



LABOUR RELATIONS BOARD

2005-06 ANNUAL REPORT

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■ **MESSAGE FROM THE CHAIRPERSON**

As is required by section 148 of the *Labour Relations Act*, the Board has already filed an annual report wherein the Board reported on its activities for the calendar year 2005. However, the Board has determined that an additional report prepared on a fiscal year basis is appropriate as it will facilitate the Board's compliance with the *Transparency and Accountability Act*. The Explanatory Note at page ii of this report elaborates on the Board's reasons for this additional report.

I am therefore pleased to present the 2005-06 annual report on the activities of the Labour Relations Board of Newfoundland and Labrador. The Board is accountable for the contents of this report.

2005-06 was the 56th year of operation of the Board. The Board is an independent, quasi-judicial body consisting of a Chairperson, Vice Chairpersons and Board Members in numbers equally representative of employers and employees. The Board meets regularly to review and determine applications for certification; applications for revocation; unfair labour practices; 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 regarding Board reasons for decisions, policy circulars, forms, and other publications.

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 2006-07.

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

■ ***EXPLANATORY NOTE***

Section 148 of the *Labour Relations Act* requires the Board to report on its annual activities on a calendar year basis. In February 2006, in compliance with section 148, the Board filed an annual report for the calendar year 2005 in which the Board reported on its activities in 2005 and referred to the Public Accounts for the 2004-05 fiscal year.

The *Transparency and Accountability Act* requires the Board to prepare an Activity Plan on a fiscal year basis. The Board financially operates on a government fiscal year basis; not on a calendar year basis. As a category 3 public body, the Board is required to have its first Activity Plan in place for the 2007-08 fiscal year. In accordance with the *Transparency and Accountability Act*, the Board will be required to report on the Activity Plan.

The Board is of the view that when the *Transparency and Accountability Act* is proclaimed, the Board may be in a position of having to file two annual reports on its activities in order to comply with both the *Labour Relations Act* and the *Transparency and Accountability Act*: one of which will have to be prepared on a calendar year basis; and another one prepared on a fiscal year basis. To resolve this conundrum the Board has requested, and anticipates, that section 148 of the *Labour Relations Act* be removed as an anomaly, or otherwise amended, so as to allow for fiscal year reporting.

In anticipation of section 148 of the *Labour Relations Act* being deemed an anomaly (or otherwise amended) and in anticipation of the *Transparency and Accountability Act* being proclaimed, the Board has prepared this annual report for the fiscal year 2005-06. Therefore, the Board's future activity plans and annual reports shall eventually be in sync, both pertaining to a fiscal year period as opposed to a calendar year period. Further, only one annual report shall be required as a calendar year report shall no longer be required.

The Board decided to proceed with filing this fiscal year annual report now, instead of later when the *Transparency and Accountability Act* is proclaimed, in order to avoid the possibility of having to report on a 15 month (or longer) period. It is the Board's preference to have overlap, as is the case here, rather than be in a "catch-up" position.

■ **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 STATEMENT

The Board is an independent, impartial tribunal that acts within its statutory authority.

The objectives of the Board are to:

- Process all applications efficiently and fairly.
- Make decisions that are clear and consistent, based on sound legal principles and provide guidance to employers, employees, unions and the labour/management community.
- Encourage settlement of disputes by the use of mediation and appropriate dispute resolution methods.
- Inform the public about labour laws and the procedures of the Board.

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. The personnel who served as regular members on the Board during 2005-06 were William Alcock and Geralyn Hansford, representing employers; William Parsons and David Curtis, representing employees. Valerie L. Marshall 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, J. Annette Bennett, John Sweetland and Karl Inder served as Vice-Chairpersons. Aubrey Drover, Marilyn Tucker, John Peddle and Donald Singleton 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.

During the fiscal year, 2005-06, there were a total of 83 new applications filed with the Board and 136 applications were carried forward from the previous year. The Board processed 88 applications during the period. The Board held 56 days of meetings, including hearing dates. A total of eleven hearings were held by the Board.

The Board's approximate annual budget is \$505,200.00. 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 2005-06, please see

Appendix II. 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 Quick Law.

Descriptions of bargaining units certified by the Board in 2005-06 are shown in Appendix III.

The Board revoked its Business Plan in 2005 in light of the *Transparency and Accountability Act* which requires that the Board adopt an Activity Plan in compliance with the legislation.

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 5th 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.

The Board's website is www.gov.nl.ca/lrb/

■ ***HIGHLIGHTS/ACCOMPLISHMENTS***

The annual meeting of Labour Relations Boards Chairs from across the country was held in Prince Edward Island in August, 2005. 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 Board is pleased to announce that its offices were relocated in 2005 to the 5th Floor of the Beothuck Building. As a result, we no longer share office space with other areas of the Labour Relations Agency. By having our own separate offices, this preserves the integrity of the Board since it is an independent quasi-judicial body.

The Board was successful in recruiting a new staff member as a Labour Relations Board Officer, Glenn Branton, who is responsible, together with two other officers, for conducting investigations on behalf of the Board and engaging the parties in settlement talks in an attempt to narrow the issues between the parties. Mr. Branton is in the process of completing 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.

The Board has continued to process its applications in a timely manner, providing excellent service to its clients.

■ **ACTIVITIES**

In 2005-06, 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 Gander, Corner Brook and Deer Lake.

During the 2005-06 fiscal year, the Board conducted 11 hearings over 23 days. The Board ordered that hearings be held in 11 other matters in 2005-06 which were settled or otherwise determined prior to the hearing dates. Several other matters were referred in the latter part of 2005-06 to a hearing and were scheduled to be heard in 2006-07. 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 2005-06, the Board's returning officers conducted a total of 29 representation votes among employees. Of the votes conducted, 26 involved certification applications and three votes were held in applications for termination of existing bargaining rights.

All of the votes involved a single union on the ballot, except for one application for certification filed by four unions joined in an application pursuant to section 36(5) of the Act. A total of 1,731 employees were eligible to vote in the elections that were conducted.

LABOUR RELATIONS ACT

◆ CERTIFICATION OF BARGAINING AGENTS

During 2005-06, the Board received 31 applications for certification and 16 were carried forward from the previous fiscal year. 28 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 28 applications processed, 60 per cent achieved certification. 17 applications were granted, seven were rejected and four were withdrawn.

There were approximately 403 employees affected by certification orders issued by the Board in 2005-06.

◆ REVOCATION OF CERTIFICATION/ TERMINATION OF BARGAINING RIGHTS

Four applications for revocation of certification or termination of existing bargaining rights were filed with the Board in 2005-06. Two certification orders were revoked and three applications were rejected by the Board. Two applications are still pending before the Board. There were 67 employees affected by the revocation orders issued by the Board.

◆ UNFAIR LABOUR PRACTICES

In 2005-06, the Board received 14 complaints alleging contravention of the unfair labour practice sections of the Act and 19 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 20 complaints dealt with by the Board, one remedial order was issued, 13 complaints were settled/withdrawn and six complaints were rejected 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. Four such complaints were received in 2005-06 and five were carried forward from the previous fiscal year. Three complaints were rejected and six are still pending before 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 nine applications received in 2005-06 pursuant to section 18 of the Act and seven were carried forward from 2004-05. Of the seven processed by the Board, four were rejected, one was granted and two were withdrawn.

◆ **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. Three such applications were carried forward from the previous fiscal year. One application was granted and two are still pending before the Board.

◆ **TRANSFER OF BUSINESS/SUCCESSORSHIP**

In 2005-06, the Board received two applications alleging that there had been a sale, lease, transfer or other disposition of business, and carried seven forward from the previous fiscal year. One application was granted by the Board, two applications were withdrawn and six are still pending before the Board.

◆ **IMPOSITION OF FIRST AGREEMENT**

Referrals can be made by the Minister requesting the Board to inquire into a dispute and, if advisable, to settle the terms and conditions for the first collective agreement. Two such applications were filed with the Board in 2005-06 and five were carried forward from the previous fiscal year. Two applications were withdrawn and five are still pending before the Board.

◆ **RECONSIDERATION OR AMENDMENT OF BOARD DECISIONS**

There were three applications received to reconsider a previous decision of the Board and two applications to amend an existing bargaining unit. Five reconsideration applications and five applications to amend bargaining units were carried forward from 2004-05. Five reconsideration applications were rejected and one application to amend the existing bargaining unit was withdrawn.

PUBLIC SERVICE COLLECTIVE BARGAINING ACT

There were nine applications filed under this piece of legislation during 2005-06. Two were applications for certification as bargaining agent for groups of employees, one of which was subsequently withdrawn. There were seven applications to amend existing bargaining units received during the period and nine were carried forward from the previous fiscal year. One such application was granted, one was rejected and four were withdrawn.

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. There was one application received by the Board under the *Occupational Health and Safety Act* during 2005-06 and two were carried forward from the previous fiscal year. One application was granted and the other two are pending before the Board.

FISHING INDUSTRY COLLECTIVE BARGAINING ACT

There were no applications filed with the Board during 2005-06 under this piece of legislation but one application for certification as bargaining agent for a unit of fishers was carried forward from the previous fiscal year. The application for certification was rejected.

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 still pending before the Board.

■ **JUDICIAL REVIEW**

◆ **ACTIVITY ON 2005-06 MATTERS AND PRIOR**

The following are summaries of court cases decided in 2005-06 which reviewed decisions or proceedings of the Board.

1. **Kufeldt v. Memorial University of Newfoundland Faculty Association (2003 01 T 2757)**

Facts: Kufeldt filing complaint with the Board alleging bargaining agent, MUNFA, failed to act in good faith on her behalf contrary to section 130 of the Act. Board dismissing complaint as being untimely, not having been “made within 90 days from the date on which the grievance arose”, the time limit imposed by section 130(2) of the Act.

Issues: (1) What is the appropriate standard of review? (2) Did the Board make a patently unreasonable error in dismissing the complaint as untimely? (3) Is the Court able to grant the relief claimed?

Held: Decision of Orsborn J. rendered May 31, 2004. Application for judicial review dismissed. Unnecessary to decide standard of review. Board was correct in deciding Kufeldt's complaint had to be made within 90 days from when her dispute with the University arose. Board further correct in concluding that grievance had arisen, at the latest, on Kufeldt's mandatory termination from employment on August 31, 1997. Accordingly the complaint to the Board was well out of time when filed in June 2002.

Status: Notice of Appeal on behalf of Kufeldt filed June 28, 2004. No steps taken by Kufeldt to perfect appeal. Appeal deemed abandoned by Notice of the Court dated June 30, 2005. Kufeldt seeking reinstatement of appeal by application dated November 7, 2005. Matter heard by the Court of Appeal November 15, 2005. Decision rendered November 28, 2005. Court of Appeal denying application, holding, *inter alia*, no arguable case on appeal and no reasonable excuse for failure to proceed with the appeal.

2. **Hibernia Management and Development Company Ltd. v. Communications, Energy and Paperworkers Union of Canada, et al. (2004 01T 2567)**

Facts: Union applying for certification of unit of employees of HMDC. HMDC laying off 25 platform employees during period certification application under consideration by Board. Union filing complaint. Board finding layoff to be a violation of statutory freeze under s. 45 of the Act and not within "reasonable expectations" of employees. Board ordering reinstatement but no remedy beyond period of statutory freeze. On judicial review trial division setting Board decision aside. On appeal, Court of Appeal holding that the Board made a patently unreasonable finding based on a

misapplication of the reasonable expectations test. The evidence, viewed reasonably, however could not be said to be incapable of supporting the Board's finding that layoffs were not reasonably expected by the employees. Court of Appeal remitting matter to the Board for reconsideration based on a proper application of the reasonable expectations test and noting, as to remedy, the Board has jurisdiction to grant various remedies, including reinstatement. Further the appropriate remedy is a question to be answered by the Board in the context of each case. Board hearing further from the parties and issuing order that HMDC rehire the 25 employees. HMDC seeking judicial review of Board order.

Issues: (1) Whether reinstatement order outside the Board's jurisdiction? (2) Whether reinstatement order patently unreasonable in the circumstances? (3) Whether Board failed to give reasons?

Held: Decision of Halley J. rendered September 21, 2004. Board order reinstating the 25 employees to their former or equivalent positions set aside. (1) The Board exceeded its jurisdiction by ordering that the Company rehire its former employees after the expiration of the statutory "freeze" period. (2) Further the decision of the Board was patently unreasonable in that the reinstatement order was punitive in nature and there was no rational connection between the breach of the Act and the reinstatement remedy. (3) The Board failed to provide reasons for the reinstatement order.

Status: Notice of Appeal on behalf of CEP, Local 97 filed October 25, 2004. Appeal heard December 16, 2005. Court of Appeal ruled that reinstatement portion of the Board decision was patently unreasonable and dismissed the appeal.

3. United Brotherhood of Carpenters and Joiners of America, Local 579 v. Northland Contracting Inc. et al. (2004 01 T 2684)

Facts: Union applying for certification. Prior to service of application on employer, two employees terminated. Union filing unfair labour practice complaint. Union initially alleging breach of ss. 25(1), (2) and (3) of the Act. At commencement of hearing, union orally requesting amendment to include breach of ss. 23(1) and 24(1) of the Act. Board granting amendment orally. Board ultimately dismissing unfair labour practice complaint but reasons for decision referring only to s. 25 of the Act. Union claiming denial of natural justice and patently unreasonable error on part of Board.

Issues: (1) Whether decision of Board patently unreasonable in not demonstrating consideration of ss. 23 and 24 of the Act? (2) Whether, if Board decision set aside, matter should be remitted to same panel?

Held: Decision of Hall J. rendered December 2, 2004. Judge dismissing various grounds of review but finding Board erred otherwise. Application granted in part with unresolved issue remitted to same panel for determination. Board had provided articulable reasons demonstrating that

it was satisfied that the employer did not terminate the two employees in question for reasons which constitute an offence under ss. 23, 24 or 25 of the Act even though the Board did not advert to ss. 23 and 24 specifically. There was no patently unreasonable error in this finding. The Board, however, did not provide reasons or demonstrate any conclusion whether other activities of the Company constituted intimidation or interference with the formation of the Union. In this regard the Decision of the Board was patently unreasonable and the latter issue was remitted to the same panel for decision in accordance with ss. 23 and 24 of the Act.

Status: Decision of Mr. Justice Hall filed on December 2, 2004, partially upheld Board decision and remitted questions to the same panel of the Board. Notice of Appeal filed by Union and heard by Court of Appeal on November 8, 2005. Decision rendered February 16, 2006 quashing the Order of the Board dated July 18, 2003 and remitting the matter to a different panel of the Board for reconsideration.

4. **Newfoundland and Labrador Association of Public and Private Employees v. Treasury Board (2005 01 T 9391)**

Facts: NAPE applying to the Board pursuant to s. 45 of the *Public Service Collective Bargaining Act* (PSCBA) for determination whether certain persons are employees within the meaning of the PSCBA as not performing management or supervisory functions. Board departing from past practice of applying “effective recommendation test” to determine exclusions under the PSCBA. Board holding “effective recommendation test” to be a management function test and not appropriate to a determination whether an individual is a supervisor or is exercising supervisory functions. Board determining that the positions in question appropriately excluded from the Bargaining Unit as the incumbents exercised supervisory functions and thus not employees with the meaning of s. 2(1)(i)(xiii) of the PSCBA.

Issues: (1) Whether Board committed reviewable error? (2) Whether standard of review is correctness or that of patently unreasonable?

Status: Oral decision, with reasons, rendered by Justice Thompson on March 17, 2006 upholding Board decision. Written transcript of decision has been requested.

◆ **CASES STILL OUTSTANDING
(FILED IN 2005 & PRIOR)**

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)

Facts: Union applying for certification as bargaining agent of a unit of employees of respondent employer. Employer filing reply and also unfair labour practice complaint relating to membership drive. Initial representation vote conducted however Union requesting second vote on basis first vote tainted. Board ordering second vote and conducting hearing on issues of certification and unfair labour practice. Board upholding employer unfair labour practice complaint and rejecting certification application on basis that acts of coercion and intimidation rendered membership cards unreliable. Board member dissenting.

Issues: (1) Whether the Board committed reversible error in finding that the conduct complained of amounted to acts of coercion and intimidation within the meaning of s. 28(1) of the Act or were otherwise a breach of section 28(1) and (2) of the Act? (2) Whether the provisions of s. 47 of the Act (mandatory vote) operate to the exclusion of the general discretionary powers under s. 38(2) of the Act?

Status: Argument and submissions concluded June 12, 2001. Awaiting the decision of Chief Justice Green.

2. Atlantic Shrimp Company, A Division of Clearwater Seafoods Limited Partnership v. Fish, Food and Allied Workers (FFAW/CAW) (2006 01T 0018)

Facts: FFAW applying for certification of unit of crewmembers on an offshore shrimp vessel. Following a hearing, Board finding that the Newfoundland and Labrador Board had jurisdiction to process the application. Board then determining the composition of the appropriate bargaining unit; ordering ballots be counted and certifying the Union as the bargaining agent without giving the parties a further opportunity to make submissions.

Issues: (1) Whether Board erred in finding that it had jurisdiction? (2) Whether Board violated the Employer's right to procedural due process and/or natural justice? (3) Whether Board made findings not reasonably supported by the evidence?

Status: Matter heard by Mr. Justice Orsborn on June 16, 2006. Awaiting decision.

3. **Canadian Union of Public Employees v. Civic Centre Corporation et al. (2000 01 T 2839)**

Facts: Board asked to determine the true employer of employees employed at the St. John's Memorial Stadium. Board finding a sale, lease, transfer or other disposition of a business as between the City of St. John's and the Civic Centre Corporation, pursuant to section 93 of the Act.

Issue: (1) Whether Board decision patently unreasonable?

Status: Matter originally set for February 1, 2001 but adjourned, *sine die*. CUPE filing Notice of Intention to Proceed January 27, 2005 and subsequently applying for a hearing date. Board filing reasons. Matter again adjourned *sine die* with leave to CUPE to amend its Originating Application in respect of issues arising on the filing of the Board's reasons.

4. **Voisey's Bay Nickel Company Limited v. United Steelworkers of America, Local 6480, et al. (2005 01 T 5614)**

Facts: Union applying for certification of unit of employees. Board advising union that application defective in that, at time of filing, second page had been removed and new page substituted by union official and thus not supported by sworn declaration. Union requesting to withdraw application. Employer objecting and taking position that Board should dismiss application. Dismissal attracting six month bar to further application. Board allowing Applicant to withdraw in circumstances.

Issues: (1) Whether failure to initially advise Employer of defect constitutes a breach of rules of natural justice? (2) Whether Board has jurisdiction to permit withdrawal in the circumstances?

Status: Matter set for hearing February 22, 2006. Amended application filed by Voisey's addressing particulars of (third) application for certification which was decided by the Board. Matter set over from February 22, 2006 to be heard on April 17 and 18, 2006.

**TOTAL NEW APPLICATIONS
FILED IN 2005-06**

	2005-06
<i>Labour Relations Act:</i>	
Applications for Certification	31
Applications for Revocation of Certification/ Termination of Bargaining Rights	4
Unfair Labour Practices	14
Duty of Fair Representation	4
Imposition of First Agreement	2
Reconsideration of Decision	3
Amendment of Bargaining Unit	2
Transfer of Business/Successorship	2
Questions under section 18 of Act	9
Common Employer	0
Referrals by Arbitrators	0
Access to Remote Site	0
Successor Union	1
Jurisdictional Dispute (Umpire)	0
Alter terms and conditions of employment	1
Unfair denial of union membership	0
 <i>Public Service Collective Bargaining Act</i>	 9
<i>Fishing Industry Collective Bargaining Act</i>	0
<i>Occupational Health and Safety Act</i>	1
<i>Teachers' Collective Bargaining Act</i>	0
TOTAL APPLICATIONS	83

■ ***OPPORTUNITIES AND CHALLENGES***

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

The Board is seeking legislative amendments, the majority of which arose from public consultations with stakeholders.

The Board will engage in a process of developing an 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 relocation of the Board offices necessitated that we lose our hearings facilities and we are now required to book outside facilities in which to conduct oral hearings of the Board.

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

■ FINANCIAL STATEMENT

The following information is for the fiscal year, April 1, 2005 to March 31, 2006.

**Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2006**

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
6.1.04. LABOUR RELATIONS BOARD			
01. Salaries	397,426	398,700	318,700
02. Employee Benefits	2,475	2,700	900
03. Transportation & Communications	38,189	39,400	29,200
04. Supplies	7,146	9,200	1,700
05. Professional Services	129,266	131,200	154,200
06. Purchased Services	4,242	7,600	20,500
07. Property, Furnishings & Equipment	<u>1,125</u>	<u>1,400</u>	<u>-</u>
	<u>579,869</u>	<u>590,200</u>	<u>525,200</u>
02. Revenue - Provincial	<u>-</u>	<u>(20,000)</u>	<u>(20,000)</u>
Total: Labour Relations Board	<u>579,869</u>	<u>570,200</u>	<u>505,200</u>

Source: Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended 31 March 2006

■ **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 has 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.

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. In June, 2006, she became a Board member of the Canadian Council of Administrative Tribunals.

J. ANNETTE BENNETT, *Vice-Chairperson*

Annette Bennett obtained her Bachelor of Business Administration from Acadia University, Masters in Business Administration from Dalhousie University and a Bachelor of Laws Degree, also from Dalhousie. She has been a member of the Law Society of Newfoundland and Labrador as well as a member of the Canadian Bar Association since January, 2001. Ms. Bennett has been practising law in Corner Brook in a variety of areas of law, including corporate/commercial, real estate and administrative law. She has served on several administrative tribunals including the Human Rights Commission as a Panel Adjudicator (2001-2004) and the Public Complaints Commission for the Royal Newfoundland Constabulary as Adjudicator (May, 2003).

Ms. Bennett was appointed to the position of Vice-Chairperson of the Labour Relations Board in March, 2003 for a five-year term. She resigned her position on the Board in October 2005.

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.

WILLIAM ALCOCK, *Employer Representative (Regular)*

William Alcock is the owner of Industrial Relations Management, a consulting firm in the human resources field. A member of the Labour Relations Board since 1976, Mr. Alcock has advised and represented employers in collective bargaining, grievance and arbitration handling since graduating from Memorial University in 1971 (B. Comm).

Mr. Alcock served for 13 years as the Director of Labour Relations for the Newfoundland Construction Labour Relations Association and for six years as part-time Executive Director of the Newfoundland and Labrador Employers' Council. Mr. Alcock has been a member of the Labour Relations Board since 1976 and in January 2002 and January 2004 he was reappointed as a regular employer representative for two-year terms.

GERALYN HANSFORD, *Employer Representative (Regular)*

Geralyn Hansford is Regional Manager with Aliant in St. John's, Newfoundland, and in that position, she is responsible for all customer service in Eastern Newfoundland. She has an extensive background in the labour relations field within her organization over the past 28 years.

Ms. Hansford was appointed to the Labour Relations Board as a regular employer representative in March 2005 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.

AUBREY DROVER, *Employer Representative (Alternate)*

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.

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 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.

VINCENT BURTON, *Jurisdictional Umpire*

Vincent Burton has been involved in the labour movement for almost 40 years and retired in 2001, having served in several executive positions with the Newfoundland and Labrador Regional Council of Carpenters, Millwrights and Allied Workers. He is past President of the Newfoundland and Labrador Petroleum Development Association and past President of the Newfoundland and Labrador Building and Construction Trades Council. Mr. Burton is now involved on a volunteer basis with Habitat for Humanity and the Paradise and Conception Bay South Food Bank,

Mr. Burton served on the Construction Panel of the Labour Relations Board from 1987 to 1989 and was appointed as Jurisdictional Umpire in January 2004 for a two-year term. His term of office expired on January 25, 2006.

■ **APPENDIX II - REASONS FOR DECISION**

The following is a list of Reasons for Decision issued by the Board in the 2005-06 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. Fish, Food and Allied Workers Union (FFAW/CAW) and Deep Sea Trawlers, a Division of Clearwater Seafoods Limited Partnership dated April 21, 2005. (4817, 4818) (Marshall) Preliminary matter.
2. United Steelworkers of America, Local 6480 and Voisey's Bay Nickel Company Limited dated May 3, 2005. (4926) (Marshall)
3. Charles River Consultants Corp. and Ann Marie Mackey dated June 6, 2005. (4741) (Bennett)
4. United Brotherhood of Carpenters and Joiners of America, Local 579 and Marco Services Ltd. dated June 7, 2005. (4893) (Marshall)
5. International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 764 and Deer Lake Rebar Inc. and Newfoundland Island Rebar Inc. and Deer Lake Steel (1994) Inc. dated June 15, 2005. (4883) (Sweetland)
6. Marina Curnew and International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, Local 898M and Empire Theatres Limited (Former Famous Players Limited, St. John's) dated August 8, 2005. (4907) (Marshall)
7. Sheldon Power and International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, Local 898M and Empire Theatres Limited (Former Newfoundland Amusements Limited, St. John's) dated August 8, 2005. (4908) (Marshall)
8. Newfoundland and Labrador Association of Public and Private Employees and Her Majesty the Queen in Right of Newfoundland and Labrador (represented by Treasury Board) dated August 12, 2005. (4902) (Marshall)
9. H. P. Management Inc. and Kelly Wade dated August 19, 2005. (4903) (Sweetland)

10. Transport and Allied Workers Union, Local 855, affiliated with the International Brotherhood of Teamsters and Construction Labour Relations Association of Newfoundland and Labrador Inc. dated October 5, 2005. (4916) (Marshall)
11. Gary Layman and Securitas Canada Limited dated October 14, 2005. (4924) (Marshall)
12. Central East Health Care Institutions Board and Newfoundland and Labrador Association of Public and Private Employees dated November 1, 2005. (4905) (Marshall)
13. United Brotherhood of Carpenters and Joiners of America, Local 579 and Northland Contracting Inc. dated December 2, 2005. (4605) (O'Brien)
14. Fish, Food and Allied Workers Union (FFAW/CAW) and Atlantic Shrimp Company, a Division of Clearwater Seafoods Limited Partnership dated December 12, 2005. (4817) (Marshall) Preliminary matter.
15. Civic Centre Corporation and Canadian Union of Public Employees, Local 1289 and Canadian Union of Public Employees, Local 569 and The City of St. John's dated December 13, 2005. (545:146) (Cooper)
16. United Steelworkers of America, Local 6480 and Voisey's Bay Nickel Company Limited dated January 30, 2006. (4928) (Marshall)
17. Communications, Energy and Paperworkers Union of Canada, Local 60N and Petro Canada dated February 2, 2006. (4626) (Oakley)
18. Ryan Kelly and Canadian Union of Public Employees, Local 3034 and Town of Conception Bay South dated February 23, 2006. (4925) (Marshall)
19. Young's Ambulance Service and Jeff Squibb dated February 23, 2006. (4914) (Sweetland)
20. Fish, Food and Allied Workers Union and Fogo Island Co-operative Society Limited and Innovative Ideas Inc. dated March 29, 2006. (4910) (Marshall) Dissent by Member Marilyn Tucker

■ **APPENDIX III - BARGAINING UNITS** **APPLICATIONS FOR CERTIFICATION GRANTED IN 2005-06**

◆ ***Labour Relations Act***

1. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and RDN Construction Limited.

Bargaining Unit

A unit of employees of RDN Construction Limited in the Province of Newfoundland and Labrador save and except General Foreman, Managers, Office Staff, Non-working Foremen and those above the rank of Non-working Foreman.

2. International Brotherhood of Electrical Workers, Local 1620 and Fortis Properties Corporation.

Bargaining Unit

A unit of employees of Fortis Properties Corporation comprising all dayporters, maintenance and cleaning staff employed at commercial real estate holdings in the City of St. John's, Newfoundland and Labrador, save and except non-working supervisors and those above the rank of non-working supervisor.

3. United Steelworkers of America, Local 9097 and IMTT-NTL. LTD.

Bargaining Unit

A unit of employees of IMTT-NTL. LTD. comprising all employees employed at the Whiffin Head Terminal, Placentia Bay in the Province of Newfoundland and Labrador, save and except Terminal Manager, Operations Superintendent, Maintenance Manager, Safety, Health and Environment Coordinator and Personnel Coordinator/Administrative Assistant.

4. National Automobile Aerospace Transportation and General Workers Union of Canada, Local 597 and Marquis Limited (carrying on business as KFC), Gander.

Bargaining Unit

A unit of employees of Marquis Limited (carrying on business as KFC), Gander comprising all employees employed at its KFC store at Airport Boulevard, Gander, Newfoundland and Labrador, save and except Manager and Assistant Manager.

5. Newfoundland and Labrador Association of Public and Private Employees and Mountain View Estates.

Bargaining Unit

A unit of employees of Mountain View Estates comprising all employees in the Province of Newfoundland and Labrador save and except Owner/Operator, Manager, Bookkeeper and Administrative Assistant.

6. Canadian Union of Public Employees, Local 1860 and Scotia Recycling (NL) Limited.

Bargaining Unit

A unit of employees of Scotia Recycling (NL) Limited comprising all employees employed in the Province of Newfoundland and Labrador save and except Operations Manager/Controller, Safety Coordinator, Plant Supervisor, Depot Supervisor (Grand Falls-Windsor), Administrative Officer, Administration/Confidential Secretary, Non-working Supervisors and those above the rank of Non-working Supervisor.

7. United Steelworkers of America, Local 6480 and Voisey's Bay Nickel Company Limited.

Bargaining Unit

A unit of employees of Voisey's Bay Nickel Company comprising all employees employed at the Voisey's Bay site, Province of Newfoundland and Labrador, save and except accountant, analytical supervisor, buyer, camp and power plant superintendent, camp/power plant foreperson, chief metallurgist, concentrator manager, concentrator maintenance superintendent, environmental coordinator, environmental H & S superintendent, general manager operations, general accounting supervisor, geological technician, geologist, heavy equipment operator trainer, human resources specialist, instrumentation technologist, maintenance trainer, manager site services and transportation, marine/air transport foreperson, materials manager, mill supervisor, mill operations trainer, mine operations supervisor, mine manager, mine maintenance planner, mine engineering superintendent, mine engineer, mine geologist, mine maintenance supervisor, mine clerk, mine maintenance superintendent, mine maintenance planner superintendent, mineral technician, process technician (metallurgy), purchasing superintendent, safety coordinator, safety trainer, senior buyer, senior mineral technician, superintendent Labrador human resources, surveyor, systems engineer, training development project coordinator, training supervisor, training coordinator instructor, warehouse superintendent, office staff, clerical staff, sales staff, non-working supervisors and those above the rank of non-working supervisor.

8. Canadian Union of Public Employees, Local 4732 and Hope Haven Inc.

Bargaining Unit

A unit of employees of Hope Haven Inc. comprising all employees save and except Administrator.

9. United Brotherhood of Carpenters and Joiners of America, Local 579 and Don Buckle Ltd.

Bargaining Unit

A unit of employees of Don Buckle Ltd. comprising all working carpenter foremen, carpenters, carpenter apprentices, scaffolders and scaffolder apprentices employed in the Province of Newfoundland and Labrador.

10. United Brotherhood of Carpenters and Joiners of America, Local 579 and DSR Construction Ltd.

Bargaining Unit

A unit of employees of DSR Construction Ltd. in the Province of Newfoundland and Labrador comprising all carpenter foremen, carpenters, carpenter apprentices, scaffolders and scaffolder apprentices.

11. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 6480 and Ushitau Maintenance Limited.

Bargaining Unit

A unit of employees of Ushitau Maintenance Limited employed at the Voisey's Bay Nickel Company Limited operations in Labrador, Province of Newfoundland and Labrador, save and except office and clerical staff, human resources staff, non-working supervisors and those above the rank of non-working supervisor.

12. Hotel & Restaurant Workers Union, Local 779 and Atlantic Safety Centre Inc.

Bargaining Unit

A unit of employees of Atlantic Safety Centre Inc. comprising all security officers employed at Inco Hydromet Demonstration Plant in Argenta, Province of Newfoundland and Labrador, save and except office staff, non-working supervisors and those above the rank of non-working supervisor.

13. International Union of Operating Engineers, Local 904 and 11322 Newfoundland Inc., operating under the trade name Corner Brook Foundry and Fabrication Shop.

Bargaining Unit

A unit of employees of 11322 Newfoundland Inc., operating under the trade name Corner Brook Foundry and Fabrication Shop comprising all employees employed in the Province of Newfoundland and Labrador as hoisting equipment operators and welders, save and except non-working supervisors and those above the rank of non-working supervisor.

14. Fish, Food and Allied Workers Union (FFAW/CAW) and Atlantic Shrimp Company, a Division of Clearwater Seafoods Limited Partnership.

Bargaining Unit

A unit of employees of Atlantic Shrimp Company, a Division of Clearwater Seafoods Limited Partnership comprising all crew members on the offshore shrimp vessel M. V. Arctic Endurance save and except Captain, First Mate and Chief Engineer.

15. Newfoundland and Labrador Association of Public and Private Employees and Regional Aquatic Centre Association Inc., Stephenville.

Bargaining Unit

A unit of employees of Regional Aquatic Centre Association Inc., Stephenville comprising all employees save and except Aquatic Manager.

16. United Brotherhood of Carpenters and Joiners of America, Local 579 and BriDawn Holdings Inc.

Bargaining Unit

A unit of employees of BriDawn Holdings Inc. comprising all Working Carpenter Foremen, Carpenters, Carpenter Apprentices, Scaffolders and Scaffolder Apprentices working for the Employer in the Province of Newfoundland and Labrador save and except those employed in shop manufacture and those above the rank of Non-working Foreman.

17. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, (United Steelworkers), Local 6480 and Torngait Services Inc.

Bargaining Unit

A unit of employees of Torngait Services Inc. in Voisey's Bay in the Province of Newfoundland and Labrador save and except office staff, clerical staff, non-working supervisors and those above the rank of non-working supervisor.