

Effective 21 November 2012

<p><b>POLICY CIRCULAR</b> <b>SCHEDULING OF HEARINGS</b></p>
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At its meeting of 21 November 2012 the Board adopted the following policy in relation to the scheduling of hearings by the Board:

1. Where the Board schedules a hearing on an application, except as provided for in unfair labour practice cases, the following rules will generally apply:
  - a. the Board will contact parties following regular meetings to set dates for matters remitted to panels for a hearing. Where any of the parties' representatives are unavailable to proceed with the matter within a reasonable period of time, the Board may proceed to set dates, at the discretion of the Board;
  - b. where a hearing is scheduled, postponements shall not be granted except where all parties consent or in exceptional circumstances at the discretion of the Board;
  - c. a party seeking to postpone a hearing shall write the Chief Executive Officer outlining the reason for the postponement and the Board will deal with the request. The Board may require a party or parties requesting a postponement to appear before the Board to support their position; and
  - d. where a postponement is granted, the application may be placed at the bottom of the list of cases to be heard.
  
2. In unfair labour practice cases where employees have been dismissed, the Board will adhere to the following procedure:
  - a. upon receipt of a complaint alleging that an employee has been dismissed in violation of the *Labour Relations Act*, the Chief Executive Officer in consultation with the Chairperson shall instruct the parties to reserve a date for a hearing not less than three (3) weeks from receipt of the complaint, subject to the Board's right to abridge the time. If, following receipt of the Investigator's Report and all replies, if any, the Board determines that no hearing is necessary, the parties will be advised. If, following receipt of the Investigator's Report and all replies, if any, the Board

determines that a hearing is necessary, the Chief Executive Officer will confirm to the parties that the hearing will take place on the date the parties were instructed to reserve for a hearing; and

- b. a Labour Relations Board Officer will be assigned to attempt to settle the complaint. The hearing will be cancelled in the event that a settlement attempt is successful, or the Board dismisses the complaint, or the Board determines a hearing is not necessary for any other reason; otherwise, provided that the Board has determined a hearing is necessary, the hearing will proceed on the scheduled date subject to the Board's procedure on hearings generally.
3. In unfair labour practice cases where there is an allegation of "a failure to bargain in good faith", the Board will adhere to the following procedure:

Upon receipt of a complaint alleging that a party has failed to bargain in good faith, the Chief Executive Officer in consultation with the Chairperson shall prepare to immediately hear the matter. A panel will be assigned to the matter and the parties shall be instructed to reserve a date for a pre-hearing conference (not more than three (3) weeks from receipt of the complaint). The Board will exercise its right to abridge the time to one-half of the current time periods for filing a reply and/or response. If, following the pre-hearing conference the Board determines that no immediate hearing is necessary, the parties will be advised and an investigation will commence. Otherwise, the parties shall be instructed to reserve a date(s) for a hearing (not more than five (5) business days following the pre-hearing conference). Should a hearing be necessary, the Chief Executive Officer will confirm to the parties that the hearing will take place on the date the parties were instructed to reserve for a hearing; and

This circular replaces the Policy Circulars dated 9 October 1996, 19 September 2001 and 13 October 2004