



Labour Relations Board

**Annual Report
2020-21**

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Message from the Chairperson

I am pleased to present the annual report of the Labour Relations Board (the Board) for 2020-21. This report was prepared in accordance with the Provincial Government's commitment to transparency and accountability as a category three entity. My signature below is indicative of the entire Board's accountability for the actual results reported.

The Board is an independent, specialized, quasi-judicial body, which plays a central role in contributing to and promoting harmonious labour relations in the Province. The Board's primary objectives include fair and efficient processing of applications and rendering decisions which are clear, consistent, and in accordance with sound legal principles.

As of March 31, 2021, the Board consisted of a Chairperson, two Vice-Chairpersons, regular, and alternate Board members. The Board members are in numbers equally representative of employers and employees. Generally, the Board schedules monthly panel meetings, with other meetings as needed. The Board reviews and considers various types of applications, including applications for certification, unfair labour practice complaints, and complaints with respect to the duty of fair representation. The Board also conducts reviews of labour standards decisions and occupational health and safety matters. Depending on the circumstances of each case, the Board either decides matters based on the affidavit evidence provided, submissions of parties and the investigation reports of its Board Officers, or conducts a hearing before making a final decision.

Further information about the Board can be found on its [website](#). This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms, and publications.

I would like to thank the administrative staff and the Board members for their hard work and continued professionalism throughout the year. I am honoured to serve as Chairperson of the Board with this diligent group of people. I look forward to their continued participation in 2021-22.



David Conway
Chairperson

Public Body Overview

Introduction

The Labour Relations Board (the Board) is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes:

- **Labour Relations Act;**
- **Public Service Collective Bargaining Act;**
- **Fishing Industry Collective Bargaining Act;**
- **Teachers' Collective Bargaining Act;**
- **Interns and Residents Collective Bargaining Act;**
- **Labour Standards Act;**
- **Occupational Health and Safety Act;**
- **Smoke-Free Environment Act, 2005;**
- **House of Assembly Accountability, Integrity and Administration Act;**
- **Public Interest Disclosure and Whistleblower Protection Act;** and
- **Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.**

The Board is established under the **Labour Relations Act** (the **Act**). The Board is composed of the Chairperson, two Vice-Chairpersons, and employer and employee representatives. The Act contains provisions outlining the labour relations rights and responsibilities of employers, trade unions, and employees. The **Act** guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to freely make this choice.

The legislation confers on the Board authority over many aspects of labour relations. These include but are not limited to:

- the certification of unions to represent employees;
- the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members;
- unfair labour practices;
- bad faith bargaining complaints;
- successor rights determinations;
- common employer applications;
- first collective agreement applications;
- duty of fair representation complaints;
- essential employee declarations;
- discriminatory action under the **Occupational Health and Safety Act**; and
- appeals of determinations under the **Labour Standards Act**.

The Board has responsibilities under the **Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act** with respect to the determination of reprisal complaints. The Board has exclusive authority to exercise the power conferred upon it in the **Act** in relation to determining questions of fact or law that come before it. It also has the power to reconsider any of its decisions and a privative clause in the **Act** limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

The Board's mandate and lines of business, including the 2020-23 Activity Plan, are more particularly described on the Board's [website](#).

Staff of the Board

In 2020-21, the administrative staff of the Board was comprised of a Chief Executive Officer, Deputy Chief Executive Officer, two Labour Relations Board Officers, and two support staff (one male, five females). The Board's financial statement is attached as Appendix A.

The Board's offices are located on the fifth floor of the Natural Resources Building, 50 Elizabeth Avenue, St. John's, with hearings held in St. John's and throughout the Province. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709) 729-2707; Fax (709) 729-5738. The email address is lrb@gov.nl.ca.

Statistical Snapshot

During 2020-21, there were 44 new applications filed with the Board and 32 applications were carried forward from the previous years. The Board considered 50 applications during the period, which culminated in the issuance of 89 Orders of the Board. A total of 50 of the applications considered were finalized. There were 26 applications that were carried forward to 2021-22. There were 11 representation votes conducted in applications for certification and 4 votes conducted in relation to revocation of certification applications, with 262 individuals eligible to vote in the elections. The Board held meetings and hearings over 96 days. Seven matters were referred to a hearing.

Biographical information on Board members is contained in Appendix B. For a listing of the Reasons for Decision issued by the Board in 2020-21, please see Appendix C. A listing of the applications which were the subject of judicial review can be found in Appendix D. Descriptions of bargaining units certified by the Board in 2020-21 are shown

in Appendix E. All Board decisions dating from 1975 have been made available to stakeholders and the public on the Labour Relations Board's [website](#). Full text versions of Board decisions are also available on [CanLII](#).

Highlights

With slight process modifications, the Board continues to maintain its operations and services during the pandemic.

The annual national meeting of Chairs and Administrators of Labour Relations Boards was held virtually from Saskatchewan during this reporting year. The Chair and Chief Executive Officer of the Board attended. The discussion generated in these sessions proved to be invaluable in acquainting the Board with emerging trends and labour board processes in other jurisdictions.

Report on Performance

Objectives

The objectives discussed below represent the Board's annual focus and include performance measurement information to allow both the Board and the public to monitor and evaluate success. Reported below are the results of the first year of a three-year activity plan (2020-21). The Board performs two functions: 1) administrative and 2) adjudicative. The Chief Executive Officer and staff fulfill the administrative function, which generally entails processing applications; the Chair, Vice-Chairs, and members of the Board fulfill the adjudicative function. There are five main issues used as an indication of the efficacy of the Board. These include processing applications, considering applications, communicating results and orders, circulating publications and enhancing information management practices.

Issue 1: Processing Applications

The processing of applications includes administrative and adjudicative functions. The administrative branch receives the application and initiates the process before presenting the application to the adjudicative branch for completion.

Objective 1: By March 31, 2021, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators	2020-21
Number of applications received	44
Number of applications in process	19
Number of applications completed	25

The Board met its objective of commencing or completing processing of all applications filed with it during the fiscal year.

In addition to those applications processed, which the Board received during the reporting period, the Board also processed and completed 25 other applications during 2020-21, which were carried forward from previous years.

Issue 2: Considering Applications

The adjudicative branch considers an application after the administrative branch provides the information on record. When considering an application, the Board may decide the matter and issue an order, order a hearing, or defer the matter pending receipt of additional information.

Objective 2: By March 31, 2021, the Labour Relations Board will have considered all processed applications.

Indicators	2020-21
Number of orders made by the Board at its meetings	89
Number of applications referred to the hearing process	7
Number of hearings scheduled	7
Number of applications considered	50
Number of considered applications deferred	0

All processed applications were considered by the Board. The Board considered and finalized 50 matters in the reporting period. Twenty-five of these were received in 2020-21 and 25 were carried forward from previous years. There were no hearings scheduled beyond the end of 2020-21.

In some matters, more than one order was made. Thirteen orders were issued by the Board at its regular meetings and the Board issued 74 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 two orders in relation to applications, which were referred to hearings, for a total of 89 orders.

When the Board refers matters to the hearing process and schedules hearings, the hearings may take place during the same reporting year or at a later date. There were 7 matters received and referred to the hearing process and scheduled for hearings during the 2020-21 reporting period. These matters were all withdrawn, resulting in the

cancellation of the hearings during the 2020-21 reporting year. There were no hearings held in relation to matters received in a previous year.

Issue 3: Communicating Results of Decisions and Orders

Decisions of the Board could impact future applications to the Board. The availability of the Board's decisions allows for the use of the information in future applications.

Objective 3: By March 31, 2021, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Indicators	2020-21
Number of orders issued and number communicated to parties	89
Number of reasons for decision issued and number communicated to parties	21
Number of reasons for decision uploaded to the Board's Internet-based decision system	21

There were a total of 89 orders issued by the Board in 2020-21 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 21 reasons for decision were issued by the Board in relation to 21 matters and were communicated to the affected parties. Twenty-one reasons for decision were uploaded to the Board's [Internet-based decision system](#). Four decisions were issued in matters where hearings were conducted in the previous reporting year and seventeen were issued as a result of requests from one of the affected parties (see Appendix C – Reasons for Decision).

The communication and circulation of decisions and publications through the Board's searchable decision system and website ensures that the public and the parties appearing before the Board have ready access to the Board's policies and decisions.

Issue 4: Circulating Publications

The circulation of publications allows the Board to educate and inform the labour relations community as to current practices and procedural changes.

Objective 4: By March 31, 2021, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

Indicators	2020-21
Number of reports, information bulletins and policy circulars distributed	2

The Board fulfilled its mandate through the resolution of labour relations matters and by educating the labour relations community and workers generally about the legislation, rules, policies, and procedures of the Board through its policy circulars and information bulletins, general enquires, and presentations to entities who requested them.

The Board continued its efforts to educate the labour relations community and the public on its various processes through the updating, where necessary, of information bulletins and developing and making presentations where requested. During the reporting year, the Board posted two new policy changes on its website: 1. COVID 19 Operations, which updated the Board's policy in relation to: membership information, filing of documents, extension of time requests, and in person meetings, votes and hearings. 2. A Message from the Chairperson, which dealt with the specifics of receipt, retention and use of union membership information.

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.

Issue 5: Enhancing Information Management Practices

The review of information management and protection practices allows the Board to enhance its practices as necessary and to inform the labour relations community as to any procedural changes.

Objective 5: By March 31, 2021, the Labour Relations Board will have commenced activities towards enhancing its information management practices.

Indicators	2020-21
Commenced review of the Board's information management practices and requirements.	The Board commenced its review and updated two processes in 2020-21. Details are provided below.

Information management and protection are of vital importance to the Board. The Board fulfilled its mandate by commencing the review of its information management and protection practices. It enhanced its practices as deemed necessary and informed the labour relations community as to any procedural changes affecting the stakeholders we

serve.

The Board continued its review of current information management and protection practices and updated its processes and policies. The Board educated the labour relations community and the public accordingly through the updating of its website, information bulletins or policy circulars. During the reporting year, the Board developed a new process, as contained within the “Message from the Chairperson”, which dealt with the specifics of receipt, retention, protection and use of union membership information. The Board also updated and educated its staff in the protection of privacy and related protocols. These documents or educational sessions pertain to the current procedures and policies of the Board in these areas.

The Board continues to review its information management and protection practices. Any additional enhancements to its practices that affect the labour relations community generally will be reported in 2021-22. Any related changes will result in new or updated information bulletins or policy circulars or a general update to its website.

2021-22 Objective and Indicator

By March 31, 2022, the Labour Relations Board will have further developed activities towards enhancing its information management practices.

Indicator:

- Developed activities to enhance the Board’s information management practices.

Total New Applications Filed in 2020-21

<u>Labour Relations Act</u>	
Applications for Certification	12
Applications for Revocation of Certification	4
Termination of Bargaining Rights	0
Unfair Labour Practices	5
Duty of Fair Representation	8
Successorship/Transfer of Business	1
Common Employer	0
Reconsideration of Decision	4
Amendment of Bargaining Unit	1
First Collective Agreement	0
Questions under Section 18 of the Act	
Whether a person is a member in good standing	1
Whether organization is party to or bound by Collective Agreement	1
Review of Labour Standards Determination	1
Submission by Director of Labour Standards	0
Change of name on Certification/Accreditation Order	0
Successor Bargaining Agent	0
Alter Terms and Conditions of Employment	4
Unfair denial of union membership	0
<u>Public Service Collective Bargaining Act</u>	
Duty of Fair Representation	0
Designation of essential employees	0
Unfair labour practice complaint	0
Amendment of bargaining unit	1
Reconsideration of decision	1
Whether an Employee within meaning of the Act	0
<u>Fishing Industry Collective Bargaining Act</u>	
Application for Certification	0
Whether an organization is a trade union	0
<u>Occupational Health and Safety Act</u>	
Appeal of Occupational Health and Safety Order	0
Discriminatory Action	0
<u>Teachers' Collective Bargaining Act</u>	
<u>Interns and Residents Collective Bargaining Act</u>	
Change of name on Certification/Accreditation Order	0
TOTAL APPLICATIONS	44

Opportunities and Challenges

The COVID-19 pandemic was both a challenge and an opportunity. It provided the Board with an opportunity to review its operations with a view to protecting the safety of our staff, and the stakeholders we serve, while maintaining the continuity of operations. With the use of remote access options and adjustments to our processes, the Board continued to maintain its operations and services during the pandemic. The Board continues to operate within the COVID-19 guidelines that it has produced and has posted to its website. The Board will continue to monitor the COVID-19 situation and will adjust its operations as necessary.

The annual meeting of Chairs and Administrators of Labour Relations Boards presents the Board with an opportunity to discuss best Labour Relations Board practices with our counterparts across Canada. The Labour Relations Board in Saskatchewan hosted the 2020 meeting, which was held using virtual technology due to the COVID-19 pandemic.

The labour relations background of our new staff is diverse and covers various sectors of the labour relations community. Their collective labour relations backgrounds, credentials and experiences continue to assist with reducing the learning curve associated with their roles and increases their contribution to the Labour Relations Board.

Appendix A - Financial Statement

The following information is for the fiscal year April 1, 2019 to March 31, 2020.

Labour Relations Board
Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2020

Activity - 4.1.06	Actual \$	Amended \$	Original \$
Salaries*	509,710	591,800	623,900
Employee Benefits	3,460	4,200	4,200
Transportation and Communications	8,205	22,500	22,500
Supplies	5,213	8,600	8,600
Professional Services	72,426	69,900	69,900
Purchased Services	7,528	10,200	10,200
Property, Furnishings and Equipment	-	700	700
Total: Labour Relations Board	606,542	707,900	740,000

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, 2020. 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.

*The Board experienced unexpected delays in backfilling positions, which resulted in less spending than anticipated.

Appendix B – Members of the Board

As of March 31, 2020, the Board consisted of the following members:

David Conway, Chairperson

David Conway graduated from McGill University (B.A.) and the University of New Brunswick (LL.B.) before being called to the Bar in Ontario and in Newfoundland and Labrador. Prior to his appointment as Chairperson, he practiced exclusively in the fields of labour law and administrative law.

Mr. Conway has experience in various types of proceedings, including arbitrations, judicial reviews, workers' compensation hearings, employment insurance hearings, human rights cases, disciplinary tribunal hearings, and collective agreement negotiations. He has appeared at all levels of court, including the Supreme Court of Canada. He is a member of the Disciplinary Panel of the Law Society of Newfoundland and Labrador. He has presented educational seminars to various groups throughout Canada, is an instructor in the Administrative Law section of the Newfoundland and Labrador Bar Admission Course, and has instructed at Memorial University of Newfoundland.

Mr. Conway was appointed as Chairperson of the Labour Relations Board on August 7, 2017 for a five-year term.

Joan Marie Aylward, Vice-Chairperson

Joan Marie Aylward has been a member of the National Seniors Council of Canada since September 2018. In 2016, Ms. Aylward completed a six-year position as the Executive Director of St. Patrick's Mercy Home, a role that strengthened competencies in strategic planning with a deeper understanding of the ethical issues surrounding care of seniors. Ms. Aylward has served in numerous Ministerial Government portfolios, including Health, Finance, and Treasury Board, and brings an extensive understanding of the interface among governments, the private sector, and the public sector.

Ms. Aylward has worked in social and economic policy development and has competencies in complex initiatives and leadership skills. She has also served on numerous boards and committees, including Oxfam Canada and the Atlantic Salmon Conservation Foundation. Her career began as a clinical nurse before working as a Nurse Educator and serving as President of the Provincial Nurses Union for six years. She completed the Institute of Corporate Director's Education Program (ICD.D) in 2006.

Ms. Aylward was appointed to the Labour Relations Board as Vice-Chairperson on March 5, 2018 for a five-year term.

Chris Peddigrew, Vice-Chairperson

Chris Peddigrew graduated from Memorial University of Newfoundland with a Bachelor of Commerce (Co-operative) Honours degree in 1999, and in 2003 graduated from Dalhousie University Schulich School of Law. In 2004, Mr. Peddigrew was called to the Bar in this Province and became a member of the Law Society of Newfoundland and Labrador. Since that time, Mr. Peddigrew has been in private practice, first with a large regional law firm and then as a founding partner of Wadden Peddigrew Law Firm where he has been practicing since 2014. Mr. Peddigrew's practice is focused primarily in the areas of labour and employment law and alternative dispute resolution, including mediation and arbitration. Mr. Peddigrew is also an arbitrator on the provincial roster of labour arbitrators. Mr. Peddigrew also practices in the areas of personal injury, business law, administrative law, residential and commercial real estate transactions, and general litigation.

Mr. Peddigrew volunteers with a number of community and professional organizations, including the St. Patrick's Mercy Home Foundation and Choices for Youth.

On March 5, 2018, Mr. Peddigrew was appointed Vice-Chairperson of the Labour Relations Board for a five-year term.

Weldon Brake, Employer Representative (Alternate)

Weldon Brake was born in Meadows, NL. He is a former Registrar of the Medical Review Panels with Work Safe British Columbia; he was the first non-physician as Registrar. Mr. Brake was the first Executive Director of Workers' Compensation Appeal Tribunal (WCAT) in Newfoundland and Labrador. He studied at Memorial University, receiving a Bachelor of Arts and a Bachelor of Education; besides his undergraduate degrees, he also qualified with a Diploma in Public Administration and Master of Public Administration from Dalhousie University. He also graduated with a Certificate in Public Accounting in Negotiations from the London School of Economics.

Mr. Brake continued his graduate studies at the London School of Economics and Political Science as a candidate in the Ph.D. program in Resource Management and Environmental Planning. His Ph.D. thesis was recently published: *Alternative Resource Management and Environmental Planning Strategies for Offshore Oil and Gas: A comparative study of Norway, UK and NL*. His professional education was further pursued in the completion of Alternative Conflict Resolution programs from the University of Windsor and Harvard University.

Mr. Brake's professional appointments include: Specialist in Conflict Resolution and Mediation; Senior Executive Management in the School of Nursing MUN; Researcher in Genetics Faculty of Medicine MUN; First Executive Director of WCAT NL; Executive Assistant and Researcher to the Chief Appeal Commissioner WCAT BC.

Mr. Brake was appointed to the Labour Relations Board as an alternate employer representative on March 5, 2018.

Florence Careen-Power, Employee Representative (Alternate)

Florence Careen-Power graduated from the General Hospital, St. John's in 1972 as a Licensed Practical Nurse. She worked in the Acute Care Emergency Department for 25 years.

Ms. Careen-Power has been past General Vice President of the Newfoundland and Labrador Federation of Labour; past President of the St. John's and District Labour Council; past Chairperson for Friends of Cape St. Mary's Ecological Reserve; past Member of the Board of Directors for the NL Safety Council, Labour Canada Skill Mix Study (Nursing); Board Director - Consumer Organization for Persons with Disabilities; Labour Representative Northeast Avalon Regional Economic Development Board; Employee Representative Employment Insurance Appeal Board. Ms. Careen-Power presently is a Member of the Benevolent Irish Society Cultural Committee.

Ms. Careen-Power was appointed to the Labour Relations Board as an alternate employee representative on March 5, 2018.

David Curtis, Employee Representative (Alternate)

David Curtis is the past President of the Newfoundland and Labrador Federation of Labour and past President of the Newfoundland Association of Public Employees. Following 30 years' involvement in the labour movement, Mr. Curtis retired from NAPE in 1997. He currently works as a labour relations consultant and has served as an arbitrator for the Canadian Motor Vehicle Arbitration Plan.

Mr. Curtis was appointed to the Labour Relations Board as an employee representative alternate in January 1998 and was reappointed in February 2000 and February 2002 for two-year terms. In February 2003 and April 2005, he was appointed as a regular employee representative for two-year terms. On March 5, 2018, he was appointed as an alternate employee representative.

Michele Farrell, Employer Representative (Alternate)

Michele M. Farrell is the Owner and Principal Consultant at Trusted Consult Inc. providing human resources and leadership counsel to help businesses achieve their strategic objectives. Before opening her consulting practice, she spent close to twenty years in senior leadership roles in the human resource management and environment health and safety fields in the Newfoundland and Labrador offshore oil and gas industry with Petro-Canada and Suncor. Before joining the oil and gas industry Ms. Farrell spent ten years in human resources leadership roles at Newfoundland and Labrador Housing Corporation.

Ms. Farrell holds a Bachelor of Commerce degree from Memorial University, is a certified Compensation Professional and a trained Harassment Investigator. In April 2017, Ms. Farrell was appointed to the Board of Directors of the Women in Resource Development Corporation.

Ms. Farrell was appointed as an alternate employer representative with the Labour Relations Board on March 5, 2018.

Christina R. Kennedy, Employee Representative (Regular)

Christina R. Kennedy graduated from Memorial University in 1998 with a Bachelor of Arts (Hons). She graduated from the University of New Brunswick with a Bachelor of Laws in 2004. Ms. Kennedy is called to the Bar in both Ontario and Newfoundland & Labrador and practiced law in Ontario prior to returning to her home province in 2005.

Ms. Kennedy has worked at the Newfoundland & Labrador Association of Public and Private Employees (NAPE) since 2006. As Legal Counsel for NAPE, she practices in all aspects of labour law.

Ms. Kennedy was appointed to the Labour Relations Board as a regular employee representative on June 30, 2017 for a two-year term. She was reappointed for a two-year term on June 30, 2019.

Sean Noah, Employee Representative (Regular)

Sean Noah has over 32 years' experience in the education system of our province, having been a teacher and administrator in Eastern, Central and Labrador School Districts. He is a former President of the Newfoundland and Labrador Teachers' Association (NLTA) and Vice-President of the Canadian Teachers' Federation (CTF). He also served as the Atlantic Canadian Representative on the CTF Board of Trustees for several years. He holds Bachelor degrees in Arts and Education, as well as a Master's in Education from Memorial University of Newfoundland.

Mr. Noah has varied experience in collective bargaining preparation and negotiations, pension investment and group insurance services, as well as a background in workplace health and safety, child services, and human resources in Education. He has chaired numerous provincial committees in these and other areas such as school administration, teacher allocation, and membership benefits and services. At the national level, he has chaired work promoting human rights in education.

Mr. Noah was appointed to the Labour Relations Board on June 30, 2017 for a two-year term as a regular employee representative. He was reappointed to the Board for a two-year term on June 30, 2019.

Jacqueline Penney, Q.C., Employer Representative (Regular)

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.

From January 2015 to December 2017, Ms. Penney acted as Chair of the Newfoundland and Labrador Legal Aid Commission. In November 2017, Ms. Penney was appointed as a part-time member of the Transportation Appeal Tribunal of Canada for a term of four years.

Ms. Penney was appointed to the Labour Relations Board as an alternate employer representative on May 14, 2013 for a two-year term; on June 30, 2017, she was reappointed for a two-year term as a regular employer representative. Ms. Penney was reappointed for another two-year term on June 30, 2019.

Larry Pittman, Employer Representative (Alternate)

Larry Pittman, born and raised in St. John's, NL, is currently the owner and President of BlueSky Business Consulting. A 1985 graduate of Memorial University, he has significant work experience in Human Resources and Labour Relations. In 2009, he earned the professional designation of Certified Human Resources Professional (CHRP).

Mr. Pittman has provided human resources/labour relations services to two of the largest mining companies in the world (Vale - formerly Voisey's Bay Nickel and Anglo American/DeBeers Canada, Victor Diamond Mine). Larry was Human Resources/Labour Relations Manager at the Muskrat Falls Project (2014-15) for one of the prime contractors at the construction site, responsible for over 2500 employees.

Under the auspices of BlueSky Business Consulting Larry has provided support and advice for a municipality in Newfoundland and Labrador and a company under the federal jurisdiction and the Canada Labour Code during their collective bargaining process. Both organizations were successful and were able to get a new Collective Agreement without the use of a strike by the employees. The most recent set of negotiations were successfully conducted virtually (due to the COVID-19 pandemic) through the assistance of an Arbitrator and believed to be one of the first ever to do so in Canada.

Mr. Pittman is immensely proud to have served his country, as a uniformed military

reserve officer at the military base in Happy Valley-Goose Bay, Labrador, Canada, for a three-year posting in the early 1990s.

One of his most rewarding moments was providing support on September 11, 2001. As Chief Executive Officer of the Goose Bay Airport Corporation, Larry was responsible for all civil aviation including the landing requirements for an anticipated 80 aircrafts and managing the processing and housing of some 1,000 stranded passengers and aircrew.

Mr. Pittman was appointed to the Labour Relations Board as an alternate employer representative on June 30, 2017 for a two-year term and was reappointed to a second term on November 3, 2019.

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 from which he retired in October 2017. 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 past Treasurer of the Association. He has served as a member of the Board of Directors of WHSCC (Workplace Health, Safety and Compensation Commission) from August 2001-December 2004 and is a past Labour representative on the Labour Management Arbitration Committee.

Mr. Power was appointed to the Labour Relations Board as an alternate employee representative in May 2013 and he was reappointed in November 2015. On March 5, 2018, he was reappointed as an alternate employee representative.

Roseanne Saturley, Employer Representative (Regular)

The entirety of Roseanne Saturley's career has been in leadership roles in the Human Resources and Labour Relations sectors. She has achieved successful results in projects related to recruitment and selection, change management, employee relations, collective bargaining, and training and development, among others. In her career, she has had the opportunity to work with diverse cultures and groups, across Canada and the Middle East, allowing her to extensively use her skills in dispute resolution and conflict management. Her employment has included NORDCO Limited, the Workers' Compensation Board (WorkplaceNL), the Canadian Broadcasting Corporation, and the College of the North

Atlantic (CNA). One of her proudest accomplishments was the work she performed in establishing the Human Resources infrastructure for CNA's campus in Doha, Qatar.

Ms. Saturley graduated from Memorial University of Newfoundland with a Bachelor of Arts focused on English Literature, Sociology and Business. She also completed extensive training related to Labour Relations.

Ms. Saturley was appointed to the Board as an alternate employer representative on March 5, 2018 and on January 18, 2019 Ms. Saturley was appointed as a Regular employer representative for the remainder of her term.

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 Retail, Wholesale and Department Store Union (RWDSU) and Secretary-Treasurer of the National Staff Representatives' Union with Canadian Autoworkers Union (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 RWDSU and United Steelworkers and a National Representative with CAW.

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 and November 2015. On March 5, 2018, she was reappointed as an alternate employee representative.

Raelene Lee, Employer Representative (Alternate)

Raelene Lee holds a Bachelor of Commerce (Co-op) from Memorial University of Newfoundland and a law degree from the University of Ottawa. Ms. Lee maintained a private law practice for almost 12 years before joining a local health authority as in-house counsel. She has practiced in the areas of real estate, corporate commercial, privacy, human rights, administrative as well as labour and employment law. She has provided training in board governance and agency law and is a sessional instructor at Memorial University teaching labour law, labour relations and business law. She was appointed for a two-year term on September 17, 2019. On October 21, 2020, Ms. Lee resigned her position with the Board.

Appendix C – Reasons for Decision

The following is a list of Reasons for Decision issued by the Board in the 2020-21 fiscal year showing the file name, date issued, file number, the Chair or Vice-Chair writing the Reasons for Decision on behalf of the Board, or panel of the Board and the person writing a Dissent, if any.

Reasons for Decision are issued by the Board only when requested by one of the parties to the application or where a hearing has been conducted into the application. Reasons for Decision are uploaded to the Board's [Internet-based decision system](#) and can be searched by entering the labour relations file number (for example: LRB File 5723 as noted below).

1. **Fish, Food and Allied Workers-Unifor and Provincial Ready Mix Inc.** dated 3 April 2020 [2020] L.R.B.D. No. 4 (LRB File 5723) (Chair D. Conway)
2. **Association of Allied Health Professionals and Eastern Regional Integrated Health Authority** dated 22 May 2020 [2020] L.R.B.D. No. 5 (LRB File 5614) (Vice-Chair J. M. Aylward)
3. **David Alcock and Newfoundland and Labrador Association of Public and Private Employees and College of the North Atlantic** dated 29 May 2020 [2020] L.R.B.D. No. 6 (LRB File 5775) (Chair D. Conway)
4. **Roland Anthony and Newfoundland and Labrador Association of Public and Private Employees and College of the North Atlantic and Her Majesty the Queen in Right of Newfoundland and Labrador, as represented by Treasury Board** dated 5 June 2020 [2020] L.R.B.D. No. 7 (LRB File 5770) (Chair D. Conway)
5. **Duane Parsons and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740** dated 12 June 2020 [2020] L.R.B.D. No. 8 (LRB File 5773) (Chair D. Conway)
6. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 and 43636 Newfoundland & Labrador Inc. and Pennecon Energy Ltd. and Fish, Food and Allied Workers-Unifor** dated 21 July 2020 [2020] L.R.B.D. No. 9 (LRB File 5713) (Chair D. Conway)
7. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 and Canada Fluorspar (NL) Inc. and United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International**

Union, Local 9220 dated 12 August 2020 [2020] L.R.B.D. No. 10 (LRB File 5647) (Chair D. Conway)

8. **Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Locke's Electrical Limited and International Brotherhood of Electrical Workers, Local 1620 and United Brotherhood of Carpenters and Joiners of America, Local 579 and United Brotherhood of Carpenters and Joiners of America, Millwrights Local 1009 and International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers Local 764 and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, UA Local 740 and Construction and General Labourers Rock and Tunnel Workers, Local 1208** dated 16 October 2020 [2020] L.R.B.D. No. 11 (LRB File 5718) (Chair D. Conway)
9. **Dan Strickland and Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Smith's Ambulance Service Limited** dated 20 October 2020 [2020] L.R.B.D. No. 12 (LRB File 5790) (Chair D. Conway)
10. **James Cutler and Newfoundland and Labrador Association of Public and Private Employees and Young's Ambulance Services** dated 20 October 2020 [2020] L.R.B.D. No. 13 (LRB File 5792) (Chair D. Conway)
11. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local 740 and Filtrum Inc.** dated 2 November 2020 [2020] L.R.B.D. No. 14 (LRB File 5749) (Chair D. Conway)
12. **Martha Rae Burry and Registered Nurses Union of Newfoundland and Labrador and Central Regional Integrated Health Authority** dated 12 November 2020 [2020] L.R.B.D. No. 15 (LRB File 5703) (Vice-Chair C. Peddigrew)
13. **Russell's Taxi and Ambulance Service Limited and Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters** dated 20 November 2020 [2020] L.R.B.D. No. 16 (LRB File 5784) (Chair D. Conway)
14. **United Brotherhood of Carpenters and Joiners of America, Local 579 and Échafaudage Vermeren Inc.** dated 30 November 2020 [2020] L.R.B.D. No. 17 (LRB File 5806) (Chair D. Conway)

15. **Martha Rae Burry and Registered Nurses Union of Newfoundland and Labrador and Central Regional Integrated Health Authority** dated 30 November 2020 [2020] L.R.B.D. No. 18 (LRB File 5734) (Vice-Chair C. Peddigrew)
16. **Newfoundland and Labrador Association of Public and Private Employees and Choices for Youth (The Lilly)** dated 22 December 2020 [2020] L.R.B.D. No. 19 (LRB File 5771) (Chair D. Conway)
17. **Newfoundland and Labrador Association of Public and Private Employees and Choices for Youth (The Shelter)** dated 22 December 2020 [2020] L.R.B.D. No. 20 (LRB File 5772) (Chair D. Conway)
18. **Barry Haynes and Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Integrated Logistics (NL) Ltd. and Vale Newfoundland & Labrador Ltd.** dated 21 January 2021 [2021] L.R.B.D. No. 1 (LRB File 5791) (Chair D. Conway)
19. **International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and Edge Innovations Inc.** dated 19 January 2021 [2021] L.R.B.D. No. 2 (LRB Files 5786 & 5813) (Chair D. Conway)
20. **Duane Parsons and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740** dated 16 February 2021 [2021] L.R.B.D. No. 3 (LRB File 5818) (Chair D. Conway)
21. **C.A. and United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 740 and Labrador Catering Limited Partnership and Resource Development Trades Council of Newfoundland and Labrador** dated 26 March 2021 [2021] L.R.B.D. No. 4 (LRB File 5817) (Chair D. Conway)

Appendix D – Judicial Review

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

Activity on 2020-21 Matters and Prior

There were no cases decided 2020-21, which reviewed decisions or proceedings of the Board.

Cases Outstanding

The following applications were before the Court at the end of 2020-21:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382)** (LRB File 4645)
2. **Richard Lichtenauer v. Newfoundland and Labrador Association of Public and Private Employees (NAPE) (2018 04G 0129)** (LRB Files 5683/5621)
3. **Canadian Merchant Service Guild v. Her Majesty the Queen in Right of Newfoundland and Labrador, represented by Treasury Board (2019 01G 8144)** (LRB File 5729)
4. **Eastern Regional Integrated Health Authority v. Association of Allied Health Professionals (2020 01G 2931)** (LRB File 5614)
5. **Edge Innovations Inc. v. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union 764 (2021 01G 0508)** (LRB File 5786)
6. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 v. Filtrum Inc. (2021 01G 0874)** (LRB File 5749)
7. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 v. Canada Fluorspar (NL) Inc. v. United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9220 (2021 01G 0877)** (LRB File 5647)

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

Appendix E – Bargaining Units

Certification Orders Issued in 2020-21

Labour Relations Act

- 1. Fish, Food and Allied Workers (FFAW-Unifor) and Pennecon Services & Maintenance and Marine Ltd.**
Bargaining Unit
A unit of employees of Pennecon Services & Maintenance and Marine Ltd. comprising of all maintenance service and support employees working for the Employer at its Chapel Arm facility save and except Shop Lead, Office Staff, Quality Advisor, Managers, Non-Working Supervisors, and those above the rank of Non-Working Supervisor.
- 2. Newfoundland and Labrador Association of Public and Private Employees and Garda Canada Security Corporation**
Bargaining Unit
A unit of employees of Garda Canada Security Corporation comprising all Security Guards at Long Harbour worksite, save and except Supervisors and those above the rank of Supervisor.
- 3. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Russell's Taxi and Ambulance Service Limited**
Bargaining Unit
A unit of employees of Russell's Taxi and Ambulance Service Limited comprising all employees of Russell's Taxi and Ambulance Service Limited (operating as Russell's Ambulance Service) working in and out of Stephenville, in the Province of Newfoundland and Labrador, as Emergency Medical Responders (EMRs) and Primary Care Paramedics (PCPs), save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.
- 4. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union 764 and MarMic Steel Erectors Limited**
Bargaining Unit
A unit of employees of MarMic Steel Erectors Limited comprising all Ironworkers and Ironworker Apprentices working for the Employer in the Province of Newfoundland and Labrador, save and except Superintendents and those above the rank of Superintendent.

- 5. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 6185 and Labrador West Child Care Inc.**
Bargaining Unit
All employees of Labrador West Child Care Inc. working for the Employer in Labrador City and Wabush, save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.
- 6. Newfoundland and Labrador Association of Public and Private Employees and Choices for Youth (The Lilly)**
Bargaining Unit
A unit of employees of Choices for Youth (The Lilly) comprising all employees save and except non-working supervisors and those above the rank of non-working supervisor for The Lilly situated at 52-58 Bond Street.
- 7. United Brotherhood of Carpenters and Joiners of America, Local 579 and Échafaudage Vermeren Inc.**
Bargaining Unit
A unit of employees of Échafaudage Vermeren Inc. comprising all scaffolders and scaffolder apprentices working for the Employer in the Province of Newfoundland and Labrador.
- 8. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Town of Small Point**
Bargaining Unit
A unit of employees Town of Small Point comprising all employees working as equipment operators/labourers and maintenance personnel for the Town of Small Point, save and except Managers and those above the rank of Manager.
- 9. Unifor Local 597 and Canabo Medical Corporation**
Bargaining Unit
All employees of Canabo Medical Corporation working at 6 Logy Bay Rd, St. John's, NL save and except supervisors and those above the rank of supervisors.