



MANITOBA LABOUR BOARD

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**MANITOBA LABOUR BOARD
INFORMATION BULLETIN NO. 3
THE CERTIFICATION PROCESS**

This bulletin is intended to provide the labour relations community with information relative to the procedure that has been implemented by the Manitoba Labour Board (the "Board") in processing applications for certification filed as of November 7, 2024.

Effective November 7, 2024, the Board will only be required to conduct representation votes in certification proceedings where, pursuant to section 40(1)(b) of *The Labour Relations Act*, C.C.S.M. c. L10, (the "**Act**") the union has applied with support between forty percent (40%) and fifty percent (50%) of the employees in the proposed bargaining unit on the date of application.

If, pursuant to Section 40(1)(a) of the **Act**, the union has applied with support of more than fifty percent (50%) of the employees in the proposed bargaining unit on the date of application, the Board will now be required to certify the applicant as the bargaining agent for the employees in said unit.

Once an application for certification is received by the Board, the application will be processed by the administrative staff of the Board and will be served on the employer, in most cases, by an officer of the Board, either in person or via email. The employer will receive all information it requires in order to respond, including a description of the proposed unit. The parties will also be invited to a planning meeting to establish the voting criteria, which will be tentatively scheduled two (2) days after the filing of the employer's return. The hearing date shall be set in keeping with the Board's established practice and procedure and will be included with the material provided. Correspondence confirming receipt of the application, together with notice of the planning meeting and the hearing date, will simultaneously be sent to the applicant union and other interested parties.

Applications for certification are dealt with on an expedited basis. The *Manitoba Labour Board Rules of Procedure, Regulation 184/87R*, requires the employer to file its return within two (2) days of receipt of the application for certification. Although the legislation provides other than in cases where the Board is satisfied that exceptional circumstances exist, a vote must be held within seven (7) days, most votes will be conducted between the fifth (5th) and seventh (7th) days.

At any time during the course of the proceedings, should the Board satisfy itself that the minimum statutory requirements of Section 40(1) (a) of the **Act** have been met, the planning meeting and/or the conduct of the representation vote may be duly cancelled. In instances where the representation vote has been conducted, the ballots may not be counted.

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Where there is a dispute regarding the appropriateness of the bargaining unit affecting voter eligibility, the disputed ballots will be double-sealed and the sealed ballot box will be returned to the Board's office pending the Board's determination of those issues on the previously scheduled hearing date. Exceptional circumstances allowing for extensions of time will be dealt with according to the merits of the particular case.

Copies of *The Labour Relations Act*, C.C.S.M. c. L10, and the *Manitoba Labour Board Rules of Procedure, Regulation 184/87 R*, may be obtained from King's Printer. Please call ahead at 204-945-3103 or send an email to kingsprinter@gov.mb.ca

If you require additional information, please contact the Board's office at 204-945-3783
