



Labour Relations Board

**APPLICATION FOR ACCREDITATION AS BARGAINING AGENT
PURSUANT TO SECTION 58 OF THE *LABOUR RELATIONS ACT***

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

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 Employers' Organization _____

2. Name(s) of Respondent Trade Union(s) or Council(s) of Trade Unions _____

3. Names, Addresses, Telephone and Fax numbers of Unionized Employers on whose behalf your organization seeks accreditation. See Section 3 of Page 4 of this application. (Attach additional sheets if necessary.) _____

4. State name(s) and address(es) of Union(s) or Council(s) of Trade Unions with whom each unionized employer bargains. (Attach additional sheets if necessary.) _____

5. Description of sector and geographic area(s) applied for _____

6. Approximate number of unionized employers in the sector and geographic area(s) applied for which the Applicant desires to represent _____

7. Approximate total number of employers in the sector and geographic area(s) applied for _____

8. Number and percentage of unionized employers in the sector and geographic area(s) applied for who are members of the applicant employers' organization.

Number: _____

Percentage: _____

9. Give the name(s) of any competing employers' organization(s) claiming to represent for collective bargaining purposes any or all of the employers affected by this application _____

10. Total number of unionized employees employed by unionized employers in the sector and geographic area(s) applied for _____

11. The applicant employers' organization, claiming that it has members in accordance with section 61 of the **Labour Relations Act**, hereby makes application pursuant to section 58 of the **Labour Relations Act** to be accredited by the Labour Relations Board as bargaining

agent for employers in the said sector and geographic area(s) applied for.

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

Signature (1) _____
(Name)

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

(Address of person affixing signature)

Signature (2) _____
(Name)

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

(Address of person affixing signature)

N.B. Section 135 of the Act provides that an application made by an employers' organization may be signed by the president and secretary or by any two officers thereof, or by a person authorized for that purpose by resolution duly passed at a meeting of the employers' 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, 2 and 3).

1. The full and correct name of the employers' organization making the application should be given. The address reported should be the address of the office of employers' 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 trade union or council of trade unions should be given. If more than one trade union or council of trade unions is involved, the name and address of each should be given. Telephone number and fax number should also be given.
3. The full and correct name of the unionized employers on whose behalf your organization seeks accreditation should be given. If more than one employer is involved the name, address, telephone number and fax number of each should be given.
4. The full and correct name and address of the union(s) or council(s) of trade unions with whom each employer bargains should be given.
5. The description of the sector and geographic area(s) to be covered by the application should be as precise as possible. Describe fully the group of unionized employers in a geographic area engaged in a particular sector of the construction industry for whom the applicant employers' organization desires to be accredited as bargaining agent. The precise boundaries of the geographic area should be given and the particular sector of the construction industry should be given.
6. The reply to this section will be the total number of unionized employers in the sector and geographic area described in Section 5.
7. The reply to this section will be the total number of unionized employers included in the application as reported in Section 6 plus all other unionized employers not intended to be included in the application.
8. In reply to this section, the Applicant Employers' Organization should give the number and percentage of its members who are unionized employers in the sector and geographic area described in Section 5 of the application. The attention of the applicant is directed to Section 61 of the ***Labour Relations Act***.
9. Give the names of all competing Employers' Organizations claiming to represent for collective bargaining any employers included in the sector and geographic area applied for.

10. The reply to this section will be the total number of unionized employees employed by the unionized employers in the sector and geographic area applied for. The applicant's attention is directed to Section 61 of the ***Labour Relations Act***.

N.B. - One copy of the Memorandum or Articles of Incorporation, if any, or Constitution and by-laws of the applicant Employers' 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.