



MANITOBA LABOUR BOARD

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MANITOBA LABOUR BOARD

INFORMATION BULLETIN NO. 2

MANITOBA LABOUR BOARD RULES OF PROCEDURE, REGULATION 184/87 R
RULE 28 (PART V - RULES OF BOARD PRACTICE)

This bulletin will confirm the Manitoba Labour Board's (the "Board") general policy regarding its application of Rule 28, when ascertaining whether an individual is considered to be an employee for the purposes of determining membership support in an application for certification situation.

This situation normally arises only when we are dealing with an employer who employs full-time and part-time employees. Once it has been determined that a complement of part-time employees exists, a Board Officer conducts a review of the payroll records for the twelve weeks immediately prior to the date of application. This report is filed with the Board for a determination of employee status, pursuant to Rule 28 of the ***Manitoba Labour Board Rules of Procedure, Regulation 184/87 R***.

Those individuals who normally fall within the employee definition are those who appear on a work schedule and who work all or most of the twelve weeks reviewed by the Board. An example would be an employee who works two days per week for four hours per day. Neither the days nor the hours worked need be the same each week. A person who falls within the above pattern would, in most cases, be determined to be an employee for the purposes of Rule 28.

In situations where a person works sporadically, rather than week by week, the person may not be deemed to be an employee for the purposes of Rule 28.

Clearly, these are general applications of Rule 28 and may be modified in specific situations dealing with a unique industry or employment situation, for example, the Board does not ordinarily apply Rule 28 to employees employed in the construction industry. We trust this information will be of assistance to the community.

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 obtained from King's Printer. Please call ahead at 204-945-3103 or send an email to kingsprinter@gov.mb.ca

If you require additional information, please contact the Board's office at 204-945-3783
