



MANITOBA LABOUR BOARD

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MANITOBA LABOUR BOARD INFORMATION BULLETIN NO. 19 APPOINTMENT OF CONCILIATORS AND GRIEVANCE MEDIATION
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Manitoba Labour Board List of Conciliators and Mediators

In accordance with Sections 68.1 and 129.1 of *The Labour Relations Act* C.C.S.M. c. L10 (the “Act”), the Manitoba Labour Board (the “Board”) maintains a list of conciliators and grievance mediators who are willing to act in this capacity and have displayed qualities and experience that make them suitable for such an appointment.

When establishing its list, which is available on the Board’s website, the Board engaged in a consultative process with representatives of employers and employees. The list reflects the consensus reached through this consultative process.

Appointment of a Conciliator

Subsection 67(1) of the *Act* provides that the Board shall appoint a conciliator in the following circumstances:

Appointment of a Conciliator

67(1) The board shall appoint a conciliator to confer with parties engaged in collective bargaining if

- (a) the minister requests the board to appoint a conciliator; or
- (b) a notice to commence collective bargaining has been given under this Act and
 - (i) collective bargaining has not commenced within the time prescribed by this Act or collective bargaining has commenced, and
 - (ii) either party requests the board in writing to appoint a conciliator to confer with the parties to assist them to conclude a collective agreement or a renewal or revision of a collective agreement, and the request is accompanied by a statement of the difficulties, if any, that have been encountered before the commencement or in the course of collective bargaining.

To initiate a request for the appointment of a conciliator in accordance with Subsection 67(1)(b) of the *Act*, a party is required to file an Application. In the Application, the initiating party must confirm that the preconditions for requesting the appointment have been met. In addition, a statement of the difficulties encountered before, or in the course of, collective bargaining must be included with the Application. The Application must be accompanied by a Statutory Declaration on Form “A”.

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As to procedure, upon referral of an appeal from a notice of administrative penalty, a Notice of Hearing is served on the Employer seeking appeal of the administrative penalty and on the **Director**.

The **Director** is a party to these proceedings and has standing to appear before the Labour Board and may be represented by Counsel and you may choose to be represented by a lawyer or other person or you may represent yourself.

After hearing the appeal, the board, pursuant to Section 138.2(6) of the **Code**,

- (a) Must confirm or revoke the penalty; and
- (b) If the penalty is confirmed, may award costs against the person required to pay the penalty if, in the board's opinion,
 - (i) The person's conduct before the board was unreasonable, or
 - (ii) The appeal was frivolous or vexatious.

Please Note:

All information contained in the Referral Package received from the Division and all information provided to the Labour Board at the hearing of an appeal is available to all parties to the appeal. Any information contained in the Referral Package and any testimony provided in evidence during the course of the hearing, may be referred to in a Substantive Order or Written Reasons for Decision issued by the Board which are thereafter published by the Board and provided to private publishers who may re-publish same, in whole or in part, in print or online.