including holding a hearing in private, sealing exhibits containing sensitive medical or personal information or protecting the identities of witnesses or third parties). An individual requesting to have personal information protected from a decision shall make their application to the Board and such application shall be made when they know or ought to know that their personal information could be included in a decision. The Board may grant such requests when they accord with applicable recognized legal principles.

The Board’s policy is consistent with the statement of the Heads of Federal Administrative Tribunals Forum (endorsed by the Council of Canadian Administrative Tribunals) and the principles found in the Protocol for the Use of Personal Information in Judgments approved by the Canadian Judicial Council.

Access to files

The Board provides parties with access to their files in accordance with the rules of natural justice.

The Board's files are maintained only in paper format. They are available to the parties for consultation at the Board's premises with appropriate notice. However, information protected by solicitor-client privilege is not available for consultation.

The Board considers that the *Access to Information and Protection of Privacy Act*, does not apply to its files. However, the Board provides public access to its closed files in accordance with the open court principle.

Board files contain correspondence between the parties, and are available, after the file is closed, to the public for consultation at the Board's premises with appropriate notice. However, information such as an individual's home address, personal email address, personal phone number, date of birth, financial details, SIN, driver's licence number, or credit card or passport details is not available for consultation. Further, information protected by solicitor-client privilege is not available for consultation.

Access to decisions

The Board provides public access to its decisions in accordance with the open court principle.

Board decisions are available electronically on its website and it shares its decisions with CanLII – Canadian Legal Information Institute. In an effort to establish a balance between public access to its decisions and privacy concerns, the Board has taken measures to prevent Internet searches of full-text versions of decisions posted on its website. This was accomplished by using the "[web robot exclusion protocol](#)," which is recognized by Internet search engines (e.g., Google and Yahoo). As a result, an Internet search of a person's name will not yield any information from the full-text versions of decisions posted on the Board's website.