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**CLARKE'S CANADA INDUSTRIAL
RELATIONS BOARD**

Graham J. Clarke

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What's New in this Update:

- The Federal Court of Appeal confirmed in *Conseil des Innus de Pessamit v. Michaud*, 2018 FCA 177 that judicial reviews it hears will only consider the evidence which the original decision maker had before it.
- In *Rogers Communications Canada Inc.*, 2018 CIRB 879, the Board examined its traditional double majority test for expanding the scope of an existing bargaining unit. A vote is not required.
- Despite the FCA obliging the CIRB to listen to a complainant's surreptitious recordings, the Board concluded in *Valenti*, 2018 CIRB 866 that the trade union had nonetheless respected its duty of fair representation.

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