

MANITOBA LABOUR BOARD

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June 1, 2015

**MANITOBA LABOUR BOARD
INFORMATION BULLETIN NO. 13
EXTENSION OF TIME TO FILE DOCUMENTATION,
NOTICE OF HEARING AND REQUEST FOR ADJOURNMENT**

This bulletin is intended to confirm the general policies of the Manitoba Labour Board (the "Board") regarding requests for extensions of time to file documentation, notices of hearing and requests for adjournment pursuant to the *Manitoba Labour Board Rules of Procedure, Regulation 184/87 R* (the "*Regulation*") of *The Labour Relations Act*, C.C.S.M. c. L10.

Extension of Time - Rules 4(3), 4(4) and 4(5)

Where a request is made for an enlargement of the time prescribed by the *Regulation* for the filing of documentation with the Board, the request shall be reviewed by the Chairperson or a Vice-Chairperson on its individual merits. Should the request be granted, it is the Board's policy to grant three day extensions. Lengthier extensions are only granted in unforeseen or extenuating circumstances.

Notice of Hearing to Parties - Rules 5(1), 5(2), 5(14) and 5(15)

1. Hearings shall proceed on the date(s) set by the Board unless adjourned, as hereinafter provided. Automatic hearing dates scheduling certifications, decertifications and unfair labour practices four to five Fridays from the date of the application shall continue to be the Board's practice. In all other instances where the Board has determined that a hearing is required, the parties, in most cases, will be given notice of such hearing no less than five days prior to the date of hearing.
2. Notwithstanding the above, where the Board deems it expedient and advisable, or where parties consent to a shorter period of notice, the Board may give shorter notice if it is satisfied that exceptional circumstances exist.
3. The onus is on the parties to inform the Board as to the number of witnesses they intend to call and the anticipated length of the proceedings.

Requests for Adjournment of a Hearing - Rule 5(13)

1. Where a party having received notice of a hearing makes a request for an adjournment of the hearing, the Chairperson, Vice-Chairperson or the Board may postpone or adjourn the hearing upon such terms as it deems fit and only in circumstances where:
 - a. the matter to be heard is scheduled for a hearing for the first time; and
 - b. the party making the request for an adjournment has obtained consent to such adjournment from all the parties to the proceedings.

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2. When a party who has been served with a notice of hearing refuses to consent to an adjournment of a matter scheduled as a first hearing, all parties served with notice of that hearing shall attend the hearing as scheduled or on a date set by the Board to specifically deal with the request and shall be prepared to speak to the matter of the application or request for adjournment or as otherwise directed by the Board.

3. Where an adjournment of a hearing has been granted, no second or subsequent application request for an adjournment shall be entertained or granted by the Chairperson, Vice-Chairperson or Board unless all parties served with notice of the second or subsequent hearing,
 - a. consent to the adjournment; or
 - b. are prepared to speak to the matter of the application or request for adjournment at the hearing as scheduled; andin the opinion of the Chairperson, Vice-Chairperson or Board, such adjournment should be entertained or granted.

4. Where a party has given to any other party consent to adjournment, the party or parties to whom consent was given shall, in writing, notify the Board that such consent has been given.

5. Where, under Paragraphs 2 and 3 above, the Board has heard an application request for an adjournment of a hearing, the Board may refuse to grant the adjournment and may direct that the hearing proceed as scheduled.

Adjournments Affecting Continuation of Proceeding

The Manitoba Labour Board is concerned with the increasing incidents of applications where the initial dates set aside for hearing are not sufficient to conclude the proceeding. Delays such as these are not in the best interest of either party to a dispute.

In the past, the Board has attempted to accommodate by setting continuation dates that are agreeable to both parties and their respective counsel. Our recent experience in this area has shown that the continuation dates, in our opinion, are being set far in excess of what we consider a reasonable period of time.

The other area of concern is that when dates are established they are usually sporadic, therefore, further complicating the continuity of the proceeding in regards to the presentation of witnesses and their respective testimony. Accordingly, we have instituted the following procedures:

1. The Board's office, whenever possible, should be notified by counsel as to the anticipated length of the proceeding.

2. In situations where adjournments are necessary and the parties cannot agree on continuation dates that are within what the Board considers a reasonable period of time, the Board will set dates on a pre-emptory basis.

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It is the Board's opinion that the expeditious resolution of labour relations disputes tends to reduce friction and disharmony in the workplace.

Your anticipated co-operation will not only be greatly appreciated by the Board, but by the parties directly affected by the proceeding before the Board.

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 viewed on the Board's website at www.manitoba.ca/labour/labbrd, and/or obtained from Statutory Publications, 10th Floor – 155 Carlton Street, Winnipeg MB R3C 3H8, Telephone: 204-945-3101.

If you require additional information, please contact the Board's office at 204-945-2089.

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