

Labour Relations Board

Annual Performance Report 2021-22



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Message from the Chairperson

I am pleased to present the annual performance report of the Labour Relations Board (the Board) for 2021-22. This report was prepared in accordance with the Provincial Government's commitment to transparency and accountability as a Category Three entity. This report is accountable for the second year of the Board's 2020-23 activity plan. My signature below is indicative of the entire Board's accountability for the actual results reported.

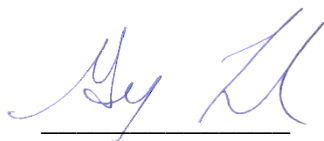
I was appointed Chairperson on March 9, 2022 for a five-year term. I am excited to continue the work of former Chairperson, Mr. David Conway and would like to thank him for his assistance in supporting my transition to this role. Although only in the role a short time, I can see the professionalism and work ethic of the administrative staff and the Board members. I am honoured to serve as Chairperson of the Board with this diligent group of people.

The Board is an independent, specialized, quasi-judicial body, which plays a central role in contributing to and promoting harmonious labour relations in the Province. The Board's primary objectives include fair and efficient processing of applications and rendering decisions which are clear, consistent, and in accordance with sound legal principles.

As of March 31, 2022, the Board consisted of a Chairperson, two Vice-Chairpersons and regular and alternate Board members. The Board members are in numbers equally representative of employers and employees. Generally, the Board schedules monthly panel meetings, with other meetings as needed. The Board reviews and considers various types of applications, including applications for certification, unfair labour practice complaints, and complaints with respect to the duty of fair representation. The Board also conducts reviews of labour standards decisions and occupational health and safety matters. Depending on the circumstances of each case, the Board either decides matters based on the affidavit evidence provided, submissions of parties and the investigation reports of its Board Officers, or conducts a hearing before making a final decision.

Further information about the Board can be found on its [website](#). This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms, and publications.

Thank you.

A handwritten signature in blue ink, appearing to read 'Greg French', written over a horizontal line.

Gregory A. French, Q.C.
Chairperson

Public Body Overview

Introduction

The Labour Relations Board (the Board) is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes:

- **Labour Relations Act;**
- **Public Service Collective Bargaining Act;**
- **Fishing Industry Collective Bargaining Act;**
- **Teachers' Collective Bargaining Act;**
- **Interns and Residents Collective Bargaining Act;**
- **Labour Standards Act;**
- **Occupational Health and Safety Act;**
- **Smoke-Free Environment Act, 2005;**
- **House of Assembly Accountability, Integrity and Administration Act;**
- **Public Interest Disclosure and Whistleblower Protection Act;** and
- **Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.**

The Board is established under the **Labour Relations Act** (the Act). The Board is composed of the Chairperson, two Vice-Chairpersons, and employer and employee representatives. The Act contains provisions outlining the labour relations rights and responsibilities of employers, trade unions, and employees. The Act guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to freely make this choice.

The legislation confers on the Board authority over many aspects of labour relations. These include but are not limited to:

- the certification of unions to represent employees;
- the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members;
- unfair labour practices;
- bad faith bargaining complaints;
- successor rights determinations;
- common employer applications;
- first collective agreement applications;
- duty of fair representation complaints;
- essential employee declarations;
- discriminatory action under the **Occupational Health and Safety Act;** and
- appeals of determinations under the **Labour Standards Act.**

The Board has responsibilities under the **Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act** with respect to the determination of reprisal complaints. The Board has exclusive authority to exercise the power conferred upon it in the Act in relation to determining questions of fact or law that come before it. It also has the power to reconsider any of its decisions and a privative clause in the Act limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

The Board's mandate and lines of business, including the 2020-23 Activity Plan, are more particularly described on the Board's [website](#).

Vision

The vision of the Board is one of fair and equitable application of the provisions of labour and employment legislation pursuant to which the Board has jurisdiction.

Staff of the Board

In 2021-22, the administrative staff of the Board was comprised of a Chief Executive Officer, Deputy Chief Executive Officer, two Labour Relations Board Officers, and two support staff (two males, four females). The Board's financial statement is attached as Appendix A.

The Board's offices are located on the fifth floor of the Natural Resources Building, 50 Elizabeth Avenue, St. John's, with hearings held in St. John's and throughout the Province. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709) 729-2707; Fax (709) 729-5738. The email address is lrb@gov.nl.ca.

Statistical Snapshot

During 2021-22, there were 62 new applications filed with the Board and 28 applications were carried forward from the previous years. The Board considered 47 applications during the period, which culminated in the issuance of 90 Orders of the Board. A total of 46 of the applications considered were finalized. There were 43 applications that were carried forward to 2022-23. There were 26 representation votes conducted in applications for certification and 2 votes conducted in relation to revocation of certification applications, with 643 individuals eligible to vote in the elections. The Board held meetings and hearings over 89 days. Three matters were referred to a hearing.

Biographical information on Board members is contained in Appendix B. For a listing of the Reasons for Decision issued by the Board in 2021-22, please see Appendix C. A listing of the applications which were the subject of judicial review can be found in Appendix D. Descriptions of bargaining units certified by the Board in 2021-22 are shown in Appendix E. All Board decisions dating from 1975 have been made available to stakeholders and the public on the Labour Relations Board's [website](#). Full text versions of Board decisions are also available on [CanLII](#).

Highlights

With slight process modifications, the Board continues to maintain its operations and services during the pandemic.

The annual national meeting of Chairs and Administrators of Labour Relations Boards was held virtually from Saskatchewan during this reporting year. The Chair and Chief Executive Officer of the Board attended. The discussion generated in these sessions proved to be invaluable in acquainting the Board with emerging trends and labour board processes in other jurisdictions.

Report on Performance

Objectives

The objectives discussed below represent the Board's annual focus and include performance measurement information to allow both the Board and the public to monitor and evaluate success. Reported below are the results of the second year of a three-year activity plan (2021-22). The Board performs two functions: 1) administrative and 2) adjudicative. The Chief Executive Officer and staff fulfill the administrative function, which generally entails processing applications; the Chair, Vice-Chairs, and members of the Board fulfill the adjudicative function. There are five main issues assessed as an indication of the efficacy of the Board. These include processing applications, considering applications, communicating results and orders, circulating publications and enhancing information management practices.

Issue 1: Processing Applications

The processing of applications includes administrative and adjudicative functions. The administrative branch receives the application and initiates the process before presenting the application to the adjudicative branch for completion.

Objective 1: By March 31, 2022, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators	2021-22
Number of applications received	62
Number of applications in process	33
Number of applications completed	29

The Board met its objective of commencing or completing processing of all applications filed with it during the fiscal year.

In addition to those applications processed, which the Board received during the reporting period, the Board also processed and completed 15 other applications during 2021-22, which were carried forward from previous years.

Issue 2: Considering Applications

The adjudicative branch considers an application after the administrative branch provides the information on record. When considering an application, the Board may decide the matter and issue an order, order a hearing, or defer the matter pending receipt of additional information.

Objective 2: By March 31, 2022, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings.

Indicators	2021-22
Number of orders made by the Board at its meetings	90
Number of applications referred to the hearing process	3
Number of hearings scheduled	3
Number of applications considered	47
Number of considered applications deferred	0

All processed applications were considered by the Board. The Board considered and finalized 46 matters in the reporting period. Thirty-one of these were received in 2021-22 and 15 were carried forward from previous years. There were three hearings scheduled beyond the end of 2021-22.

In some matters, more than one order was made. Six orders were issued by the Board at its regular meetings and the Board issued 83 orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or Vice-Chair alone. The Board also issued one order, in relation to applications, which was referred to a hearing, for a total of 90 orders.

When the Board refers matters to the hearing process and schedules hearings, the

hearings may take place during the same reporting year or at a later date. There were three matters received and referred to the hearing process and scheduled for hearings during the 2021-22 reporting period. These matters were all scheduled beyond the current reporting year. There was one hearing held in relation to a matter received in a previous year.

Issue 3: Communicating Results of Decisions and Orders

Decisions of the Board could impact future applications to the Board. The availability of the Board’s decisions allows for the use of the information in future applications.

Objective 3: By March 31, 2022, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Indicators	2021-22
Number of orders issued and number communicated to parties	90
Number of reasons for decision issued and number communicated to parties	6
Number of reasons for decision uploaded to the Board’s Internet-based decision system	6

There were a total of 90 orders issued by the Board in 2021-22 and all were communicated to the parties. Reasons for decision are issued by the Board when requested by one of the parties to the application or where a hearing has been conducted into an application. The Board can also write reasons where it determines appropriate. A total of six reasons for decision were issued by the Board in relation to eight matters and were communicated to the affected parties. Six reasons for decision were uploaded to the Board’s [Internet-based decision system](#). One decision was issued in a matter where a hearing was conducted and five were issued as a result of requests from one of the affected parties (see Appendix C – Reasons for Decision).

The communication and circulation of decisions and publications through the Board’s searchable decision system and website ensures that the public and the parties appearing before the Board have ready access to the Board’s policies and decisions.

Issue 4: Circulating Publications

The circulation of publications allows the Board to educate and inform the labour relations community as to current practices and procedural changes.

Objective 4: By March 31, 2022, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

Indicators	2021-22
Number of reports, information bulletins and policy circulars distributed	4

The Board fulfilled its mandate through the resolution of labour relations matters and by educating the labour relations community and workers generally about the legislation, rules, policies, and procedures of the Board through its policy circulars and information bulletins, general enquires, and presentations to entities who requested them.

The Board continued its efforts to educate the labour relations community and the public on its various processes through the updating, where necessary, of information bulletins and developing and making presentations where requested. During the reporting year, the Board posted four new policy changes on its website. The first was an update to COVID-19 Operations, which revised the Board's policy in relation to: votes by mail, membership information, filing of documents, extension of time requests, and in person meetings, votes and hearings. The other three policy changes that were finalized in the reporting year related to receipt and retention of union membership information, a procedure for addressing and containing privacy breaches and a remediation plan for privacy breaches.

The Board continues to develop and maintain numerous information bulletins and policy circulars on its website. These documents describe the numerous types of applications which the Board is responsible for dealing with and explain the Board's procedures for handling such applications and complaints, reflecting the current procedures and policies of the Board.

Issue 5: Enhancing Information Management Practices

The review of information management and protection practices allows the Board to enhance its practices as necessary and to inform the labour relations community as to any procedural changes.

Objective 5: By March 31, 2022, the Labour Relations Board will have further developed activities towards enhancing its information management practices.

Indicators	2021-22
Number of information management and protection practices reviewed	4

Information management and protection practices are of vital importance to the Board.

The Board fulfilled its mandate by commencing the review of its information management and protection practices. It enhanced its practices as deemed necessary and informed the labour relations community as to any procedural changes affecting the stakeholders we serve.

During the reporting period, the Board continued its review and development of current information management and protection practices and updated its processes and policies. The Board consulted with labour relations stakeholders, which resulted in three policy circulars being updated: 1) Receipt and Retention of Union Membership, 2) Procedure for Addressing and Containing Privacy Breaches Information, and 3) Remediation Plan for Privacy Breaches. The Board educated the labour relations community and the public accordingly through the updating of its website, information bulletins or policy circulars. These documents or educational sessions pertain to the current procedures and policies of the Board in these areas.

The Board also reviewed one other information management and protection practice. The Board updated and educated its staff in the protection of privacy and related protocols involving internal file management. There are now internal processes in place that further enhance the protection of confidential documents relating to 1) vote by mail letters that include employee names, mailing addresses and/or email addresses, and 2) the membership in good standing document. Both of these documents are now contained in separate, sealed envelopes, which are placed within the applicable main Board file. As deemed necessary, these documents can be accessed by the Board during its adjudication of applications for certification or revocation of certification.

The Board continues to review its information management and protection practices. Any additional enhancements to its practices that affect the labour relations community generally will be reported in 2022-23. Any related changes will result in new or updated information bulletins or policy circulars or a general update to its website.

Total New Applications Filed in 2021-22

<u>Labour Relations Act</u>	
Applications for Certification	26
Applications for Revocation of Certification	3
Termination of Bargaining Rights	0
Unfair Labour Practices	5
Duty of Fair Representation	7
Successorship/Transfer of Business	0
Common Employer	0
Reconsideration of Decision	1
Amendment of Bargaining Unit	1
First Collective Agreement	0
Questions under Section 18 of the Act	
Whether a Person is a Member in Good Standing	0
Whether Organization is Party to or Bound by Collective Agreement	0
Review of Labour Standards Determination	2
Submission by Director of Labour Standards	0
Change of Name on Certification/Accreditation Order	1
Successor Bargaining Agent	0
Alter Terms and Conditions of Employment	10
Unfair Denial of Union Membership	0
<u>Public Service Collective Bargaining Act</u>	
Duty of Fair Representation	5
Designation of Essential Employees	0
Unfair Labour Practice Complaint	0
Amendment of Bargaining Unit	0
Reconsideration of Decision	0
Whether an Employee within meaning of the Act	0
<u>Fishing Industry Collective Bargaining Act</u>	
Application for Certification	0
Whether an Organization is a Trade Union	0
<u>Occupational Health and Safety Act</u>	
Appeal of Occupational Health and Safety Order	0
Discriminatory Action	1
<u>Teachers' Collective Bargaining Act</u>	
0	0
<u>Interns and Residents Collective Bargaining Act</u>	
Change of name on Certification/Accreditation Order	0
TOTAL APPLICATIONS	62

Opportunities and Challenges

The COVID-19 pandemic continues to be both a challenge and an opportunity. It continues to provide the Board with an opportunity to review its operations with a view to protecting the safety of our staff, and the stakeholders we serve, while maintaining the continuity of operations. The Board will continue to monitor the COVID-19 situation and will adjust its operations as necessary.

Currently, representation votes are conducted by mail ballots only. Options for conducting votes by mail will be considered during 2022-23. As is, this method of voting is very detailed, reliable, but time consuming. With limited resources, conducting votes in this manner creates challenges for the operation of the Board. A review of options such as tele voting and/or electronic voting will be explored as other possible options to the current voting process. Conducting a jurisdictional scan in relation to these voting options will assist us with determining best practices and applicability for use in our jurisdiction.

The Board is application driven. The Board experienced an increase of over 40 percent in the number of applications filed with the Board in this reporting period. This increase was partially a result from the increase in certifications and associated alter terms and conditions of employment applications. Board staff have worked diligently and professionally to respond to this increased request for service.

The Board has a staff of six individuals that carry out labour relations work for the Board. Limiting the possibility of a COVID-19 outbreak in our office is imperative to the continuity of the Board and the service we provide. Our focus continues to be the safety of our staff, and the stakeholders we serve, balanced with the continuity of the Board's operation.

The annual meeting of Chairs and Administrators of Labour Relations Boards presents the Board with an opportunity to discuss best Labour Relations Board practices with our counterparts across Canada. It provides an opportunity to share ideas and labour relations trends, and to improve upon our practices and procedures. The conference this year was held using virtual technology.

The learning curve associated with the role of a Board Officer is generally five years. Reducing this learning has always been a challenge. Labour relations work today is complex; however, core to the work of the Board and its staff. Given that the skillset of our new staff is diverse, it continues to assist with reducing the associated curve across all positions with the Board.

The dedicated staff of the Board are committed to the objectives and goals of the Board, and supporting harmonious labour relations in the province.

Appendix A - Financial Statement

The following information is for the fiscal year April 1, 2021 to March 31, 2022.

Labour Relations Board
Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2022

Activity – 5.1.01	Actual \$	Amended \$	Original \$
Salaries*	526,862	561,800	561,800
Employee Benefits	-	4,200	4,200
Transportation and Communications	12,344	15,400	15,400
Supplies	5,194	8,600	8,600
Professional Services	53,553	69,900	69,900
Purchased Services	1,289	10,200	10,200
Property, Furnishings and Equipment	141	700	700
Total: Labour Relations Board	599,383	670,800	670,800

Source: Expenditure and revenue figures are unaudited and based on public information from the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended March 31, 2022. Audited financial statements are a requirement at the Government level and are made public through the Public Accounts process; however, the Labour Relations Board is not required to provide a separate audited financial statement.

*The Board experienced unexpected delays in backfilling positions, which resulted in less spending than anticipated.

Appendix B – Members of the Board

As of March 31, 2022, the Board consisted of the following members:

Greg French, Chairperson

Mr. French graduated from Dalhousie University with a Bachelor of Commerce (Hons) Co-op, a law degree from the University of New Brunswick, and a Master of Laws from the University of Toronto. Prior to his appointment, he was the Chair of the Teachers' Certification Panel, the Chief Adjudicator with the RNC Adjudication Panel, and a Board member of the Legal Aid Commission.

Mr. French has extensive experience in labour and employment matters and most recently operated his own firm. He also has experience as in-house counsel having worked at Memorial University. He started his career at Curtis, Dawe.

Mr. French is a serving officer in the Canadian Armed Forces (Primary Reserve). He was appointed Chairperson of the Labour Relations Board on March 9, 2022, for a five-year term.

David Conway, Chairperson

David Conway graduated from McGill University (B.A.) and the University of New Brunswick (LL.B.) before being called to the Bar in Ontario and in Newfoundland and Labrador. Prior to his appointment as Chairperson, he practiced exclusively in the fields of labour law and administrative law.

Mr. Conway has experience in various types of proceedings, including arbitrations, judicial reviews, workers' compensation hearings, employment insurance hearings, human rights cases, disciplinary tribunal hearings, and collective agreement negotiations. He has appeared at all levels of court, including the Supreme Court of Canada. He is a member of the Disciplinary Panel of the Law Society of Newfoundland and Labrador. He has presented educational seminars to various groups throughout Canada, is an instructor in the Administrative Law section of the Newfoundland and Labrador Bar Admission Course, and has instructed at Memorial University of Newfoundland.

Mr. Conway was appointed as Chairperson of the Labour Relations Board in 2017 for a five-year term and he concluded his term in 2022.

Vivian Arenillas, Vice-Chairperson

After several years in private practice as a lawyer, Vivian Arenillas spent 13 years as a labour relations professional in the public and private sector. Ms. Arenillas has worked for both management and a union, having first worked for the Newfoundland and Labrador Health Boards Association providing labour relations advice to management of the four Regional Health Authorities, and then for the Canadian Merchant Service Guild, a union representing ships' Officers in the marine industry. She has been the lead negotiator for

12 collective agreements, including several first agreements, and has either advised on or presented at a wide variety of arbitrations and Labour Board matters and other federal and provincial administrative tribunals. Ms. Arenillas holds a Bachelor of Commerce (Co-op) and a Bachelor of Arts (Sociology and Anthropology) from Memorial University, and a Bachelor of Laws from Dalhousie University.

Ms. Arenillas was appointed to the Labour Relations Board as Vice-Chairperson on March 9, 2022 for a five-year term.

Joan Marie Aylward, Vice-Chairperson

Joan Marie Aylward has been a member of the National Seniors Council of Canada since September 2018. In 2016, Ms. Aylward completed a six-year position as the Executive Director of St. Patrick's Mercy Home, a role that strengthened competencies in strategic planning with a deeper understanding of the ethical issues surrounding care of seniors. Ms. Aylward has served in numerous Ministerial Government portfolios, including Health, Finance, and Treasury Board, and brings an extensive understanding of the interface among governments, the private sector, and the public sector.

Ms. Aylward has worked in social and economic policy development and has competencies in complex initiatives and leadership skills. She has also served on numerous boards and committees, including Oxfam Canada and the Atlantic Salmon Conservation Foundation. Her career began as a clinical nurse before working as a Nurse Educator and serving as President of the Provincial Nurses Union for six years. She completed the Institute of Corporate Director's Education Program (ICD.D) in 2006.

Ms. Aylward was appointed to the Labour Relations Board as Vice-Chairperson on March 5, 2018 for a five-year term. Ms. Aylward resigned from her position effective December 31, 2021.

Chris Peddigrew, Vice-Chairperson

Chris Peddigrew, Q.C. graduated from Memorial University of Newfoundland with a Bachelor of Commerce (Co-operative) Honours degree in 1999, and in 2003 graduated from Dalhousie University Schulich School of Law. In 2004, Chris was called to the Bar in this Province and became a member of the Law Society of Newfoundland and Labrador. Since that time, Chris has been in private practice, currently as a partner in the firm Peddigrew Wade. Chris' practice is focused primarily in the areas of labour and employment law and alternative dispute resolution, including mediation and arbitration. Chris is also an arbitrator on the provincial roster of labour arbitrators. In addition to his labour and employment work, Chris also practices in the areas of personal injury, business law, administrative law, residential and commercial real estate transactions, and general litigation.

Chris has volunteered with a number of community organizations over the years and is

currently Chair of the Board of the St. Patrick's Mercy Home Foundation and provincial Branch Chair of the Canadian Bar Association's Alternative Dispute Resolution section.

On March 5, 2018, Chris was appointed Vice-Chairperson of the Labour Relations Board for a five-year term.

Weldon Brake, Employer Representative (Alternate)

Weldon Brake was born in Meadows, NL. He is a former Registrar of the Medical Review Panels with Work Safe British Columbia; he was the first non-physician as Registrar. Mr. Brake was the first Executive Director of Workers' Compensation Appeal Tribunal (WCAT) in Newfoundland and Labrador. He studied at Memorial University, receiving a Bachelor of Arts and a Bachelor of Education; besides his undergraduate degrees, he also qualified with a Diploma in Public Administration and Master of Public Administration from Dalhousie University. He also graduated with a Certificate in Public Accounting in Negotiations from the London School of Economics.

Mr. Brake continued his graduate studies at the London School of Economics and Political Science as a candidate in the Ph.D. program in Resource Management and Environmental Planning. His Ph.D. thesis was recently published: *Alternative Resource Management and Environmental Planning Strategies for Offshore Oil and Gas: A comparative study of Norway, UK and NL*. His professional education was further pursued in the completion of Alternative Conflict Resolution programs from the University of Windsor and Harvard University.

Mr. Brake's professional appointments include: Specialist in Conflict Resolution and Mediation; Senior Executive Management in the School of Nursing MUN; Researcher in Genetics Faculty of Medicine MUN; First Executive Director of WCAT NL; Executive Assistant and Researcher to the Chief Appeal Commissioner WCAT BC.

Mr. Brake was appointed to the Labour Relations Board as an alternate employer representative on March 5, 2018. He was reappointed for another two-year term on July 22, 2021.

Florence Careen-Power, Employee Representative (Alternate)

Florence Careen-Power graduated from the General Hospital, St. John's in 1972 as a Licensed Practical Nurse. She worked in the Acute Care Emergency Department for 25 years.

Ms. Careen-Power has been past General Vice President of the Newfoundland and Labrador Federation of Labour; past President of the St. John's and District Labour Council; past Chairperson for Friends of Cape St. Mary's Ecological Reserve; past Member of the Board of Directors for the NL Safety Council, Labour Canada Skill Mix Study (Nursing); Board Director - Consumer Organization for Persons with Disabilities;

Labour Representative Northeast Avalon Regional Economic Development Board; Employee Representative Employment Insurance Appeal Board. Ms. Careen-Power presently is a Member of the Benevolent Irish Society Cultural Committee.

Ms. Careen-Power was appointed to the Labour Relations Board as an alternate employee representative on March 5, 2018. She was reappointed for another two-year term on July 22, 2021.

David Curtis, Employee Representative (Alternate)

David Curtis is the past President of the Newfoundland and Labrador Federation of Labour and past President of the Newfoundland Association of Public Employees. Following 30 years' involvement in the labour movement, Mr. Curtis retired from NAPE in 1997. He currently works as a labour relations consultant and has served as an arbitrator for the Canadian Motor Vehicle Arbitration Plan.

Mr. Curtis was appointed to the Labour Relations Board as an employee representative alternate in January 1998 and was reappointed in February 2000 and February 2002 for two-year terms. In February 2003 and April 2005, he was appointed as a regular employee representative for two-year terms. On March 5, 2018, he was appointed as an alternate employee representative. He was reappointed for another two-year term on July 22, 2021.

Michele Farrell, Employer Representative (Alternate)

Michele M. Farrell is the Owner and Principal Consultant at Trusted Consult Inc. providing human resources and leadership counsel to help businesses achieve their strategic objectives. Before opening her consulting practice, she spent close to 20 years in senior leadership roles in the human resource management and environment health and safety fields in the Newfoundland and Labrador offshore oil and gas industry with Petro-Canada and Suncor. Before joining the oil and gas industry Ms. Farrell spent ten years in human resources leadership roles at Newfoundland and Labrador Housing Corporation.

Ms. Farrell holds a Bachelor of Commerce degree from Memorial University, is a certified Compensation Professional and a trained Harassment Investigator. In April 2017, Ms. Farrell was appointed to the Board of Directors of the Women in Resource Development Corporation.

Ms. Farrell was appointed as an alternate employer representative with the Labour Relations Board on March 5, 2018. She was reappointed for another two-year term on July 22, 2021.

Christina R. Kennedy, Employee Representative (Regular)

Christina R. Kennedy graduated from Memorial University in 1998 with a Bachelor of Arts (Hons). She graduated from the University of New Brunswick with a Bachelor of Laws in 2004. Ms. Kennedy is called to the Bar in both Ontario and Newfoundland and Labrador and practiced law in Ontario prior to returning to her home province in 2005.

Ms. Kennedy has worked at the Newfoundland & Labrador Association of Public and Private Employees (NAPE) since 2006. As Legal Counsel for NAPE, she practices in all aspects of labour law. Ms. Kennedy also acts as Legal Counsel for Memorial University of Newfoundland Faculty Association (MUNFA) since 2020.

Ms. Kennedy was first appointed to the Labour Relations Board as a regular employee representative on June 30, 2017 for a two-year term and was reappointed for another two-year term on June 30, 2019. Ms. Kennedy was reappointed again on July 22, 2021 for another two-year term.

Sean Noah, Employee Representative (Regular)

Sean Noah has over 32 years' experience in the education system of our province, having been a teacher and administrator in Eastern, Central and Labrador School Districts. He is a former President of the Newfoundland and Labrador Teachers' Association (NLTA) and Vice-President of the Canadian Teachers' Federation (CTF). He also served as the Atlantic Canadian Representative on the CTF Board of Trustees for several years. He holds Bachelor degrees in Arts and Education, as well as a Master's in Education from Memorial University of Newfoundland.

Mr. Noah has varied experience in collective bargaining preparation and negotiations, pension investment and group insurance services, as well as a background in workplace health and safety, child services, and human resources in Education. He has chaired numerous provincial committees in these and other areas such as school administration, teacher allocation, and membership benefits and services. At the national level, he has chaired work promoting human rights in education.

Mr. Noah was appointed to the Labour Relations Board on June 30, 2017 for a two-year term as a regular employee representative; on June 30, 2019 he was reappointed to the Board for a two-year term. Mr. Noah was reappointed again on July 22, 2021 for another two-year term.

Jacqueline Penney, Q.C., Employer Representative (Regular)

Ms. Penney is a lawyer and a practising member of the Law Society of Newfoundland and Labrador and the Nova Scotia Barristers' Society.

Since 2009, Ms. Penney has been Corporate Counsel for Marine Atlantic Inc. Ms. Penney practices primarily in the areas of corporate and commercial law, labour law, maritime

law, insurance, pension law, and privacy law. Prior to 2009, Ms. Penney was a partner with the law firm McInnes Cooper in St. John's.

Since November 2017, Ms. Penney has served as a part-time member of the Transportation Appeal Tribunal of Canada. From January 2015 to December 2017, Ms. Penney acted as Chair of the Newfoundland and Labrador Legal Aid Commission. Ms. Penney is also a member of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, the Disciplinary Panel of the Newfoundland and Labrador Dental Board, the Chartered Professional Accountants Disciplinary Panel and the Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators.

Ms. Penney was first appointed to the Labour Relations Board as an alternate employer representative on May 14, 2013 for a two-year term. In 2017, she was reappointed for a two-year term as a regular employer representative and was re-appointed again on June 30, 2019. On July 22, 2021, Ms. Penney was reappointed for another two-year term.

Larry Pittman, Employer Representative (Alternate)

Larry Pittman, born and raised in St. John's, NL, is currently the owner and President of BlueSky Business Consulting. A 1985 graduate of Memorial University, he has significant work experience in Human Resources and Labour Relations. In 2009, he earned the professional designation of Certified Human Resources Professional (CHRP).

Mr. Pittman has provided human resources/labour relations services to two of the largest mining companies in the world (Vale - formerly Voisey's Bay Nickel and Anglo American/DeBeers Canada, Victor Diamond Mine). Larry was Human Resources/Labour Relations Manager at the Muskrat Falls Project (2014-15) for one of the prime contractors at the construction site, responsible for over 2500 employees.

Under the auspices of BlueSky Business Consulting Larry has provided support and advice for a municipality in Newfoundland and Labrador and a company under the federal jurisdiction and the Canada Labour Code during their collective bargaining process. Both organizations were successful and were able to get a new Collective Agreement without the use of a strike by the employees. The most recent set of negotiations were successfully conducted virtually (due to the COVID-19 pandemic) through the assistance of an Arbitrator and believed to be one of the first ever to do so in Canada.

Mr. Pittman is immensely proud to have served his country, as a uniformed military reserve officer at the military base in Happy Valley-Goose Bay, Labrador, Canada, for a three-year posting in the early 1990s.

One of his most rewarding moments was providing support on September 11, 2001. As Chief Executive Officer of the Goose Bay Airport Corporation, Larry was responsible for all civil aviation including the landing requirements for an anticipated 80 aircrafts and managing the processing and housing of some 1,000 stranded passengers and aircrew.

Mr. Pittman was appointed to the Labour Relations Board as an alternate employer representative on June 30, 2017 for a two-year term and was reappointed to a second term on November 3, 2019.

Michael Power, Employee Representative (Alternate)

Michael Power became involved in the trade union movement with the International Brotherhood of Electrical Workers (IBEW) in 1977. He is past President/Business Manager of Local 2351, Churchill Falls and was appointed as an International Representative for the IBEW in Canada in 1992, a position from which he retired in October 2017. He is a past member of the Labour Relations Working Group, board member of the Advisory Council on the Economy, and a member of Construction Industry Industrial Adjustment Services (IAS) Committee. He was an alternate member of the Labour Relations Board for two years from 1995-1997 and a member of the Labour Relations Board as a jurisdictional umpire from 1999-2000. He is also past Chairman of the Board of Directors of the Newfoundland and Labrador Construction Safety Association (NLCSA) and past Treasurer of the Association. He has served as a member of the Board of Directors of WHSCC (Workplace Health, Safety and Compensation Commission) from August 2001-December 2004 and is a past Labour representative on the Labour Management Arbitration Committee.

Mr. Power was appointed to the Labour Relations Board as an alternate employee representative in May 2013 and he was reappointed in November 2015. On March 5, 2018, he was reappointed as an alternate employee representative. Sadly, Mr. Power passed away before the completion of his term.

Roseanne Saturley, Employer Representative (Regular)

The entirety of Roseanne Saturley's career has been in leadership roles in the Human Resources and Labour Relations sectors. She has achieved successful results in projects related to recruitment and selection, change management, employee relations, collective bargaining, and training and development, among others. In her career, she has had the opportunity to work with diverse cultures and groups, across Canada and the Middle East, allowing her to extensively use her skills in dispute resolution and conflict management. Her employment has included NORDCO Limited, the Workers' Compensation Board (WorkplaceNL), the Canadian Broadcasting Corporation, and the College of the North Atlantic (CNA). One of her proudest accomplishments was the work she performed in establishing the Human Resources infrastructure for CNA's campus in Doha, Qatar.

Ms. Saturley graduated from Memorial University of Newfoundland with a Bachelor of Arts focused on English Literature, Sociology and Business. She also completed extensive training programs related to Labour Relations, Business Management, Training and Development, and Dispute Resolution.

Ms. Saturley was appointed to the Board as an alternate employer representative on March 5, 2018 and on January 18, 2019 Ms. Saturley was appointed as a Regular employer representative for the remainder of her term. She was re-appointed again for another two-year term on July 22, 2021.

Marie St. Aubin, Employee Representative (Alternate)

Marie St. Aubin completed a Political Science Major at Memorial University and graduated from the Labour College of Canada. She served as President of the Staff Representatives Union with Retail, Wholesale and Department Store Union (RWDSU) and Secretary-Treasurer of the National Staff Representatives' Union with Canadian Autoworkers Union (CAW). She has extensive experience with negotiations, labour relations and women's issues, and employee benefits, having served in various capacities with Newfoundland and Labrador Federation of Labour, Workers' Compensation Appeals Tribunal, and Labour Relations Board. She has been employed as International Representative with RWDSU and United Steelworkers and a National Representative with CAW.

Ms. St. Aubin was appointed to the Board in 1991 and 2003 as an alternate and regular employee member, respectively. She was reappointed as an alternate employee representative on May 14, 2013 and November 2015. On March 5, 2018, she was reappointed as an alternate employee representative.

Hubert Loder, Employee Representative (Alternate)

Hubert Loder was born in Twillingate, Newfoundland. His family relocated to Happy Valley-Goose Bay in 1959 and Mr. Loder has been residing there ever since. Mr. Loder started working with the Labourers International Union Local 1208 in 1995 as a business agent/organizer, in particular on the very successful Voisey's Bay Project. From there, he began working with the International Union as the Chief Organizer for the province. After a period of years, he returned back with Local 1208. He continued on to work with the building trade's council of the province, now known as Trades NL, as Labour Relations Representative in Labrador City. There he represented all trade unions on the Iron Ore Company of Canada (IOC) Expansion Project then moved onto the Muskrat Falls Project until his retirement two years ago.

Mr. Loder was appointed to the Labour Relations Board on July 22, 2021 for a two-year term as an employee representative.

Evan Kipnis, Employer Representative (Alternate)

A graduate of MUN, McGill University, and Dalhousie Law School, Mr. Kipnis was admitted to the Bar of Newfoundland and Labrador in 1979. Mr. Kipnis practiced law with the firm of Chalker, Green & Rowe for 10 years before pursuing a career as in-house counsel with Newfoundland Telephone, which eventually became Bell Aliant, a division of Bell Canada. After 23 years in the telecom industry, Mr. Kipnis returned to

private practice in St. John's with the law firm of Perry & Power in 2013.

Throughout his career, Mr. Kipnis has been involved in a broad general practice of law, with specialized experience in litigation, marine law, commercial and contractual matters, and labour & employment law. During his time in the telecom industry, Mr. Kipnis advised all levels of leadership of the corporation and was involved in an extensive range of matters during a period of rapid and dramatic industry evolution.

In 2020, Mr. Kipnis completed a three-year appointment as a part-time Review Commissioner for the Review Division of WorkplaceNL. He has served on several Boards as a volunteer director including the Board of the Northeast Avalon Y, and three years as Chairman of the Board of Atlantic Association for Research in the Mathematical Sciences. A long-time volunteer in sports and recreation, Mr. Kipnis enjoys teaching youths to enjoy these activities and play better than he ever did.

Dermot Cain, Employee Representative (Alternate)

Dermot Cain was born in Riverhead but currently resides in Colliers, NL. Mr. Cain presently serves as Principal for Mid-Atlantic Project Solutions and JMDS Ventures Inc.

Previously, Mr. Cain served as a Senior Advisor to the Project Director for Kiewit-Kvaerner Contractors, Hebron Project, Newfoundland and Labrador from 2013-2016. Prior to this, he was heavily involved with the International Union of Operating Engineers (IUOE) starting from 2003-2004 as International Representative, and from 2004-2010 as Canadian Director. Before his appointment with IUOE in November 2003, he served as President and Business Manager of IUOE Local 904 Newfoundland and Labrador for 23 years where he has been a member for over 50 years.

In addition to his work outlined above, Dermot Cain also served as a Board and/or Executive Member of many federal and provincial organizations, including: Board of Directors of the Construction Sector Council for Canada (CSC), Board of Directors of the Environmental Careers Organization (ECO Canada), Board of Directors for the International Foundation of Employee Benefits (Canadian Board), Vice President of Canadian Federation of Labour, President of the Newfoundland and Labrador Building and Construction Trades Council and Councilor for the Town of Colliers, NL, to name a few.

Prior to working full-time with the organizations and industries above, Dermot Cain, after completing his apprenticeship for Heavy Equipment Technician, worked extensively in the mining, oil and gas, construction and industrial service industries across Canada as a maintenance technician, maintenance supervisor and master mechanic. He was appointed to the Labour Relations Board as an Alternate Employee Representative on July 22, 2021.

Appendix C – Reasons for Decision

The following is a list of Reasons for Decision issued by the Board in the 2021-22 fiscal year showing the file name, date issued, file number, the Chair or Vice-Chair writing the Reasons for Decision on behalf of the Board, or panel of the Board and the person writing a Dissent, if any.

Reasons for Decision are issued by the Board only when requested by one of the parties to the application or where a hearing has been conducted into the application. Reasons for Decision are uploaded to the Board's [Internet-based decision system](#) and can be searched by entering the labour relations file number (for example: LRB File 5801 as noted below).

1. **Roland Anthony and Newfoundland and Labrador Association of Public and Private Employees and College of the North Atlantic** dated 31 May 2021 [2021] L.R.B.D. No. 5 (LRB File 5801) (Chair D. Conway)
2. **Freeman Poole and Hotel and Restaurant Workers, Local 779 and Speuata Security Inc. and Resource Development Trades Council of Newfoundland and Labrador** dated 31 May 2021 [2021] L.R.B.D. No. 6 (LRB File 5776 & 5824) (Chair D. Conway)
3. **Hibernia Platform Employers' Organization and Unifor Local 2121** dated 14 July 2021 [2021] L.R.B.D. No. 7 (LRB File 5778) (Chair D. Conway)
4. **Roland Anthony and Larry Hibbs and Newfoundland and Labrador Association of Public and Private Employees and College of the North Atlantic and Her Majesty the Queen in Right of Newfoundland and Labrador, as represented by Treasury Board** dated 18 August 2021 [2021] L.R.B.D. No. 8 (LRB File 5768 & 5769) (Chair D. Conway)
5. **Newfoundland and Labrador Association of Public and Private Employees and Labatt Brewing Company Limited** dated 24 September 2021 [2021] L.R.B.D. No. 9 (LRB File 5812) (Chair D. Conway)
6. **Construction Labour Relations Association of Newfoundland and Labrador Inc. and United Brotherhood of Carpenters and Joiners of America, Local 579 and DFB Driver Inc. and United Brotherhood of Carpenters and Joiners of America, Local 585 and Drivers Industrial Inc. and Millwrights Local 1009** dated 2 March 2022 [2022] L.R.B.D. No. 1 (LRB File 5762) (Chair D. Conway)

Appendix D – Judicial Review

These are applications to the court with respect to decisions of the Board.

Activity on 2021-22 Matters and Prior

The following are court cases decided in 2021-22, which reviewed decisions or proceedings of the Board.

1. **Richard Lichtenauer v. Newfoundland and Labrador Association of Public and Private Employees (NAPE) (2018 04G 0129)** (LRB Files 5683/5621)
2. **Canadian Merchant Service Guild v. Her Majesty the Queen in Right of Newfoundland and Labrador, represented by Treasury Board (2019 01G 8144)** (LRB File 5729)
3. **Eastern Regional Integrated Health Authority v. Association of Allied Health Professionals (2020 01G 2931)** (LRB File 5614)
4. **Edge Innovations Inc. v. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union 764 (2021 01G 0508)** (LRB File 5786)
5. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 v. Filtrum Inc. (2021 01G 0874)** (LRB File 5749)

Cases Outstanding

The following applications were before the Court at the end of 2021-22:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382)** (LRB File 4645)
2. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 v. Canada Fluorspar (NL) Inc. v. United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9220 (2021 01G 0877) (2021 01H 0057)** (LRB File 5647)

3. **United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9220 v. Canada Fluorspar (NL) Inc. v. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 (2021 01G 1656) (2021 01H 0053) (LRB File 5647)**

Appendix E – Bargaining Units

Certification Orders Issued in 2021-22

Labour Relations Act

1. **Newfoundland and Labrador Association of Public and Private Employees and Town of Witless Bay**
Bargaining Unit
All employees of Town of Witless Bay, save and except Chief Administrative Officer.
2. **Newfoundland and Labrador Association of Public and Private Employees and Hoyles Ambulance Service Ltd.**
Bargaining Unit
All employees of Hoyles Ambulance Service Ltd. working in and out of New-Wes-Valley, NL save and except non-working supervisors and those above the rank of non-working supervisor.
3. **International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Edge Innovations Inc.**
Bargaining Unit
All Ironworkers and Ironworker Apprentices in the Province of Newfoundland and Labrador, save and except Superintendents and those above the rank of Superintendent.
4. **Newfoundland and Labrador Association of Public and Private Employees and Bay Roberts Retirement Centre Ltd.**
Bargaining Unit
A unit of employees of Bay Roberts Retirement Centre Ltd. comprising all employees save and except non-working supervisors and those above the rank of non-working supervisor.
5. **Unifor Local 597 and 2554049 Ontario Inc.**
Bargaining Unit
A unit of employees of 2554049 Ontario Inc. comprising all employees working at 222 LeMarchant Road, save and except supervisors and those above the rank of supervisor.

6. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union 764 and ATBEST Inc.

Bargaining Unit

A unit of employees of ATBEST Inc. comprising all Ironworkers and Ironworker Apprentices working for the Employer in the Province of Newfoundland and Labrador, save and except Superintendents and those above the rank of Superintendent.

7. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Columbia MBF d/b/a Unistrut Canada

Bargaining Unit

A unit of employees of Columbia MBF d/b/a Unistrut Canada comprising all Ironworkers and Ironworker Apprentices working for the Employer in the Province of Newfoundland and Labrador, save and except Superintendents and those above the rank of Superintendent.