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Canada Industrial Relations Board Regulations, 2001

An Overview

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December 5, 2001

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On December 5, 2001, the *Canada Industrial Relations Board Regulations, 2001*[2], replacing the *Canada Industrial Relations Board Regulations, 1992*[3], came into force with respect to Part I of the *Canada Labour Code* as well as certain sections of Part II relating to the Board's functions to hear the complaints of disciplined employees who invoke their right to refuse unsafe work. The *2001 Regulations* were prepublished in the *Canada Gazette* Part I on September 15, 2001. The prepublication was followed by a 30-day consultation period which included a meeting with employers, unions and other interest groups on September 25, 2001 and receipt of written comments. Most of the concerns expressed during the consultation period were addressed by amendments to the prepublished *2001 Regulations*.

Other concerns, such as the regulation of the disclosure of names and addresses of offsite workers under section 109.1 of the *Code* and of the conduct of strike votes under section 87.3 of the *Code*, have not been addressed in the *2001 Regulations*. It was felt that further experience with the issues and problems raised by these sections was required before regulations were made. The final version of the *2001 Regulations* reflects a balanced approach to the requirements and concerns of the labour relations community in Canada.

The *2001 Regulations*, enacted pursuant to section 15 of the *Code*, provide rules of general application respecting proceedings and hearings before the Canada Industrial Relations Board (the Board or CIRB). In keeping with the objectives set out in the *Code*'s Preamble to deal effectively with labour relations issues, the *2001 Regulations* focus on achieving labour relations goals, not imitating court proceedings. Thus, its provisions are drafted in simple language using an economy of style which avoids creating a process of a level of complexity such that employees, and union or employer representatives must necessarily resort to using specialized legal practitioners.

The *2001 Regulations* are also consistent with the Board's objectives to proceed expeditiously. Hence, they provide for the ability of the Board to determine matters in a more straightforward manner on the basis of the written submissions without the requirement of a public hearing; the use of pre-hearing conferences,

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1 *Vice-Chairperson, Canada Industrial Relations Board.* The author wishes to thank the many staff members of the CIRB for their assistance and suggestions in preparing this article. This document expresses the views of the author and does not necessarily represent the official policy of the Canada Industrial Relations Board.

2 *Canada Industrial Relations Board Regulations, 2001*, SOR/2001-520 (hereinafter the *2001 Regulations*). Unless otherwise indicated, all references to sections are to the *2001 Regulations.*

3 SOR/91-622; S.C. 1998, c. 26, s. 85 (hereinafter the *1992 Regulations*)

the increased use of technology to reduce hearing costs; the delegation of certain powers to staff in uncontested matters; as well as the effective use of single member panels under section 14 of the *Code*.

Significant changes under the *2001 Regulations* include a universal provision for the application process; a three-step procedure for all applications; amendments to most of the time limits contained in the *1992 Regulations;* an expedited hearing process for certain types of applications; the implementation of a pre-hearing process; a process for applications for interim orders; amended disclosure rules; provisions for the advance filing of exhibits and witness lists prior to a hearing; a five-day notice requirement for summonsing witnesses; a deemed withdrawal, after six months, of proceedings adjourned *sine die* or otherwise inactive; an application process for a declaration of invalid strike or lockout vote; and a consolidation of Board policy with respect to applications for reconsideration. In addition, the Board's general powers over compliance with the rules of procedure have been consolidated in a single section.

The *2001 Regulations* are divided into nine parts and 50 sections as follows:

- Part 1: General
- Part 2: Rules Applicable to Proceedings
- Part 3: Applications Relating to Bargaining Rights
- Part 4: Unfair Labour Practice Complaints
- Part 5: Applications for Declaration of an Invalid Vote
- Part 6: Unlawful Strikes or Lockouts
- Part 7: Applications for Reconsideration
- Part 8: General Powers
- Part 9: Repeal, Transitional Provision and Coming Into Force

Part 1: General

a) Interpretation

Except for the definitions of "complaint" and "person," existing definitions have been made more precise and new definitions have been added. The definition of "application" has been modified to harmonize with section 3 of the *Code*. Applications include not only a question or dispute referred to the Board, but also ministerial referrals, such as those under sections 65(1), 80(1), 87.4(5) and (7) and 107 of the *Code*.

The definition of "Registrar" has been broadened to include a "member of the staff of the Board to whom the Board formally delegates in writing the exercise of any power, duty or function that the Board may delegate under the *Code*." In light of the definition of "person," the definition of "Returning Officer" has been broadened to include "an individual appointed by the Board to conduct a representation vote." The word "Act" has been replaced by "Code," which more accurately reflects the Board's enabling legislation and the Board's use of this term in its proceedings and decisions.

New definitions reflect changes within the *2001 Regulations*. "Affidavit" is now defined in light of the requirement for affidavits in section 18 with respect to an application for an interim order and the Board's

power to verify evidence under section 19. An affidavit includes a written statement confirmed by oath or a solemn declaration.

"Day" has been defined to mean a calendar day. Reference should also be made to section 9 concerning the computation of time for the filing of a proceeding. Time limits for the filing of proceedings are governed by calendar days, except that where the time limit ends on a Saturday or holiday as defined by the *Interpretation Act*[4], filing is deferred to the next day that is not a Saturday or a holiday. Under the *Interpretation Act,* Sunday is considered to be a holiday.

Time limits for procedures are found in sections 13 (time for responding, replying or intervening), 16 (time for responding, replying or intervening with respect to expedited proceedings), 24 (the issuing of a summons), 25 (the setting of pre-hearing conferences), 27 (the filing of documents and witness lists), 28 (notice of hearing), 29 (cancellation, adjournment and postponement of hearings) and 45 (applications for reconsideration). All requests for an extension of time to respond, reply or request to intervene must be in writing, setting out the grounds for the requested extension.

An "Intervenor" is defined as a person who has been granted intervenor status by the Board. It should be noted that the onus is now on the persons seeking intervenor status to establish that they have an interest in the matter and how their intervention will assist the Board in furthering the objectives of the *Code* (section 12(2)(b)).

"Party" means any applicant, respondent and intervenor.

b) Orders and Powers of a Registrar

The *2001 Regulations* provide for a clear three-step procedure for all applications: an application, followed by a response by the respondent and a final reply by the applicant. Thus, the reply is defined as the "final step" in the application process. Consequently, following receipt of the reply, a file will ordinarily be ready for consideration by the Board.

As in the *1992 Regulations*, a Board order is signed by a member of the Board, which includes the Chairperson, a Vice-Chairperson or one if its representational members. The *2001 Regulations* also provide that a Registrar may sign certain orders in relation to uncontested applications pursuant to section 15(p) of the *Code* as defined in section 3. These powers will be delegated to the Registrars once the Board has established appropriate internal procedures.

Part 2: Rules Applicable to Proceedings

a) Commencing and Filing of Proceedings

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[4] R.S. 1985, c. I-21, s. 35.

All proceedings before the Board must be commenced by filing an application in writing (section 4). While there is no substantive change to this section, its language has been modernized to emphasize the procedural aspect of the commencement of proceedings rather than the person who originates the filing. Section 7 provides the acceptable methods for serving documents and filing documents with the Board. These methods include delivery by hand, mail or fax. The language of this section has been simplified. While electronic filing was considered, the labour relations community expressed great concern about service of documents and potential unreliability; hence the Board decided that it was inappropriate to include such a method of filing in the *2001 Regulations* Therefore, all references to "electronic means" in the prepublished *2001 Regulations* have been removed. The Board may introduce "e-filing" later on by regulatory amendment or through Practice Notes.

b) Use of Forms

Section 5 maintains one of the most important characteristics of the *1992 Regulations*, which is that in any proceedings before the Board, the use of Board forms is not required. While the Board has developed forms that can be used to file certain applications, such as applications for certification and unfair labour practices, it has avoided imposing undue formalism by specifying that the use of prescribed forms is unimportant as long as the application contains the information required by the *2001 Regulations*.

c) Authorizations

The provisions specifying the persons authorized to sign applications, responses and replies and requests to intervene have not been changed (section 6). However, the requirement to file a written authorization with every application, reply and request for intervention has been removed. In the past, the Board enforced this procedural requirement as a substitute for familiarity with the parties. Under the revised provisions, the Board's officers will continue to obtain authorizations in the course of investigating a matter where a party does not have an established working relationship with the Board, but will consider the authorization implied where a union has established its standing in the past or where a party is represented by counsel.

d) Effective Date of Filing

The provisions concerning the date of filing under section 8 remain unchanged. The date of filing of an application, response, reply or request to intervene is the date it is mailed if the document is sent by registered mail or, if by personal delivery or fax, the date the document is received by the Board.

e) Content of Applications, Responses, Replies, Requests to Intervene

A major change in the *2001 Regulations* is the reorganization into one section of all of the information required to file an application with the Board. Section 10 lists the general information that is required for all applications. It applies, through references throughout the *2001 Regulations*, to all applications, responses, replies and requests to intervene (section 12), applications respecting bargaining rights (section 33), applications for certification (section 34), applications for revocation of bargaining rights and related

matters (section 36), applications for revocation for fraud (section 37), unfair labour practice complaints (section 40), applications for declaration of an invalid strike or lockout vote (section 41), applications for declarations of unlawful strikes (section 42) and lockouts (section 43), and applications for reconsideration (section 45). Reference should also be made to the definitions of "response," "reply" and "intervenor" in section 1. It is noteworthy that there is no longer a requirement in a response or a reply for a party to deny or admit each allegation contained in the application or response (section 12).

f) Requests for Hearing

It should be remembered that despite a party submitting a request for a public oral hearing under section 10(g), the Board has a statutory discretion, under section 16.1 of the *Code*, to decide any matter before it without holding an oral hearing. The Board rarely holds an oral hearing in certification applications, complaints of unfair labour practices under section 37 of the *Code*, or applications for reconsideration.

g) Notice Requirements

The requirement in the *1992 Regulations* that a Registrar advise any party who is concerned or may be affected by an application has been modified in section 11 to read that the Board "to the extent possible" shall give notice to a person whose rights may be directly affected by the application. The requirement, albeit discretionary, of the Board to give notice to employees who could be affected by an application, either by posting the application or by other means, remains. Reference should also be made to section 16(g) of the *Code* which provides the Board with the statutory authority to compel an employer to post any notice that it considers necessary to bring to the attention of any employees any matter relating to a proceeding. Parties are now required, however, to provide written confirmation that they have complied with any posting or notice requirement without the need for a Board request (section 11(3)).

h) Expedited Process

Sections 14 to 17 of the *2001 Regulations* provide for a formalized expedited process for the following types of applications:

- interim orders made under section 19.1 of the *Code;*
- filing of a Board order in Federal Court or in a provincial superior court under sections 23 and 23.1 of the *Code;*
- referrals to the Board by the Minister under sections 80, 87.4(5) or 107 of the *Code;*
- declaration of an invalid strike vote under section 87.3(4) of the *Code;*
- declaration of an invalid lockout vote under section 87.3(5) of the *Code;*
- declaration of unlawful strike under section 91 of the *Code;*
- declaration of unlawful lockout under section 92 of the *Code;* and
- unfair labour practice complaints respecting the use of replacement workers and dismissals for union activity under sections 94(2.1) and 94(3) of the *Code*.

Applications for these expedited matters are to be filed in accordance with the requirements set out in section 10. Section 15, however, provides that an application under a section of the *Code* subject to the expedited process must be served by the applicant directly on the respondent, and that such service constitutes notice to the respondent that a hearing may be held "forthwith." Accordingly, a hearing can be scheduled at any time after the application has been served and filed, upon notice to the parties given by any available means (section 17). Under section 16, time limits to file a response, reply or request to intervene are shortened to 5 days, and the Board has the discretion to shorten this time period even further (section 46).

i) Interim Orders

The *2001 Regulations* provide a procedure for applications for interim orders under section 19.1 of the *Code*. In addition to the information required by section 10, section 18 requires that an application for an interim order must include an affidavit by an individual having personal knowledge of the facts. If that individual does not have personal knowledge, he or she must state the source of the information or belief and the basis for relying on the information obtained from the named source. The Board may determine the general terms of any cross-examination (section 18(3)). Unless the Board specifies otherwise, an interim order remains in effect until the final disposition of the matter. The Board has taken the view that given its powers under the *Code* to effectively resolve labour matters and consider evidence as it sees fit (section 16(c) of the *Code*), detailed regulations setting out the conditions upon which interim orders would risk limiting the general intent of section 19.1.

j) Verification of Evidence

The Board's authority to require the verification, by affidavit, of facts alleged in a document remains largely the same as in the *1992 Regulations*, except that the wording has been harmonized with other changes to the *2001 Regulations*, such as section 19 and the definition of affidavit in section 1. An affidavit may be used, for instance, to ensure the validity of information where a party cannot substantiate its position because of the absence or loss of documentary evidence.

k) Consolidation of Proceedings

Whereas the *1992 Regulations* provided only that two or more proceedings could be consolidated, under section 20 of the *2001 Regulations* the Board may now direct that two or more proceedings be consolidated, heard together or heard consecutively.

l) Exchange of Documents and Disclosure

In an effort to resolve disputes effectively and efficiently, the Board continues to require, under what is now section 23, the disclosure of any document filed with the Board by a party in respect of a proceeding by mandating service of the document on all other parties to a proceeding as well as the filing of proof of service. While the substantive aspects of these provisions remain unchanged, any similar provisions found elsewhere in the *1992 Regulations* are now consolidated in this section. Reference should also be made

to section 27 which sets out the procedures that must be followed where a party intends to rely on documents as evidence at a hearing.

Provisions with respect to the disclosure of information have been substantially amended. The *1992 Regulations* simply stated that the Board could require a party to provide the Board with information related to the proceeding in the manner and within the time that the Board specified. Under section 21 , unless a party makes a written request for disclosure in its application, response or reply, it must seek leave of the Board. Where the parties cannot agree on the extent of disclosure, the Board may assist the parties to resolve the issue. Where the parties reach an agreement on disclosure, the Board can require that the agreement be filed with the Board.

m) Confidentiality of Documents

No substantive changes have been made with respect to the confidentiality of documents under section 22. As in the past, the Board will continue to seek to balance legitimate confidentiality concerns with respect to sensitive documents with the need for disclosure of all documents relevant to a proceeding. The Board will, when necessary, issue an order limiting access to sensitive documents to persons designated in the order. Nonetheless, because the Board is a public forum, filed documents are available to the public. The *Access to Information Act*[5] and the *Personal Information Protection and Electronic Documents Act*[6] apply to the Board and the requirement of this legislation will be met before any disclosure can occur.

n) Summons to Witnesses

Under the *1992 Regulations*, summons were issued by the Registrar or one of the Board's Regional Directors. The *2001 Regulations* have broadened the range of persons who may be authorized to issue summons to any individual with sufficient knowledge and competency who has been authorized by the Board under paragraph 16(k) of the *Code* (section 24). Summons must be served no later than 5 days before the scheduled date for hearing, except in matters to which the expedited process applies.

o) Pre-Hearing Conferences and Hearings

Sections 16(a.1) and (a.2) of the *Code*, which were added in 1999, give the Board the power to order pre-hearing procedures and to order that such procedures occur by methods of telecommunication that permit simultaneous communication between the Board and the parties. Section 25 provides a standard agenda for pre-hearing conferences, and section 26 outlines additional means by which the Board may hold such conferences, including teleconferences and videoconferences, when face-to-face meetings are not viable. It should be noted that pursuant to section 14(3)(e) of the *Code*, the Board (even where a Chairperson or Vice-Chairperson is sitting alone) may make rulings at pre-hearing proceedings, in the absence of a party, provided that the party received notice of the pre-hearing conference. In keeping with

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[5] S.C.R. 1980-81-82-83, c. 111, Sch. I

[6] S.C 2000, c. 5

its mandate to facilitate the timely resolution of disputes, during the course of a pre-hearing conference, the Board may inquire into "any other matter that may promote the timely and just determination of the application."

p) Exhibits and Witness Lists

A party that intends to present evidence must file with the Board (and serve upon the other parties) six bound and tabbed copies of all the documents on which it intends to rely as evidence at the hearing and a list of witnesses and will-say statements. This information must be served and filed 10 days prior to the scheduled hearing date in the case of the applicant, and 8 days before the scheduled hearing date in the case of the respondent and any intervenors. In the event that a party does not abide by this requirement, the Board may refuse to consider any document or hear any witness tendered at the hearing. Under this section, the Board may also require the parties to submit written authorities and submissions in advance of the hearing.

q) Notice of Hearing

Except for matters to which the expedited process in section 14 applies, the Board has lengthened the notice it will give of a hearing from 10 days to 15 days (section 28). The section now provides, however, that the parties may consent to a shorter notice period.

r) Cancellation, Adjournment and Postponement of Hearings

The Board's power to adjourn or postpone proceedings is found in section 16(l) of the *Code*. The Board has consistently held that an adjournment or postponement will not be granted merely because a judicial review is pending on the same issue. Nor is it likely that an adjournment will be granted to consider preliminary issues that were not raised in advance of the hearing where such a decision is not contrary to the rules of procedural fairness.

Where a proceeding has been adjourned *sine die* and no further hearing date has been set after six months, the Board will give notice to the parties that unless a party provides written reasons to the Board why the proceeding should not be withdrawn within 15 days of receiving such notice, it will deem the proceedings withdrawn (sections 29(1) and 29(2)).

s) Time Limits under the 2001 Regulations

The following is an overview of the new time limits for various proceedings and filings:

Response or request to intervene in the case of an application for certification (s.13(1)(a))	Within10 days after receiving notice of the application.
Response or request to intervene in application other than certification application (s. 13(1)(b))	Within15 days after receiving notice of the application.
Reply to a response (s. 13(2))	Within 10 days of the filing of the response.

Response to a request to intervene (s. 13(3))	Within 10 days of the filing of the request to intervene.
Response, reply or request to intervene in matters to which the expedited process applies (s. 16)	No later than 5 days after receiving notice of the application or response.
Issuing of summons (s. 24(2))	5 days prior to the hearing date unless expedited process applies.
Notice of pre-hearing conference (s. 25(2))	To the extent possible, 3 days.
Filing and service of documents to be relied upon as evidence at the hearing (ss. 27(1)(a), 27(2) and 27(3))	Applicant: 10 days prior to the hearing date, and Respondent: 8 days, prior to the hearing date.
Filing and service of list of witnesses to be called at the hearing (ss. 27(1)(b), 27(2) and 27(3))	Applicant: 10 days prior to the hearing date, and Respondent: 8 days prior to the hearing date.
Notice of hearing (s. 28)	Unless the expedited process applies, 15 days. Parties can consent to a shorter notice period.
Deemed withdrawal of proceedings adjourned *sine die* (s. 29(2)).	15 days following the receipt of notice that the proceeding has been adjourned *sine die* for 6 months.
Request for resumption of proceedings after receipt of notice of deemed withdrawal (s. 29(3))	Within 15 days of receipt of notice pursuant to s. 29(2).
Confidential statement in support of an application for revocation of bargaining rights (s. 36(2))	Must be signed and dated not more than six months before the application is filed.
Subsequent applications for certification for the same or substantially the same bargaining unit (s. 39)	Not until the expiration of six months from the date on which a previous application was rejected.
Subsequent applications for revocation of certification of the same or substantially the same bargaining unit (s. 39)	Not until after the expiration of six months from the date on which a previous application was rejected.
Application for reconsideration (s. 45(2))	Within 21 days after the date the written reasons or order being reconsidered are issued.

Part 3: Applications Relating to Bargaining Rights

The sections pertaining to membership in a trade union and evidence of employee wishes to be represented by a trade union without the need for a representation vote have not been modified (sections 30 and 31). Signed membership cards and evidence that the person has paid a $5 membership fee will continue to be accepted as evidence of membership support unless there is reason to believe that the signed cards do not accurately reflect employee wishes. The 1999 amendments to section 44(3) of the *Code* expanded the sale of business provisions to apply to situations where a provincial business, by virtue of a change of

activity, becomes federally regulated. They stipulated, in particular, that proceedings that at the time of the change of activity were before a provincial board continue under Part I of the *Code*. Accordingly, the *2001 Regulations* permit the Board to accept as membership evidence the same evidence as was required by the province where the application originated.

There have been no changes with respect to the provisions respecting the conduct of representation votes (section 32).

Section 33 sets out additional information that is required when filing applications respecting bargaining rights generally, and includes such information as a description of the employer's business, the employer's business locations affected by the application, a description of existing bargaining units that may be affected, contact information for a union which may be affected by the application, a description of the proposed bargaining unit, the details of any collective agreements in force, and the number of employees in the existing or proposed bargaining unit.

As well, this section sets out additional information - in addition to the information required of applications generally (section 10) and applications respecting bargaining rights (section 33) - which is required when filing applications for certification (section 34) and applications for revocation of bargaining rights (section 36). Applications for certification must still include a separate and confidential statement of the number of employees in the proposed bargaining unit that the applicant claims to represent as its members. Applications for revocation of bargaining rights still must include a separate and confidential statement, signed and dated by each employee stating that they do not wish to be represented by the bargaining agent. The *2001 Regulations* no longer make any distinction between applications for the revocation of bargaining rights for a trade union or a council of trade unions (section 36).

Applications for revocation for fraud (section 37) still must contain a statement of the full particulars of the acts constituting the alleged fraud.

Provisions with respect to the confidentiality of employee wishes (now section 35) remain unchanged.

Subsequent applications for certification and revocation (sections 38 and 39) continue to be subject to a six-month bar where the application relates to the same or substantially the same bargaining unit. The Board has retained its discretion to abridge this time under section 46.

Part 4: Unfair Labour Practice Complaints

The content requirements of unfair labour practice complaints under section 40 have been considerably simplified by reference to section 10. Such complaints still require an indication of the date on which the applicant became aware of the actions or circumstances giving rise to the complaint, and the full particulars of the measures taken to have the complaint submitted to arbitration under the collective agreement or the reasons why an arbitration did not take place. In addition, a complaint alleging violation of sections 95(f) or 95(g) of the *Code* (briefly, the sections prohibiting trade unions from discriminating against an employee

in expelling, suspending, or denying an employee membership in a trade union or in disciplining or penalizing an employee), must set out how the conditions under sections 97(4) of the *Code* have been met.

Part 5: Applications for Declaration of an Invalid Vote

In accordance with the 1999 amendments to the *Code* (sections 87.3(4) and (5)) concerning strike and lockout votes, the *2001 Regulations* now include the requirements for such applications (section 41). In addition to the information required for applications generally under section 10 and the information required for applications respecting bargaining rights generally under section 33, applications for declarations of an invalid vote must include a statement describing the irregularities which allegedly affected the outcome of the vote and the date on which the results were announced. Applications for declarations of invalid votes are subject to the expedited process set out in section 714.

Part 6: Unlawful Strikes or Lockouts

Applications for a declaration of an unlawful strike (section 42) and unlawful lockout (section 43) follow the requirements for applications generally under section 10 and the requirements for applications respecting bargaining rights generally under section 33. The revised sections, however, are much simplified by virtue of sections 14 and 15 setting out the provisions applicable to the expedited process. Applications for declaration of an unlawful strike under section 91 of the *Code* must include as respondents the name of the trade union and any employees against whom an order is sought. Service of the application on the union constitutes service on all employees of the bargaining unit not specifically named in the application. Employees named as respondents must be served separately. Applications for a declaration of an unlawful lockout under section 92 of the *Code* require the name of the employer of the employees being locked out and the name of any person against whom an order is specifically sought.

Part 7: Applications for Reconsideration

Sections 44 and 45 set out the Board's established policy with respect to the circumstances which must be present for the Board to reconsider a decision. As a reconsideration panel does not sit in appeal of the original panel's decision per se, disputes concerning facts found by the original panel will not normally be sufficient to either overturn the original panel's decision or send the matter back for a rehearing. Whereas the *1992 Regulations* provision stated that applications for reconsideration under section 18 of the *Code* had to be filed "within 21 days after the date the decision or order being contested was made", the *2001 Regulations* have been amended in this regard to specifically state that an application for reconsideration must be filed within 21 days after the date the written reasons of the decision or order being reconsidered are issued.

Part 8: General Powers

The general powers of the Board to vary or exempt a person from complying with the *2001 Regulations*, including any time limits imposed by the expedited process, have been consolidated into section 46. The only relevant consideration to the Board making such an order is whether the variation or exemption is

necessary to ensure the proper administration of the *Code*. Section 47 provides the consequences of non-compliance by a party with one of the rules of procedure.

Part 9: Repeal, Transitional Provision and Coming Into Force

Section 48 repeals the *Canada Industrial Relations Board Regulations, 1992*. Pursuant to section 49(1), the *2001Regulations* apply to all proceedings pending before the Board on the date the *2001 Regulations* come into force. However, the transitional provisions in section 49(2) ensure that no proceeding filed in accordance with the *1992 Regulations* is invalid because it does not comply with the *2001 Regulations*. In accordance with section 50, the *2001 Regulations* come into force on the day on which they are registered, that is, December 5, 2001.