



Labour Relations Code

LABOUR RELATIONS REGULATION

B.C. Reg. 7/93

Deposited January 14, 1993 and effective January 18, 1993
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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 7/93 (O.C. 28/93), deposited January 14, 1993 and effective January 18, 1993, is made under the *Labour Relations Code*, R.S.B.C. 1996, c. 244, s. 159.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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B.C. Reg. 7/93

Interpretation

- 1** In this regulation “**Code**” means the *Labour Relations Code*.

PART 1 – APPLICATIONS TO THE BOARD

Requirements for applications

- 2** Applications to the board under sections 18, 99 and 141 of the Code must be in a form that is satisfactory to the board.

PART 2 – MEMBERSHIP EVIDENCE

Criteria for membership

- 3** For the purpose of establishing membership in good standing in a trade union where that trade union is making an application for certification, the following minimum criteria apply:
- (a) a membership card must be signed and dated at the time of signature;
 - (b) a membership card signed on or after January 18, 1993 must contain the following statement:

In applying for a membership I understand that the union intends to apply to be certified as my exclusive bargaining agent and to represent me in collective bargaining. ;
 - (c) within 6 months of the application for certification,
 - (i) the membership card must have been signed, or
 - (ii) active membership must have been maintained by dues payments.

[am. B.C. Reg. 79/2020.]

Additional requirement for construction industry

- 3.1** In addition to the requirements of section 3, a trade union making an application for certification in the construction industry on the basis of active membership referred to in section 3 (c) (ii) must attach an expression of support from those members in the following form:

I support the application by [Name of trade union]
for the certification applied for.

..... [Name of employee] [Date]

[en. B.C. Reg. 154/99.]

Revocation of membership cards

- 4** A membership card may be revoked by delivering a written statement signed by the member to the trade union and the Labour Relations Board on or before the date of application for certification.

PART 3 – VOTING**Division 1 – Votes Directed by Board or Minister****Application**

- 5** This Division applies to a vote that is directed to be taken by the board or the minister under the Code.
[am. B.C. Reg. 59/93.]

Supervision of votes

- 6** The board must supervise votes to which this Division applies.
[am. B.C. Reg. 59/93.]

Appointment of returning officer

- 7** The board may appoint a returning officer to conduct the taking and counting of the vote.

Duties of returning officer

- 8** (1) The returning officer may appoint deputy returning officers and clerks and may delegate to the deputy returning officers any or all of the powers and duties set out in subsection (2).
- (2) Subject to the Code and this regulation, the returning officer must
- (a) set the date, time and place or places for taking the vote and ensure that every person eligible to vote has a reasonable opportunity to do so,
 - (b) subject to direction from the board, determine the list of persons eligible to vote,
 - (c) subject to direction from the board, set the form of ballot,
 - (d) fix the number and location of polling places, each of which must contain private polling booths or private spaces for voting,
 - (e) prepare and post notices relating to the vote in forms set by the board,
 - (f) invite employers and trade unions affected by the vote each to appoint, in writing, a scrutineer to be present at the taking and counting of the vote, and where the vote is a representation vote ordered by the board under the Code, also invite the applicant employees to appoint, in writing, one additional scrutineer to be present at the taking and counting of the vote,
 - (g) when required, obtain from the employer a copy of a certified list of the names and, if required, the addresses of all employees in the unit,

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- (h) furnish to each scrutineer a list of persons eligible to vote,
- (i) prior to balloting, examine the ballot box in the presence of the scrutineers, if any, remove the contents, if any, and then secure the ballot box,
- (j) keep a record of the persons to whom ballots are issued,
- (k) provide for the deposit, in a sealed envelope identified by name of the voter, of a ballot cast by a person whose eligibility to vote has been contested,
- (l) ensure that the vote is conducted in accordance with the Code to ensure the privacy of the voter, the secrecy of the ballot and maintenance of the general rules of voting set out in Schedule 1,
- (m) at the close of the poll but prior to opening the ballot box, refer any contested ballot to the board for decision,
- (n) following the board's decision with respect to any contested ballot, open the ballot box and count the ballots in the presence of the scrutineers, if any,
- (o) upon the completion of the vote, and with the scrutineers present, if any, promptly prepare a return of poll in a form set by the board, sign it and file a copy with the registrar,
- (p) forward to the person designated by the returning officer the ballot box or boxes containing marked ballots, unused ballots, notices of poll, letters of appointment of scrutineers, all voters lists and a copy of the return of poll, and
- (q) give such special directions or instructions as the returning officer considers necessary for the proper conduct of the vote.

Duties of scrutineers

9 It is the duty of every scrutineer to

- (a) contest the right of a person to vote if there is valid reason for doing so,
- (b) assist the returning officer or deputy returning officer in counting the ballots,
- (c) sign the return of poll and retain one copy, and
- (d) deliver to the returning officer or deputy returning officer used voters lists in the scrutineer's possession.

[am. B.C. Reg. 76/2022, s. 4.]

Duties of employers, employees and trade unions

10 Every employer, employee and trade union involved or having an interest in the outcome of the vote must cooperate with the returning officer and deputy returning officer and comply with any direction validly given by either of them, including a direction to the employer to supply information and records and to make available the use of facilities owned by the employer.

Distribution of results

- 11** (1) The return of poll indicating the results of the vote, including the number of ballots cast and the number of votes for, against or spoiled, must be made available by the board to
- (a) the trade union and employer affected,
 - (b) employees in the bargaining unit, and
 - (c) such other persons as the board may direct.
- (2) The board may require the returning officer to give a copy of return of poll to the trade union or employer affected and to post copies of the return of poll in the locations where the notices of the vote were posted.

Division 2 – Strike and Lockout Vote**Application**

- 12** This Division applies to matters under sections 60 and 61 of the Code.
[am. B.C. Reg. 59/93.]

Appointment and duties of returning officer

- 13** (1) A bargaining agent for which a vote is being held must appoint a returning officer to act under subsection (2) for the purposes of the vote and set the date, times and places for voting and provide eligible persons with not less than 48 hours notice of where to vote.
- (2) Subject to the Code and this regulation, the returning officer must
- (a) set the form of ballot and ensure that it poses the following question, as applicable, in these words:
Are you in favour of a strike: Yes ☐ No ☐,
Are you in favour of a lockout: Yes ☐ No ☐,
 - (b) act as scrutineer and if necessary appoint additional scrutineers to be present while ballots are cast and counted,
 - (c) prepare a voters list and keep a record of the persons to whom ballots are issued,
 - (d) fix the number and location of polling places,
 - (e) resolve questions concerning eligibility of voters,
 - (f) ensure that the vote is conducted by secret ballot and that there is compliance with Schedule 1, and
 - (g) when the vote is completed,
 - (i) prepare and sign a return of poll in the form set out in Schedule 2, and
 - (ii) provide a copy of it to the bargaining agent.

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Vote complete

- 14** For the purpose of sections 60 and 61 of the Code, a vote shall be deemed to have been taken when the bargaining agent receives the copy of the return of poll from the returning officer.

Copy of return to be sent to board

- 15** When the bargaining agent receives a return of poll from the returning officer, it must promptly send a copy of the return of poll to the associate chair of the Mediation Division.

Names and addresses of employees

- 16** An employer must give the returning officer the names and addresses of all its employees in the bargaining unit immediately after receiving a written request for this information from the returning officer.

Preservation of ballots

- 17** The bargaining agent must preserve all documents relating to a vote for not less than 3 months from the last day of the vote.

Division 3 – General**Application**

- 18** This Division applies to the votes held under Divisions 1 and 2.
[am. B.C. Reg. 59/93.]

Mailed vote

- 19** If in the opinion of the returning officer a mailed vote should be conducted, the following conditions apply in addition to those set out in Divisions 1 and 2:
- (a) the returning officer must
 - (i) furnish each person eligible to vote with
 - (A) a ballot,
 - (B) a letter setting out the information on which the vote is being held, instructions for voting and the time for return,
 - (C) a blank envelope with the word “ballot” printed on it, and
 - (D) an addressed envelope for the return of the ballot, containing a space in the upper left hand corner for the signature of the voter,
 - (ii) designate the time and place for counting the ballots and so notify the scrutineers, if any, and the board, and
 - (iii) in the presence of the scrutineers, if any, deposit in the ballot box the unopened ballot of each eligible voter;
 - (b) a ballot that is

- (i) not received within the time specified by the returning officer for the taking of the vote, or
 - (ii) returned in an unsigned envelope
- must not be counted;
- (c) a ballot forwarded to a voter by the returning officer in the ordinary course of mail is deemed to have been received by that voter.

Variation of requirements

- 20** If the returning officer reports to the board that
- (a) under the circumstances, it is impossible or impractical to comply strictly with this regulation, or
 - (b) there has been an omission or impediment in carrying out this regulation, or in complying with the time allowed to do any act,

the board may make orders varying or suspending a provision that are not inconsistent with the Code and are necessary for the purpose of facilitating and regularizing the casting and counting of the vote while maintaining the privacy of the voter and the secrecy of the ballot.

SCHEDULE 1

[am. B.C. Reg. 76/2022, s. 3.]

GENERAL RULES OF VOTING

- 1 After receiving a ballot from the returning officer, the voter must, in the polling booth or space provided, mark it with an "X" in the square provided opposite to the division for which the voter desires to vote, fold the ballot and, in the presence of the returning officer or deputy returning officer and scrutineers, if any, deposit the ballot in the box and then leave the premises.
- 2 Ballots that are not marked or have on them writing or a mark other than "X" must be declared spoiled, except where the voter has by some other mark, in the opinion of the returning officer or deputy returning officer, clearly indicated an intention, in which case the returning officer or deputy returning officer, whose decision shall be final, may declare the ballot not spoiled and count it accordingly.
- 3 No person other than the voter, for the time that it takes to vote, is permitted in the polling booth or the allocated space.

SCHEDULE 2

**RETURN OF POLL
(STRIKE OR LOCKOUT VOTE)**

- | | | |
|----|-----------------------------|----------------------|
| 1. | Number of ballots issued: | <input type="text"/> |
| 2. | Number of ballots returned: | <input type="text"/> |
| 3. | Number in favour: | <input type="text"/> |
| 4. | Number against: | <input type="text"/> |
| 5. | Number of ballots spoiled: | <input type="text"/> |

I certify that this vote has been conducted in accordance with the Labour Relations Regulation under the *Labour Relations Code* and that the information in this Return of Poll is correct.

Dated Signed

Returning Officer

.....
Name of Employer or Employers' Organization (as applicable)

.....
Name of Trade Union or Council of Trade Unions (as applicable)