



**LABOUR RELATIONS BOARD**

**ANNUAL REPORT  
2014-15**

28 September 2015

Ms. Sandra Barnes  
Clerk of the House of Assembly  
East Block, Confederation Building

Dear Ms. Barnes:

On Behalf of Minister Hutchings, I am pleased to submit the 2014-15 annual report for the Labour Relations Board, in accordance with Section 9 of the Transparency and Accountability Act. Ten copies of the report are enclosed.

Please feel free to contact me at 729 - 0902 if you have questions.

Respectfully submitted,



GLENN BRANTON  
Chief Executive Officer

Enclosures

# ***TABLE OF CONTENTS***

## **Message from the Chairperson**

<b>Public Body Overview .....</b>	<b>1</b>
<b>Highlights/Accomplishments .....</b>	<b>4</b>
<b>Report on Performance .....</b>	<b>5</b>
<b>    Objectives</b>	
<b>Total new applications filed in 2014-15 (Table).....</b>	<b>9</b>
<b>Opportunities and Challenges .....</b>	<b>10</b>
<b>Appendix I - Financial Statement .....</b>	<b>11</b>
<b>Appendix II - Members of the Board .....</b>	<b>12</b>
<b>Appendix III - Reasons for Decision .....</b>	<b>18</b>
<b>Appendix IV - Judicial Review .....</b>	<b>20</b>
<b>Appendix V - Bargaining Units .....</b>	<b>21</b>



## ***MESSAGE FROM THE CHAIRPERSON***

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2014-15 fiscal year.

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

As of March 31, 2015, 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 (two of each). Generally, the Board schedules quarterly meetings with additional panel meetings as needed. The Board has reviewed and considered applications for certification, applications for revocation, unfair labour practice complaints, successor rights applications and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction such as labour standards reviews and occupational health and safety matters. This year, the Board was given additional responsibilities under the *Public Interest Disclosure and Whistleblower Protection Act*, in addition to its existing responsibilities under the *Labour Relations Act*; *Public Service Bargaining Act*; *Fishing Industry Collective Bargaining Act*; *Teachers' Collective Bargaining Act*; *Interns and Residents Collective Bargaining Act*; *Labour Standards Act*; *Occupational Health and Safety Act*; *Smoke-Free Environment Act, 2005* and *House of Assembly Accountability, Integrity and Administration Act*.

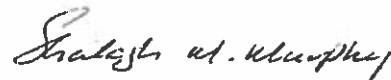
Depending on the circumstances of each case, the Board either decided matters based on the affidavit evidence provided, submissions of parties, and the investigation reports of its Board Officers, or conducted a hearing before making a final decision.

This year also saw amendments to the *Labour Relations Act* and the Board revised its *Rules of Procedure* accordingly.

Further information about the Labour Relations Board can be found at [www.gov.nl.ca/lrb/](http://www.gov.nl.ca/lrb/). This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms, and publications. Based on feedback from the labour relations community, this year the Board has adapted a new policy of placing only signed originals of its decisions in its database.

I would like to thank our administrative staff and the Board members for their hard work and continued professionalism throughout the year. As always, I am honoured to serve as Chair of the Board with this diligent group of people. I look forward to their continued participation in 2015-16.

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



Sheilagh M. Murphy, Q.C.  
Chairperson

# ***PUBLIC BODY OVERVIEW***

## **INTRODUCTION**

The Labour Relations Board is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes: *Labour Relations Act; Public Service 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; and Public Interest Disclosure and Whistleblower Protection Act.*

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

The legislation confers on the Board authority over many important aspects of labour relations. These include the certification of unions to represent employees, the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, as well as unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. During this reporting period, the Board has been assigned responsibilities under the *Public Interest Disclosure and Whistleblower Protection Act* in respect to the determination of a Section 22 reprisal complaint. The Board has exclusive authority to exercise the power conferred upon it in the *Act* in relation to determining questions of fact or law that came before it. It also has the power to reconsider any of its decisions and a privative clause in the *Labour Relations Act* limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

## **MANDATE**

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

#### Resolution of labour relations matters:

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

#### Education:

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

### **VISION**

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

### **Mission (2017)**

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

The mission of the Labour Relations Board is to continue to administer and interpret the legislation with regard to applications brought before the Board. This Board has been in existence for over 60 years and has, like other Labour Boards in Canada, acquired expertise both in its administration and adjudication and considerable effort is expended by the Board and its staff in maintaining a high level of expertise which culminates in a high level of service to its primary clients.

### **STAFF OF THE BOARD**

The administrative staff of the Board is comprised of a Chief Executive Officer, Deputy Chief Executive Officer, three Labour Relations Board Officers and two support staff. The annual expenditures of the Board is \$ 798,796.

The Board's offices are located on the 5<sup>th</sup> Floor of the Beothuck Building, 20 Crosbie Place, St. John's, with hearings held throughout the Province. The Board's hearings room facilities are

located on the 1<sup>st</sup> Floor of the Beothuck Building. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709)729-2707; Fax (709)729-5738.

## STATISTICAL SNAPSHOT

During the year under review, 2014-15, there were a total of 55 new applications filed with the Board and 18 applications were carried forward from the previous year. There were 12 representation votes conducted in applications for certification and revocation of certification applications, with 390 individuals eligible to vote in the elections. The Board considered 47 applications during the period, which culminated in the issuance of 53 Orders of the Board. A total of 42 of those matters were finalized. The Board held 79 days of meetings and/or hearings. Six (6) matters proceeded to a hearing.

The financial statement of the Board is contained in Appendix I. Biographical information on Board members is contained in Appendix II. For a listing of the Reasons for Decision issued by the Board in 2014-15, please see Appendix III. A listing of the applications which were the subject of judicial review can be found in Appendix IV. Descriptions of bargaining units certified by the Board in 2014-15 are shown in Appendix V. All Board decisions dating from 1975 have been made available to our clients via our website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw and CanLII. The Board's website is [www.gov.nl.ca/lrb/](http://www.gov.nl.ca/lrb/)



## ***HIGHLIGHTS/ACCOMPLISHMENTS***

The Board has continued to provide service under its ongoing commitments. In addition to this, during this reporting period, the Board has been assigned responsibilities in terms of determining reprisal complaints under Section 21 and 22 of the *Public Interest Disclosure and Whistleblower Protection Act*. It will allow an individual, in good faith, to file a complaint with the Labour Relations Board where he or she believes they have suffered reprisal as a result of making a disclosure which is protected by the *Act*. As well, there were amendments to the *Labour Relations Act* concerning certification. As a result of the amendment in 2014, an application for certification allows for a secret ballot vote, unless the parties agree it is not necessary.

The annual meeting of Provincial and Federal Labour Relations Boards Chairs and Administrators from across Canada was held in Manitoba in June, 2014. The Chair and CEO of the Board attended and the discussion generated in the sessions proved to be invaluable in keeping the Board apprised of emerging labour relation trends in other jurisdictions.

# **REPORT ON PERFORMANCE**

## **OBJECTIVES**

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

### **ISSUE: PROCESSING APPLICATIONS**

**Objective 1:** By March 31, 2015, the Labour Relations Board will have commenced processing or have processed all applications filed with the Board (processed means completed steps necessary to bring applications before the Board at regular board meetings).

**Measure:** All applications commenced or processed

<b>INDICATORS</b>	<b>ACCOMPLISHMENTS</b>
Number of applications received	55
Number of applications in process	27
Number of applications completed	28

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 14 other applications during 2014-15 which were carried forward from previous years.

The Board met its objective of commencing or completing processing of all applications filed with it during the fiscal year. The Board will report on the above objective and indicators again in 2016.

**ISSUE:     CONSIDERING APPLICATIONS**

**Objective 2:** By March 31, 2015, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings, but will not have necessarily made a final determination with respect to these applications (decisions of the Board are evidenced in the form of orders).

**Measure:**     All processed applications are considered

<b>INDICATORS</b>	<b>ACCOMPLISHMENTS</b>
Number of orders made by the Board at its meetings	53
Number of applications referred to the hearing process	6
Number of hearings scheduled	6
Number of applications considered and deferred	47 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized forty-two (42) matters in the reporting period. Twenty-eight (28) of these were received in 2014-15 and 14 were carried forward from the previous year. The Board considered and referred an additional five (5) applications received in 2014-15 to a hearing. These hearings were not finalized at the end of 2014-15.

In some matters, more than one order was made. Twenty-six (26) orders were issued by the Board at its regular meetings and the Board issued twenty-one (21) orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or Vice-Chair alone. The Board also issued six (6) orders in relation to applications which were referred to hearings.

Six (6) matters were referred to the hearing process and were scheduled during this reporting period. In the reporting year, six (6) matters were heard over 23 days; five (5) of these hearings were in relation to files received by the Board in the previous reporting year; the other matter was referred to a hearing in this reporting year.

**ISSUE: COMMUNICATION**

**Objective 3:** By March 31, 2015, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

**Measure:** Communication

<b>INDICATORS</b>	<b>ACCOMPLISHMENTS</b>
Number of orders issued and number communicated to parties	53
Number of reasons for decision issued and number communicated to parties	9
Number of reasons for decision uploaded to the Board's internet-based decision system	9

There were a total of fifty-three (53) orders issued by the Board in 2014-15 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 nine (9) reasons for decision were issued by the Board in relation to 10 matters and were communicated to the affected parties. Four (4) decisions were issued in matters where hearings were conducted and five (5) were issued as a result of requests from one of the affected parties.

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

**ISSUE: CIRCULATING PUBLICATIONS**

**Objective 4:** By March 31, 2015, the Labour Relations Board will have circulated publications, as necessary, related to Board processes and procedures.

**Measure:** Circulated publications

<b>INDICATORS</b>	<b>ACCOMPLISHMENTS</b>
As necessary, a number of information bulletins, forms and policy circulars distributed and placed on Board's website	Five (5) information bulletins were updated.
Annual Report filed and placed on the Board's website	2013-14 Annual Report placed on the Board's website

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

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

The Board updated five (5) information bulletins in 2014-15. The updates reflect the current legislative environment as it relates to filing applications for certification, unfair labour practices, the role of the Board Officer and use of membership evidence in respect of matters coming before the Board. These documents are available on the Board's website. The Board intends to publish additional information bulletins and/or policy circulars in 2015-16.

**TOTAL NEW APPLICATIONS  
FILED IN 2014-15**

	<b>2014-15</b>
<b><i>Labour Relations Act:</i></b>	
Applications for Certification	18
Applications for Revocation of Certification	0
Termination of Bargaining Rights	0
Unfair Labour Practices	8
Duty of Fair Representation	8
Successorship/Transfer of Business	1
Common Employer	1
Reconsideration of Decision	4
Amendment of Bargaining Unit	0
First Collective Agreement	0
Questions under Section 18 of the Act	
Whether Collective Agreement in effect	2
Whether organization is party to or bound by Collective Agreement	2
Review of Labour Standards Determination	3
Submission by Director of Labour Standards	0
Change of name on Cert./ accred. Order	2
Successor Bargaining Agent	0
Jurisdictional Dispute (Umpire)	0
Alter Terms and Conditions of Employment	0
Unfair Denial of Union Membership	0
 <b><i>Public Service Collective Bargaining Act</i></b>	
Duty of Fair Representation	1
Change of name on Cert./ accred. Order	1
Amendment of bargaining unit	0
Whether Collective Agreement in effect	1
<b><i>Fishing Industry Collective Bargaining Act</i></b>	
Reconsideration of Decision	1
<b><i>Occupational Health and Safety Act</i></b>	
Discriminory Action	1
<b><i>Teachers' Collective Bargaining Act</i></b>	
Appointment of Conciliation Officer	1
<b>TOTAL APPLICATIONS</b>	<b>55</b>

## ***OPPORTUNITIES AND CHALLENGES***

The Board has maintained its practice of scheduling pre-hearing conferences as soon as it has determined that a hearing is necessary in a matter. Those pre-hearing conferences have resulted in significant narrowing of the issues and a general decrease in the number of hearing days scheduled in most cases. However, the Board has experienced an increase in the number of matters that, following a pre-hearing conference, have been set down for a full hearing and then been cancelled or settled by the parties on the eve of the hearing. Cancellation on such short notice results in missed opportunities for the Board to maximize resources through rescheduling other matters.

The Board is challenged to process matters in a timely fashion when parties do not meet required timelines for filing Respondents' replies and Applicants' responses with the Board. The Board continues to review its rules and policies in terms of the acceptance and use of such replies and/or responses.

All of the Board's internal operations have been and continue to be reviewed and analyzed with a view to improving operational efficiency.

Recent legislative changes and developments have expanded the legislative duties and responsibilities of the Board. These changes have provided the Board with an opportunity to further develop our staff and to expand on the educational component of our mandate.

The latter half of 2014-15 saw a significant increase in the number of applications filed with the Board. The increasing complexity of matters coming before the Board continues to keep the work both interesting and challenging.

## ***APPENDIX I - FINANCIAL STATEMENT***

The following information is for the fiscal year: April 1, 2014 to March 31, 2015.

### **Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2015**

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
<b>7.2.01 LABOUR RELATIONS BOARD</b>			
01. Salaries	665,816	714,100	714,100
02. Employee Benefits	2,980	900	900
03. Transportation and Communications	22,662	34,600	34,600
04. Supplies	6,809	8,000	8,000
05. Professional Services	93,182	79,800	79,800
06. Purchased Services	7,347	15,500	15,500
07. Property, Furnishings & Equipment	0	1,800	1,800
<b>Total: Labour Relations Board</b>	<b>798,796</b>	<b>854,700</b>	<b>854,700</b>

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, 2015. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Labour Relations Board is not required to provide a separate audited financial statement.



## ***APPENDIX II - MEMBERS OF THE BOARD***

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

### **SHEILAGH M. MURPHY, Q.C., *Chairperson***

Sheilagh Murphy graduated from the University of New Brunswick with a Bachelor of Laws, and from Memorial University of Newfoundland with a Bachelor of Science and Bachelor of Arts. She has been a member of the Law Society of Newfoundland and Labrador since 1999 and is a former President of the Canadian Bar Association, Newfoundland and Labrador branch. Ms. Murphy practiced with Curtis, Dawe Lawyers from 1999-2012. She has presented at Memorial University of Newfoundland, the Law Society of Newfoundland's Bar Admission Course and published in the *Annual Review of Civil Litigation*. She volunteers with a number of community and professional organizations.

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

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

John Sweetland obtained his Bachelor of Science degree from St. Francis Xavier University and a Bachelor of Law degree from the University of New Brunswick. He has been a member of the Law Society of Newfoundland and Labrador since April 1973. Mr. Sweetland practiced law in Corner Brook in a variety of areas of law, including corporate/commercial, real estate, criminal, family, contract law, workplace health safety and compensation/Canada pension disputes, labour law and administrative law. He is a qualified mediator and has served on several arbitration boards. He has also taught at Grenfell Campus of Memorial University of Newfoundland and Labrador for a period of 12 years.

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

### **BRIAN R. GATIEN, *Vice-Chairperson***

Brian R. Gatien obtained his Bachelor of Commerce (Hons.) in 1974 from Laurentian University, his Master of Business Administration from the Schulich School of Business at York University in 1975, and his law degree from Osgoode Hall Law School in 1978. He also has the designation of Certified Human Resources Professional and was granted an Honourary Life Member in the Human Resources Professionals Association.

Mr. Gatien is a member of the Bars of Ontario, Newfoundland and Labrador and Alberta.

From 1980 to 1985 Mr. Gatien was Director of Negotiations with the Ontario Hospital Association and since 1985 has practiced solely in the field of labour relations law. He has an established labour and employment mediation and arbitration practice in Newfoundland and Labrador and in Alberta. He has also been retained as an independent investigator in workplace harassment and human rights disputes.

Mr. Gatien was appointed Vice-Chair in 2012.

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

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

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

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

Aubrey Drover is the owner of AMD Holdings Ltd., a general contracting firm located in St. John's, Newfoundland. Mr. Drover has an extensive background in construction management, spanning some 42 years. He is past Chairman of the Newfoundland and Labrador Construction Association, past Provincial Vice-Chairman of the Canadian Construction Association and is past Chairperson of the Newfoundland and Labrador Construction Safety Association.

Mr. Drover was appointed to the Labour Relations Board as an alternate employer representative in February 2004 and was reappointed as a regular employer representative in January 2006 for a two-year term. He was reappointed again in June 2011.

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

William (Bill) Parsons entire career has been within the Labour Movement, serving as Vice-President of the Canadian Communications Workers' Union, Organizing Director of Fish, Food and Allied Workers Union and International Representative of the United Steelworkers of America. He is a Past President of the Newfoundland and Labrador Federation of Labour and a Past Vice-President of the Canadian Labour Congress, as well as a Board Member of the Advisory Council on the Economy and member of the Labour Relations Working Group Initiative. Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was also a founding member of the Newfoundland and Labrador Safety Association and continues to promote its work within the construction industry. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was appointed as a regular employee representative in

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

**GRANT BARNES, *Employee Representative (Regular)***

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

Mr. Barnes has been very active in his community in many volunteer positions, including the CBS Lions Club for 20 years in which he held the position of President. He was elected Mayor for the town of Terra Nova in October 2013.

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

**RICHARD WHITE, *Employer Representative (Alternate)***

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

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

**JACQUELINE PENNEY, *Employer Representative (Alternate)***

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

Prior to May 2009, Ms. Penney was a partner with the law firm McInnes Cooper in St. John's,

NL. Since June 2009, Ms. Penney has been Corporate Counsel for Marine Atlantic Inc. Ms. Penney practices primarily in the areas of corporate and commercial law, labour law, maritime law, insurance, pension law and privacy law.

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

**PAUL PIKE, *Employer Representative (Alternate)***

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

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

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

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

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

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

Since his retirement in 2006, John has been consulting in the Human Resources/Labour Relations environment of Newfoundland and Labrador including recent work with Nalcor Energy, SNC-Lavalin, Cliffs Natural Resources, and other organizations.

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

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

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

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

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

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

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

**BRIAN FAREWELL, *Employee Representative (Alternate)***

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

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

**MICHAEL POWER, *Employee Representative (Alternate)***

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

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

## ***APPENDIX III - REASONS FOR DECISION***

The following is a list of Reasons for Decision issued by the Board in the 2014-15 fiscal year showing the file name, date issued, file number, the Chair or Vice-Chair writing the Reasons for Decision on behalf of the Board or panel of the Board and the person writing a Dissent, if any.

1. **Squires Water Well Drilling Inc. and Nicholas Don Hann** dated June 9, 2014. [2014] L.R.B.D. No. 7 (LRB file 5469) (Vice-Chair Sweetland)
2. **Peter McLaughlin and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 and Securitas Canada Limited/ Securitas Canada Limitée** dated September 25, 2014. [2014] L.R.B.D. No. 8 (LRB file 5472) (Chair Murphy)
3. **Canadian Union of Public Employees, Local 5120 and MVT Canadian Bus, Inc., carrying on business under the name and style of St. John's GOBUS** dated October 15, 2014. [2014] L.R.B.D. No. 9 (LRB file 5466) (Chair Murphy)
4. **Communications, Energy and Paperworkers Union of Canada, Local 2121 and Hibernia Management and Development Company Limited and Hibernia Platform Employers' Organization and Baker Hughes Canada – Drilling Systems Division and Baker Hughes Canada – Completions Division and Belfor Property Restoration and Crosbie Salamis and Halliburton Canada Corp. and Import Tool Corporation Ltd. and Newfoundland and Labrador Association of Quality Personnel and Production Services Network and Spectrol Energy Services Inc. and TAM International Oil Services Ltd. and Vallourec Canada Inc.** dated October 23, 2014. [2014] L.R.B.D. No. 10 (LRB file 5280/5425) (Chair Murphy) (Dissent: Member Parsons)
5. **United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 7144 and Rambler Metals and Mining Canada Limited and Lloyd Mitchell** dated October 27, 2014. [2014] L.R.B.D. No. 11 (LRB file 5473) (Vice-Chair Sweetland)
6. **United Brotherhood of Carpenters and Joiners of America, Local 579 and Ravencor Projects Inc.** dated November 14, 2014. [2014] L.R.B.D. No. 12 (LRB file 5457) (Chair Murphy)
7. **Dr. Sherry Mantyka and Memorial University of Newfoundland Faculty Association and Memorial University of Newfoundland** dated January 29, 2015. [2015] L.R.B.D. No. 1 (LRB file 5485) (Chair Murphy)

8. **United Brotherhood of Carpenters and Joiners of America, Millwrights Union Local 1009 and Ravencor Projects Inc.** dated February 11, 2015. [2015] L.R.B.D. No. 2 (LRB file 5492) (Chair Murphy)
9. **Securitas Canada Limited and Peter McLaughlin and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342** dated March 31, 2015. [2015] L.R.B.D. No. 3 (LRB file 5507/5511) (Chair Murphy)



## ***APPENDIX IV - JUDICIAL REVIEW***

### **ACTIVITY ON 2014-15 MATTERS AND PRIOR**

There were no court cases decided in 2014-15 which reviewed decisions or proceedings of the Board.

1. **United Brotherhood of Carpenters and Joiners of America, Local 579 v. John Lush and Humber Valley Construction Limited (2008 T No. 3120) (LRB file 5005).** *The applicant filed a Notice of Discontinuance with the court.*

### **CASES OUTSTANDING**

The following applications were before the Court at the end of 2014-15:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB file 4645)**
2. **The Director of Labour Standards v. The Labour Relations Board and The Fish, Food and Allied Workers Union (FFAW/CAW) and Ocean Choice International L.P. (2013 01G 2642) (LRB file 5422)**
3. **Ocean Choice International L.P. v. The Fish, Food and Allied Workers Union (FFAW/CAW) and The Director of Labour Standards and The Labour Relations Board (2013 01G 3135) (LRB file 5422)**
4. **United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 v. Peter McLaughlin and Securitas Canada Limited (2015 01G 0926) (LRB Files 5472, 5507 and 5511)**

## ***APPENDIX V - BARGAINING UNITS***

### **CERTIFICATION ORDERS ISSUED IN 2014-15**

#### ***Labour Relations Act***

1. **Transport & Allied Workers Union, Teamsters Local 855, affiliated with the International Brotherhood of Teamsters and Integrated Logistics (NL) Ltd.**

#### **Bargaining Unit**

A unit of employees of Integrated Logistics (NL) Ltd. comprising all employees of Integrated Logistics (NL) Ltd. working at the Long Harbour site save and except managers, office staff, non-working supervisors and those above the rank of non-working supervisor.

2. **International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE), Local 709 and Republic Season 6 Inc.**

#### **Bargaining Unit**

A unit of employees of Republic Season 6 Inc. comprising all Motion Picture Technicians employed by Republic Season 6 Inc. in the Province of Newfoundland and Labrador as Animal Wrangler, Costumes, Craft Service, Diving, Greens, Grip, Hair, Lighting, Make-up, Marine, Props, Scenic Paint, Script Supervision, Set Construction, Set Decoration, Sound, Special Effects and Transportation, save and except non-working supervisors and those above the rank of non-working supervisor.

3. **International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist, and Allied Crafts of the United States, Its Territories and Canada (IATSE), Local 671 and Republic Season 6 Inc.**

#### **Bargaining Unit**

A unit of employees of Republic Season 6 Inc. comprising all Motion Picture Technicians employed by Republic Season 6 Inc. in the Province of Newfoundland and Labrador as Publicists, Photographers, Camerapersons, and Camera Technicians, save and except non-working supervisors and those above the rank of non-working supervisor.

4. **United Brotherhood of Carpenters and Joiners of America, Millwrights Union Local 1009 and Ravencor Projects Inc.**

**Bargaining Unit**

A unit of employees of Ravencor Projects Inc. working as Millwrights, Millwright Apprentices, Millwright Welders, and Machinists at Corner Brook Pulp and Paper Limited in Corner Brook, Newfoundland and Labrador save and except non-working foremen and those above the rank of non-working foreman.

5. **Newfoundland and Labrador Association of Public and Private Employees and Tiffany Village Retirement Residence Partnership**

**Bargaining Unit**

A unit of employees of the Tiffany Village Retirement Residence Partnership comprising all employees save and except the Owner, Registered Nurses, Non-Working Supervisors and those above the rank of Non-Working Supervisors.

6. **Fish, Food and Allied Workers (FFAW-Unifor) and Atlantic Safety Centre Inc.**

**Bargaining Unit**

A unit of employees of Atlantic Safety Centre Inc. comprising all employees of Atlantic Safety Centre Inc. working at the Long Harbour site save and except managers, office staff, non-working supervisors and those above the rank of non-working supervisor.

7. **Transport and Allied Workers Union, Teamsters Local 855, affiliated with the International Brotherhood of Teamsters and Bill Matthews Autohaus Limited**

**Bargaining Unit**

A unit of employees of Bill Matthews Autohaus Limited comprising all employees of Bill Matthews Autohaus Limited working as Automotive Technicians and Technician Apprentices at its Kenmount Road, St. John's, NL location save and except all other persons employed by the company, managers, non-working supervisors and those above the rank of non-working supervisor.

8. **United Brotherhood of Carpenters and Joiners of America, Local 579 and A B A Maintenance & Contracting Ltd.**

**Bargaining Unit**

A unit of employees of A B A Maintenance & Contracting Ltd. comprising all working Carpenter Foreman, Carpenters, Carpenter Apprentices, Carpenter Helpers, Scaffolders and Scaffer Apprentices working for the Employer in the Province of Newfoundland and Labrador.