

LETTER DECISION
BCLRB No. B378/95

October 17, 1995

To Interested Parties:

Re: Re-Con Building Products Inc. (the "Employer") -and-
Cement, Lime & Gypsum Division of the International
Brotherhood of Boilermakers, Iron Ship Builders,
~~Blacksmiths, Forgers and Helpers, Local Lodge D400~~
(the "Union")
(Application for Certification - Case No. 28327/95)

1 The Union has applied for certification for a group of employees of the Employer at and
from 3120 McCallum Road, Abbotsford.

2 During the certification hearing, I reserved my decision on the validity of the Union's
membership evidence as it concerned the dating of its cards.

3 In order to establish membership in good standing as required by Regulation 3 of the
Labour Relations Board Regulation, a trade union making an application for certification must
meet the following minimum criteria:

(a) a membership card must be signed and dated at the time of
signature; . . .

(c) *within 90 days of the application for certification,*

(i)the membership card must have been signed, or

*(ii)active membership must have been maintained by dues
payments. (emphasis added)*

4 It is implicit from these provisions that the Labour Relations Board must be able to
determine, on the face of a membership card, whether the card has been signed within the
required 90 day period. The actual format which a union chooses is at the discretion of the
union; however, the Board must be able to judge with certainty when the card was signed and
dated.

5 In reviewing the membership cards offered by the Union here, I am unable to confirm, with certainty, when a number of the cards were signed. I am not prepared to order an investigation as proposed by the Union to, in effect, "validate" the cards. Nor, in my view, would it be open to the Union to lead *viva voce* evidence (eg. by an organizer) to establish the various dates. Among other concerns, there would be no means by which the Employer could effectively cross-examine in such circumstances.

6 For these reasons I am dismissing the Union's application for certification.

LABOUR RELATIONS BOARD

BRIGID LUMHOLST-SMITH
VICE-CHAIR

Interested Parties:

Cement, Lime & Gypsum Division
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