

CASE MANAGEMENT CONFERENCES

Procedural Statement

The Case Management Conference (CMC) is part of the process that the Labour Board uses to monitor and manage a case from the time a matter is filed to its conclusion. A CMC may be chaired by the Chair, Vice-Chair or Board staff member.

If the Board schedules a CMC, it will generally take place as soon as possible after the parties have filed their opening submissions (appeal/application/complaint, response, and replies). The Board expects the parties to provide all relevant details pertaining to the matter in order to expedite the CMC and ultimately, the adjudicatory process. Board staff coordinate the scheduling of the CMCs which are held by telephone or in person, as required. Failure or refusal to participate in a CMC may result in the Board setting a hearing, at its own discretion.

Any Board decision or ruling stemming from the CMC is binding on all the parties therefore it is necessary that those participating in the CMC have knowledge of the matter and authority to enter into binding agreements. At the CMC, parties must be prepared to discuss the following items and have their calendars available to facilitate the scheduling of any future proceedings:

1. Identity and status of all parties to the matter;
2. Identity of legal counsel or the person(s) acting on the parties' behalf;
3. Identification of agreed facts;
4. Identification of issues remaining in dispute including preliminary issues or objections;
5. Identification of possible means of addressing issues in dispute;
6. Discussion of the need for further Board investigation or examination;
7. Discussion of alternative methods of resolution (mediation/settlement conference);
8. Discussion of any evidence relevant to the hearing:
 - a. Nature of evidence in support of respective positions,
 - b. Witnesses and estimated length of each witness' testimony,
 - c. Subpoena requests,

- d. Disclosure and exchange of documents (details of their identification and establishment of dates for exchange of this information, requesting the record where appropriate, books of authority and number of copies required for hearing);
9. Discussion of how the hearing will proceed; i.e., sole adjudication, location, written submissions and written argument (paper review) as alternatives to oral hearings etc.;
10. Scheduling further conferences as necessary;
11. Selection of hearing dates, if necessary;
12. Such other matters appropriate for managing or expediting the case.

The Board may use its discretion and refuse to allow or consider any document, or hear any witness presented by a party at a hearing, if a party has failed to comply with any rulings or directives issued by the Board during the CMC.

In setting hearing dates, the Board will be sensitive to the availability of the parties and their legal counsel so far as is possible or appropriate. However, in cases involving unfair labour practices, discriminatory actions, reprisal matters, remedies that involve reinstatement, illegal work stoppages, or where the case involves a matter of great and pressing public interest, the Board may set dates much sooner than for other matters.