



**LABOUR RELATIONS BOARD**

**2006-07 ANNUAL REPORT**

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## ■ **MESSAGE FROM THE CHAIRPERSON**

I am pleased to present the annual report on the activities of the Labour Relations Board of Newfoundland and Labrador for the 2006-07 fiscal year. The Board is accountable for the contents of this report.

2006-07 was the 57<sup>th</sup> year of operation of the Board. The Board is an independent, specialized, quasi-judicial body which plays a crucial role contributing to and promoting harmonious labour relations in the province. The Board consists of a Chairperson, Vice Chairpersons and Board Members. The Board Members are in numbers equally representative of employers and employees. The Board meets regularly to review and determine applications for certification; applications for revocation; unfair labour practice complaints; successor rights; imposition of first collective agreements; complaints related to the duty of fair representation; and other issues within its jurisdiction. The Board may make decisions based on its review of the investigation reports and written submissions of the parties or it may determine that a hearing is necessary for the purpose of making decisions.

The Board's primary objectives are the fair and efficient processing of applications and the rendering of decisions which are clear, consistent and in accordance with legal principles. The Board is fortunate to have highly dedicated and professional staff to assist in the achievement of these objectives and to assist in the administration of the legislation.

The Board's website provides information, including the Board's reasons for decisions, policy circulars, forms and publications. The website also contains the Board's Activity Plan for the 2007-08 fiscal year which was developed in accordance with the *Transparency and Accountability Act*.

I would like to thank the Vice Chairpersons and Board Members for their excellent diligence. I would like to also thank the Chief Executive Officer, Board Officers and Staff for their continued outstanding dedication and contribution to the Board. I am extremely pleased and honoured to be in the position of full time Chair and I look forward to our collective efforts in 2007-08.

Valerie L. Marshall, Q.C.  
Chairperson  
Labour Relations Board

## ■ **PUBLIC BODY OVERVIEW**

The Labour Relations Board is an independent, quasi-judicial tribunal, which is established under the provisions of the *Labour Relations Act*, R.S.N. 1990, c L-1. It mediates and adjudicates a wide variety of disputes under a number of different statutes, including:

- ▶ *Labour Relations Act*
- ▶ *Public Service Collective Bargaining Act*
- ▶ *Fishing Industry Collective Bargaining Act*
- ▶ *Teachers' Collective Bargaining Act*
- ▶ *Interns and Residents Collective Bargaining Act*
- ▶ *Occupational Health and Safety Act*
- ▶ *Labour Standards Act*
- ▶ *Smoke-free Environment Act, 2005*

### **MISSION**

The mission of the Labour Relations Board is to continue to administer and interpret the legislation with regard to applications brought before the Board. This Board has been in existence for over 50 years and has, like other Labour Boards in Canada, acquired expertise both in its administration and adjudication and considerable effort is expended by the Board and its staff in maintaining a high level of expertise which culminates in a high level of service to its clients.

### **INTRODUCTION**

The *Labour Relations 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 make this choice freely.

The Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, the revocation of certification upon application by an interested party or parties in cases where certified unions no longer have the support of a majority of the bargaining unit members, unfair labour practices, successor rights determinations and imposition of first collective agreements.

Under the *Labour Relations Act*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. The Board has the power to reconsider any of its decisions and a privative clause in the Act limits the scope of judicial review. It is also entitled to determine its own practices and procedures, and to make rules prescribing the procedures to be followed in respect of the administrative functions of the

Board. These Rules of Procedure include, for example, provisions for determining a member in good standing of a trade union or association; enlarging or abridging time; and the responsibilities of the Chief Executive Officer and the Secretary of the Board.

Under the *Public Service Collective Bargaining Act*, the Board is also responsible for the issuing of orders declaring certain employees within a bargaining unit or bargaining units to be essential employees for the health, safety or security of the public.

The Board consists of five regular members; two representatives of employers; two representatives of employees and an independent chairperson. Regular members on the Board during 2006-07 were Geralyn Hansford and Aubrey Drover, representing employers; William Parsons and David Curtis, representing employees. Valerie L. Marshall, Q.C., served as full-time Chairperson.

The Board is also composed of Vice-Chairpersons and eight alternate members, four representatives of employers and four representatives of employees, who serve on the Board in the absence of regular members. During the year under review, John Sweetland, Q.C., and Karl Inder served as Vice-Chairpersons. Marilyn Tucker, John Peddle, Donald Singleton and Nada Borden served as alternate employer representatives; and Raymond Reid, David Wade, Nancy Riche and George Kean served as alternate employee representatives. For biographical information on board members, please see Appendix I.

The administrative duties and functions of the Board are supervised by the Chief Executive Officer with the assistance of the Secretary to the Board. During the reporting period, Carmel Noel was the Chief Executive Officer. The full-time staff of the Board consists of six persons which includes the Chief Executive Officer, three Investigating Officers and two clerical staff.

The Board's offices are located on the 5<sup>th</sup> Floor of the Beothuck Building, Crosbie Place, St. John's, with hearings held 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 Facsimile (709) 729-5738.

During the fiscal year, 2006-07, there were a total of 83 new applications filed with the Board and 131 applications were carried forward from the previous year. The Board made decisions on 73 applications during the period, which culminated in the issuance of 109 Orders of the Board. The Board held 117 days of meetings, which included 76 hearing days. A total of twenty-nine matters proceeded to a hearing.

The Board's approximate annual budget is \$635,000.00. This amount does not include monies for lease payments for the Board's accommodations or other overhead costs, such as utilities; such monies are included in the budget for the Labour Relations Agency.

For a listing of the Reasons for Decision issued by the Board in 2006-07, please see Appendix II. A listing of the applications which were the subject of judicial review can be found at Appendix III. All Board decisions dating from 1975 have been made available to our clientele via our website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw.

Descriptions of bargaining units certified by the Board in 2006-07 are shown in Appendix IV.

The Board's website is [www.gov.nl.ca/lrb/](http://www.gov.nl.ca/lrb/)

## ■ **HIGHLIGHTS/ACCOMPLISHMENTS**

The Board is pleased to announce that it has been successful in its efforts to obtain dedicated hearings room facilities. The hearings room will be located on the 1<sup>st</sup> Floor of the Beothuck Building. We are sure that this will be welcome news for the parties which appear before the Board since this will eliminate logistical and legal concerns which have been expressed over the last number of months arising from hearings being conducted by the Board in hotel settings.

Glenn Branton, one of the Board's officers, has recently completed his Masters degree in Employment Relations from Memorial University of Newfoundland, which will be a further asset to him in the completion of his duties with the Board.

Legislative amendments to the *Labour Relations Act* and the *Public Service Collective Bargaining Act* were enacted in December, 2006. The majority of these amendments emanated from the Board's review of legislation and Rules of Procedure.

The Board developed an Activity Plan for the 2007-08 fiscal year in compliance with the *Transparency and Accountability Act* pursuant to which the Board is categorized as a category 3 public body. This exercise enabled the Board to review its processes, procedures and operations.

The Board has continued to process its applications in a timely manner, providing excellent service to its clients. The Board has continued to conduct hearings and meetings, produced orders and reasons for decision.

## ■ **ACTIVITIES**

In 2006-07, the Board received a total of 83 new applications and complaints and dealt with a total of 88 applications during the period.

In this portion of the report, we will comment on hearings and representation votes, as well as review the various types of applications processed by the Board during the reporting period under the pieces of legislation administered by the Board.

### ◆ **HEARINGS**

The Board sits in panels of three, with the Chairperson or Vice-Chairperson in each case, together with an employee representative and an employer representative. Most hearings take place in St. John's, however, in appropriate cases, the Board holds hearings in the location closest to the workplace. In this reporting period, panels also sat in Churchill Falls, Clarenville, Corner Brook, Deer Lake and Gander.

During the 2006-07 fiscal year, the Board conducted hearings into 29 matters over 76 days, compared to eleven hearings over 23 days in 2005-06. The Board ordered that hearings be held in six other matters in 2006-07 which were settled or otherwise determined prior to the hearing dates. Several other matters were referred in the latter part of 2006-07 to a hearing and were scheduled to be heard in 2007-08. The Board has experienced difficulties in the scheduling and postponement of hearing dates in recent years and is continuing its efforts to realize greater efficiencies in this area.

### ◆ **REPRESENTATION VOTES**

In 2006-07, the Board's returning officers conducted a total of 25 representation votes among employees. Of the votes conducted, 19 involved certification applications and six votes were held in applications for termination of existing bargaining rights.

All of the votes involved a single union on the ballot. A total of 875 employees were eligible to vote in the elections that were conducted.



## ***LABOUR RELATIONS ACT***

### **◆ CERTIFICATION OF BARGAINING AGENTS**

During 2006-07, the Board received 19 applications from trade unions to be certified for a unit of employees and 20 such applications were carried forward from the previous fiscal year. 24 certification applications were processed during the year. Where the applicant trade union shows 40 per cent employee support within the proposed bargaining unit, the *Labour Relations Act* provides that a representation vote be taken. Of the 24 applications processed, 46 per cent achieved certification. 11 applications were granted, ten were rejected and three were withdrawn.

There were approximately 500 employees affected by certification orders issued by the Board in 2006-07.

### **◆ REVOCATION OF CERTIFICATION/ TERMINATION OF BARGAINING RIGHTS**

Five applications for revocation of certification or termination of existing bargaining rights were filed with the Board in 2006-07. Three certification orders were revoked and one application was rejected by the Board. Three applications are still pending before the Board. There were 14 employees affected by the revocation orders issued by the Board.

### **◆ UNFAIR LABOUR PRACTICES**

In 2006-07, the Board received 13 complaints alleging contravention of the unfair labour practice sections of the Act and 13 such complaints were carried forward from the previous fiscal year. In complaints against employers, the principal allegations involved interference with the selection of a trade union. Where employers complained against unions, allegations involved organizing activities.

Of the 11 complaints dealt with by the Board, two remedial orders were issued, five complaints were settled or withdrawn and four complaints were rejected by the Board. In connection with one complaint, a motion for non-suit was granted by the Board.

◆ **DUTY OF FAIR REPRESENTATION**

Section 130 of the Act deals with complaints alleging failure of a bargaining agent to act in good faith in the handling of a grievance an employee has against the Employer. 12 such complaints were received in 2006-07 and six were carried forward from the previous fiscal year. In one matter, the bargaining agent (union) was ordered by the Board to proceed to submit the employees' grievance to arbitration. Seven complaints were rejected and one was withdrawn. In connection with one complaint which was rejected, a motion for non-suit was granted by the Board.

◆ **APPLICATIONS UNDER SECTION 18 OF THE ACT**

Applications can be made to the Board under section 18 of the Act for a determination of matters referred to in paragraph 18(k), such as, whether a person is an employer or employee, a person is a member in good standing of a trade union, an organization is a trade union or a person or organization is a party to or is bound by a collective agreement. In July, 2002, the legislation was amended to give the Board the authority to review determinations of the Director of Labour Standards. There were five applications received in 2006-07 pursuant to section 18 of the Act and nine were carried forward from 2005-06. Of the five processed by the Board, four were granted and one was rejected.

◆ **COMMON EMPLOYER**

Applications may be made to the Board alleging that more than one business was being carried on under common control or direction and requesting that the Board declare the businesses to be one employer for the purposes of the Act. There was one application received in 2006-07 and two such applications were carried forward from the previous fiscal year. All three applications are pending before the Board.

◆ **TRANSFER OF BUSINESS/SUCCESSORSHIP**

In 2006-07, the Board received one application alleging that there had been a sale, lease, transfer or other disposition of business, and carried six forward from the previous fiscal year. One application was withdrawn and six are pending before the Board.

## ◆ IMPOSITION OF FIRST AGREEMENT

Where a union and an employer have been engaged in collective bargaining and failed to conclude a first collective agreement, the Minister may direct the Board to inquire into the dispute and, if advisable, to settle the terms and conditions for the first collective agreement. Three such applications were filed with the Board in 2006-07 and five were carried forward from the previous fiscal year. One application was rejected and seven are pending before the Board.

## ◆ RECONSIDERATION OR AMENDMENT OF BOARD DECISIONS

There was one application received in 2006-07 to reconsider a previous decision of the Board and one application to amend an existing bargaining unit. Three reconsideration applications and six applications to amend bargaining units were carried forward from 2005-06. Four reconsideration applications are pending before the Board. Two existing bargaining units were amended by the Board and one application to amend the bargaining unit was withdrawn.

## ◆ REQUESTS TO ALTER TERMS AND CONDITIONS OF EMPLOYMENT

Under certain circumstances, such as, where an employer has received notification from the Board that trade union has made an application to represent its employees, the employer cannot alter wages or another term or condition of employment without the consent of the Board while the application is pending before the Board. Three applications were received in 2006-07 from employers requesting such consent of the Board and two applications were carried forward from the previous year. The Board consented to two requests and rejected one such request.

## ◆ QUESTIONS REFERRED TO THE BOARD

Section 89 of the Act provides an arbitration board/arbitrator to refer certain questions to the Board for a determination. One such referral by an arbitrator was made to the Board in 2006-07 and one was carried forward from the previous year. Both referrals are pending before the Board.

## ***PUBLIC SERVICE COLLECTIVE BARGAINING ACT***

There were nine applications filed under this piece of legislation during 2006-07. Six were applications involving questions arising from an alleged sale, lease or transfer of business in the health care sector and two such applications were carried forward from the previous year. One application was granted and seven are pending before the Board. One application to amend an existing bargaining unit was received during the period and ten were carried forward from the previous fiscal year. One such application was rejected. One duty of fair representation complaint was received and is pending before the Board.

## ***OCCUPATIONAL HEALTH AND SAFETY ACT***

The Board has authority under section 51 of the *Occupational Health and Safety Act* to determine whether an employer has taken discriminatory action against a worker for a reason set out in section 49 of the Act; and, under section 33 of the Act, may hear appeals of an order made by the assistant deputy minister. There were three applications received by the Board under this section of the *Occupational Health and Safety Act* during 2006-07 and two were carried forward from the previous fiscal year. One application was granted, one was rejected and one was withdrawn during the period. There was one appeal of an order made by the assistant deputy minister received by the Board in 2006-07 and this matter is pending before the Board.

## ***FISHING INDUSTRY COLLECTIVE BARGAINING ACT***

There were four applications filed with the Board during 2006-07 under this piece of legislation; two applications for accreditation as processors' organization, one application requesting the Board to determine whether there was a collective agreement in effect and one application requesting a determination that a processor failed to comply with a collective agreement. The two applications for accreditation were rejected by the Board and determinations were made in the other two applications.

## ***TEACHERS' COLLECTIVE BARGAINING ACT***

There was one application carried forward from the previous fiscal year requesting the Board to amend an existing bargaining unit under this piece of legislation and this application is pending before the Board.

**TOTAL NEW APPLICATIONS  
FILED IN 2006-07**

	<b>2006-07</b>
<b><i>Labour Relations Act:</i></b>	
Applications for Certification	19
Applications for Revocation of Certification/ Termination of Bargaining Rights	5
Unfair Labour Practices	13
Duty of Fair Representation	12
Imposition of First Agreement	3
Reconsideration of Decision	1
Amendment of Bargaining Unit	1
Transfer of Business/Successorship	1
Questions under section 18 of Act	5
Common Employer	1
Referrals by Arbitrators	1
Access to Remote Site	0
Successor Union	0
Jurisdictional Dispute (Umpire)	0
Alter terms and conditions of employment	3
Change of name on certification order	2
<b><i>Public Service Collective Bargaining Act</i></b>	<b>8</b>
<b><i>Fishing Industry Collective Bargaining Act</i></b>	<b>4</b>
<b><i>Occupational Health and Safety Act</i></b>	<b>4</b>
<b><i>Teachers' Collective Bargaining Act</i></b>	<b>0</b>
<b>TOTAL APPLICATIONS</b>	<b>83</b>

## ■ ***OPPORTUNITIES AND CHALLENGES***

The Board will continue to process its applications in a timely fashion, striving to provide excellent services to its clients.

The scheduling and postponement of hearings continue to present a challenge to the Board.

The Board will engage in a process of developing a three-year Activity Plan taking all steps necessary to comply with the *Transparency and Accountability Act* in accordance with the required dates for compliance for the Labour Relations Board.

The Board is engaged in development of a Human Resources plan to deal with succession planning and related human resource issues. The Board is dealing with expanded jurisdiction under the *Labour Relations Act*, the *Public Service Collective Bargaining Act* and the *Fishing Industry Collective Bargaining Act*.

The increasing complexity of matters coming before the Board and the increased duration of hearings also presents a challenge to the Board.

## ■ **FINANCIAL STATEMENT**

The following information is for the fiscal year, April 1, 2006 to March 31, 2007.

### **Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2007**

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
<b>6.1.04. LABOUR RELATIONS BOARD</b>			
01. Salaries	424,491	428,300	428,300
02. Employee Benefits	2,461	2,900	900
03. Transportation & Communications	46,158	46,600	29,200
04. Supplies	2,432	3,300	1,700
05. Professional Services	168,137	173,100	154,200
06. Purchased Services	13,960	19,500	20,500
07. Property, Furnishings & Equipment	<u>795</u>	<u>800</u>	<u>-</u>
	<u>658,434</u>	<u>674,500</u>	<u>634,800</u>
02. Revenue – Provincial		<u>(20,000)</u>	<u>(20,000)</u>
<b>Total: Labour Relations Board</b>	<b><u>658,434</u></b>	<b><u>654,500</u></b>	<b><u>614,800</u></b>

Source: Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended 31 March 2007

## ■ **APPENDIX I - MEMBERS OF THE BOARD**

During the year under review, the Board consisted of the following members:

### **VALERIE L. MARSHALL, Q.C., *Chairperson***

Valerie Marshall obtained her Bachelor of Science degree from Memorial University of Newfoundland and Labrador and both her Masters in Business degree and Bachelor of Laws degree from Dalhousie University. She has been a member of the Law Society of Newfoundland since April 1992 and practised law in several areas until her appointment as full-time Chairperson of the Board. For several years, in addition to practising law, Ms. Marshall was a sessional lecturer at Memorial University for both the Departments of Mathematics and the School of Business. Ms. Marshall served as Human Rights adjudicator for several years. She has also served as Chair of the Teacher Certification Review Panel. In June, 2006, she became a Board member of the Canadian Council of Administrative Tribunals.

She was appointed to the position of Vice-Chairperson of the Labour Relations Board in January 2004. She was appointed as its Chairperson in June 2004 for a five-year term.

### **JOHN C. SWEETLAND, Q.C., *Vice-Chairperson***

John Sweetland obtained his Bachelor of Science degree from St. Francis Xavier University and a Bachelor of Law degree from the University of New Brunswick. He has been a member of the Law Society of Newfoundland and Labrador since April 1973. Mr. Sweetland has been practising law in Corner Brook in a variety of areas of law, including corporate/commercial, real estate, criminal, family, contract law, workplace health safety and compensation/Canada pension disputes, labour law and administrative law. He is a qualified mediator and has served on several arbitration boards.

Mr. Sweetland was appointed to the position of Vice-Chairperson of the Labour Relations Board in May 2004 for a five-year term.

### **KARL R. S. INDER, *Vice-Chairperson***

Karl Inder obtained his Bachelor of Arts degree from the Universite de Moncton in 1981 and a Bachelor of Laws Degree from the Ecole de Droit de l'Universite de Moncton in 1984. He has been a member of the Law Society of Newfoundland and Labrador since 1985 and practised law in St. John's for several years before returning to his hometown of Grand Falls-Windsor where he currently carries on a general practice in partnership with Mark Griffin under the firm name of Inder & Griffin. Apart from his considerable community involvement, Mr. Inder is also a Panel Adjudicator with the Human Rights Commission and is serving his third term as a Bencher of the Law Society of Newfoundland and Labrador.



Mr. Inder was appointed to the position of Vice-Chairperson of the Labour Relations Board in April 2005 for a five-year term.

**GERALYN HANSFORD, *Employer Representative (Regular)***

Geralyn Hansford is Director with Aliant in St. John's, Newfoundland, and in that position, she is responsible for all sales and service in Atlantic Canada. She has an extensive background in the labour relations field within her organization over the past 30 years.

Ms. Hansford was appointed to the Labour Relations Board as a regular employer representative in March 2005 for a two-year term.

**AUBREY DROVER, *Employer Representative (Regular)***

Aubrey Drover is the owner of AMD Holdings Ltd., a general contracting firm located in St. John's, Newfoundland. Mr. Drover has an extensive background in construction management, spanning some 35 years. He is past Chairman of the Newfoundland and Labrador Construction Association, past Provincial Vice-Chairman of the Canadian Construction Association and is presently Chairperson of the Newfoundland and Labrador Construction Safety Association.

Mr. Drover was appointed to the Labour Relations Board as an alternate employer representative in February 2004 for a two-year term.

**WILLIAM A. PARSONS, *Employee Representative (Regular)***

William Parsons has over 30 years experience in the labour movement, serving as Vice-President of the Canadian Communications Workers' Union, Organizing Director of Fish, Food and Allied Workers Union and International Representative of the United Steelworkers of America. He is a Past President of the Newfoundland and Labrador Federation of Labour and Past Vice-President of the Canadian Labour Congress, as well as a Board Member of the Advisory Council on the Economy and member of the Labour Relations Working Group Initiative.

Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was reappointed as a regular employee representative in December 1995, January 1998, January 2000, January 2002 and January 2004 for two-year terms.

**DAVID CURTIS, *Employee Representative (Regular)***

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

Mr. Curtis was appointed to the Labour Relations Board as an alternate employee representative 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.

**NADA BORDEN, *Employer Representative (Alternate)***

Nada Borden graduated from Memorial University of Newfoundland with a B.Voc.Ed. degree in 1977 and obtained her Certified General Accountant designation, CGA, in 1991. She has retired from the College of the North Atlantic where she taught in the Business Administration program. Ms. Borden is President of the Newfoundland and Labrador School Boards Association and Vice-Chair of the Western School District. She serves as employer representative on the negotiating team for the Newfoundland Teachers' Association.

Ms. Borden was appointed to the Labour Relations Board as an alternate employer representative in April 2006 for a two-year term.

**GEORGE KEAN, *Employee Representative (Alternate)***

George Kean has been involved in the labour movement for over 25 years and has been President of the United Steelworkers of America, Local 5795, the largest Steelworker union in the Atlantic Provinces for the past 14 years. Mr. Kean has served as past Steelworker representative for nine years on the Newfoundland and Labrador Federation of Labour. He served on the Provincial Apprenticeship Board, Provincial Millwright Board, Workers' Compensation Appeals Tribunal for two years and is presently on the Board of Directors for the Steelworkers' Humanity Fund.

Mr. Kean was appointed to the Labour Relations Board as an alternate employee representative in 1998 and was reappointed in February 2002 and February 2004 for two-year terms.

**JOHN F. PEDDLE**, *Employer Representative (Alternate)*

John F. Peddle is the Executive Director of the Newfoundland and Labrador Health Boards Association, a position he has held since 1995. Prior to this, he was Director of Labour Relations with the Association from 1976. Mr. Peddle has advised Employers, in both the public and private sectors, in collective bargaining and other labour relations and human resource issues for over twenty-five (25) years. Since the formation of the Newfoundland and Labrador Employers' Council, Mr. Peddle has been actively involved with Council both as an Executive member and Director, including a term of office as Chair. He currently chairs the Labour Policy Committee of Council.

Mr. Peddle graduated from Memorial University in 1971 with a B.Comm., majoring in Industrial Relations and Human Resources. He was appointed to the Labour Relations Board as an alternate employer representative in August 2000 and was reappointed in August 2002 for a two-year term. His term expired in August 2004 and he was again appointed to the Board in April 2005 for a two-year term.

**RAYMOND REID**, *Employee Representative (Alternate)*

Raymond Reid has been a Firefighter with the City of Corner Brook Fire Department for 28 years, and recently retired from that position. He has been involved with the International Association of Firefighters for approximately 26 years, and is past President of Local 1222 of the Firefighters' Association. He is also past President of the Atlantic Provinces Professional Firefighters' Association.

Mr. Reid was first appointed to the Labour Relations Board as an alternate employee representative in 1989 and has been reappointed since then for consecutive two-year terms.

**NANCY RICHE**, *Employee Representative (Alternate)*

Nancy Riche is a committed, courageous champion of workers' rights. Involved for decades, she has broken new ground for women within the labour movement and attained one of its highest positions, Secretary Treasurer of the Canadian Labour Congress. Respected by business and labour leaders alike, she tackled issues such as racism and discrimination in the workplace, maternal and paternal leave and accessible quality childcare. Former Vice-President of the International Confederation of Free Trade Unions, she represented more than 62 million women at meetings organized by numerous international bodies, including the World Trade Organization.

Ms. Riche was appointed to the Labour Relations Board as an alternate employee representative in February 2004 for a two-year term.

**DONALD SINGLETON, *Employer Representative (Alternate)***

Donald Singleton worked in the construction industry and then in the fishing industry until the groundfish moratorium was declared in the early 90s. In 1993, he applied to attend Law School at the University of New Brunswick and was accepted as a mature student. His education was subsidized by the TAGS program, which provided retraining to displaced fishery workers. He graduated from Law School in 1996 and was called to the Bar in 1997. He has carried on a general law practice in Goose Bay ever since.

Mr. Singleton was appointed to the Labour Relations Board as an alternate employer representative in April 2005 for a two-year term.

**MARILYN TUCKER, *Employer Representative (Alternate)***

Marilyn Tucker is the President of the Newfoundland and Labrador Employers' Council, a position she has held since 1996. Prior to that, she was Vice President of Operations with the Enterprise Network Incorporated, Development Coordinator with the Humber Valley Development Association, and Cost Accountant with Marystown Shipyard Limited. In her position with the Employers' Council, she has been actively involved as an advocate, information provider and advisor for member employers in matters that affect the employment relationship. Ms. Tucker has also served as an Executive member with both the Clarenville Area, and the Deer Lake Area Chambers of Commerce.

Ms. Tucker was educated at Memorial University of Newfoundland and at the Society of Management Accountants of Ontario. She was appointed to the Labour Relations Board as an alternate employer representative in February 2004 for a two-year term.

**DAVID G. WADE, *Employee Representative (Alternate)***

David Wade began his career in labour relations 24 years ago. He was elected Business Manager of the Ironworkers Union for Newfoundland and Labrador, Local 764 in 1978. Throughout this time he has been elected by his peers to serve in a number of other capacities: President of the Newfoundland and Labrador Building and Construction Trades Council, Secretary of the Newfoundland and Labrador Oil Development Allied Trades Council and President of the Petroleum Development Association. He has been appointed to the Apprenticeship Board for the Province and twice appointed to the Labour Relations Board. He is a member of the Ironworkers Advisory Committee for the Province and served on the Executive Board of the National Ironworkers Sectoral Adjustment Services Apprenticeship Committee representing Atlantic Canada and Quebec. He is Vice-President of the Ironworkers District Council of Eastern Canada, which includes Quebec. In his work with the International organization, Mr. Wade has served on several committees including the Constitution Committee. In this capacity, he took part in the revision of the Ironworkers' Constitution for North America.

In October, 2000, after serving 23 years with the local in this Province, the General President of the Ironworkers International appointed him General Organizer servicing Atlantic Canada. Mr. Wade was appointed to the Labour Relations Board as a regular employee representative in February 2001 for a two-year term. In February 2003 and April 2005, he was appointed as an alternate employee representative for two-year terms.

## ■ **APPENDIX II - REASONS FOR DECISION**

The following is a list of Reasons for Decision issued by the Board in the 2006-07 fiscal year showing the file name, file number, date issued, the person writing the Reasons for Decision on behalf of the Board or panel of the Board and the person writing a Dissent, if any.

1. International Union of Operating Engineers, Local 904 and Johnson's Construction Limited dated April 7, 2006. (4968, 4973) (Marshall)
2. United Brotherhood of Carpenters and Joiners of America, Local 579 and Allied Constructors Inc. dated April 12, 2006. (4958) (Marshall)
3. Matthew Rich and Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Torngait Services Inc. dated May 10, 2006. [2006] L.R.B.D. No. 8 (4960) (Marshall)
4. Empire Theatres Limited and International Alliance of Theatrical Stage Employees, Local 898B and Local 898M dated June 9, 2006. [2006] L.R.B.D. No. 9 (4930,4931) (Marshall)
5. United Brotherhood of Carpenters and Joiners of America, Local 579 and Modern Paving Limited dated August 4, 2006. [2006] L.R.B.D. No. 10 (4974) (Marshall)
6. United Brotherhood of Carpenters and Joiners of America, Local 579 and Modern Paving Limited dated August 4, 2006. [2006] L.R.B.D. No. 11 (4975) (Marshall)
7. United Brotherhood of Carpenters and Joiners of America, Local 579 and Modern Paving Limited dated August 4, 2006. [2006] L.R.B.D. No. 12 (4970, 4976) (Marshall)
8. Transport and Allied Workers, Local 855, affiliated with the International Brotherhood of Teamsters and Construction Labour Relations Associations of Newfoundland and Labrador Inc. dated September 8, 2006. [2006] L.R.B.D. No. 13 (4891) (Marshall)
9. Newfoundland and Labrador Association of Public and Private Employees and Multi-Materials Stewardship Board dated October 18, 2006. [2006] L.R.B.D. No. 14 (4998) (Marshall)
10. Christine A. Fagan and Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Brook Enterprises Limited dated October 19, 2006. [2006] L.R.B.D. No. 15 (4645) (Oakley)
11. International Union of Operating Engineers, Local 904 and Johnson's Construction Limited dated October 31, 2006. [2006] L.R.B.D. No. 16 (4968) (Sweetland)

12. Seafood Processors of Newfoundland and Labrador Inc. and The Standing Fish Price-Setting Panel and Fish, Food and Allied Workers Union and Association of Seafood Producers Inc. dated November 15, 2006. [2006] L.R.B.D. No. 17 (5022) (Marshall)
13. Atlantic Ocean Dinner Cruises Limited and Virginia Pennell dated December 1, 2006. [2006] L.R.B.D. No. 18 (4966) (Inder)
14. Communications, Energy and Paperworkers Union of Canada, Local 1093 and Abitibi-Consolidated Company of Canada dated December 5, 2006. [2006] L.R.B.D. No. 19 (4983) (Marshall)
15. John Lush and United Brotherhood of Carpenters and Joiners of America, Local 579 and Humber Valley Construction Limited dated December 8, 2006. [2006] L.R.B.D. No. 20 (5005) (Sweetland)
16. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and H. J. O'Connell Construction Ltd. and International Union of Operating Engineers, Local 904 and United Brotherhood of Carpenters and Joiners of America, Local 579 dated December 14, 2006. [2006] L.R.B.D. No. 21 (4954) (Marshall)
17. S.A.S. Operations Inc. and Gopi Kershan dated January 17, 2007. [2007] L.R.B.D. No. 1 (4987) (Inder)
18. S.A.S. Operations Inc. and Kundan Singh Gusain dated January 17, 2007. [2007] L.R.B.D. No. 2 (4988) (Inder)
19. United Brotherhood of Carpenters and Joiners of America, Local 579 and Allied Constructors Inc. dated February 9, 2007. [2007] L.R.B.D. No. 3 (4955) (Marshall)
20. Victor Penney and International Brotherhood of Electrical Workers, Local 2351 and Churchill Falls (Labrador) Corporation Limited dated February 26, 2007. [2007] L.R.B.D. No. 4 (5001) (Sweetland)
21. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Skyway Steel Ltd. dated March 1, 2007. [2007] L.R.B.D. No. 5 (5006) (Marshall) Dissent by Member Aubrey Drover
22. James Evely and Resource Development Trades Council of Newfoundland and Labrador and Iskueteu dated March 8, 2007. [2007] L.R.B.D. No. 6 (4980) (Marshall)
23. United Brotherhood of Carpenters and Joiners of America, Local 579 and Don Buckle Ltd. dated March 20, 2007. [2007] L.R.B.D. No. 7 (5056) (Marshall)

24. Albert Linegar and United Brotherhood of Carpenters and Joiners of America, Local 579 and Don Buckle Ltd. dated March 20, 2007. [2007] L.R.B.D. No. 8 (5051) (Marshall) Dissent by Member William Parsons
25. Fish, Food and Allied Workers Union and Atlantic Shrimp Company, a Division of Clearwater Seafoods Limited Partnership dated March 27, 2007. [2007] L.R.B.D. No. 9 (4817) (Inder)
26. Greening's Poultry Farm and Kay Stead dated March 27, 2007. [2007] L.R.B.D. No. 10 (5029) (Inder)



## ■ **APPENDIX III - JUDICIAL REVIEW**

### ◆ **ACTIVITY ON 2006-07 MATTERS AND PRIOR**

The following are court cases decided in 2006-07 which reviewed decisions or proceedings of the Board.

1. Atlantic Shrimp Company, A Division of Clearwater Seafoods Limited Partnership v. Fish, Food and Allied Workers (FFAW/CAW) (2006 01T 0018)
2. Canadian Union of Public Employees v. Civic Centre Corporation et al. (2000 01 T 2839)
3. Voisey's Bay Nickel Company Limited v. United Steelworkers of America, Local 6480 et al. (2005 01 T5614)
4. Construction General Labourers, Rock and Tunnel Workers, Local 1208 v. Matthew Rich et al. (2006 01 T2953)

### ◆ **CASES STILL OUTSTANDING**

The following applications were still outstanding at the end of the year:

1. United Food and Commercial Workers, Local 1252 v. Cabot Call Centre Inc. and/or Special Projects Unit Call Centre Inc., et al. (2001 01T 0408)
2. Transport and Allied Workers Union, Local 855, affiliated with the International Brotherhood of Teamsters v. Construction Labour Relations Association of Newfoundland and Labrador Inc. (2006 01 T 1484)
3. Kevin Burke v. Newfoundland and Labrador Association of Public and Private Employees and Memorial University of Newfoundland (2007 01 T 2007)

## ■ **APPENDIX IV - BARGAINING UNITS** **APPLICATIONS FOR CERTIFICATION GRANTED IN 2006-07**

### ◆ ***Labour Relations Act***

1. United Brotherhood of Carpenters and Joiners of America, Local 579 and 4338553 Canada Inc. (Chester Dawe, South River).

#### Bargaining Unit

A unit of employees of 4338553 Canada Inc. (Chester Dawe, South River) employed in the South River Store save and except Store Manager, Assistant Store Manager, Commission Sales, Accountants, Office Staff and Students.

2. United Brotherhood of Carpenters and Joiners of America, Local 579 and 4338553 Canada Inc. (Chester Dawe, Gander).

#### Bargaining Unit

A unit of employees of 4338553 Canada Inc. (Chester Dawe, Gander) employed in the Gander Store save and except Store Manager, Assistant Store Manager, Commission Sales, Accountants, Office Staff and Students.

3. Transport and Allied Workers, Local 855, affiliated with the International Brotherhood of Teamsters and Spectrum Investigation & Security (1998) Limited

#### Bargaining Unit

A unit of employees of Spectrum Investigation & Security (1998) Limited working at the Deer Lake Airport location save and except non-working supervisors and those above the rank of non-working supervisor.

4. Newfoundland and Labrador Association of Public and Private Employees and Multi-Materials Stewardship Board.

#### Bargaining Unit

A unit of employees of Multi-Materials Stewardship Board employed in the Province of Newfoundland and Labrador save and except Chair and Chief Executive Officer, Director of Corporate Services, Operations Manager, Executive Secretary, non-working Supervisors and those above the rank of non-working supervisor.

5. Newfoundland and Labrador Association of Public and Private Employees and Town of Glovertown.

Bargaining Unit

A unit of employees of the Town of Glovertown comprising all permanent and seasonal employees employed in the Town's Public Works, Recreation and Administration save and except Town Manager and Town Clerk.

6. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Allstar Rebar Ltd.

Bargaining Unit

A unit of employees of Allstar Rebar Ltd. employed in its fabrication shop located at 24 Pepperrell Road, St. John's, NL save and except Owner/Operator, Production Manager, Project Co-ordinators, Office Personnel, Non-working Foremen and those above the rank of Non-working Foreman.

7. United Brotherhood of Carpenters and Joiners of America, Local 579 and Modern Paving Limited.

Bargaining Unit

A unit of employees of Modern Paving Limited comprising all working Carpenter Foremen, Carpenters, Carpenter Apprentices, Scaffolders and Scaffolder Apprentices in the Province of Newfoundland and Labrador.

8. United Brotherhood of Carpenters and Joiners of America, Local 579 and Mariner Engineering & Construction Limited.

Bargaining Unit

A unit of employees of Mariner Engineering & Construction Limited comprising all Carpenter Foremen, Carpenters, Carpenter Apprentices, Carpenter Helpers, Scaffolders and Scaffolder Apprentices.

9. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 7144 and Inco Limited.

Bargaining Unit

A unit of employees of Inco Limited in the Town of Placentia, Newfoundland and Labrador, save and except office, clerical and sales employees, all professional engineers or engineers with a university degree who are employed in that capacity, non-working supervisors and those above the rank of non-working supervisor.

10. Lecturers' Union of Memorial University of Newfoundland and Memorial University of Newfoundland.

Bargaining Unit

A unit of employees of Memorial University of Newfoundland employed as per course instructors to teach two courses or less per semester on a limited term basis on the campuses of the employer in the Province of Newfoundland or by distance education to the students of Memorial University of Newfoundland, save and except employment subject to the terms of a Collective Agreement between Memorial University of Newfoundland and Memorial University of Newfoundland Faculty Association.

11. Transport and Allied Workers Union, Local 855, affiliated with the International Brotherhood of Teamsters and Tom Woodford Limited.

Bargaining Unit

A unit of employees of Tom Woodford Limited comprising all automotive technicians and apprentice mechanics save and except office staff, autobody technicians, autobody technician apprentices, parts personnel, salespersons, ramp attendants, utility workers, lot attendants, managers, non-working foremen and those above the rank of non-working foreman working out of the St. John's (Kenmount Road and Topsail Road) and Spaniard's Bay locations.