



MANITOBA LABOUR BOARD

Suite 500, 5th Floor – 175 Hargrave Street, Winnipeg, Manitoba, Canada R3C 3R8

T 204 945-2089 F 204 945-1296

www.manitoba.ca/labour/labbrd

FORM XX: Application Alleging an Unfair Labour Practice Contrary to Section 20

THE LABOUR RELATIONS ACT

BETWEEN:

Applicant,

- and -

Bargaining Agent/Respondent,

- and -

Employer.

All information included in your application is provided to the party or parties named as respondents or interested parties. Further, such information may be referred to in the order or reasons issued by the Board at the conclusion of the case, on the Board's website and in print and online reporting services that may publish the Board's decision.

PLEASE READ MANITOBA LABOUR BOARD INFORMATION BULLETIN NO. 14, BARGAINING AGENT'S DUTY OF FAIR REPRESENTATION BEFORE COMPLETING THIS APPLICATION.

The Applicant claims that the Bargaining Agent has violated Section 20 of *The Labour Relations Act*. The Applicant states:

1. Information About the Applicant:

(a) Name, address, telephone number and facsimile number of the applicant:

(b) If you are represented by a lawyer or some other person, please provide the name, address, telephone number and facsimile number of that person.

2. **Who is Your Complaint Against?**

(a) Bargaining agent's name, address, telephone number and facsimile number:

(b) Name of bargaining agent's representative to be a contact person:

3. **Information About Your Employer:**

(a) Employer's name, address, telephone number and facsimile number:

(b) Name of employer's representative to be a contact person:

4. **What Is Your Complaint About?**

(a) If your complaint involves the filing of a grievance under a collective agreement, please attach a copy of the grievance, the collective agreement (if available) and any other documents related to the grievance.

(b) What was the outcome of the grievance?

(c) Name of the bargaining agent official who handled your grievance:

5. (a) Have you lost your employment? Yes No

(b) If yes, please explain:

6. **When did the bargaining agent's alleged violation come to your attention?**

(a) On what date did you first become aware of the alleged violation?

(b) If the application is being filed more than six (6) months after the bargaining agent's alleged violation came to your attention, explain the reasons for the delay in filing this application

7. **How Did the Bargaining Agent Allegedly Violate Section 20 of *The Labour Relations Act*?**

Describe all of the facts that you are relying on in making this complaint. In other words, what facts do you rely on in support of your claim that the bargaining agent acted in a manner that was arbitrary, discriminatory or in bad faith in representing you? If you have been dismissed and allege that the bargaining agent has failed to take reasonable care to represent your interests, what facts do you rely on in support of your allegation. Include all of the circumstances, what happened, where and when it happened, and the names of any persons said to have acted improperly.

(Please note that you may not be allowed to present evidence or make any representations about any material fact that was not set out in the application or otherwise filed promptly in the way required by the *Manitoba Labour Board's Rules of Procedure*, except with the permission of the Board.)

8. **Remedies**

What remedies are you asking the Manitoba Labour Board to order if the Board finds that the bargaining agent violated *The Labour Relations Act*? For example, are you asking the board to order that your grievance proceed to arbitration?

Dated at _____ this _____ day of _____, 20__ .

Signature of Applicant

Form A to be filed herewith