

Effective 3 May 2004

**POLICY CIRCULAR
SIGNING AUTHORITY
SECTION 135 OF THE *LABOUR RELATIONS ACT***

On 3 May 2004, the Board adopted the following policy in relation to the signing of applications filed with the Board:

In light of the recent decision of Mr. Justice Orsborn of the Supreme Court Trial Division in the matter of *NewLab Clinical Research Inc. v. Newfoundland and Labrador Association of Public and Private Employees*, parties are urged to review their applications before the Board to ensure that they are signed in compliance with Section 135 of the *Labour Relations Act* as interpreted by Mr. Justice Orsborn.

Section 135(d) of the Act states:

135. An application to the board or a notice or a collective agreement may be signed,

- d. where it is made, given or entered into by a trade union or employers' organization, by the president and secretary or by 2 officers, or by a person authorized for the purpose by resolution passed at a meeting of the trade union or employers' organization.

If an application is not signed in accordance with Section 135 of the Act, it cannot be accepted. Where an application is signed by authority of a resolution, the Board will require a copy of the resolution. The Board will require that a resolution authorizing a "person" will name the individual and not a position within the trade union or employers' organization.