



LABOUR RELATIONS BOARD

2008-09 ANNUAL REPORT

■ **CONTENTS**

Message from the Chairperson

Public Body Overview	1
Highlights/Accomplishments	3
Activities	4
Total new applications filed in 2008-09 (Table).....	8
Opportunities and Challenges	9
Financial Statement	10
Appendix I - Members of the Board	11
Appendix II - Reasons for Decision	17
Appendix III – Judicial Review.....	20
Appendix IV - Bargaining Units	22

■ **MESSAGE FROM THE CHAIRPERSON**

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2008-09 fiscal year. The Board is accountable for the results reported in this report.

The Newfoundland and Labrador Labour Relations Board is an independent, specialized, quasi-judicial body which plays a crucial role in contributing to and promoting harmonious labour relations in the Province. The Board consists of a Chairperson, 3 Vice-Chairpersons and 4 regular Board Members and 8 alternate members. The Board Members are in numbers equally representative of employers and employees. The Board meets regularly, generally on a monthly basis or more frequently as needed, to review and determine applications for certification, applications for revocation, unfair labour practice complaints, successor rights, the imposition of first collective agreements, and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction. The Board decides matters based on the submissions of parties, as well as the investigation reports of its Board Officers. The Board may determine that a hearing is necessary for the purpose of making a final determination with respect to a matter. The Labour Relations 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. We are very fortunate to have a highly dedicated and professional staff to assist in achieving our objectives and administering the legislation.

Further information about the Labour Relations Board can be found at our website. This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms and publications. The website also contains the Board's Activity Plan for the 2008-09 fiscal year which was developed in accordance with the *Transparency and Accountability Act*.

I would like to thank our past Chair, Justice Valerie L. Marshall, as well as our Vice Chairpersons and Board Members for their hard work and continued professionalism with respect to Board matters. I would like to also thank our Chief Executive Officer and Deputy Chief Executive Officer, Board Officers and Staff for their continued dedication and contribution to the Board. I am honoured to serve as Chair of the Board with this diligent group of people and look forward to their continued participation in 2009-10.



Sheilagh M. Murphy
Chairperson
Labour Relations Board

■ **PUBLIC BODY OVERVIEW**

The Labour Relations 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* and *House of Assembly Accountability, Integrity and Administration Act*. The primary mandate of the Board is to resolve labour relations and employment matters in accordance with its jurisdiction.

The Board is established under the *Labour Relations Act*. The Board is composed of the Chairperson, Vice-Chairpersons, employer and employee representatives; all of whom are appointed by the Lieutenant-Governor in Council. 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 make this choice freely.

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

The mission of the 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 primary clients. The Board serves employers, organizations, employees and unions in Newfoundland and Labrador covered by the legislation administered by the Board and primarily oversees the acquisition and exercise of collective bargaining rights and the promotion of sound labour relations in a fair and transparent manner.

The legislation 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 interested parties where certified unions no longer have the support of a majority of bargaining unit members, unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. The Board has the exclusive authority to exercise the power conferred upon it and to determine all questions of fact or law that arise. It also has the power to reconsider any of its decisions and a privative clause in the *Labour Relations 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.

In fulfilling its mandate, the Labour Relations Board offers the following services to its primary clients:

Resolution of labour relations matters:

- the processing, investigation and adjudication of applications made to the Board by unions, employers, organizations and individual employees, or referrals made pursuant to the legislation;
- the mediation of differences in attempts to limit the extent and need for formal adjudication and to reinforce the ability of the parties to resolve their own disputes.

Education:

- the education of the Province's labour relations community in the interpretation of the legislation, the Board's rules, policies and procedures.

The administrative staff of the Board comprises a Chief Executive Officer, Deputy Chief Executive Officer, three Labour Relations Board Officers and two support staff. The annual budget (excluding lease payments) of the Board is approximately \$755,000.

During the fiscal year, 2008-09, there were a total of 58 new applications filed with the Board and 140 applications were carried forward from the previous year. There were 16 representation votes conducted in applications for certification, termination of bargaining rights applications and transfer of business applications in the health care sector, with 4741 individuals eligible to vote in the elections. The Board considered 88 applications during the period, which culminated in the issuance of 115 Orders of the Board. A total of 79 of those matters were finalized. The Board held 99 days of meetings, which included 62 hearing days. A total of 17 matters proceeded to a hearing.

Biographical information on Board members is contained in Appendix I. For a listing of the Reasons for Decision issued by the Board in 2008-09, please see Appendix II. A listing of the applications which were the subject of judicial review can be found at Appendix III. Descriptions of bargaining units certified by the Board in 2008-09 are shown in Appendix IV. All Board decisions dating from 1975 have been made available to our clients via our website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw and CanLII. The Board's website is www.gov.nl.ca/lrb/

The Board's offices are located on the 5th Floor of the Beothuck Building, Crosbie Place, St. John's, with hearings held throughout the Province. The Board hearings room facilities are located on the 1st Floor of the Beothuck Building. 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.

■ ***HIGHLIGHTS/ACCOMPLISHMENTS***

The Board has been and continues to be engaged in the development of a human resources plan to deal with the demands on staff in relation to Board activities.

We are pleased to announce that we have completed recruitment for the two newly created permanent positions; those of Deputy Chief Executive Officer and Secretary to the Chair. Glenn Branton returned to the Board as Deputy CEO and Vanessa Linthorne accepted the position of Secretary to the Chair.

One of the Board's officers has announced her intention to retire early in the next fiscal year and finding a replacement will be a priority for the Board.

Through a partnership with the Office of Employment Equity for Persons with Disabilities, an Information Officer/Researcher was hired for a contractual period of six months, which was extended for an additional six months.

The administrative arm of the Board contributed towards the fulfilment of the Board's commitments to the strategic directions of the Minister by processing or commencing the processing of all applications received; by conducting all mandatory votes as required by the legislation; by presenting all processed applications to the Board for consideration; and by communicating the results of decisions and orders of the Board to the relevant parties.

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, and produced orders and reasons for decision.

■ **ACTIVITIES**

The objectives discussed below represent the annual focus of the Board and include performance measurement information (i.e., measures and indicators) to assist both the Board and the public in monitoring and evaluating success. The Board performs two functions – administrative and adjudicative. The Chief Executive Officer and staff fulfill the administrative function which generally entails the processing of applications; the Chair, Vice-Chairs and members of the Board fulfill the adjudicative function.

The Board contributed to the strategic direction of creating a stable employment relations climate conducive to economic growth through the resolution of labour relations matters and communicating the results of decisions of the Board to parties appearing before the Board and the public by increasing public awareness and improving understanding of the Board's role in labour relations matters.

The Board did not develop goals in its 2008-11 Activity Plan due to the Board's mandate and the nature of its work. The Board will report on the same four objectives and associated indicators for each of the three years covered by the Activity Plan.

ISSUE: PROCESSING APPLICATONS

Objective 1: By March 31, 2009, the Labour Relations Board will have commenced processing or processed all applications filed with the Board. (Processed means completed steps necessary to bring applications before the Board at regular board meetings).

Measure: All applications commenced or processed

INDICATORS	ACCOMPLISHMENTS
Number of applications received	58
Number of applications in process	15
Number of applications completed	43

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed 45 other applications during 2008-09 which were carried forward from the previous fiscal year.

The objective of commencing to process or completing the processing of all applications filed with the Board during the fiscal year was met.

ISSUE: CONSIDERING APPLICATIONS

Objective 2: By March 31, 2009, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings, but will not have necessarily made a final determination with respect to these applications. (Decisions of the Board are evidenced in the form of orders).

Measure: All processed applications are considered

INDICATORS	ACCOMPLISHMENTS
Number of orders made by the Board at its meetings	115
Number of applications referred to the hearing process	8
Number of hearings scheduled	8
Number of applications considered and deferred	88 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized 79 matters in the reporting period, 40 of these were received in 2008-09 and 39 were carried forward from the previous year. The Board considered an additional nine applications which were not finalized at the end of 2008-09, i.e., they were either referred to a hearing or a vote had been ordered by the Board but was not yet conducted. Three of these nine matters were received in 2008-09 and six were carried forward from the previous fiscal year.

It is important to note that in some matters more than one order was made. 57 orders were issued by the Board at its regular meetings and the Board issued 32 orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or a Vice-Chair alone. The Board also issued 26 orders in relation to applications which were referred to hearings.

While 8 matters were referred to the hearing process and scheduled during the reporting period, the Board actually conducted hearings into 17 matters over 62 days; some of these matters were referred to a hearing in the 2008-09 fiscal year and others were referred, or were a continuation of matters referred, prior to that period.

ISSUE: COMMUNICATION

Objective 3: By March 31, 2009, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Measure: Communication

INDICATORS	ACCOMPLISHMENTS
Number of orders issued and number communicated to parties	115
Number of reasons for decision issued and number communicated to parties	26
Number of reasons for decision uploaded to the Board's internet-based decision system	26

There were a total of 115 orders issued by the Board in 2008-09 and all were communicated to the parties. 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 an application. 13 reasons for decision were issued in matters where hearings were conducted and 13 were as a result of requests from one of the affected parties.

The fair and efficient processing of applications by the Board fosters harmonious workplace relations; the communication and circulation of decisions and publications through the Board's searchable decision system and website ensures that the public and the parties appearing before the Board have ready access to the Board's policies and decisions.

ISSUE: CIRCULATING PUBLICATIONS

Objective 4: By March 31, 2009, the Labour Relations Board will have circulated publications, as necessary, related to board processes and procedures.

Measure: Circulated publications

INDICATORS	ACCOMPLISHMENTS
As necessary, number of information bulletins and policy circulars distributed and placed on Board's website	0
Annual Report filed and placed on the Board's website	2007-08 Annual Report placed on the Board's website

The Board fulfills its mandate through the resolution of labour relations matters as well as by educating the labour relations community and workers generally about the legislation, rules, policies and procedures of the Board. The Board feels that it is important to continue its efforts to educate its clients and the public on the various processes of the Board through the preparation and issuance of information bulletins. These describe the numerous applications which the Board is responsible to deal with and explain the Board's procedures in the handling of such applications and complaints, reflecting the current procedures and policies of the Board. This activity will increase public awareness and improve understanding of the Board's role in labour relations matters.

Unfortunately, due to various staffing issues faced by the Board in 2008-09, although information bulletins were partially prepared, these were not ready for distribution to the public during the reporting period. It is expected that progress will be made in this area in 2009-10.

**TOTAL NEW APPLICATIONS
FILED IN 2008-09**

2008-09

Labour Relations Act:

Applications for Certification	16
Applications for Revocation of Certification/ Termination of Bargaining Rights	4
Unfair Labour Practices	2
Duty of Fair Representation	2
Successorship/transfer of business	1
Reconsideration of Decision	1
Amendment of Bargaining Unit	3
Questions of whether collective agreement in effect	1
Review of labour standards determination	4
Access to Remote Site	0
Successor Union	0
Jurisdictional Dispute (Umpire)	0
Alter terms and conditions of employment	0

<i>Public Service Collective Bargaining Act</i>	21
<i>Fishing Industry Collective Bargaining Act</i>	1
<i>Occupational Health and Safety Act</i>	2
<i>Teachers' Collective Bargaining Act</i>	0

TOTAL APPLICATIONS 58

■ ***OPPORTUNITIES AND CHALLENGES***

The Board is pleased to be hosting the Annual Conference of Chairs and Administrators of Boards across Canada in July 2009. This has required extensive preparation and planning which will continue into the upcoming year.

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 by parties continue to present a challenge to the Board.

The Board is continuing to deal with expanded jurisdiction under the *Labour Relations Act*, the *Public Service Collective Bargaining Act* and the *Fishing Industry Collective Bargaining Act*.

The Board was conferred expanded jurisdiction under the *House of Assembly Accountability, Integrity and Administration Act*. Complaints filed pursuant to this new legislation will be monitored to assess the impact on the adjudicative and administrative procedures of the Board.

The increasing complexity of matters coming before the Board and the increased duration of hearings continues to present a challenge to the Board and a demand on our resources. Further, with respect to information bulletins, while the Board had attempted to produce some of these documents, due to unforeseen staff shortages (including, but not limited to, extended staff sick leave, etc.) this was not accomplished during the reporting period. The Board will endeavour to publish information bulletins in the upcoming fiscal year.

The Board continues to strive to deal with succession planning issues.

■ **FINANCIAL STATEMENT**

The following information is for the fiscal year, April 1, 2008 to March 31, 2009.

Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2009

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
7.1.05. LABOUR RELATIONS BOARD			
01. Salaries	538,091	591,400	547,400
02. Employee Benefits	3,873	4,200	900
03. Transportation and Communications	79,892	80,700	29,200
04. Supplies	6,213	8,100	4,700
05. Professional Services	194,628	195,200	154,200
06. Purchased Services	11,380	14,700	15,500
07. Property, Furnishings & Equipment	<u>1,474</u>	<u>3,000</u>	<u>2,000</u>
Total: Labour Relations Board	<u>835,551</u>	<u>897,300</u>	<u>753,900</u>

Source: Expenditure and revenue figures are unaudited and based on public information from the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended March 31, 2009. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Labour Relations Board is not required to provide a separate audited financial statement.

■ **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.

Ms. Marshall 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. Ms. Marshall resigned from her position with the Board when she was appointed as Judge of the Supreme Court of Newfoundland and Labrador, Trial Division, on April 28, 2009.

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, Q.C., *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 has served as a

Panel Adjudicator with the Human Rights Commission and has served three terms as a Bencher of the Law Society of Newfoundland and Labrador. Mr. Inder is a past Vice-President – Newfoundland and Labrador of Atlantic Legal Associates and currently serves as a Vice-President – Newfoundland and Labrador of the Atlantic Provinces Trial Lawyers Association and is a long-standing Director of the Environment Resources Management Association. He is also past President of the Rotary Club of Grand Falls-Windsor and was appointed Queen’s Counsel in 2008.

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

SHEILAGH M. MURPHY, *Vice-Chairperson*

Sheilagh Murphy graduated from the University of New Brunswick with a Bachelor of Laws, and from Memorial University of Newfoundland with a Bachelor of Science and Bachelor of Arts. She is a member of the Law Society of Newfoundland and Labrador and is currently Past President of the Newfoundland and Labrador branch of the Canadian Bar Association. She has also lectured at Memorial University of Newfoundland and published in the *Annual Review of Civil Litigation*.

Ms. Murphy was appointed to the position of Vice-Chairperson of the Labour Relations Board in July 2007 for a five-year term. In addition to her duties as Vice-Chair of the Board, she has an active legal practice with Curtis, Dawe in St. John’s. Called to the Newfoundland & Labrador bar in 1999, she has appeared before all divisions of the Provincial and Supreme Courts of Newfoundland and Labrador. On May 3, 2009, Ms. Murphy was appointed to the position of Chairperson of the Board on an interim basis.

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 past 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 and was reappointed as a regular employee representative in January 2006 for two-year terms.

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, January 2004 and January 2006 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 Canadian School Boards Association and serves as trustee of the Western School District Board.

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 most of the last 30 years. He is the longest serving President of the United Steelworkers, Local 5795, in Labrador City, being elected for the past 18 consecutive years representing hourly employees at the Iron Ore Company & Orica Canada Ltd. Mr. Kean is Steelworker Affiliate representative on the Newfoundland and Labrador Federation of Labour. He is currently worker representative on the Workplace Health Safety & Compensation Commission Board and also a member of the Employment Insurance Board of Referees.

Mr. Kean was appointed to the Labour Relations Board as an alternate employee representative in 1998 and was reappointed in February 2002, February 2004 and April 2006 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 thirty (30) 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 two (2) terms as Chair. He currently chairs the Labour Policy Committee of Council. He is also President of AMP Associates (88) Ltd.

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, his last appointment being in April 2006.

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 and April 2006 for two-year terms.

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 Director of Business with the Newfoundland and Labrador Business Coalition Inc. Prior to that, she was President of the Newfoundland and Labrador Employers' Council; 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 was 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 and April 2006 for two-year terms.

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

David Wade began his career in labour relations 30 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 served on the Apprenticeship Board for the Province and three times appointed to the Labour Relations Board. He was 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 was Vice-President of the Ironworkers District Council of Eastern Canada. Mr. Wade is currently a member of the Atlantic Labour market Information Committee and serves on the Board of Directors of the parent organization; the Construction Sector Council of Canada.

In October, 2000, after serving 23 years with the Ironworkers local union in this Province, he was appointed General Organizer servicing Atlantic Canada. In November 2004, he assumed the position of Executive Director of the Newfoundland and Labrador Building and Construction Trades Council. 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 2008-09 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.

1. Mary Tucker and Carol Automobile Ltd. dated April 2, 2008. [2008]L.R.B.D. No. 8 (5097) (Vice-Chair Murphy) (Dissent – Member Curtis)
2. Loretta Rideout and Fish, Food and Allied Workers Union and Fishery Products International Limited, Port Union dated April 10, 2008. [2008]L.R.B.D. No. 9 (5114) (Vice-Chair Murphy)
3. Sandra Tremblett et al. and Fish, Food and Allied Workers Union and Fishery Products International Limited, Port Union dated April 10, 2008. [2008]L.R.B.D. No. 10 (5120) (Vice-Chair Murphy)
4. B & R Enterprises Limited and Her Majesty the Queen, in Right of Newfoundland and Labrador, as represented by the Minister of Government Services dated April 14, 2008. [2008]L.R.B.D. No. 11 (5038) (Vice-Chair Sweetland)
5. International Association of Machinists and Aerospace Workers and Corner Brook Pulp and Paper Limited dated April 28, 2008. [2008]L.R.B.D. No. 12 (5151) (Chair Marshall)
6. United Food and Commercial Workers, Local 1252 and Fortis Properties Corporation, Operator of Mount Peyton Hotel dated June 4, 2008. [2008]L.R.B.D. No. 13 (5149) (Chair Marshall)
7. Western Regional Integrated Health Authority and Newfoundland and Labrador Association of Public and Private Employees and Canadian Union of Public Employees, Local 488 (LX) dated June 24, 2008. [2008]L.R.B.D. No. 14 (5064) (Chair Marshall)
8. Kevin Burke and Newfoundland and Labrador Association of Public and Private Employees and Memorial University of Newfoundland dated June 26, 2008. [2008]L.R.B.D. No. 15 (5142) (Vice-Chair Inder)
9. Rick Tipple and Independent Dockside Grading Inc. dated July 25, 2008. [2008]L.R.B.D. No. 16 (5071) (Vice-Chair Sweetland)
10. David Guy Clarke and R. J. Ralph Automotive Limited dated July 25, 2008. [2008]L.R.B.D. No. 17 (5146) (Vice-Chair Inder)

11. Western Regional Integrated Health Authority and Newfoundland and Labrador Association of Public and Private Employees and Canadian Union of Public Employees, Local 488 (HS) dated July 30, 2008. [2008]L.R.B.D. No. 18 (5063) (Chair Marshall)
12. Paul Young and Newfoundland and Labrador Association of Public and Private Employees and Nova Central School District dated July 31, 2008. [2008]L.R.B.D. No. 19 (5143) (Vice-Chair Murphy)
13. Larry Stuckless and International Union of Operating Engineers, Local 904 and Corner Brook Fabrication & Steel (2005) Ltd. dated August 15, 2008. [2008]L.R.B.D. No. 20 (5069; 5072) (Vice-Chair Sweetland)
14. International Union of Operating Engineers, Local 904 and Baie Verte Regional Ambulance Service Ltd. dated September 3, 2008. [2008]L.R.B.D. No. 21 (5129) (Chair Marshall)
15. Harry Hutchings, One Rider Adventure Inc. and Rachel Whittick dated October 3, 2008. [2008]L.R.B.D. No. 22 (5160) (Vice-Chair Murphy)
16. George Crocker and Amalgamated Transit Union, Local 1462 and Amalgamated Transit Union and Randy Graham and St. John's Transportation Commission dated October 3, 2008. [2008]L.R.B.D. No. 23 (5134) (Vice-Chair Murphy) (Dissent – Member Curtis)
17. Locke's Electrical Limited and Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 dated October 22, 2008. [2008]L.R.B.D. No. 24 (5087) (Vice-Chair Murphy)
18. Roy Mahaney and Fish, Food and Allied Workers (FFAW/CAW) and Happy Adventure Sea Products (1991) Limited dated October 23, 2008. [2008]L.R.B.D. No. 25 (4985) (Vice-Chair Inder)
19. Transport and Allied Workers Union, Teamsters Local 855 and Brink's Canada Ltd. (Corner Brook) and Newfoundland and Labrador Association of Public and Private Employees dated October 27, 2008. [2008]L.R.B.D. No. 26 (5123) (Chair Marshall)
20. United Brotherhood of Carpenters and Joiners of America, Local 579 and Farrell's Excavating Limited dated November 4, 2008. [2008]L.R.B.D. No. 27 (5046) (Vice-Chair Inder)
21. Bluebird Investments Ltd. and International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 dated December 10, 2008. [2008]L.R.B.D. No. 28 (5103) (Chair Marshall)

22. Newfoundland and Labrador Association of Public and Private Employees and Her Majesty the Queen, in Right of Newfoundland and Labrador, as represented by Treasury Board dated January 30, 2009. [2009]L.R.B.D. No. 1 (4981) (Vice-Chair Murphy)
23. United Brotherhood of Carpenters and Joiners of America, Local 579 and Humber Valley Construction Limited dated February 3, 2009. [2009]L.R.B.D. No. 2 (4932) (Vice-Chair Sweetland)
24. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Allstar Rebar Limited dated March 27, 2009. [2009]L.R.B.D. No. 3 (5121) (Chair Marshall)
25. Labrador-Grenfell Regional Health Authority and Newfoundland and Labrador Association of Public and Private Employees and Canadian Union of Public Employees, Locals 1581 & 1644 dated March 27, 2009. [2009]L.R.B.D. No. 4 (5164) (Chair Marshall)
26. Gosse's Iron Works Limited and Gerald Chatman AND Gosse's Iron Works Limited and Terry Roach dated March 31, 2009. [2009]L.R.B.D. No. 5 (5183; 5184) (Chair Marshall)

■ **APPENDIX III - JUDICIAL REVIEW**

◆ **ACTIVITY ON 2008-09 MATTERS AND PRIOR**

The following are court cases decided in 2008-09 which reviewed decisions or proceedings of the Board.

1. Cabot & Sons Fish Co. Ltd. v. Fish Food and Allied Workers (2007 01T 3778)
2. Newfoundland and Labrador Nurses' Union v. Sharon Hewitt and Eastern Regional Integrated Health Authority (2007 01T 5370)
3. Newfoundland and Labrador Association of Public and Private Employees v. Western Regional Integrated Health Authority and Canadian Union of Public Employees and Association of Allied Health Professionals (2007 01T 4433)
4. Fishery Products International Limited v. Fish, Food and Allied Workers Union (FFAW) (2007 01H 0108) (Court of Appeal)
5. Kevin Burke v. Newfoundland and Labrador Association of Public and Private Employees and Memorial University of Newfoundland (2008 01T 1228)
6. Fortis Properties Corporation, operator of Mount Peyton Hotel v. United Food and Commercial Workers, Local 1252 (2009 01T No. 1707)

◆ **CASES OUTSTANDING**

The following applications were before the Court at the end of 2008-09:

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. Cabot & Sons Fish Co. Ltd. v. Fish Food and Allied Workers (2008 No. 38) (Court of Appeal)
3. Locke's Electrical Ltd. v. Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 (2007 01T 3603)

4. Locke's Electrical Ltd. v. Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 (2009 01T No. 0236)
5. Kevin Burke v. Newfoundland and Labrador Association of Public and Private Employees and Memorial University of Newfoundland (2009 01H 0003) (Court of Appeal)
6. Bluebird Investments Limited v. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 (2008 01T 2906)

■ **APPENDIX IV - BARGAINING UNITS** **APPLICATIONS FOR CERTIFICATION GRANTED IN 2008-09**

◆ ***Labour Relations Act***

1. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial Service Workers International Union, Local 9508 and Labrador Catering Limited Partnership

Bargaining Unit

A unit of employees of Labrador Catering Limited Partnership comprising all employees save and except manager, office staff, and those above the rank of chef employed at Voisey's Bay, Labrador in the Province of Newfoundland and Labrador.

2. International Union of Operating Engineers, Local 904 and Irving Equipment, a Division of J. D. Irving, Limited

Bargaining Unit

A unit of employees of Irving Equipment, a Division of J. D. Irving, Limited comprising all employees employed in the Province of Newfoundland and Labrador, in the operation and maintenance of heavy and hoisting equipment, save and except those who are covered by collective agreements with other unions, superintendents and those above the rank of superintendent.

3. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Construction EULER inc.

Bargaining Unit

A unit of employees of Construction EULER inc. comprising Ironworkers and Ironworker Apprentices working for the Employer in the Province of Newfoundland and Labrador.

4. International Union of Bricklayers and Allied Craftworkers, Local #1 and Canadian Process Services Inc.

Bargaining Unit

A unit of employees of Canadian Process Services Inc. comprising all Masons and Mason Helpers working for the Employer in the Province of Newfoundland and Labrador.

5. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Melendy Construction Ltd.

Bargaining Unit

A unit of employees of Melendy Construction Ltd. comprising all labourers working for the Employer in the Province of Newfoundland and Labrador.

6. Transport and Allied Workers Union, Local 855, affiliated with the International Brotherhood of Teamsters and Brink's Canada Ltd. (Corner Brook)

Bargaining Unit

A unit of employees of Brink's Canada Ltd. comprising all employees working out of the Corner Brook Depot including Messengers, Drivers and Guards, save and except non-working supervisors and those above the rank of non-working supervisor.

7. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Dycon Construction Ltd.

Bargaining Unit

A unit of employees of Dycon Construction Ltd. comprising Ironworkers and Ironworker Apprentices working for the Employer in the Province of Newfoundland and Labrador.

8. Sheet Metal Workers' International Association, Local 512 and Flynn Canada Ltd.

Bargaining Unit

A unit of employees of Flynn Canada Ltd. comprising Sheet Metal Workers and Apprentices working for the Employer in the Province of Newfoundland and Labrador.

9. Canadian Union of Public Employees, Local 4885 and Compass Group Canada Ltd.

Bargaining Unit

A unit of employees of Compass Group Canada Ltd. comprising all employees of Compass Group Canada Ltd. Employed in schools within the geographic area known as the Eastern School Region (formerly Avalon East District) currently including the schools listed in Schedule "A" attached save and except Managers (St. John's office), St. John's office staff, non-working supervisors and those above the rank of non-working supervisor.

10. Sheet Metal Workers' International Association, Local 512 and Corner Brook Mechanical Contractors Inc.

Bargaining Unit

A unit of employees of Corner Brook Mechanical Contractors Inc. comprising all Sheet Metal Workers and Apprentices working for the Employer in the Province of Newfoundland and Labrador.

11. United Food and Commercial Workers, Local 1252 and CSH Elizabeth Towers Inc.

Bargaining Unit

A unit of employees of CSH Elizabeth Towers Inc. comprising all employees working in the following departments; Kitchen, LPN, PCA and Maintenance, save and except Managers, non-working supervisors and those above the rank of non-working supervisor.

12. Newfoundland and Labrador Association of Public and Private Employees and Farmdale Home Inc.

Bargaining Unit

A unit of employees of Farmdale Home Inc. comprising all Behaviour Counsellors working in Residence #1 and #2, save and except non-working supervisors and those above the rank of non-working supervisor.