



LABOUR RELATIONS BOARD

**ANNUAL REPORT
2013-14**

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MESSAGE FROM THE CHAIRPERSON

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2013-14 fiscal year. The Board is accountable for the results reported.

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 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.

As of March 31, 2014, the Board consisted of a Chairperson, two Vice-Chairpersons, regular and alternate board members. Depending on appointment dates and expiry of appointments, these numbers have varied throughout the year. The Board members are in numbers equally representative of employers and employees. The Board schedules monthly meetings and as needed. The Board has reviewed and considered applications for certification, applications for revocation, unfair labour practice complaints, successor rights applications and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction such as labour standards reviews and occupational health and safety matters.

The Board decided matters based on the submissions of parties and the investigation reports of its Board Officers. Sometimes, in addition to the investigation and submissions, the Board determined that a hearing was necessary for the purpose of making a final determination.

Further information about the Labour Relations Board can be found at www.gov.nl.ca/lrb/. This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms and publications.

I would like to thank our administrative staff and the Board members for their hard work and continued professionalism throughout the year. As always, I am honoured to serve as Chair of the Board with this diligent group of people. I look forward to their continued participation in 2014-15.

My signature below is indicative of the entire Board's accountability for the actual results reported.



Sheilagh M. Murphy
Chairperson

PUBLIC BODY OVERVIEW

INTRODUCTION

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 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 freely make this choice.

The legislation confers on the Board authority over many important aspects of labour relations. These include 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, as well as 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 exclusive authority to exercise the power conferred upon it in the *Act* in relation to determining questions of fact or law that came before it. 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. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

MANDATE

The primary mandate of the Board is to resolve labour relations and employment disputes in accordance with its jurisdiction. In fulfilling its mandate, the Labour Relations Board offers the following lines of business to its primary clients:

Resolution of labour relations matters:

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

Education:

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

VISION

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

VALUES

In order for the Labour Relations Board to fairly and efficiently administer the legislation it oversees, it is imperative that stakeholders have a high level of trust and confidence in the independence of the Board, its staff and in the quality of its services. To this end, the Board promotes four key values: independence, professionalism, respect and objectivity. These values are reflected in the daily conduct of the Board and its administrative staff.

STAFF OF THE BOARD

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 \$800,000.

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's 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; Fax (709)729-5738.

STATISTICAL SNAPSHOT

During the year under review, 2013-14, there were a total of 41 new applications filed with the Board and 18 applications were carried forward from the previous year. There were 5 representation votes conducted in applications for certification and revocation of certification applications, with 190 individuals eligible to vote in the elections. The Board considered 42 applications during the period, which culminated in the issuance of 56 Orders of the Board. A total of 41 of those matters were finalized. The Board held 82 days of meetings and/or hearings. Five (5) 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 2013-14, please see Appendix II. A listing of the applications which were the subject of judicial review can be found in Appendix III. Descriptions of bargaining units certified by the Board in 2013-14 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/

HIGHLIGHTS/ACCOMPLISHMENTS

During this reporting period there were several alternate Board members appointed: Ms. Jacqueline Penney, Mr. Paul Pike and Mr. John R. McGrath as alternate employer representatives, and Mr. Fred G. Douglas, Ms. Marie St. Aubin, Mr. Brian Farewell and Mr. Michael Power as alternate employee representatives.

The annual meeting of Labour Relations Boards Chairs and Administrators from across the country was held in Toronto in June, 2013. The Chair and CEO of the Board attended and the discussion generated in the sessions proved to be invaluable in acquainting the Board with emerging trends in other jurisdictions in areas of labour relations.

The use of pre-hearing conferences continues to prove to be invaluable in expediting hearings and/or resolving matters before the Board.

During this reporting period, the Board considered the increasing propensity of parties to ignore the timelines for filing Respondents' replies and Applicants' responses with the Board. The lack of attention to the Board timelines was causing delays in the effect and fair processing of matters. In September 2013, Labour Relations Board policy circulars were updated in relation to late replies and responses. Any party seeking to file such late reply and/or responses shall provide the Board with written justification for the proposed late filing in a supporting affidavit prior to the expiration of the time limits as provide by the Labour Relations Board Rules of Procedure.

The Board's Officers continued to support the educational component of the Board's mandate by providing current information with respect to the interpretation of the legislation, the Board's rules, policies and procedures to industry stakeholders and labour relations students at the community college level.

As in the past, the administrative arm of the Board contributed to the fulfillment of the Board's commitments to the strategic directions of government by processing or commencing the processing of all applications received by it. The administration has conducted all votes as required by the legislation, presented all processed applications to the Board for consideration, and has communicated the results of the Board's decisions and Orders to all relevant parties. The Board's administration has continued to process its applications in a timely fashion and provide excellent service to its clients. The Board itself has continued to conduct hearings, meetings, and pre-hearing conferences and to produce orders and reasons for decision as appropriate.

REPORT ON PERFORMANCE

Mission (2017)

By March 31, 2017 the Labour Relations Board will have continued to administer and interpret the legislation with regard to matters brought before the Board.

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 60 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.

Measure: Continued to administer and interpret the legislation

Indicators:

- Processed or commenced processing applications filed with the Board with a view to resolution by adjudication or mediation.
- After full consideration of matters by the Board at Board meetings, hearings are scheduled or decisions may be made and communicated to relevant parties.
- Reasons for decision, where issued, are communicated to relevant parties and made public through publication onto the Board's internet-based decision system.

The successful administration and interpretation of the legislation was achieved by processing applications using well-established Board practices. The administration of matters involved the use of the Board's computerized case management system, which was and is used to record and track all applications coming before the Board. The interpretation of the legislation involved the input of the Board at either its regular meetings or scheduled hearings or pre-hearing conferences which resulted in the generation of Board orders and/or the issuance of reasons for decision. Communication of Board decisions involved direct written correspondence to the affected parties and, in the case of the issuance of reasons for decision, involved the uploading of decisions to the Board's internet-based decision system.

OBJECTIVES

The objectives discussed below represent the Board's annual focus and include performance measurement information to assist both the Board and the public to monitor and evaluate success. The Board performs two functions – administrative and adjudicative. The Chief Executive Officer and staff fulfill the administrative function which generally entails processing applications; the Chair, Vice-Chairs and members of the Board fulfill the adjudicative function.

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 and by increasing public awareness and improving understanding of the Board's role in labour relations matters.

ISSUE: PROCESSING APPLICATIONS

Objective 1: By March 31, 2014, the Labour Relations Board will have commenced processing or have 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	41
Number of applications in process	8
Number of applications completed	32

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 9 other applications during 2013-14 which were carried forward from previous years.

The Board met its objective of commencing or completing processing of all applications filed with it during the fiscal year. The Board will report on the above objective and indicators again in 2014.

ISSUE: CONSIDERING APPLICATIONS

Objective 2: By March 31, 2014, 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	56
Number of applications referred to the hearing process	6
Number of hearings scheduled	6
Number of applications considered and deferred	43 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized 41 matters in the reporting period. Thirty-two (32) of these were received in 2013-14 and 9 were carried forward from the previous year. The Board considered an additional 2 applications which were not finalized at the end of 2013-14 as they were referred to a hearing; these matters were received in 2013-14.

In some matters, more than one order was made. Twenty-seven (27) orders were issued by the Board at its regular meetings and the Board issued 21 orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or Vice-Chair alone. The Board also issued 8 orders in relation to applications which were referred to hearings.

While 6 matters were referred to the hearing process and 6 were scheduled during the reporting period, the Board actually conducted hearings into 5 matters over 26 days. Three (3) of these hearings were in relation to files received by the Board in the previous reporting year; the other 2 matters were referred to a hearing in the reporting year.

ISSUE: COMMUNICATION

Objective 3: By March 31, 2014, 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	56
Number of reasons for decision issued and number communicated to parties	13
Number of reasons for decision uploaded to the Board's internet-based decision system	13

There were a total of 56 orders issued by the Board in 2013-14 and all were communicated to the parties. Reasons for decision are issued by the Board only when either requested by one of the parties to the application or where a hearing has been conducted into an application. A total of 13 reasons for decision were issued by the Board in relation to 10 matters and were communicated to the affected parties. Four (4) decisions were issued in matters where hearings were conducted and 9 were issued as a result of requests from one of the affected parties.

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, 2014, the Labour Relations Board circulated publications, as necessary, related to board processes and procedures.

Measure: Circulated publications

INDICATORS	ACCOMPLISHMENTS
As necessary, a number of information bulletins, forms and policy circulars distributed and placed on Board's website	One (1) policy circular was developed.
Annual Report filed and placed on the Board's website	2012-13 Annual Report placed on the Board's website

The Board fulfilled its mandate through the resolution of labour relations matters and by educating the labour relations community and workers generally about the legislation, rules, policies and procedures of the Board.

The Board continued its efforts to educate its clients and the public on its various processes through the preparation and issuance of a new policy circular. The Board continues to develop and maintain numerous information bulletins and policy circulars on its website. These documents describe the numerous types of applications which the Board is responsible for dealing with and explain the Board's procedures for handling such applications and complaints, reflecting the current procedures and policies of the Board.

The Board issued one (1) new policy circular in 2013-14. The new policy circular provides detailed information in relation to filing late replies and/or responses to an application before the Board. This document is available on the Board's website. The Board intends to publish additional information bulletins in 2013-14.

**TOTAL NEW APPLICATIONS
FILED IN 2013-14**

2013-14

Labour Relations Act:

Applications for Certification	11
Applications for Revocation of Certification	3
Termination of Bargaining Rights	0
Unfair Labour Practices	3
Duty of Fair Representation	7
Successorship/Transfer of Business	1
Common Employer	0
Reconsideration of Decision	0
Amendment of Bargaining Unit	3
First Collective Agreement	0
Questions under Section 18 of the Act	0
Review of Labour Standards Determination	3
Submission by Director of Labour Standards	0
Change of name on Cert./ accred. Order	2
Successor Bargaining Agent	0
Jurisdictional Dispute (Umpire)	0
Alter Terms and Conditions of Employment	0
Unfair Denial of Union Membership	0

Public Service Collective Bargaining Act

Duty of Fair Representation	3
Amendment of bargaining unit	3

Fishing Industry Collective Bargaining Act

	0
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Occupational Health and Safety Act

Discriminatory Action	2
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Teachers' Collective Bargaining Act

	0
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TOTAL APPLICATIONS 41

OPPORTUNITIES AND CHALLENGES

The Board will continue to process its applications in a timely fashion, always striving to provide excellent service to its clients. The increasing complexity and novelty of matters coming before the Board continues to keep its work both interesting and challenging.

The Board has maintained its practice of scheduling pre-hearing conferences as soon as it has been decided that a hearing is necessary to determine a matter.

Requests to postpone a hearing with short notice continue to be a challenge for the Board. As much as it can be considered a challenge, it can be viewed as an opportunity. In a number of cases, the parties have requested to postpone on the basis that they were engaged in resolution discussions. Several matters were resolved without the use of the Board's hearing process. As a result, there are fewer matters being heard by the Board.

The Board has continued to respond to enquiries from stakeholders with respect to the 2012 amendments to the *Labour Relations Act* and *Public Service Collective Bargaining Act* and to provide the reported statistical analysis.

The evolution of the legislation has presented the Board with an opportunity to further development and expand on the educational component of its mandate.

The Board continues to develop its staff and to develop its operational tools in order to assist the staff in carrying out the Board's administrative functions.

FINANCIAL STATEMENT

The following information is for the fiscal year: April 1, 2013 to March 31, 2014.

Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2014

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
7.1.05. LABOUR RELATIONS BOARD			
01. Salaries	668,686	594,700	594,700
02. Employee Benefits	2,980	900	900
03. Transportation and Communications	20,729	33,900	33,900
04. Supplies	5,513	8,000	8,000
05. Professional Services	55,784	79,800	79,800
06. Purchased Services	3,664	15,500	15,500
07. Property, Furnishings & Equipment	<u>0</u>	<u>1,800</u>	<u>1,800</u>
Total: Labour Relations Board	<u>757,652</u>	<u>734,600</u>	<u>734,600</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, 2014. 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:

SHEILAGH M. MURPHY, *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 a former President of the Canadian Bar Association, Newfoundland and Labrador branch. She has presented at Memorial University of Newfoundland, the Law Society of Newfoundland's Bar Admission Course and published in the *Annual Review of Civil Litigation*. She volunteers with a number of community and professional organizations.

Ms. Murphy was appointed Vice-Chairperson of the Labour Relations Board in July 2007 for a five-year term. On May 3, 2009, Ms. Murphy was appointed Chairperson of the Board on an interim basis and on July 2, 2012, Ms. Murphy was appointed to the full-time position of Chairperson for the Board.

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. He has also taught at Grenfell Campus of Memorial University of Newfoundland and Labrador for a period of 12 years.

Mr. Sweetland was appointed to the position of Vice-Chairperson of the Labour Relations Board in May 2004 for a five-year term. He was reappointed again in June 2012.

BRIAN R. GATIEN, *Vice-Chairperson*

Brian R. Gatien obtained his Bachelor of Commerce (hons.) in 1974 from Laurentian University, his Master of Business Administration from the Schulich School of Business at York University in 1975, and his law degree from Osgoode Hall Law School in 1978.

He was called to the Ontario Bar in 1980 and the Newfoundland and Labrador Bar in 2009.

From 1980 to 1985 Mr. Gatien was Director of Negotiations with Ontario Hospital Association

and since 1985 has practiced solely in the field of labour relations law. He has an established labour and employment mediation and arbitration practice in Newfoundland and Labrador and has been retained as an independent investigator in workplace harassment and human rights disputes.

GERALYN HANSFORD, *Employer Representative (Regular)*

Geralyn Hansford retired from Bell Aliant in 2010, where she held the position of Director – Customer Care, Atlantic Canada. She has 33 years of Labour Relations experience.

Ms. Hansford was first appointed to the Board as a regular employer representative in March 2005 for a two year term and again in 2007 and 2009. She was reappointed again in June 2011.

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 42 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 employer representative in January 2006 for a two-year term. He was reappointed again in June 2011.

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 a 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 appointed as a regular employee representative in December 1995. He has been regularly reappointed as a regular employee representative since 1995. He was reappointed again in June 2011.

GRANT BARNES, *Employee Representative (Regular)*

Grant Barnes has over 25 years' experience in the labour movement. He was Chief Negotiator for the St. John's Fire Fighters Association, Local 1075 for 10 years. He has served on various other labour related committees including Grievance, Arbitration Board, Political Action Committee, Human Rights, Labour Management, and Legislative Lobbying. He served as the Newfoundland Vice-President of the Atlantic Provinces Professional Fire Fighters Association for 10 years and is an honorary member of that Association. He held the position of Newfoundland Representative for the International Association of Fire Fighters for 6 years. He is President Emeritus of the St. John's Fire Fighters Association Local, 1075. In 2004 he was appointed to the Board of Directors at Workplace, Health, Safety and Compensation Commission and has held various committee positions on that board. He retired from the St. John's Regional Fire Department as Fire Captain in 2001.

Mr. Barnes has been very active in his community in many volunteer positions, including the CBS Lions Club for 20 years in which he held the position of President.

Mr. Barnes was appointed to the Labour Relations Board in January 2012.

RICHARD WHITE, *Employer Representative (Alternate)*

Richard White currently works as an Accountant with Blagdon, Tilley and Company, Certified General Accountants which operates a public accounting firm in Conception Bay South. Mr. White is also the owner of Rand Enterprises Limited which operates an accounting, contracting and lounge business in Conception Bay South. He has been active in community volunteer programs such as Conception Bay South Senior and Minor Hockey Association and Conception Bay South Minor Sports programs in both executive and coaching positions.

Mr. White was appointed to the Labour Relations Board as an alternate employer representative in September, 2012.

JACQUELINE PENNEY, *Employer Representative (Alternate)*

Jacqueline Penney graduated from Dalhousie Law School in 1993 with a Bachelor of Laws. She graduated from Dalhousie University with a Bachelor of Arts in 1989. Ms. Penney is a practising member of the Law Society of Newfoundland and Labrador and the Nova Scotia Barristers' Society.

Prior to May 2009, Ms. Penney was a partner with the law firm McInnes Cooper in St. John's, NL. Since June 2009, Ms. Penney has been Corporate Counsel for Marine Atlantic Inc. Ms. Penney practices primarily in the areas of corporate and commercial law, labour law, maritime law, insurance, pension law and privacy law.

Ms. Penney was appointed to the Labour Relations Board as an alternate employer representative on May 14, 2013 for a two-year term.

PAUL PIKE, *Employer Representative (Alternate)*

Paul A. Pike graduated from Memorial University of Newfoundland with a Bachelor of Arts (Education) and a Masters Degree in Administration. He has been involved in the education sector in this province for the past thirty-eight years. He has extensive experience in labour relations both from his professional career as well as from his involvement in community/economic experience.

Mr. Pike is also involved in a number of committees and boards. These include: Community Credit Union, Literacy NL, Municipal Assessment Agency, BP Chamber of Commerce, and the Community Business Development Corporation. He has been involved in Municipal Governance for twenty years and is currently Mayor of the Municipality of St. Lawrence.

Mr. Pike was appointed to the Labour Relations Board as an alternate employer representative in May, 2013.

JOHN R. MCGRATH, *Employer Representative (Alternate)*

In January 1966, he commenced employment with Wabush Mines, Wabush, Labrador, where he held a number of positions in the Human Resources Department until he was promoted to Assistant Director of Human Resources in December 1980 at the Montréal head office. In 1991, he was promoted to Director of Human Resources, with responsibility for Human Resources functions for the Scully Mine operation at Wabush, Labrador and the Iron Ore Pellet Processing Plant at Sept-Iles, Québec. In July 1987, the head office was relocated to Sept-Iles, Québec where he remained until his retirement at the end of 2006. During his 41 year career, he had extensive experience in benefits administration, labour negotiations, public relations, recruitment and selection, grievance and arbitration presentation, employee assistance programs, and other HR/LR duties.

During his career he has held a number of volunteer positions with school boards, hospital boards, sports associations, parish councils, and the Newfoundland Manpower Training and Certification Board. He was a founding member of the Newfoundland and Labrador Employer's Council and has held the position of Chair for two terms. He is currently a member of the board of directors of St. Bonaventure's College, a volunteer pastoral care worker at the Health Sciences Centre, and has recently retired from the board and executive of the Newfoundland and Labrador Employer's Council.

Since his retirement in 2006, John has been consulting in the Human Resources/Labour

Relations environment of Newfoundland and Labrador including recent work with Nalcor Energy, SNC-Lavalin, Cliffs Natural Resources, and other organizations.

John lives in St. John's with his wife Mary. He has two sons, John-Paul and Mark-Denis, who are both graduates from Memorial University.

Mr. McGrath was appointed to the Labour Relations Board as an alternate employee representative in May, 2013.

FRED G. DOUGLAS, *Employee Representative (Alternate)*

Fred G. Douglas is a retired educator living in Burin. He is a past president of the Newfoundland and Labrador Teachers' Association and a former vice president of the Canadian Teachers' Federation. He has been active in community and provincial volunteer activities and is currently a Trustee with the Newfoundland and Labrador English School Board and his church.

Mr. Douglas was appointed to the Labour Relations Board as an alternate employee representative in May, 2013.

MARIE ST. AUBIN, *Employee Representative (Alternate)*

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

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

BRIAN FAREWELL, *Employee Representative (Alternate)*

Brian Farewell graduated from Memorial University in 1969 with a Bachelor of Arts degree. He was employed as the Director of Purchasing and Transportation with the former R. C. School Board and successor Boards for 26 years. He became a servicing Representative with the Canadian Union of Public Employees in 1999 and is currently the Chief Negotiator for CUPE in the province and has served on CUPE's National Mentoring Program for new staff representatives. He has in excess of 43 years experience in the Labour Relations field and labour movement.

Mr. Farewell served two terms as a Labour Representative on the former Labour Standard Tribunal and is a current member of the Labour Management Arbitration Committee. He was appointed to the Labour Relations Board as an alternate employee representative in May of 2013.

MICHAEL POWER, *Employee Representative (Alternate)*

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

Mr. Power was appointed to the Labour Relations Board as an alternate employee representative in May, 2013.

APPENDIX II - REASONS FOR DECISION

The following is a list of Reasons for Decision issued by the Board in the 2013-14 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. Moore's Funeral Home and Ambulance Service Limited and International Union of Operating Engineers, Local 904 dated April 8, 2013. [2013] L.R.B.D. No. 6 (LRB file 5427) (Chair Murphy)
2. Communications, Energy and Paperworkers Union of Canada, Local 2121 and Hibernia Platform Employers' Organization dated April 18, 2013. [2013] L.R.B.D. No. 7 (LRB file 5419) (Chair Murphy)
3. Communications, Energy and Paperworkers Union of Canada, Local 2121 and Hibernia Management and Development Company Limited and Hibernia Platform Employers' Organization and Baker Hughes Canada – Drilling Systems Division and Baker Hughes Canada – Completions Division and Belfor Property Restoration and Crosbie Salamis and Halliburton Canada Corp. and Import Tool Corporation Ltd. and Newfoundland and Labrador Association of Quality Personnel and Production Services Network and Spectrol Energy Services Inc. and Tam International Oil Services Ltd. and Vallourec Canada Inc. dated July 12, 2013. [2013] L.R.B.D. No. 8 (LRB file 5280/5425) (Chair Murphy)
4. Ray Connolly and Communications, Energy and Paperworkers Union of Canada, Local 441G and Transcontinental (a division of Optipress GP) dated November 6, 2013. [2013] L.R.B.D. No. 9 (LRB file 5238) (Vice-Chair Gatien)
5. Peter McLaughlin and Securitas Canada Limited/Securitas Canada Limitée and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 dated December 19, 2013. [2013] L.R.B.D. No. 10 (LRB file 5458) (Chair Murphy)
6. Peter McLaughlin and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 and Securitas Canada Limited/Securitas Canada Limitée dated December 19, 2013. [2013] L.R.B.D. No. 11(LRB file 5459) (Chair Murphy)

7. United Food and Commercial Workers Canada, Local 1252 and Canadian Corps of Commissionaires (Newfoundland) dated August 14, 2013. [2013] L.R.B.D. No. 12 (LRB file 5423) (Chair Murphy)
8. Ray Connolly and Communications, Energy and Paperworkers Union of Canada, Local 441G and Transcontinental (a division of Optipress GP) dated January 6, 2014. [2014] L.R.B.D. No. 1 (LRB file 5238) (Vice-Chair Gatien)
9. Communications, Energy and Paper Workers Union of Canada, Local 441-G and The Telegram, a division of Transcontinental Atlantic Media Group G.P. dated January 22, 2014. [2014] L.R.B.D. No. 2 (LRB file 5438) (Chair Murphy)
10. Newfoundland and Labrador Association of Public and Private Employees and Her Majesty the Queen in Right of Newfoundland and Labrador (represented by the Treasury Board) dated January 27, 2014. [2014] L.R.B.D. No. 3 (LRB file 5440) (Chair Murphy)
11. Ray Connolly and Communications, Energy and Paperworkers Union of Canada, Local 441G and Transcontinental (a Division of Optipress GP)dated January 30, 2014. [2014] L.R.B.D. No. 4 (LRB file 5238) (Vice-Chair Gatien)
12. Communications, Energy and Paperworkers Union of Canada, Local 2121 and Hibernia Platform Employers' Organization and Hibernia Management and Development Company Ltd. dated January 31, 2014. [2014] L.R.B.D. No. 5 (LRB file 5448) (Chair Murphy)
13. Communications, Energy and Paperworkers Union of Canada, Local 2121 and Hibernia Platform Employers' Organization and Hibernia Management and Development Company Ltd. dated March 10, 2014. [2014] L.R.B.D. No. 6 (LRB file 5448) (Chair Murphy)

APPENDIX III - JUDICIAL REVIEW

ACTIVITY ON 2013-14 MATTERS AND PRIOR

There were no court cases decided in 2013-14 which reviewed decisions or proceedings of the Board.

CASES OUTSTANDING

The following applications were before the Court at the end of 2013-14:

1. United Brotherhood of Carpenters and Joiners of America, Local 579 v. John Lush and Humber Valley Construction Limited (2008 T No. 3120) (LRB file 5005)
2. Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB file 4645)
3. The Director of Labour Standards v. The Labour Relations Board and The Fish, Food and Allied Workers Union (FFAW/CAW) and Ocean Choice International L.P. (2013 01G 2642) (LRB file 5422)
4. Ocean Choice International L.P. v. The Fish, Food and Allied Workers Union (FFAW/CAW) and The Director of Labour Standards and The Labour Relations Board (2013 01G 3135) (LRB file 5422)

APPENDIX IV - BARGAINING UNITS

CERTIFICATION ORDERS ISSUED IN 2013-14

Labour Relations Act

1. Newfoundland and Labrador Association of Public and Private Employees and Angel's Touch Home Care Limited.

Bargaining Unit

A unit of employees of Angel's Touch Home Care Limited comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

2. Canadian Union of Public Employees, Local 5145 and Central Regional Services Board.

Bargaining Unit

A unit of employees of Central Regional Services Board comprising all employees save and except Manager, Manager of Finance, Non-Working Supervisor and those above the rank of Non-Working Supervisor.

3. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 9097 and R. Wareham Services Limited.

Bargaining Unit

A unit of employees of R. Wareham Services Limited comprising all employees employed in Arnold's Cove and Come by Chance, Newfoundland and Labrador, save and except office and clerical employees, managers, non-working supervisors, and those above the rank of non-working supervisor.

4. United Brotherhood of Carpenters and Joiners of America, Local 579 and 3D Structures Ltd.

Bargaining Unit

A unit of employees of 3D Structures Ltd. comprising all working carpenter foremen, carpenters, carpenter apprentices, scaffolders, and scaffolder apprentices working for the Employer in the Province of Newfoundland and Labrador.

5. United Food and Commercial Workers Canada, Local 1252 and Canadian Corps of Commissionaires (Newfoundland).

Bargaining Unit

A unit of employees of the Canadian Corps of Commissionaires (Newfoundland) comprising all employees working as Security Guards at St. John's International Airport, save and except non-working supervisors and those above the rank of non-working supervisor.

6. Hotel and Restaurant Workers Union, Local 779 and Sodexo Canada Ltd.

Bargaining Unit

A unit of employees of Sodexo Canada Ltd. comprising all catering employees of Sodexo Canada Ltd. working at the Tata Steel Timmins Camp in Labrador, Newfoundland and Labrador save and except Manager, Assistant Manager, Camp Coordinators, Executive Chef, Maintenance Manager, Assistant Maintenance Manager, non-working supervisors, and those above the rank of non-working supervisor.