



Labour Relations Board

**Annual Report
2022-23**

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Message from the Chairperson

I am pleased to present the annual report of the Labour Relations Board (the Board) for 2022-23. This report was prepared in accordance with the Provincial Government's commitment to transparency and accountability as a category three entity. My signature below is indicative of the entire Board's accountability for the actual results reported.

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.

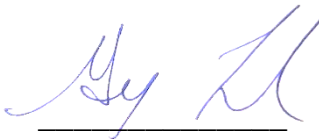
As of March 31, 2023, the Board consisted of a Chairperson, four Vice-Chairpersons, regular, and alternate Board members. The Board members has an equal representation of employers and employees. Generally, the Board schedules monthly panel meetings, with other meetings as needed. The Board reviews and 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.

It is essential to the Board's role that files are processed in a timely manner. The Board has made significant improvements in the processing of Applications. All Applications for Certification are up to date and have either been referred to a Hearing, are with the parties for next steps, or are new and have not had all filings completed.

The Board can also report that it is up to date with its writing of Reasons that have been requested by parties.

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 'Gregory A. 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;**
- **Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act;** and
- **Essential Ambulance Services Act.**

The Board is established under the **Labour Relations Act** (the Act). The Board is composed of the Chairperson, four 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**;
- appeals of determinations under the **Labour Standards Act**; and
- essential ambulance service agreements under the **Essential Ambulance Services 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 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 2022-23, 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 Beothuck Building, 20 Crosbie Place, 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 2022-23, there were 59 new applications filed with the Board and 42 applications were carried forward from the previous years. The Board considered 73 applications during the period, which culminated in the issuance of 105 Orders of the Board. A total of 69 of the applications considered were finalized. There were 26 applications finalized that

were carried forward to 2022-23. There were 13 representation votes conducted in applications for certification and 1 vote conducted in relation to revocation of certification applications, with 546 individuals eligible to vote in the elections. The Board held meetings and hearings over 96 days. Twenty-six 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 2022-23, 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 2022-23 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](#).

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. 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, 2023, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators	2022-23
Number of applications received	59
Number of applications in process	22
Number of applications completed	37

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 26 other applications during 2022-23, which were carried forward from previous years.

	Number of Applications Received	Number of Applications in Process	Number of Applications Completed
2020-21	44	19	25
2021-22	62	33	29
2022-23	59	22	37

During the three year period (2020-23) of the last planning cycle for the Board, all applications received by the Board in each year were in process or completed. Within the three years, the Board received 165 applications. At the end of the three year period (2020-23) of the last planning cycle for the Board, 143 applications were completed with 22 remaining in process. The Board met its objective of commencing or completing processing of all applications filed with it for the duration of the Activity Plan.

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 hearings, or defer the matter pending receipt of additional information.

Objective 2: By March 31, 2023, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings.

Indicators	2022-23
Number of orders made by the Board at its meetings	105
Number of applications referred to the hearing process	26
Number of hearings scheduled	11
Number of applications considered	73
Number of considered applications deferred	0

All processed applications were considered by the Board. The Board considered and finalized 69 matters in the reporting period. Forty-three of these were received in 2022-23 and 26 were carried forward from previous years. There were 5 hearings scheduled beyond the end of 2022-23.

In some matters, more than one order was made. There were 36 orders issued by the Board at its regular meetings and the Board issued 65 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 4 orders, in relation to applications, which was referred to a hearing, for a total of 105 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. In some cases, a hearing may involve several matters. There were 26 matters received and referred to the hearing process and scheduled for hearings during the 2022-23 reporting period.

	Number of Orders made by the Board at its Meetings	Number of Applications Referred to the Hearing Process	Number of Hearings Scheduled	Number of Applications Considered and Deferred
2020-21	89	7	7	50 Considered 0 Deferred
2021-22	90	3	3	47 Considered 0 Deferred
2022-23	105	26	11	73 Considered 0 Deferred

During the three year period (2020-23) of the last planning cycle, the Board issued 284 orders at its meetings, considered 170 applications, deferred 0 applications, referred 36 applications to the hearing process, and scheduled 21 hearings. The Board met its objective of considering all applications processed during the Activity Plan.

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, 2023, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Indicators	2022-23
Number of orders issued and number communicated to parties	105
Number of reasons for decision issued and communicated to parties	18
Number of reasons for decision uploaded to the Board’s Internet-based decision system	18

There were a total of 105 orders issued by the Board in 2022-23 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 hearings have been conducted into an application. The Board can also write reasons where it determines appropriate. A total of 18 reasons for decision were issued by the Board in relation to 19 matters and were communicated to the affected parties. There were 18 reasons for decision uploaded to the Board’s [Internet-based decision system](#). Four decisions were issued in a matter where a hearing was conducted and 14 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.

	Number of Orders and Number Communicated to Parties	Number of Reasons for Decision Issued and Number Communicated to Parties	Number of Reasons for Decision Uploaded to the Board's Internet-Based Decision System
2020-21	89	21	21
2021-22	90	6	6
2022-23	105	18	18

During the three year period (2020-23) of the last planning cycle, the Board communicated 284 orders and 45 reasons for decision to the parties, and uploaded its 45 reasons for decision to the Board's Internet-based decision system. The Board met its objective of communicating the results of decisions and orders to relevant parties during the Activity Plan.

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, 2023, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

Indicators	2022-23
Number of reports, information bulletins and policy circulars distributed	1

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 on its various processes. The Board engaged with stakeholders with respect to ways to improve voting processes and is working towards having online voting as an option.

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. The Board also posts its Annual Report to its website on an annual basis.

	Number of Reports, Information Bulletins and Policy Circulars Distributed
2020-21	2
2021-22	4
2022-23	1

During the three year period (2020-23) of the last planning cycle, the Board adopted bulletins and circulars as necessary and issued 5 policy changes and posted its annual report on an annual basis. The Board met its objective of circulating publications, as necessary, related to Board processes and procedures.

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, 2023, the Labour Relations Board will have implemented enhanced information management practices.

Indicators	2022-23
Number of information management and protection practices reviewed	1

The main focus of the past year has been the move to the option for electronic voting. This will be in place as of July 1/23. There has been extensive consultation with stakeholders about this initiative.

Information management and protection practices are of vital importance to the Board. The Board continues to follow the enhanced internal processes for 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.

The Board continues to update and educate new staff in the protection of privacy and related protocols involving internal file management.

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 2023-24. Any related changes will result in new or updated information bulletins or policy circulars or a general update to its website.

	Number of Information Management and Protection Practices Reviewed
2020-21	The Board commenced its review and updated two processes
2021-22	4
2022-23	1

During the three year period (2020-23) of the last planning cycle, the Board commenced a review of its Information Management and Protection Practices and updated processes as necessary.

Total New Applications Filed in 2022-23

<u>Labour Relations Act</u>	
Applications for Certification	22
Applications for Revocation of Certification	0
Termination of Bargaining Rights	0
Unfair Labour Practices	14
Duty of Fair Representation	9
Successorship/Transfer of Business	0
Common Employer	3
Reconsideration of Decision	2
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	1
Submission by Director of Labour Standards	0
Change of name on Certification/Accreditation Order	0
Successor Bargaining Agent	0
Alter Terms and Conditions of Employment	2
Unfair denial of union membership	0
<u>Public Service Collective Bargaining Act</u>	
Duty of Fair Representation	3
Designation of essential employees	0
Unfair labour practice complaint	0
Amendment of bargaining unit	0
Reconsideration of decision	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>	
Amendment of Bargaining Unit	1
<u>Interns and Residents Collective Bargaining Act</u>	
Designation of Essential Employees	1
TOTAL APPLICATIONS	59

Highlights and Opportunities

The Board moved to resuming some in person votes during 2022-2023 but it remained challenged by the risk of Covid - 19. In determining the locations for in person voting, the Board had to consider the vulnerability of its staff, employees engaged in the voting process and members of the public or staff at the possible voting locations. The Board adjusted its processes and locations accordingly.

The Board is working towards having electronic voting as an option. Change can be challenging but the benefits of having such an option make this challenge a worthwhile endeavor. It is anticipated this will be an option as of July 1, 2023.

The Board has increased its engagement with stakeholders including regular Board-Bar Liaison meetings and interactions with labour and employer representatives.

The Board is always looking for opportunities to provide better service. With a view to allowing witnesses to appear via video, a large smart TV has been added to the Labour Relations Board Hearing Room.

New legislation was added to the existing responsibility of the Board, which increases the scope of inquiries made to the Board.

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 in person.

Appendix A - Financial Statement

The following information is for the fiscal year April 1, 2022 to March 31, 2023.

Labour Relations Board
Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2023

Activity – 5.1.01	Actual \$	Amended \$	Original \$
Salaries	631,342	647,000	579,000
<i>Employee Benefits</i>	5,307	4,200	4,200
<i>Transportation and Communications</i>	7,665	15,400	15,400
<i>Supplies</i>	5,852	5,800	5,800
<i>Professional Services</i>	49,771	72,700	72,700
<i>Purchased Services</i>	4,261	10,200	10,200
<i>Property, Furnishings and Equipment</i>	2,685	700	700
Operating Accounts	75,541	109,000	109,000
Total: Labour Relations Board	706,883	756,000	688,000

Note: Budgets and expenditures reflect year-end actuals at March 31, 2023. These figures have been reported to Finance for inclusion in the Report of the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended March 31, 2023. The Report has not been produced yet and the numbers have not been verified.

Appendix B – Members of the Board

As of March 31, 2023, the Board consisted of the following members:

Greg French, K.C., 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.

Vivian Arenillas, Vice-Chairperson

After several years in private practice as a lawyer, Vivian Arenillas spent thirteen 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 (as there were at the time) 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 twelve 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 7, 2022 for a five-year term.

W. John Clarke, K.C., Vice-Chairperson

Mr. Clarke is a lawyer admitted to the bar in 1979, and has been involved in the area of dispute resolution since 1979 when he first became a trainee with the Labour Management Co-operation Committee, a self-regulating body which set qualification standards for labour arbitrators and maintained the listing of qualified arbitrators in the

province of Newfoundland and Labrador. He was first admitted to the list in 1984 when he first served as Vice-Chair of the provincial Labour Relations Board and Chair of its Construction Panel. He has been an active labour arbitrator within and outside the province since then. He has been a member of the panel of Labour Adjudicators maintained by the Federal Department of Labour. He has been appointed in several hundred labour cases. He has served as a member of the Canadian Motor Vehicle Arbitration Plan (CAMVAP).

In 1994, Mr. Clarke began academic training as a mediator attending theoretical training in Toronto, ON, and St. John's, NL as well as practical training in Victoria and Vancouver, BC and St. John's, NL. In October, 2006, Mr. Clarke attended specialized workplace mediation training in Los Angeles, California. He has taken a Life Time Learning course in Facilitation at Memorial University of Newfoundland and has attended the Harvard University course on Mediation. He attended a week-long training program at Pepperdine University in Malibu, California in 2016. He has conducted several hundred mediations in personal injury, labour relations, estates, construction and commercial matters.

In addition to his dispute resolution career, Mr. Clarke has served as a director on the board of Directors of Cornerstone Capital Resources Inc., a publicly traded mineral exploration company listed on the TSX-V exchange in Toronto from 1996 to 2022. He also served on the Audit Committee and was Chair of the Governance and Compensation Committee of that corporation.

Mr. Clarke was a sole dispute resolution practitioner and was a principal in the Centre for Innovative Dispute Resolution which was a self-contained business arrangement devoted exclusively to the processes of dispute resolution as alternatives to the court structure in the province.

Chantelle MacDonald Newhook, K.C., Vice-Chairperson

After seventeen years of public service in both legal and executive roles with the Government of Newfoundland and Labrador, Chantelle MacDonald Newhook established her private legal practice in 2022 as a neutral arbitrator, mediator, and investigator. She is a member in good standing of the Law Society of Newfoundland and Labrador, the Alternative Dispute Resolution Institute of Canada, and the national Human Resource Professionals Association.

Ms. MacDonald Newhook's tenure with the Provincial Government included practising labour law, advising on and appearing at arbitrations and other labour relations matters. As a litigator, she argued labour cases before the Labour Relations Board, the Supreme Court of Newfoundland and Labrador, the Newfoundland and Labrador Court of Appeal, and the landmark Saskatchewan Federation of Labour "right to strike" case at the Supreme Court of Canada.

Ms. MacDonald Newhook was appointed Queen's Counsel in 2020 and achieved her Qualified Arbitrator (Q.Arb.) designation in 2022.

She holds a Bachelor of Arts from St. Thomas University, a Bachelor of Laws from the University of New Brunswick, and is an internationally published author, including having authored the first internationally available trade publication about domain name dispute arbitration, *Cybersquatters Beware! Insiders' Tips for Winning Domain Name Disputes* (McGraw-Hill Ryerson, 2002).

Ms. MacDonald Newhook was appointed to the Labour Relations Board as Vice-Chairperson on December 8, 2022 for a five-year term.

Chris Peddigrew, K.C., Vice-Chairperson

Chris Peddigrew, 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.

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 & 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. She practices in all aspects of labour law, primarily as a litigator. Ms. Kennedy is also Legal Counsel for Memorial University of Newfoundland Faculty Association (MUNFA).

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.

Dermot Cain, Employee Representative (Alternate)

Dermot Cain was born in Riverhead, Hr. Grace, 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 twenty-three years where he has been a member for over fifty 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.

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.

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 with Local 1208. He continued 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 before moving onto the Muskrat Falls Project, where he remained until his retirement.

Mr. Loder plays a continuous role in serving his community; he is president of the local coop retail store in Happy Valley-Goose Bay, an active board member with the Royal Canadian Legion Branch 51, and has a strong relationship with all indigenous groups within Labrador. Mr. Loder is also the Labrador representative on the NLFC (Newfoundland and Labrador Federation of Cooperatives), which includes Credit Unions, insurance companies, and retail stores, all of which are very well known in Labrador.

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

Jacqueline Penney, K.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.

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 related to Labour Relations.

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.

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.

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 twenty 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

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.

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 in 2013 and is now a sole practitioner as Evan Kipnis Law.

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 public 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 been a volunteer director on several Boards 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 youth to enjoy these activities and play better than he ever did.

Appendix C – Reasons for Decision

The following is a list of Reasons for Decision issued by the Board in the 2022-23 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 5762 as noted below).

1. **Colin Gamberg and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 and G.J. Cahill (Canada Process Services Inc.)** dated 8 April 2022 [2022] L.R.B.D. No. 2 (LRB File 5864) (Chair D. Conway)
2. **Fish, Food and Allied Workers Union (FFAW-Unifor) and Ocean Choice International** dated 2 August 2022 [2022] N.L.L.R.B. No. 3 (LRB File 5860) (Chair G. French, K.C.)
3. **Paul Cuff and Trent Vincent and Canadian Union of Public Employees, Local 1289 and City of St. John's** dated 17 August 2022 [2022] N.L.L.R.B. No. 4 (LRB File 5823) (Chair G. French, K.C.)
4. **Deborah Anne Greene and Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and 72351 Newfoundland and Labrador Limited (operating as Reliable Ambulance Stephenville)** dated 3 October 2022 [2022] N.L.L.R.B. No. 5 (LRB File 5841) (Chair G. French, K.C.)
5. **Christian Coronado and Newfoundland and Labrador Association of Public and Private Employees and Fisheries and Marine Institute of Memorial University – Memorial University of Newfoundland** dated 3 October 2022 [2022] N.L.L.R.B. No. 6 (LRB File 5887) (Chair G. French, K.C.)
6. **Ernest “Jason” Bishop and Unifor, Local 597 and Wonder Brands Inc.** dated 5 October 2022 [2022] N.L.L.R.B. No. 7 (LRB File 5873) (Chair G. French, K.C.)
7. **Construction General Labourers, Rock & Tunnel Workers, Local 1208 and Paladin Security Group Limited** dated 18 November 2022 [2022] L.R.B.D. No. 8 (LRB File 5805) (Chair D. Conway)

8. **Canadian Union of Public Employees, Local 4554 and Fort Townshend Child Care Co-operative Association** dated 22 November 2022 [2022] N.L.L.R.B. No. 9 (LRB File 5881) (Chair G. French, K.C.)
9. **Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Spectrum Investigations and Security (1998) Limited and Hotel and Restaurant Workers Union, Local 779** dated 6 December 2022 [2022] N.L.L.R.B. No. 10 (LRB File 5890) (Chair G. French, K.C.)
10. **Jane Doe and Association of Allied Health Professionals and Eastern Regional Integrated Health Authority** dated 12 December 2022 [2022] N.L.L.R.B. No. 11 (LRB File 5895) (Chair G. French, K.C.)
11. **Newfoundland and Labrador Association of Public and Private Employees and Stella’s Circle Community Services Inc. (Emmanuel House)** dated 22 December 2022 [2022] N.L.L.R.B. No. 12 (LRB File 5865) (Chair G. French, K.C.)
12. **Fish, Food and Allied Workers-Unifor (FFAW-Unifor) and United Brotherhood of Carpenters and Joiners of America, Local 585 and Driver’s Industrial Installations Ltd. and Vale Newfoundland & Labrador Ltd.** dated 6 February 2023 [2023] N.L.L.R.B. No. 1 (LRB File 5900 & 5901) (Chair G. French, K.C.)
13. **Newfoundland and Labrador Association of Public and Private Employees and Choices for Youth Inc.** dated 13 February 2023 [2023] N.L.L.R.B. No. 2 (LRB File 5837) (Chair G. French, K.C.)
14. **Mark Kane and United Brotherhood of Carpenters and Joiners of America, Local 585 and Driver’s Industrial Installations Ltd.** dated 16 February 2023 [2023] N.L.L.R.B. No. 3 (LRB File 5915) (Chair G. French, K.C.)
15. **Christopher Shea and Newfoundland and Labrador Association of Public and Private Employees and Country Ribbon Inc.** dated 25 February 2023 [2023] N.L.L.R.B. No. 4 (LRB File 5880) (Chair G. French, K.C.)
16. **Lloyd Mercer and International Union of Operating Engineers, Local 904 and Capital Crane Limited** dated 25 February 2023 [2023] N.L.L.R.B. No. 5 (LRB File 5829) (Chair G. French, K.C.)
17. **Christopher Payne and Canadian Union of Public Employees Local 706 and City of Corner Brook** dated 27 March 2023 [2023] N.L.L.R.B. No. 6 (LRB File 5925) (Chair G. French, K.C.)

18. **Janell Flynn and Canadian Union of Public Employees, Local 879 and Eastern Health (St. Patrick's Mercy Home)** dated 29 March 2023 [2023] N.L.L.R.B No. 7 (LRB File 5921) (Chair G. French, K.C.)

Appendix D – Judicial Review

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

Activity on 2022-23 Matters and Prior

The following are court cases decided in 2022-23, which reviewed decisions or proceedings of the Board.

1. **Canada Fluorspar (NL) Inc. v. United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9220 v. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local 740 v. The Labour Relations Board (2021 01G 1656) (2021 01H 0053) (LRB File 5647)**
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. (2021 01G 0877) (2021 01H 0057) (LRB File 5647)**

Cases Outstanding

The following applications were before the Court at the end of 2022-23:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB File 4645)**
2. **Eastern Regional Integrated Health Authority v. Association of Allied Health Professionals (2022 01H 0012) (LRB File 5614)**
3. **Anton Oleynik v. Labour Relations Board of Newfoundland and Labrador v. Memorial University of Newfoundland Faculty Association v. Memorial University of Newfoundland (2022 01G 1567) (2023 01H 0013) (LRB File 5809)**
4. **Paladin Security Group Limited v. Construction General Labourers, Rock & Tunnel Workers, Local 1208 v. Newfoundland and Labrador Labour Relations Board (2022 01G 2049) (LRB File 5805)**

Appendix E – Bargaining Units

Certification Orders Issued in 2022 – 23

Labour Relations Act

- 1. Newfoundland and Labrador Association Of Public and Private Employees and Choices for Youth (The Shelter)**
Bargaining Unit
All employees of The Shelter situated at 12-16 Carter’s Hill Place, save and except non-working supervisors and those above the rank of non-working supervisor.
- 2. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Paladin Security Group Limited**
Bargaining Unit
All employees of Paladin Security Group Limited working at the Waterford Hospital, St. John’s, operated by Eastern Health, save and except office, sales, clerical employees, managers, supervisors and those above the rank of supervisor.
- 3. United Brotherhood of Carpenters and Joiners of America, Local 579 and Upper Canada Specialty Hardware Limited**
Bargaining Unit
All working carpenter foremen, carpenters, carpenter apprentices, scaffolders and scaffolder apprentices working for the Employer in the Province of Newfoundland and Labrador
- 4. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Town of Salmon Cove**
Bargaining Unit
All employees working for the Town of Salmon Cove as Maintenance/Equipment Operators and outside workers, save and except Supervisors and those above the rank of Supervisor.
- 5. International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts (IATSE), Local 709 and 68323 Newfoundland and Labrador Inc.**
Bargaining Unit
All employees of 68323 Newfoundland and Labrador Inc. employed in the Province of Newfoundland and Labrador as Audio Visual Technicians, Riggers, Labourers, Drivers and Stagehands, excluding Office Staff and Managers.

- 6. Canadian Union of Public Employees, Local 4554 and Fort Townshend Child Care Co-operative Association**
Bargaining Unit
All employees of Fort Townshend Child Care Co-operative Association, save and except the Administrator.
- 7. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Spectrum Investigations and Security (1998) Limited**
Bargaining Unit
All employees of Spectrum Investigations and Security (1998) Limited, working at the Muskrat Falls Site as security, firefighter and emergency responders, save and except supervisors and those above the rank of supervisor.
- 8. Newfoundland and Labrador Association of Public and Private Employees and Central Transfer Service (Operating as 83651 Newfoundland and Labrador Inc.)**
Bargaining Unit
All employees of Central Transfer Service (Operating as 83651 Newfoundland and Labrador Inc.), save and except non-working supervisors and those above the rank of non-working supervisors.
- 9. Newfoundland and Labrador Association of Public and Private Employees and Crosswinds Seniors Resort (Crosswinds Investment Inc.)**
Bargaining Unit
All employees employed by Crosswinds Seniors Resort (Crosswinds Investment Inc.), save and except non-working supervisors and those above the rank of non-working supervisor.
- 10. United Brotherhood of Carpenters and Joiners of America, Local 579 and Locke's Electrical Limited**
Bargaining Unit
All working carpenter forepersons, carpenters, carpenter apprentices, scaffolders and scaffolder apprentices working for the Employer in the Province of Newfoundland and Labrador.
- 11. Newfoundland and Labrador Association of Public and Private Employees and Stella's Circle Community Services Inc. (Emmanuel House)**
Bargaining Unit
All employees of Stella's Circle Community Services Inc. (Emmanuel House), located at 83 Cochrane Street, St. John's, save and except non-working supervisors and those above the rank of non-working supervisor.

12. United Brotherhood of Carpenters and Joiners of America, Local 585 and Driver's Industrial Installations Ltd.

Bargaining Unit

All employees working for the Employer at the Voisey's Bay Nickel and Mine Site in the Province of Newfoundland and Labrador, save and except office staff, clerical staff, engineering, quality assurance and control, technical, human resources, safety personnel, managers and supervisors above the rank of general foreperson.

13. United Brotherhood of Carpenters and Joiners of America, Local 585 and Driver's Industrial Installations Ltd.

Bargaining Unit

All employees working for the Employer at Bull Arm Site in the Province of Newfoundland and Labrador, save and except office staff, clerical staff, engineering, quality assurance and control, technical, human resources, safety personnel, managers and supervisors above the rank of general foreperson.

14. Newfoundland and Labrador Association of Public and Private Employees and St. John's Status of Women Council-Marguerite's Place

Bargaining Unit

All employees save and except non-working Supervisor and those above the rank of non-working Supervisor at Marguerite's Place.

15. Newfoundland and Labrador Association of Public and Private Employees and Bishops Gardens Seniors Living LP (A Division of Fort Amherst Properties)

Bargaining Unit

All employees of Bishops Gardens Seniors Living LP (A Division of Fort Amherst Properties) save and except non-working Supervisor and those above the rank of non-working Supervisor.