



# RULES OF PROCEDURE

## PART I: GENERAL

### *Definitions*

1. In these Rules,
  - (a) “Act” means the *Public Service Employee Relations Act*,
  - (b) “Board” means the Alberta Labour Relations Board,
  - (c) “Code” means the *Labour Relations Code*,
  - (d) “Director of Settlement” means a person appointed to that position by the Chair and any person designated by the Chair to act in the Director’s absence,
  - (e) “Party” means an applicant or complainant, a respondent, an intervenor, or any person declared by the Board to be an affected party, and includes a party acting by an agent or solicitor,
  - (f) “Person” includes an employer, employers’ organization, trade union, group of trade unions, employee or group of employees, and
  - (g) “Proceeding” means an application, reference or complaint.

### *Application*

- 1.1 These Rules also apply, with any necessary modifications, to proceedings under the *Public Service Employee Relations Act* and any other statute under which the Board exercises jurisdiction.

### *Delegation of Powers*

2. The powers of the Director of Settlement may be delegated to and exercised by the Board’s Manager of Settlement.

[Amended May 2023]

### *Relief against non-compliance*

3. 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.

## PART II: COMMENCEMENT OF PROCEEDINGS

### *Mandatory forms*

4. A party shall make

- (a) an application for certification,
- (b) an application to conduct a vote under section 68 or 69 of the Code,
- (c) an application to supervise a strike vote or a lockout vote, or
- (d) an application for a notice to attend or a notice to attend and produce under section 14 of the Code, or
- (e) a construction registration application,
- (f) a declaration of strike vote,
- (g) a declaration of lockout vote,
- (h) an application to establish an arbitration board,
- (i) a duty of fair representation complaint,
- (j) an application for review of an award or proceeding of an arbitration or arbitration board, or
- (k) an application for reconsideration under section 12(4) of the Code, except where the application seeks to address a fundamental change in employer operations, changes to party names in bargaining certificates, or add-ons to existing bargaining units. *[Amended June 2023]*

by filing completed copies of the form provided by the Board for that purpose.

*[Amended September, 2017]*

### ***Optional Forms***

5. All other forms commencing proceedings are provided by the Board for the convenience of the parties and their use is not mandatory.

### ***Service of application/reply/correspondence***

- 5.1 A party commencing or replying to a proceeding is responsible for serving all commencement documents or replies and all subsequent correspondence on any other parties known to be affected by the proceeding or subsequently added by the Board. A party is not responsible for service of documents commencing proceedings in certification, revocation or urgent matters, but is required to provide to the Board information sufficient for the Board to effect service.

### ***Information required***

6. Any document commencing a proceeding shall contain the following details:
- (a) the full name and address of the party commencing the proceeding,
  - (b) the name of a contact person or solicitor to whom correspondence may be directed,
  - (c) an address for service, where different from the address of the party,
  - (d) where known, the full name and address of the respondent and any other person known to be a party affected by the proceeding,
  - (e) the section or sections of the Code under which the proceeding is commenced,
  - (f) the order, relief or remedy requested of the Board, and

- (g) a statement in a form prescribed by the Board, confirming the commencement documents have been served in a manner approved by the Board, on any parties known to be effected by the proceeding or subsequently added by the Board. The statement shall contain the following details:
  - i) the full name and address of the party on whom the documents were served;
  - ii) the date and time on which the documents were served;
  - iii) the method by which the documents were served;
  - iv) the full name and address of the person who served the documents.

### ***Particulars of complaint***

- 7. Any document commencing a complaint shall also contain
  - (a) an outline of the facts and circumstances alleged to violate the Code, including when and where the relevant facts occurred and, where known, by whom any actions alleged to violate the Code were taken, and
  - (b) a reference to the provision or provisions of the Code that the complainant alleges to have been violated.

### ***Replies***

- 8.(1) A respondent to a complaint, application or reference, except certification and revocation, shall file a reply to the complaint, application, or reference unless the Director of Settlement otherwise directs.
- (2) Another party or person may file a reply to the document commencing the proceeding and shall file a reply if the Director of Settlement so directs.
- (3) A reply shall contain
  - (a) the full name and address of the party replying,
  - (b) the name of a contact person or solicitor to whom correspondence may be directed,
  - (c) an address for service, where different from the address of the party,
  - (d) a clear identification of the proceeding to which the reply relates,
  - (e) an admission of the allegations contained in the document commencing the proceeding that are not contested,
  - (f) where the party replying relies upon a different version of the facts alleged by the party commencing the proceeding, a concise statement of the facts relied upon, and
  - (g) a statement in a form prescribed by the Board, confirming the reply has been served in a manner approved by the Board, on any parties known to be affected by the proceeding or subsequently added by the Board. The statement shall contain the following details:

- i) the full name and address of the party on whom the reply was served;
- ii) the date and time on which the reply was served;
- iii) the method by which the reply was served;
- iv) the full name and address of the person who served the reply.

### ***Submissions***

- 8.1 The Director of Settlement may limit the number of submissions made by the parties and may permit further submissions beyond the limit on such conditions as are appropriate.

*[Amended September, 2017]*

## **PART III: SERVICE AND NOTICE**

### ***Definition***

9. In this Part, a “responsible official” includes:
- (a) a director, officer or executive manager of an employer or employers’ organization
  - (b) (i) an officer or business representative of a trade union,  
(ii) or any person however titled, who performs duties customarily performed by a trade union by a business representative,  
(iii) and includes persons resident in Alberta acting on behalf of or employed by either a local, provincial, national or international body to which a local is affiliated or chartered,
  - (c) any officer, employee or agent who by the terms of that person’s appointment or employment is entitled to represent an employer or principal in a proceeding arising under the Code,
  - (d) a president, chair or other head officer, a director or a secretary of a corporation,
  - (e) a partner of a partnership,
  - (f) any joint venturer or responsible official thereof in a joint venture,
  - (g) the mayor, reeve, chair or other head officer, or the Clerk, Secretary, Secretary-Treasurer or other chief recording officer of a governing body,
  - (h) a contact person named pursuant to Rules 6 or 8, and
  - (i) a solicitor acting for a party to a proceeding.

### ***Application of part***

10. This part does not apply to service of a strike notice or a lockout notice.

### ***Service***

11. Where in a proceeding before the Board or in collective bargaining service of a document is required, service may be effected
  - (a) upon an individual by
    - i) personally serving the individual,
    - ii) delivering the document to the individual's residence and leaving it with some person who appears to be at least 18 years old, or
    - iii) sending the document by registered mail or signed courier receipt to the individual's last known address;
  - (b) upon a trade union, employer or employers' organization by
    - i) personally serving a responsible official,
    - ii) delivering the document to its principal place of business in Alberta, addressed to the attention of a responsible official, and leaving it with some person who appears to be at least 18 years old,
    - iii) transmitting the document by telecopier to the attention of a responsible official, provided that verbal notice of the transmission is given to a person at the receiving location,
    - iv) sending the document by registered mail or signed courier receipt to its principal place of business in Alberta, addressed to a responsible official.
  - (c) upon any party to a proceeding, by sending it by registered mail or signed courier receipt to its most recent address on file with the Board, or by delivering it to such address and leaving it with some person who appears to be at least 18 years old;
  - (d) upon a corporation,
    - i) by any of the means described in (b),
    - ii) by personally serving it on the corporation's manager, agent or officer transacting business on behalf of the corporation in Alberta, or
    - iii) by sending the document by registered mail or signed courier receipt to the registered office of the corporation.
  - (e) upon a partnership or joint venture, by any of the means described in (b),
  - (f) upon a governing body, by any of the means described in (b), and
  - (g) upon the Crown in right of Alberta,
    - i) by personally serving the Public Service Commissioner,
    - ii) by delivering it to the office of the Public Service Commissioner,
    - iii) by sending the document by registered mail or signed courier receipt to the office of the Public Service Commissioner, or
    - iv) by transmitting the document by telecopier to the office of the Public Service Commissioner, provided that verbal notice of the transmission is given to a person at his office.

## ***Notice***

12. Where in a proceeding before the Board or in collective bargaining notice is required to be given, it may be given
  - (a) in any manner in which service of a document is permitted by these Rules, or
  - (b) to a trade union, employer or employers' organization, by transmitting the information by telecopier to the attention of a responsible official at the official's place of business, provided that verbal notice of the transmission is given to a person at the receiving location forthwith.
  - (c) in any other manner the Board deems appropriate and directs.

## ***Verbal notice by Board***

13. Without restricting the foregoing, where a complaint is made that a person has violated section 71, 72, 84 or 85 of the Code or in any case where in the opinion of the Director of Settlement it is impractical to give a person reasonable notice of a hearing into a matter by the means set out in Rule 11, the Board may give verbal notice of the hearing, by telephone or otherwise, to an individual or to a responsible official of a trade union, employer or employers' organization.

*[Amended October, 2006]*

## ***Posting and direction***

- 14.(1) Without restricting the foregoing and in particular Rule 12, the Board may give notice to an employer, employee or group of employees by posting or causing to be posted one or more written notices at the workplace or elsewhere, in an area where the notice is reasonably likely, in the opinion of the Board or an officer, to come to the attention of the employer, the employee or a reasonable number of employees in the group.

*[Amended October, 2006]*

- (2) The Board may give notice to persons represented by a bargaining agent or to members or officers of a bargaining agent by giving notice or causing notice to be given to the bargaining agent and directing the bargaining agent to bring the matter to the attention of the person or persons in question.

## ***Effective dates***

- 15.(1) Where service by telecopier transmission is proved, the document will be presumed to have been served
  - (a) on the date that the copy was transmitted, if it is transmitted before or during the recipient's normal business hours, or
  - (b) on the recipient's first business day following the date that the copy was transmitted, if it is transmitted at any other time.

- (2) Where the Board gives verbal notice of a proceeding, notice will be deemed to have been given on the date of the verbal communication notwithstanding that a written confirmation is given at a later date.
- (3) Where service is effected by mail, the document will be deemed to have been served on the date of receipt or seven (7) days after the date of mailing, whichever first occurs.

***Service or notice upon agent or solicitor***

16. Where a party is represented by an agent in collective bargaining, or by a solicitor or agent in a proceeding before the Board,
  - (a) notice to the solicitor or agent of anything in relation to the bargaining or proceeding is effective notice to the party, and
  - (b) the solicitor or agent shall be deemed to have authority to accept service of any document in relation to the bargaining or proceeding on behalf of the party, unless the solicitor or agent declines to accept service and, as soon as reasonably practical, advises all other parties and the Board that the solicitor or agent is instructed not to accept service.

***Withdrawal of solicitor***

17. A solicitor ceasing to act for a party in respect of a proceeding shall, upon request of the Board, provide an alternate address or last known address for service upon the party and, thereafter, service at that address is effective service upon the party.

***Substitutional service***

18. Where the Board is satisfied that ordinary methods of service have been or are likely to be ineffective or impractical, the Board may direct substitutional service by posting, advertisement or otherwise, and service according to that direction will be deemed to be effective service.

***Waiver of non-compliance***

19. Notwithstanding a failure to comply with these Rules, the Board may consider proper notice to have been given if it is satisfied that a person entitled to notice was in fact aware of the thing in question and the person has suffered no substantial prejudice by the failure to comply.

***Notice of revocation of bargaining rights***

20. Where the Board initiates a proceeding to revoke the bargaining rights of a trade union pursuant to section 55 of the Code, and it is satisfied from its investigation or from its inability to effect service that an affected trade union, employer or employers'

organization is no longer in existence, it may dispense with service or notice to that affected party.

### ***Service upon Board***

- 21.(1) In any proceeding before the Board, service may be effected upon the Board in the same manner as upon a party, or by delivering the document to the Edmonton or Calgary office of the Board directed to the attention of the Director of Settlement.
- (2) Where a document is delivered to an office of the Board and the time and date of delivery shall be stamped thereon by a representative of the Board and the time and date marked shall be presumed to be the time and date at which the document was received.

## **PART IV: INQUIRIES AND INVESTIGATION**

### ***Powers of Director***

- 22.(1) Upon receiving an application, reference or complaint, the Director of Settlement may do one or more of the following things:
- (a) determine whether the application, reference or complaint, or any reply thereto, complies with these Rules,
  - (b) determine whether the application, reference, complaint or reply is sufficiently particularized to inform the Board and affected parties of the substance of the proceeding or reply,
  - (c) direct that further and better particulars be provided,
  - (d) direct that any failure to comply with these Rules be rectified,
  - (e) direct that notice be given to any person the Director considers to be affected by a proceeding,
  - (f) prescribe time limits for compliance with any direction given under this Rule,
  - (g) direct an officer of the Board to conduct an investigation into the matter,
  - (h) direct that an officer of the Board undertake efforts to assist the parties to a proceeding to settle the matter,
  - (i) at any time where a matter is not finally settled, refer a matter or a part thereof to the Chair or a Vice-Chair for a direction pursuant to Rule 23, *[Amended June 2023]*
  - (j) where the Chair has referred a matter to a panel for hearing, set the date and place of the hearing,
  - (k) where an application is for reconsideration of a decision, order, directive, declaration or ruling of the Board, invite submissions by the affected parties as to whether it is appropriate for the Board to reconsider the matter,
  - (l) where a matter has been set for hearing, and upon consent of all the affected parties, adjourn the hearing, or



- (m) do anything or make any direction that the Director considers necessary to properly define the issues in dispute or to expedite the hearing of the matter by the Board.
- (2) A person objecting to a determination or direction of the Director of Settlement may refer the objection and the reasons for the objection, to the Chair, and the Chair, or a Vice-Chair sitting alone, may confirm, reverse or vary the determination or direction.

[Amended June 2023]

### ***Reference to Chair or Vice-Chair***

23. Where a matter is referred to the Chair or a Vice-Chair by the Director of Settlement under Rule 22, the Chair may assign the matter to one or more members of the Board for informal resolution under section 11 of the Code, or the Chair or a Vice-Chair sitting alone may

- (a) make any direction that the Director of Settlement is authorized to make by Rule 22, or
- (b) direct the matter to a panel of the Board for disposition or hearing.

[Amended May 2023]

### ***Duplicate proceedings***

24.(1) Where a proceeding has been disposed of by the Board or settled by the parties and the party commencing the proceeding subsequently makes the same or substantially the same application, reference or complaint, the Board may consider the matter to be without merit and may dismiss the matter pursuant to section 16(4)(e) of the Code.

- (2) The Board shall not accept reconsideration applications concerning previous reconsideration applications.

[Amended September 2017]

### ***Trade Union Status***

25. An organization that has previously been found by the Board to be a trade union or employers' organization shall, in the absence of evidence to the contrary, be deemed to be a trade union or employers' organization in respect to any subsequent proceeding.

### ***Officer's report as evidence***

26.(1) Where an officer of the Board has investigated a matter and has issued a report of the investigation, the Board may consider the officer's report to be evidence of the facts found therein and may dispose of the matter on the basis of such evidence unless contrary evidence is adduced.

- (2) An affected party may object to the officer's report. A party objects by filing a written statement, with reasons for objecting. The party must send its objections to the Board and the other parties within the time limits set by the Director of Settlement.
- (3) If the Board finds it appropriate in the circumstances, it may allow a shorter period to file objections.

### ***Intervenors***

27. (1) A person intending to intervene in a proceeding may appoint a representative in writing to appear at a hearing on the person's behalf.
- (2) Any person or representative of a person intending to intervene in a proceeding by appearing at a hearing shall give a verbal or written notice to the Board of that person's intention to appear at least one full business day before the scheduled commencement of the hearing.
- (3) If a person fails to comply with subsection (2), or having given notice of intention to appear fails to appear, the Board may deem the intervention to be abandoned and proceed to dispose of the application.

### ***Petitions***

- 28.(1) Where the officer of the Board investigating an application to revoke the bargaining rights of a trade union issues a report concluding that a petition is a voluntary expression of the wishes of employees signing it, Rule 26 applies and the party objecting to the finding has the burden of establishing the contrary.
- (2) Where a party objects to the officer's findings, a witness or witnesses for the petitioning employees must testify in support of the petition and the objecting party may cross-examine those witnesses on the matters raised by the objection.
- (3) Where the officer does not conclude that the petition is a voluntary expression of employee wishes, the onus is on the petitioning employees to establish the fact by evidence.

## **PART V: SECTION 11 - INFORMAL RESOLUTION PROCEDURE**

29. Deleted.

[Amended October 2020]

### ***Procedure***

30. Where the Chair assigns a matter to a member or panel of the Board for informal resolution under section 11 of the Code, the member or panel may determine the procedure to be followed in respect of the informal resolution proceedings.

### ***Board member's reports***

- 31.(1) Where a member or panel of the Board appointed under section 11 of the Code holds a hearing or engages in efforts to assist the parties to a proceeding to settle a matter or matters in dispute, the member or panel shall advise the Director of Settlement that
  - (a) the dispute has been settled,
  - (b) the dispute has not been settled, or
  - (c) the dispute has not been settled and the member or panel has issued a report to the parties.
- (2) A report issued to the parties pursuant to section 11 of the Code may contain the recommendation of the member or panel as to what ought to be done to resolve the matters remaining in dispute.
- (3) Other than the description of the resolved matters and the recommendations of what ought to be done in respect of the unresolved matters, the report shall not reference the content of the discussions that occurred in the efforts to engage in settlement or the information gathered in any informal hearing.

### ***Confirmation procedure***

- 32.(1) If the dispute to which a member or panel is appointed under section 11 of the Code is not settled and no report has been made to the parties, the matter shall be set down for hearing before the Board.
- (2) Where a member or panel makes a report to the parties, the member or panel shall remit the report to the Director of Settlement.
- (3) Either party may apply to the Director of Settlement to have the report of the member or panel issued as a formal order of the Board.
- (4) Where, pursuant to section 11(3) of the *Code*, a party applies to have a report issued as an order of the Board, the Director of Settlement shall give notice of the application to affected parties and shall require the affected parties to respond to the application by a date fixed by the Director of Settlement.
- (5) If no affected party objects to the application by the date fixed for response, the Director of Settlement shall remit the application and report to the Board for determination.

- (6) If an affected party objects to the application by the date fixed for response, the Director of Settlement shall set the matter for hearing for a determination by the Board as to whether the Board should or should not confirm the report.

[Amended October 2020]

### ***Hearing by Board***

33. No member appointed under section 11 of the Code shall sit on a panel hearing the matter de novo without the consent of all parties to the proceeding.

[Amended October 2020]

## **PART VI: HEARINGS**

### ***Procedural orders***

34. At any point during a proceeding, the Board may do any thing that the Director of Settlement is empowered to do by Rule 22, and without restricting the power of the Board generally to determine its procedure may
- (a) adjourn or postpone any hearing for such time and upon such conditions as it may consider advisable, or
  - (b) direct that a proceeding be consolidated with any other proceeding before the Board and issue such directions in respect of the conduct of the consolidated proceeding as it may consider advisable.

### ***Pre-hearing conference***

35. In any case where the Chair or a Vice-Chair considers it advisable, the Chair or a Vice-Chair may convene a pre-hearing conference with the parties to expedite or streamline proceedings, or to otherwise address any preliminary matters, and may direct the procedure to be followed in respect of such pre-hearing conference.

[Amended June 2023]

### ***Notices to attend***

- 36.(1) An application to the Board for an order to issue a notice to attend or a notice to attend and produce documents for a hearing before the Board shall
- (a) state why the notice is required, and

- (b) describe any document or class of documents sought to be produced in sufficient detail that the person to whom the notice is directed may identify and produce the requested documents without undue difficulty.
- (2) A notice to attend or a notice to attend and produce documents directed to an individual shall be personally served on the witness.
- (3) A party may apply for a notice to attend and produce documents to issue in the name of a corporation, trade union, or employer's organization.
- (4) A notice to attend and produce documents issued in the name of a corporation, trade union, or employers' organization may be served by any of the means described in Rule 11(b).
- (5) Unless otherwise agreed between them, the party receiving a notice identified in Rule 36(2) shall provide to the witness in advance of the hearing:
  - (a) conduct money of \$25.00 for each day, or any portion of that day, that the party requires the person's attendance, and
  - (b) transportation arrangements to and from the hearing or, in its place,
    - i) an allowance for air, bus or train fare by the most direct route, or
    - ii) mileage costs for private vehicle use at \$0.43 per kilometre, and
  - (c) arrangements for overnight lodging of reasonable quality or an allowance of \$110.00 per night, and
  - (d) a meal allowance of \$8.50 per breakfast, \$10.75 per lunch and \$19.20 per supper.

*[Amended February 2007]*

Any dispute over the application of this sub-Rule may be decided by the Director of Settlement.

### ***Adjournment sine die***

- 37. Where all parties to a proceeding have agreed to adjourn a proceeding sine die, the proceeding shall be deemed to be withdrawn at the expiry of six months from the date the adjournment was granted unless during that period of time a party has requested that the Board schedule the matter for further hearing, or unless the board otherwise orders.

## **PART VII: FILING OF INFORMATION**

### ***Effect of failure to file***

38. Where a trade union or registered employers' organization that is a party to a proceeding fails to file documents or information or changes thereto as required by section 24 or section 164 of the Code or section 4 of the Act, the Board may dispose of a matter before it on the basis of the most recent documents or information, if any, filed by that party.

## **PART VIII: BARGAINING UNIT DESCRIPTIONS**

### ***Building Trades Union Zones***

- 39.(1) Where the Board issues a certificate in respect of employees engaged in the construction industry, or in respect of employees engaged in maintenance work, the territorial scope of the bargaining unit shall be presumed to be the territorial scope of the trade union's jurisdiction unless the certificate provides otherwise.
- (2) Where the Board issues a certificate to a trade union in respect of employees engaged in the construction industry, or in respect of employees engaged in maintenance work, for a bargaining unit occupying a geographical area smaller than the territorial jurisdiction of the trade union, it may describe the bargaining unit by reference to the number of one of the geographical zones described in Schedule A to these Rules.

## **PART IX: PUBLIC SERVICE EMPLOYEE RELATIONS ACT PROCEEDINGS**

### ***Inclusions and Exclusions***

40. Where a party applies for a determination under section 3(2)(o) or (p) of the Act whether an employee is included in or excluded from a bargaining unit, the employer shall provide the Board with
- i) the particular provisions of section 12(1) of the Act, if any, that it relies upon to exclude the employee from the bargaining unit,
  - ii) the current position description of any person affected by the application, and
  - iii) any current organizational chart relating to the position held by a person affected by the application.

### ***Mediator appointments***

41. [*Deleted July 6, 2016*]

### ***Compulsory arbitration board appointments***

- 42.(1) A party applying to the Board to appoint a compulsory arbitration board under section 32 of the Act shall include with the application

- (a) a description of the bargaining unit in respect of which the application is made,
  - (b) a copy of the most recent collective agreement, if any,
  - (c) details of the date on which notice to commence collective bargaining was given and the steps that have been taken to bargain collectively, including the dates of all meetings held, and
  - (d) a list of the items which the party applying considers to be in dispute.
- (2) A party responding to an application to appoint a compulsory arbitration board shall, within ten days of being served with the application, file with the Board a list of any additional items which it considers to be in dispute.
- (3) At least 72 hours before the hearing the applicant and respondent shall each exchange with the other and file with the Board a list identifying the items in dispute which it considers to be non-arbitral according to section 30(2) of the Act.
- (4) The applicant and respondent shall jointly file at the hearing six copies of a summary of their bargaining positions on the items claimed to be in dispute. The summary shall be in the form of a three-column spreadsheet setting out the language of the existing collective agreement, the proposal of the union and the last proposal of the employer with respect to each item claimed in dispute.

### ***Appointment of Grievance Arbitrators***

- 43.(1) A party applying to the Board to appoint a member or chair to an arbitration board under Part 7 of the Act shall do so in writing.
- (2) The application should include
- (a) a copy of the collective agreement under which the difference originates,
  - (b) the name of the grievor, if applicable,
  - (c) a description of the difference, and
  - (d) the names, addresses and telephone numbers of the applicant, the respondent and their nominees, if applicable.
- (3) The application shall not include a list of the persons considered for the appointment and rejected by the parties or their nominees.

## **PART X: ESSENTIAL SERVICES PROCEEDINGS**

### ***Mandatory exemption form***

44. A party:
- (a) applying for an exemption under section 95.21;
  - (b) replying to an application for an exemption;

shall file completed copies of the forms provided by the Commissioner for that purpose and shall attach copies of any documents requested in that form.

***Form and deadline for submitting Essential Services Agreement***

45.(1) Both parties who have:

- (a) settled upon the terms of an essential services agreement;
- (b) had terms of an essential services agreement settled by an umpire; or
- (c) had terms of an essential services agreement settled by the Commissioner,

shall jointly submit a copy of the essential services agreement for filing, along with Declarations by each party, using the form provided by the Commissioner.

(2) The parties shall submit the essential services agreement for filing within 10 days of the settlement of the terms.

***Essential services hearing procedure***

46. The Commissioner may determine the hearing procedure to be followed in any particular case to be heard by the Commissioner, including determining whether oral evidence or oral argument is necessary.

***Applicability of general rules***

- 47.(1) The general Rules of Procedure apply to matters to be heard by the Commissioner, with such modifications as necessary to comply with the essential services Division of the Code and this Part X of the Rules.
- (2) For matters to be heard by the Commissioner, references to the “Board” and the “Chair” shall be read as references to the “Commissioner.”
- (3) For clarity, the Director of Settlement has the same powers concerning applications to be heard by the Commissioner as other applications. Objections under Rule 23 to any such decisions shall be referred to the Commissioner.

**PART XI: DUTY OF FAIR REPRESENTATION COMPLAINTS**

***Board approved appeal or review process***

48. The Board will not accept any duty of fair representation complaint where the complainant has presented an application or appeal under a Board approved union appeal or review process and the appeal or review has been outstanding for less than 90 days.



### *Document disclosure*

49. Subject to any claim of privilege, the union shall provide with its response to the complaint, copied to the complainant, any and all documents in its possession which are relevant and material to the union's representation of the complainant concerning the matters raised in the complaint.

## **PART XII: REVIEW OF ARBITRATION**

### *Record*

50. (1) Where an arbitration award or proceeding is subject to an application under section 145(2), the arbitrator or arbitration chair shall file the record with the Board, using the form provided by the Board for that purpose, containing the following:
- (a) the documents commencing the arbitration, including the grievance,
  - (b) any evidence and exhibits filed in the arbitration ,including any transcript or recording of the evidence in the possession of the arbitrator or arbitration panel, if any,
  - (c) the written record, if any, of the decision, order, directive, declaration or ruling under review,
  - (d) the written reasons, if any,
  - (e) anything else in the possession of the arbitrator or arbitration panel which is relevant to the decision, order, directive, declaration, ruling or proceeding under review and relevant to the grounds of review raised by the applicant,
- but not including:
- (f) copies of case law submitted by the parties in the arbitration, or
  - (g) notes of the arbitration or arbitration panel or other privileged documents or communications, including those covered by deliberative secrecy.
- (2) The record shall be filed with the Board no later than:
- (a) 30 days from the date of the application, or,
  - (b) if either party has proposed limiting the contents of the record, no later than 30 days after the arbitrator is notified by the Board whether the contents of the record shall be limited.

### *Evidence*

51. No evidence other than the record may be referred to in a review of an arbitration award or proceeding, except by prior order of the Board.

## **Briefs**

52. (1) The applicant's written brief shall be filed with the Board and served on the respondent no later than 4 weeks prior to the hearing.
- (2) The respondent's written brief shall be filed with the Board and served on the applicant no later than 2 weeks prior to the hearing.
- (3) Without prior permission of the Board, written briefs shall be no longer than 25 pages, not inclusive of authorities or copies of key evidence, 8 ½" x 11", single sided, 1 ½ or double spaced, 1" margins.
- (4) Briefs shall not attach authorities which the Board has included in its Standard Book of Authorities.

## **SCHEDULE A**

Insulators, Local 110	Zone 1: That part of the province of Alberta north of the north city limits of Red Deer in a straight line east to Saskatchewan and west to British Columbia.
Insulators, Local 110; Painters, Local 177 (Glass Workers)	Zone 2: That part of the province of Alberta south of the north city limits of Red Deer in a straight line east to Saskatchewan and west to British Columbia.
Bricklayers, Local 1	Zone 3: That part of the province of Alberta north of the north line of Township 11 to the north boundary line of Township 38.
Cement Masons, Local 222	Zone 4: That part of the province of Alberta south of the south boundary line of Township 37.
Cement Masons, Local 222	Zone 5: That part of the province of Alberta north of the south boundary line of Township 37.
Painters, Local 177	Zone 6: That part of the province of Alberta south of the north boundary line of Township 39.
Painters, Local 177	Zone 7: That part of the province of Alberta north of the north boundary line of Township 39.
Carpenters, Local 1325	Zone 8: That part of the province of Alberta bounded by a line running through a point one mile north of the town of Ponoka, from the British Columbia boundary to the western

boundary of Range 13, west of the fifth meridian; north to the south boundary of Township 64; and west to the British Columbia boundary.

Carpenters, Local 1325

Zone 9: That part of the province of Alberta north of a line running through a point one mile north of the town of Ponoka, excepting Zone 8.

IBEW, Local 424;  
Bricklayers, Local 1

Zone 10: That part of the province of Alberta north of the north boundary line of Township 38.

IBEW, Local 424;  
Bricklayers, Local 1

Zone 11: That part of the province of Alberta south of the north boundary line of Township 38.

Carpenters, Local 2103

Zone 12: That part of the province of Alberta bounded on the north by a line from the B.C. border east along the north boundary of Township 13 to the west boundary of Range 27; north to the north boundary of Township 15 and east of the west boundary of Range 13; on the east by a line from there south to the U.S. border; on the south by the U.S. border; and on the west by the B.C. border.

Carpenters, Local 2103

Zone 13: That part of the province of Alberta bounded by a line from the U.S. border north on the west boundary of Range 13 to the south boundary of Township 23; east to the Saskatchewan border; south to the U.S. border; then west to the west boundary of Range 13.

Carpenters, Local 2103

Zone 14: That part of the province of Alberta bounded on the south by a line from the B.C. border running east on the south boundary of Township 14 to the east boundary of Range 27; north to the south boundary of Township 16; east to the east boundary of Range 14; north to the south boundary of Township 23; and then east to the Saskatchewan border; on the east by the Saskatchewan border; on the north by a line along the north boundary of Township 32 from the B.C. border to the Saskatchewan border; and on the west by the B.C. border.

Carpenters, Local 2103

Zone 15: That part of the province of Alberta bounded on the south by a line along the north boundary of Township 32 from the B.C. border to the Saskatchewan border; on the north by a line from the B.C. border to the Saskatchewan border, one mile north of the town of Ponoka; on the east by the Saskatchewan border; and on the west by the B.C. border.

Millwrights, Local 1460

Zone 16: That part of the province of Alberta bounded on the north by a line running east from the B.C. border to the Saskatchewan border through a point one mile north of the town of Ponoka.

Millwrights, Local 1460

Zone 17: That part of the province of Alberta bounded on the south by a line running east from the B.C. border to the Saskatchewan border through a point one mile north of the town of Ponoka.

CLAC, Local 63

Zone 18: That part of the province of Alberta north of the Tenth Base Line.

CLAC, Local 63

Zone 19: That part of the province of Alberta south of the 52<sup>nd</sup> Parallel.