



**LABOUR RELATIONS BOARD**

**ANNUAL REPORT  
2009-10**

## ■ **TABLE OF CONTENTS**

**Message from the Chairperson**

<b>Public Body Overview .....</b>	<b>1</b>
<b>Highlights/Accomplishments .....</b>	<b>4</b>
<b>Activities .....</b>	<b>5</b>
<b>Total new applications filed in 2009-10 (Table).....</b>	<b>9</b>
<b>Opportunities and Challenges .....</b>	<b>10</b>
<b>Financial Statement.....</b>	<b>11</b>
<b>Appendix I - Members of the Board .....</b>	<b>12</b>
<b>Appendix II - Reasons for Decision .....</b>	<b>18</b>
<b>Appendix III – Judicial Review.....</b>	<b>20</b>
<b>Appendix IV - Bargaining Units .....</b>	<b>22</b>

## ■ **MESSAGE FROM THE CHAIRPERSON**

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2009-10 fiscal year. The Board is accountable for the results reported in this report.

The Newfoundland and Labrador Labour Relations Board is an independent, specialized, quasi-judicial body which plays a crucial role in contributing to and promoting harmonious labour relations in the Province.

This year the Board has consisted of a Chairperson, 2 Vice-Chairpersons, 4 regular Board Members and 8 alternate members. The Board members are in numbers equally representative of employers and employees. The Board meets regularly, generally on a monthly basis or more frequently as needed, to review and determine applications for certification, applications for revocation, unfair labour practice complaints, successor rights, the imposition of first collective agreements, and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction.

The Board decides matters based on the submissions of parties, as well as the investigation reports of its Board Officers. The Board may determine that a hearing is necessary for the purpose of making a final determination with respect to a matter.

The Labour Relations Board's primary objectives include fair and efficient processing of applications and rendering decisions which are clear, consistent and in accordance with sound legal principles. We are very fortunate to have a highly dedicated and professional staff to assist in achieving our objectives and administering the legislation.

Further information about the Labour Relations Board can be found at our website. This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms and publications. The website also contains the Board's Activity Plan for the 2008-2011 fiscal years which was developed in accordance with the *Transparency and Accountability Act*.

I would like to thank our Vice Chairpersons and Board members for their hard work and continued professionalism with respect to Board matters throughout the year. I also thank our Chief Executive Officer and Deputy Chief Executive Officer, Board Officers and Staff for their continued dedication and contribution to the Board. I am honoured to serve as Chair of the Board with this diligent group of people and look forward to their continued participation in 2010-11.



Sheilagh M. Murphy  
Chairperson

## ■ **PUBLIC BODY OVERVIEW**

### **INTRODUCTION**

The Labour Relations Board is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes: *Labour Relations Act; Public Service Collective Bargaining Act; Fishing Industry Collective Bargaining Act; Teachers' Collective Bargaining Act; Interns and Residents Collective Bargaining Act; Labour Standards Act; Occupational Health and Safety Act; Smoke-Free Environment Act, 2005* and *House of Assembly Accountability, Integrity and Administration Act*.

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

The legislation confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. The Board has the exclusive authority to exercise the power conferred upon it and to determine all questions of fact or law that arise. It also has the power to reconsider any of its decisions and a privative clause in the *Labour Relations Act* limits the scope of judicial review. It is also entitled to determine its own practices and procedures and to make rules prescribing the procedures to be followed in respect of the administrative functions of the Board.

### **MANDATE**

The primary mandate of the Board is to resolve labour relations and employment matters 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:

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

Education:

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

## **VISION**

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

## **VALUES**

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

## **MISSION**

The mission of the Board is to continue to administer and interpret the legislation with regard to applications brought before the Board. This Board has been in existence for over 50 years and has, like other Labour Boards in Canada, acquired expertise both in its administration and adjudication and considerable effort is expended by the Board and its staff in maintaining a high level of expertise which culminates in a high level of service to its primary clients. The Board serves employers, organizations, employees and unions in Newfoundland and Labrador covered by the legislation administered by the Board and primarily oversees the acquisition and exercise of collective bargaining rights and the promotion of sound labour relations in a fair and transparent manner.

## **STAFF OF THE BOARD**

The administrative staff of the Board comprises a Chief Executive Officer, Deputy Chief Executive Officer, three Labour Relations Board Officers and three support staff. The annual budget (excluding lease payments) of the Board is approximately \$900,000.

The Board's offices are located on the 5<sup>th</sup> Floor of the Beothuck Building, Crosbie Place, St. John's, with hearings held throughout the Province. The Board hearings room facilities are located on the 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, 2009-10, there were a total of 67 new applications filed with the Board and 121 applications were carried forward from the previous year. There were 14 representation votes conducted in applications for certification, termination of bargaining rights applications and transfer of business applications in the health care sector, with 1165 individuals eligible to vote in the elections. The Board considered 148 applications during the period, which culminated in the issuance of 164 Orders of the Board. A total of 144 of those matters were finalized. The Board held 25 days of meetings. A total of seven matters proceeded to a hearing.

Biographical information on Board members is contained in Appendix I. For a listing of the Reasons for Decision issued by the Board in 2009-10, please see Appendix II. A listing of the applications which were the subject of judicial review can be found at Appendix III. Descriptions of bargaining units certified by the Board in 2009-10 are shown in Appendix IV. All Board decisions dating from 1975 have been made available to our clients via our website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw and CanLII. The Board's website is [www.gov.nl.ca/lrb/](http://www.gov.nl.ca/lrb/)

## ■ ***HIGHLIGHTS/ACCOMPLISHMENTS***

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

The Board availed of professional development opportunities in the reporting period. The Chair of the Board attended a Decision Writing Conference held by the Canadian Institute. The Deputy CEO completed the final course (Change Management) to attain the Queen's Certificate in Labour Relations from the Industrial Relations Centre of Queen's University.

We are pleased to announce that we have completed recruitment of two Board Officer positions. Ms. Cavell Boone and Mr. Dennis Strickland have accepted the positions. The Board reconfigured its office space to enable all of the staff to be housed in one area. This was considered by the Board to be vital in order to facilitate the transfer of knowledge from existing long-term employees to the newer staff members.

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

The Board has continued to process its applications in a timely manner, providing excellent service to its clients. The Board has continued to conduct hearings and meetings, and produced orders and reasons for decision.

The Board's website has been updated and improved providing clients with enhanced accessibility to pertinent information and application forms which may be downloaded. A link to the Board's Decision Search System gives clients immediate access to written decisions of the Board dating from a current date to decisions rendered since 1975. Links to Board publications such as annual reports, activity plans, information bulletins and to Labour Relations Boards in other jurisdictions of the country are also available on the website.

The Board issued three new Information Bulletins in 2009-10 which give detailed information on filing applications or complaints and how the Board handles such applications in the areas of Revocation of Certification or Termination of Bargaining Rights, the Duty of Fair Representation and Unfair Labour Practices. These Information Bulletins are available on the Board's website.

## ■ **ACTIVITIES**

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

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

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

### **ISSUE: PROCESSING APPLICATIONS**

**Objective 1:** By March 31, 2010, the Labour Relations Board will have commenced processing or processed all applications filed with the Board. (Processed means completed steps necessary to bring applications before the Board at regular board meetings).

**Measure:** All applications commenced or processed

<b>INDICATORS</b>	<b>ACCOMPLISHMENTS</b>
Number of applications received	67
Number of applications in process	28
Number of applications completed	39

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 105 other applications during 2009-10 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.

## **ISSUE:      CONSIDERING APPLICATIONS**

**Objective 2:** By March 31, 2010, 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	164
Number of applications referred to the hearing process	9
Number of hearings scheduled	9
Number of applications considered and deferred	148 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized 144 matters in the reporting period, 39 of these were received in 2009-10 and 105 were carried forward from the previous year. The Board considered an additional four applications which were not finalized at the end of 2009-10 as they were referred to a hearing. All four matters were received in 2009-10.

It is important to note that in some matters more than one order was made. 150 orders were issued by the Board at its regular meetings and the Board issued eight orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or a Vice-Chair alone. The Board also issued six orders in relation to applications which were referred to hearings.

While nine matters were referred to the hearing process and scheduled during the reporting period, the Board actually conducted hearings into seven matters over five days. Four of those matters were consolidated and were a continuation of a hearing commenced in the previous fiscal year. The other three matters were referred to a hearing in the reporting period.

**ISSUE: COMMUNICATION**

**Objective 3:** By March 31, 2010, 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	164
Number of reasons for decision issued and number communicated to parties	13
Number of reasons for decision uploaded to the Board's internet-based decision system	13

There were a total of 164 orders issued by the Board in 2009-10 and all were communicated to the parties. Reasons for decision are issued by the Board only when requested by one of the parties to the application or where a hearing has been conducted into an application. A total of 13 reasons for decision were issued by the Board in relation to 16 matters and were communicated to the affected parties. Six reasons for decision were issued in matters where hearings were conducted and seven were as a result of requests from one of the affected parties.

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

**ISSUE: CIRCULATING PUBLICATIONS**

**Objective 4:** By March 31, 2010, 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, number of information bulletins and policy circulars distributed and placed on Board's website	3
Annual Report filed and placed on the Board's website	2008-09 Annual Report placed on the Board's website

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

The Board continues its efforts to educate its clients and the public on the various processes of the Board through the preparation and issuance of information bulletins. These describe the numerous applications which the Board is responsible to deal with and explain the Board's procedures in the handling of such applications and complaints, reflecting the current procedures and policies of the Board. This activity will increase public awareness and improve understanding of the Board's role in labour relations matters.

The Board issued three new Information Bulletins in 2009-10. These give detailed information on filing applications or complaints and the Board's handling of such applications in the areas of Revocation of Certification or Termination of Bargaining Rights, the Duty of Fair Representation and Unfair Labour Practices. These Information Bulletins are available on the Board's website. It is expected that further progress will be made in this area in 2010-11.

**TOTAL NEW APPLICATIONS  
FILED IN 2009-10**

**2009-10**

***Labour Relations Act:***

Applications for Certification	13
Applications for Revocation of Certification	
Termination of Bargaining Rights	3
Unfair Labour Practices	7
Duty of Fair Representation	6
Successorship/transfer of business	6
Common Employer	1
Reconsideration of Decision	2
Amendment of Bargaining Unit	2
Questions under Section 18 of the Act	6
Review of labour standards determination	1
Access to Remote Site	0
Successor bargaining agent	2
Jurisdictional Dispute (Umpire)	0
Alter terms and conditions of employment	0

<b><i>Public Service Collective Bargaining Act</i></b>	16
<b><i>Fishing Industry Collective Bargaining Act</i></b>	0
<b><i>Occupational Health and Safety Act</i></b>	2
<b><i>Teachers' Collective Bargaining Act</i></b>	0

TOTAL APPLICATIONS    67

## ■ **OPPORTUNITIES AND CHALLENGES**

The Board is pleased to announce that we hosted the Annual Conference of Chairs and Administrators of Labour Relations Boards across Canada in July 2009. This required extensive preparation and planning and we are proud to say that all of the hard work paid off with a very successful conference which was attended by over 30 officials from across the country.

The Board will continue to process its applications in a timely fashion, striving to provide excellent services to its clients. The increasing complexity of matters coming before the Board continues to present a demand on our scarce resources.

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

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

A recent amendment to the *Labour Relations Board Rules of Procedure* provided the Board with the power to dispose of files which have been inactive for over a year by notifying the affected parties of its intent to consider the matter withdrawn or abandoned. The clerical staff have worked diligently to design a system to successfully track the numerous files which have been inactive for a number of years and have them brought forward to the Board for completion at the end of the notification period. This will continue to be done on an ongoing basis.

Professional development of the Board Officers and staff is viewed as being critical to the continued success of the Board in the face of upcoming retirements of personnel. The Board continues to strive to deal with succession planning issues.

All of the Board's internal operations are being reviewed and analyzed with a view to producing an Operations Manual outlining the various steps in each of the Board's processes. Significant work has already been done on the development of this and other operational tools to assist staff to carry out the day-to-day administrative functions of the Board. This task is a work in progress and certain components have been completed in the reporting period and have proven to be extremely beneficial in carrying out the work of the Board.

## ■ **FINANCIAL STATEMENT**

The following information is for the fiscal year, April 1, 2009 to March 31, 2010.

### **Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2010**

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
<b>7.1.05. LABOUR RELATIONS BOARD</b>			
01. Salaries	604,688	628,200	658,200
02. Employee Benefits	1,795	2,600	900
03. Transportation and Communications	28,277	32,300	40,800
04. Supplies	4,992	5,400	4,700
05. Professional Services	172,130	172,700	154,200
06. Purchased Services	21,407	24,800	35,500
07. Property, Furnishings & Equipment	<u>994</u>	<u>2,000</u>	<u>2,000</u>
	<b><u>834,283</u></b>	<b><u>868,000</u></b>	<b><u>896,300</u></b>
02. Revenue – Provincial	<b><u>(13,085)</u></b>	<b><u>(20,000)</u></b>	<b><u>(20,000)</u></b>
<b>Total: Labour Relations Board</b>	<b><u>821,198</u></b>	<b><u>848,000</u></b>	<b><u>876,300</u></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, 2010. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Labour Relations Board is not required to provide a separate audited financial statement.

## ■ **APPENDIX I - MEMBERS OF THE BOARD**

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

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

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

Ms. Murphy was appointed to the position of Vice-Chairperson of the Labour Relations Board in July 2007 for a five-year term. On May 3, 2009, Ms. Murphy was appointed to the position of Chairperson of the Board on an interim basis. In addition to her duties as Chair of the Board, she has an active legal practice with Curtis, Dawe in St. John's.

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

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

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

### **KARL R. S. INDER, Q.C., *Vice-Chairperson***

Karl Inder obtained his Bachelor of Arts degree from the Universite de Moncton in 1981 and a Bachelor of Laws Degree from the Ecole de Droit de l'Universite de Moncton in 1984. He has been a member of the Law Society of Newfoundland and Labrador since 1985 and practised law in St. John's for several years before returning to his hometown of Grand Falls-Windsor where he currently carries on a general practice in partnership with Mark Griffin under the firm name of Inder & Griffin. Apart from his considerable community involvement, Mr. Inder has served as a Panel Adjudicator with the Human Rights Commission and has served three terms as a Bencher of the Law Society of Newfoundland and Labrador. Mr. Inder is a past Vice-President –

Newfoundland and Labrador of Atlantic Legal Associates and currently serves as a Vice-President – Newfoundland and Labrador of the Atlantic Provinces Trial Lawyers Association and is a long-standing Director of the Environment Resources Management Association. He is also past President of the Rotary Club of Grand Falls-Windsor and was appointed Queen's Counsel in 2008.

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

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

Geralyn Hansford is Director with Bell Aliant in St. John's, Newfoundland, and in that position, she is responsible for all sales and service in Atlantic Canada. She has an extensive background in the labour relations field within her organization over the past 30 years.

Ms. Hansford was appointed to the Labour Relations Board as a regular employer representative in March 2005 for a two-year term.

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

Aubrey Drover is the owner of AMD Holdings Ltd., a general contracting firm located in St. John's, Newfoundland. Mr. Drover has an extensive background in construction management, spanning some 35 years. He is past Chairman of the Newfoundland and Labrador Construction Association, past Provincial Vice-Chairman of the Canadian Construction Association and is past Chairperson of the Newfoundland and Labrador Construction Safety Association.

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

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

William Parsons has over 30 years experience in the labour movement, serving as Vice-President of the Canadian Communications Workers' Union, Organizing Director of Fish, Food and Allied Workers Union and International Representative of the United Steelworkers of America. He is a Past President of the Newfoundland and Labrador Federation of Labour and Past Vice-President of the Canadian Labour Congress, as well as a Board Member of the Advisory Council on the Economy and member of the Labour Relations Working Group Initiative.

Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was reappointed as a regular employee representative in December 1995, January 1998, January 2000, January 2002, January 2004 and January 2006 for two-year terms.

**DAVID CURTIS, *Employee Representative (Regular)***

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

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

**NADA BORDEN, *Employer Representative (Alternate)***

Nada Borden graduated from Memorial University of Newfoundland with a B.Voc.Ed. degree in 1977 and obtained her Certified General Accountant designation, CGA, in 1991. She has retired from the College of the North Atlantic where she taught in the Business Administration program. Ms. Borden is President of the Canadian School Boards Association and serves as trustee of the Western School District Board.

Ms. Borden was appointed to the Labour Relations Board as an alternate employer representative in April 2006 for a two-year term.

**GEORGE KEAN, *Employee Representative (Alternate)***

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

Mr. Kean was appointed to the Labour Relations Board as an alternate employee representative in 1998 and was reappointed in February 2002, February 2004 and April 2006 for two-year terms.

**JOHN F. PEDDLE**, *Employer Representative (Alternate)*

John F. Peddle is the Executive Director of the Newfoundland and Labrador Health Boards Association, a position he has held since 1995. Prior to this, he was Director of Labour Relations with the Association from 1976. Mr. Peddle has advised Employers, in both the public and private sectors, in collective bargaining and other labour relations and human resource issues for over thirty-five (35) years. Since the formation of the Newfoundland and Labrador Employers' Council, Mr. Peddle has been actively involved with Council both as an Executive member and Director, including two (2) terms as Chair. He currently chairs the Labour Policy Committee of Council. He is also President of AMP Associates (88) Ltd.

Mr. Peddle graduated from Memorial University in 1971 with a B.Comm., majoring in Industrial Relations and Human Resources. He was appointed to the Labour Relations Board as an alternate employer representative in August 2000 and was reappointed in August 2002 for a two-year term. His term expired in August 2004 and he was again appointed to the Board in April 2005 for a two-year term.

**RAYMOND REID**, *Employee Representative (Alternate)*

Raymond Reid has been a Firefighter with the City of Corner Brook Fire Department for 28 years, and recently retired from that position. He has been involved with the International Association of Firefighters for approximately 26 years, and is past President of Local 1222 of the Firefighters' Association. He is also past President of the Atlantic Provinces Professional Firefighters' Association.

Mr. Reid was first appointed to the Labour Relations Board as an alternate employee representative in 1989 and has been reappointed since then for consecutive two-year terms, his last appointment being in April 2006.

**NANCY RICHE**, *Employee Representative (Alternate)*

Nancy Riche is a committed, courageous champion of workers' rights. Involved for decades, she has broken new ground for women within the labour movement and attained one of its highest positions, Secretary Treasurer of the Canadian Labour Congress. Respected by business and labour leaders alike, she tackled issues such as racism and discrimination in the workplace, maternal and paternal leave and accessible quality childcare. Former Vice-President of the International Confederation of Free Trade Unions, she represented more than 62 million women

at meetings organized by numerous international bodies, including the World Trade Organization.

Ms. Riche was appointed to the Labour Relations Board as an alternate employee representative in February 2004 and April 2006 for two-year terms.

**DONALD SINGLETON, *Employer Representative (Alternate)***

Donald Singleton worked in the construction industry and then in the fishing industry until the groundfish moratorium was declared in the early 90s. In 1993, he applied to attend Law School at the University of New Brunswick and was accepted as a mature student. His education was subsidized by the TAGS program, which provided retraining to displaced fishery workers. He graduated from Law School in 1996 and was called to the Bar in 1997. He has carried on a general law practice in Goose Bay ever since.

Mr. Singleton was appointed to the Labour Relations Board as an alternate employer representative in April 2005 for a two-year term. Mr. Singleton resigned from the Board in June, 2009.

**MARILYN TUCKER, *Employer Representative (Alternate)***

Marilyn Tucker is the Director of Business with the Newfoundland and Labrador Business Coalition Inc. Prior to that, she was President of the Newfoundland and Labrador Employers' Council; Vice President of Operations with the Enterprise Network Incorporated; Development Coordinator with the Humber Valley Development Association; and Cost Accountant with Marystown Shipyard Limited. In her position with the Employers' Council, she was actively involved as an advocate, information provider and advisor for member employers in matters that affect the employment relationship. Ms. Tucker has also served as an Executive member with both the Clarenville Area, and the Deer Lake Area Chambers of Commerce.

Ms. Tucker was educated at Memorial University of Newfoundland and at the Society of Management Accountants of Ontario. She was appointed to the Labour Relations Board as an alternate employer representative in February 2004 and April 2006 for two-year terms. Ms. Tucker resigned from the Board effective on August 14, 2009.

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

David Wade began his career in labour relations 30 years ago. He was elected Business Manager of the Ironworkers Union for Newfoundland and Labrador, Local 764 in 1978. Throughout this time he has been elected by his peers to serve in a number of other capacities: President of the Newfoundland and Labrador Building and Construction Trades Council, Secretary of the Newfoundland and Labrador Oil Development Allied Trades Council and

President of the Petroleum Development Association. He has served on the Apprenticeship Board for the Province and three times appointed to the Labour Relations Board. He was a member of the Ironworkers Advisory Committee for the Province and served on the Executive Board of the National Ironworkers Sectoral Adjustment Services Apprenticeship Committee representing Atlantic Canada and Quebec. He was Vice-President of the Ironworkers District Council of Eastern Canada. Mr. Wade is currently a member of the Atlantic Labour market Information Committee and serves on the Board of Directors of the parent organization; the Construction Sector Council of Canada.

In October, 2000, after serving 23 years with the Ironworkers local union in this Province, he was appointed General Organizer servicing Atlantic Canada. In November 2004, he assumed the position of Executive Director of the Newfoundland and Labrador Building and Construction Trades Council. Mr. Wade was appointed to the Labour Relations Board as a regular employee representative in February 2001 for a two-year term. In February 2003 and April 2005, he was appointed as an alternate employee representative for two-year terms.

## ■ **APPENDIX II - REASONS FOR DECISION**

The following is a list of Reasons for Decision issued by the Board in the 2009-10 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. Christine A. Fagan and Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Brook Enterprises Inc. dated May 19, 2009. [2009]L.R.B.D. No. 6 (LRB file 4645) (former Chair Oakley)
2. Newfoundland and Labrador Association of Public and Private Employees and Her Majesty the Queen in Right of Newfoundland and Labrador (represented by Treasury Board) and The Board of Governors of the College of the North Atlantic dated May 22, 2009. [2009]L.R.B.D. No. 7 (LRB file 5122) (Chair Murphy)
3. Fish, Food and Allied Workers Union (FFAW) and Fishery Products International Limited dated June 5, 2009. [2009]L.R.B.D. No. 8 (LRB file 5034) (Vice-Chair Sweetland)
4. United Brotherhood of Carpenters and Joiners of America, Local 579 and Chimo Construction Management Limited dated July 22, 2009. [2009]L.R.B.D. No. 9 (LRB file 5192) (Chair Murphy)
5. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Transcontinental Newfoundland and Labrador Media Group GP and The Telegram – A Division of Transcontinental Media Inc. and United Food and Commercial Workers, Local 1252 dated August 27, 2009. [2009]L.R.B.D. No. 10 (LRB file 5194) (Chair Murphy)
6. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Transcontinental Newfoundland and Labrador Media Group GP and The Telegram – A Division of Transcontinental Media Inc. and United Food and Commercial Workers, Local 1252 dated October 2, 2009. [2009]L.R.B.D. No. 11 (LRB file 5198) (Chair Murphy)
7. Fish, Food and Allied Workers Union and Carino Company Limited dated November 2, 2009. [2009]L.R.B.D. No. 12 (LRB files 5024, 5028, 5032) (Vice-Chair Sweetland)

8. Antonius L. Kelly and Newfoundland and Labrador Association of Public and Private Employees and Her Majesty the Queen in Right of Newfoundland and Labrador as Represented by Treasury Board (Department of Government Services) dated November 2, 2009. [2009]L.R.B.D. No. 13 (LRB file 5157) (Vice-Chair Inder)
9. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Allied Constructors Inc. dated November 4, 2009. [2009]L.R.B.D. No. 14 (LRB file 5193) (Vice-Chair Inder)
10. Newfoundland and Labrador Association of Public and Private Employees and Health and Community Services – Central Region and Central West Health Corporation and Her Majesty the Queen in Right of Newfoundland and Labrador, as represented by Treasury Board and Association of Allied Health Professionals and Central Regional Health Authority and Newfoundland and Labrador Nurses’ Union dated February 23, 2010. [2010]L.R.B.D. No. 1 (LRB file 5140) (Chair Murphy)
11. Robert Conway and Fish, Food and Allied Workers Union (FFAW/CAW) and Molson Canada 2005 dated March 10, 2010. [2010]L.R.B.D. No. 2 (LRB file 5223) (Chair Murphy)
12. United Food and Commercial Workers, Local 1252 and Cambridge Estates (2004) Inc. dated March 26, 2010. [2010]L.R.B.D. No. 3 (LRB files 5249; 5255) (Chair Murphy)
13. Ira Clarke, Ira Clarke Hair Design and Susan Hiscock dated March 30, 2010. [2010]L.R.B.D. No. 4 (LRB file 5262) (Vice-Chair Sweetland)

## ■ **APPENDIX III - JUDICIAL REVIEW**

### ◆ **ACTIVITY ON 2009-10 MATTERS AND PRIOR**

The following are court cases decided in 2009-10 which reviewed decisions or proceedings of the Board.

1. Bluebird Investments Limited v. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 (2008 01T 2906) (LRB files 5042, 5103)
2. Locke's Electrical Ltd. v. Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 (2009 01T 0236) (LRB files 5043, 5087)
3. Kevin Burke v. Newfoundland and Labrador Association of Public and Private Employees and Memorial University of Newfoundland (2010NLCA12) (LRB file 5142)

### ◆ **CASES OUTSTANDING**

The following applications were before the Court at the end of 2009-10:

1. United Food and Commercial Workers, Local 1252 v. Cabot Call Centre Inc. and/or Special Projects Unit Call Centre Inc., et al. (2001 01T 0408) (LRB files 712:2814, 118:517)
2. Cabot & Sons Fish Co. Ltd. v. Fish Food and Allied Workers (2008 No. 38) (Court of Appeal) (LRB file 5128)
3. Locke's Electrical Ltd. v. Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 (2007 01T 3603) (LRB file 5043)
4. Labourers International Union, Local 1208. v. Transcontinental Newfoundland and Labrador Media Group General Partners and The Telegram- A division of Transcontinental Media Inc. and United Food and Commercial Workers, Local 1252 (2009 01T 2736) (LRB file 5198)

5. Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208. (2009 04T 0382) (LRB file 4645)
6. Fish, Food and Allied Workers Union (FFAW/CAW) v. Robert Conway and Molson Canada 2005. (2010 01T 1003) (LRB file 5223)
7. Labourers International Union, Local 1208. v. Transcontinental Newfoundland and Labrador Media Group General Partners and The Telegram- A division of Transcontinental Media Inc. and United Food and Commercial Workers, Local 1252 (2010 01T 1182) (LRB file 5194)
8. Bluebird Investments Limited v. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 (2010 01H 0017) Court of Appeal (LRB files 5042, 5103)
9. Locke's Electrical Ltd. v. Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 (2010 01H 0058) Court of Appeal (LRB files 5043, 5087)

## ■ **APPENDIX IV - BARGAINING UNITS**

### **CERTIFICATION ORDERS ISSUED IN 2009-10**

#### ◆ ***Labour Relations Act***

1. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 9508 and Vale Inco Newfoundland & Labrador Limited.

#### Bargaining Unit

A unit of all office, clerical and technical employees of Vale Inco Newfoundland & Labrador Limited in Voisey's Bay and Happy Valley-Goose Bay, Newfoundland and Labrador, save and except Aboriginal Affairs Coordinator, Aboriginal Employment Coordinators, Administrative Assistant, Exploration Assistants, Mine Planners, Metallurgists, Contract Specialist, Emergency Response Team Coordinator, Human Resources Generalists, Human Resources Assistants, Senior Chemist, non-working supervisors and those above the rank of non-working supervisor; and those employees included in the bargaining unit described in the certification order of the Board dated August 8, 2005 (Board Order #4928).

2. Teaching Assistants' Union of Memorial University of Newfoundland (TAUMUN) and Memorial University of Newfoundland.

#### Bargaining Unit

A unit of employees of Memorial University of Newfoundland comprising all graduate students employed as graduate teaching assistants, graduate assistants and graduate research assistants at the St. John's Campus of Memorial University of Newfoundland.

3. Transport and Allied Workers Union, Local 855, affiliated with the International Brotherhood of Teamsters and Western Logging Limited.

#### Bargaining Unit

A unit of employees of Western Logging Limited comprising all employees save and except Office Staff, Managers, non-working supervisors and those above the rank of non-working supervisor.

4. United Food and Commercial Workers, Local 1252 and Mount Patricia Cemetery Association.

Bargaining Unit

A unit of employees of Mount Patricia Cemetery Association comprising all employees save and except Custodian, non-working supervisors and those above the rank of non-working supervisor.

5. International Brotherhood of Electrical Workers, Local 2330 and Johnson Controls LP.

Bargaining Unit

A unit of employees of Johnson Controls LP comprising all electricians and electrical apprentices working for the Employer in the Province of Newfoundland and Labrador.

6. International Union of Operating Engineers, Local 904 and Mammoet Canada Eastern Ltd.

Bargaining Unit

A unit of employees of Mammoet Canada Eastern Ltd. comprising all employees employed in the Province of Newfoundland and Labrador in the operation of heavy and hoisting equipment, save and except those who are covered by collective agreements with other unions, office staff, superintendents and those above the rank of superintendent.

7. Hotel and Restaurant Workers Union, Local 779 and Sodexo Canada Limited.

Bargaining Unit

A unit of employees of Sodexo Canada Limited comprising all catering employees working for the Employer at the IOC Industrial Construction Camp worksite, 2 Avalon Drive, Labrador City, Newfoundland and Labrador.

8. Hotel and Restaurant Workers Union, Local 779 and Spectrum Investigation and Security (1998) Limited.

Bargaining Unit

A unit of employees of Spectrum Investigation and Security (1998) Limited comprising security personnel working for the Employer at the IOC Industrial Construction Camp Worksite, 2 Avalon Drive, Labrador City, Newfoundland and Labrador.

9. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 764 and RKO Steel Ltd.

Bargaining Unit

A unit of employees of RKO Steel Ltd. comprising all Ironworkers and Ironworkers Apprentices working for the Employer in the Province of Newfoundland and Labrador

10. Newfoundland and Labrador Association of Public and Private Employees and Humber Valley Cooperative Living Corporation.

Bargaining Unit

A unit of employees of Humber Valley Cooperative Living Corporation comprising all employees working for the Employer at 13 Edinburgh Avenue, Corner Brook, NL, save and except supervisor.