

**APPLICATION FOR ACCREDITATION AS BARGAINING AGENT
PURSUANT TO SECTION 13.1(1) OF THE *FISHING INDUSTRY COLLECTIVE BARGAINING ACT***

☐ 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")

1. Name of Processors' Organization _____

Address _____

2. Name(s) of Association(s) or Council(s) of Associations _____

Address(es) _____

3. Names and Addresses of Processors for whom accreditation is sought. (Attach additional sheets if necessary.) _____

4. State name(s) and address(es) of Association(s) or Council(s) of Associations with whom each Processor bargains. _____

5. Names of Processors for whom accreditation is sought who are members of the applicant Processors' Organization. (Attach additional sheets if necessary) _____

6. State approximate percentage of a fish species, as measured by the round weight equivalent based upon the previous calendar year's production, produced by Processors who are members of the applicant Processors' Organization. _____

7. Give the name(s) of any competing Processors' Organization(s) claiming to represent for collective bargaining purposes any or all of the Processors affected by this application.

8. The applicant Processors' Organization, claiming that it has members in accordance with section 13.1 of the **Fishing Industry Collective Bargaining Act**, hereby makes application pursuant to section 13.1(1) of the **Fishing Industry Collective Bargaining Act**, to be accredited by the Labour Relations Board as the sole collective bargaining agent for Processors in the Province.

Made and signed on behalf of the applicant Processors' Organization this _____
day of _____, 20____ by:

Signature (1) _____
(Name)

(Processors' Organization office held, Name of Processors' Organization)

(Address of person affixing signature)

Signature (2) _____
(Name)

(Processors' Organization office held, Name of Processors' Organization)

(Address of person affixing signature)

N.B. Section 44 of the *Fishing Industry Collective Bargaining Act* provides that an application made by a Processors' Organization may be signed by the president and secretary or by 2 officers, or by a person authorized for that purpose by resolution passed at a meeting of the Organization.

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 if made under oath, and by virtue of the ***Canada Evidence Act***.

Severally declared by the said

and

(Signature)

before me at _____
in the District of _____
in the Province of Newfoundland and Labrador,
this _____ day of _____, 20____

(Signature)

(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 ACCREDITATION OF BARGAINING AGENT

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

1. The full and correct name of the processors' organization making the application should be given. The address reported should be the address of the office of the processors' organization if one is maintained, or, if not, the address given may be that of one of the persons signing the application. Telephone number and fax number should also be given.
 2. The full and correct name of the association or council of associations should be given. If more than one association or council of associations is involved, the name, address, telephone number and fax number of each should be given.
 3. The full and correct name of the processors on whose behalf your organization seeks accreditation should be given. If more than one processor is involved the name, address, telephone number and fax number of each should be given.
 4. The full and correct name of the association(s) or council(s) of associations with whom each processor bargains should be given. The address, telephone number and fax number should also be given.
 5. The reply to this section will be the approximate percentage of fish species, as measured by the round weight equivalent based upon the previous calendar year's production as determined on the basis of records submitted by processors to the Department of Fisheries and Aquaculture under the requirements of the *Fish Inspection Act* and the regulations made under that Act and the *Fisheries Act* in the context of obtaining licence renewal and reporting production for the calendar year previous to the production. The attention of the applicant is directed to Section 2(1)(m.01) of the *Fishing Industry Collective Bargaining Act*.
 6. Give the names of all competing Processors' Organizations claiming to represent for collective bargaining any processors affected by the application.
- N.B. - One copy of the Memorandum of Association and Articles of Association or Constitution and by-laws of the Processors' Organization together with a list of the names and addresses of its officers must 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.