



LABOUR RELATIONS BOARD

**ANNUAL REPORT
2011-12**

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■ **MESSAGE FROM THE CHAIRPERSON**

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2011-12 fiscal year. The Board is accountable for the results reported.

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

This year the Board has consisted of a chairperson, 2 vice-chairpersons, 4 regular board members and 2 alternate members, at varying times of the year depending on the date of appointment or resignations. The Board members are in numbers equally representative of employers and employees. The Board meets 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, in which case, a hearing takes place.

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 fortunate to have a 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.

I would like to thank our vice chairpersons and Board members for their hard work and continued professionalism throughout the year. I also thank our (now retired) 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 2011-12.

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



Sheilagh M. Murphy
Chairperson

■ PUBLIC BODY OVERVIEW

INTRODUCTION

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

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

The legislation confers on the Board 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, as well as unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. The Board has exclusive authority to exercise the power conferred upon it in the *Act* in relation to determining questions of fact or law that came before it. It also has the power to reconsider any of its decisions and a privative clause in the *Labour Relations Act* limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

MANDATE

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

Resolution of labour relations matters:

- processing, investigating and adjudicating applications made to the Board by unions, employers, organizations and individual employees, or referrals made pursuant to the legislation;
- mediating differences in attempts 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 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.

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 5th 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 1st Floor of the Beothuck Building. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709)729-2707; Fax (709)729-5738.

STATISTICAL SNAPSHOT

During the year under review, 2011-12, there were a total of 43 new applications filed with the Board and 44 applications were carried forward from the previous year. There were 15 representation votes conducted in applications for certification, termination of bargaining rights and revocation of certification applications, with 449 individuals eligible to vote in the elections. The Board considered 59 applications during the period, which culminated in the issuance of 73 Orders of the Board. A total of 56 of those matters were finalized. The Board held 78 days of meetings and/or hearings. Eleven 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 2011-12, please see Appendix II. A listing of the applications which were the subject of judicial review can be found in Appendix III. Descriptions of bargaining units certified by the Board in 2011-12 are shown in Appendix IV. All Board decisions dating from 1975 have been made available to our clients via our website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw and CanLII. The Board's website is www.gov.nl.ca/lrb/

■ ***HIGHLIGHTS/ACCOMPLISHMENTS***

The annual meeting of Labour Relations Boards Chairs and Administrators from across the country was held in Halifax in July, 2011. The Chair and CEO of the Board attended. The discussion generated in the sessions proved to be invaluable in acquainting the Board with emerging trends in other jurisdictions in areas of labour relations and in providing both the administrative and adjunctive arms of the Board with an opportunity to learn and share ideas and best practices with their counter parts throughout the country.

During this reporting period, Mr. Glenn Branton was appointed Chief Executive Officer of the Board. The Board was also successful in recruiting Ms. Joanne Turner as a Labour Relations Board Officer.

The Board had previously developed and executed a plan to deal with recent staff retirements and the transfer of institutional knowledge. For these purposes, all of the Board's internal operations have been reviewed, analyzed and documented. The Board has been and continues to be engaged in staff developmental processes.

The Board has reconfigured its filing system to enable easier access to older matters. The transfer of knowledge contained within these files is vital to development of our staff.

The Board issued a new Information Bulletin and a new form in 2011-12. These publications either give detailed information on the disclosure of personal information or outline the new duty of fair representation complaint form and are available on the Board's website.

As in the past, the administrative arm of the Board contributed to 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.

REPORT ON PERFORMANCE

Mission (2017)

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

Measure: Administration and interpretation of the legislation

Indicators:

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

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

OBJECTIVES

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

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

ISSUE: PROCESSING APPLICATIONS

Objective 1: By March 31, 2012, 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

INDICATORS	ACCOMPLISHMENTS
Number of applications received	43
Number of applications in process	13
Number of applications completed	28

NOTE: The Board also considered an additional two applications that were not finalized at the end of the 2011-12 fiscal year (matters referred to a hearing).

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 28 other applications during 2011-12 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 2013.

ISSUE: CONSIDERING APPLICATIONS

Objective 2: By March 31, 2012, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings, but will not have necessarily made a final determination with respect to these applications. (Decisions of the Board are evidenced in the form of orders).

Measure: All processed applications are considered

INDICATORS	ACCOMPLISHMENTS
Number of orders made by the Board at its meetings	73
Number of applications referred to the hearing process	8
Number of hearings scheduled	7
Number of applications considered and deferred	58 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized 56 matters in the reporting period, 28 of these were received in 2011-12 and 28 were carried forward from the previous year. The Board considered an additional two applications which were not finalized at the end of 2011-12 as they were referred to a hearing; these matters were received in 2011-12.

In some matters, more than one order was made. Forty-eight (48) orders were issued by the Board at its regular meetings and the Board issued seventeen 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 eight orders in relation to applications which were referred to hearings.

While eight matters were referred to the hearing process and only seven were scheduled during the reporting period, the Board actually conducted hearings into eleven matters over thirty-five days. Five of those matters were consolidated, with four matters being a continuation of a hearing commenced in the previous reporting year. The other three matters were referred to a hearing in the reporting year.

ISSUE: COMMUNICATION

Objective 3: By March 31, 2012, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Measure: Communication

INDICATORS	ACCOMPLISHMENTS
Number of orders issued and number communicated to parties	73
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 73 orders issued by the Board in 2011-12 and all were communicated to the parties. Reasons for decision are issued by the Board only when either requested by one of the parties to the application or where a hearing has been conducted into an application. A total of 13 reasons for decision were issued by the Board in relation to 13 matters and were communicated to the affected parties. Six decisions were issued in matters where hearings were conducted and seven were issued 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, 2012, the Labour Relations Board circulated publications, as necessary, related to board processes and procedures.

Measure: Circulated publications

INDICATORS	ACCOMPLISHMENTS
As necessary, number of information bulletins, forms and, policy circulars distributed and placed on Board's website	1 information bulletin and 1 form distributed and placed on Board's website
Annual Report filed and placed on the Board's website	2010-11 Annual Report placed on the Board's website

Note: No policy circulars were issued for the year as none were required.

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

The Board continued its efforts to educate its clients and the public on its various processes through the preparation and issuance of information bulletins. These bulletins describe the numerous types of applications which the Board is responsible to deal with and explain the Board's procedures for handling such applications and complaints, reflecting the current procedures and policies of the Board.

The Board issued one new Information Bulletin and one new form in 2011-12. These publications either give detailed information on the disclosure of personal information or outline the new duty of fair representation complaint form. These documents are available on the Board's website. The Board intends to publish additional information bulletins in 2012-13.

**TOTAL NEW APPLICATIONS
FILED IN 2011-12**

2011-12

Labour Relations Act:

Applications for Certification	15
Applications for Revocation of Certification/ Termination of Bargaining Rights	3
Unfair Labour Practices	4
Duty of Fair Representation	10
Successorship/Transfer of Business	1
Common Employer	0
Reconsideration of Decision	5
Amendment of Bargaining Unit	0
First Collective Agreement	0
Questions under Section 18 of the Act	1
Review of Labour Standards Determination	1
Submission by Director of Labour Standards	0
Access to Remote Site	0
Successor Bargaining Agent	1
Jurisdictional Dispute (Umpire)	0
Alter Terms and Conditions of Employment	0
Question Referred by Arbitrator	0
Unfair Denial of Union Membership	0

Public Service Collective Bargaining Act 2

Fishing Industry Collective Bargaining Act 0

Occupational Health and Safety Act 0

Teachers' Collective Bargaining Act 0

TOTAL APPLICATIONS 43

■ *OPPORTUNITIES AND CHALLENGES*

In an effort to ensure hearings proceed as scheduled, the Board has maintained its recent practice of scheduling pre-hearing conferences in which the parties and a panel of the Board clarify issues to be heard, ensure appropriate numbers of hearing dates are set aside, and deal with preliminary issues, among other items.

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 resources. The most efficient and successful method of dealing with this challenge has been the pre-hearing conference and parties' cooperation with Board Officer investigations.

Professional development of the Board Officers and staff is viewed as being critical to the continued success of the Board in the face of the recent retirements of personnel.

All of the Board's internal operations have been reviewed, analyzed and documented for ease of review by Board staff. Significant other work has been done to develop our staff and other operational tools to assist staff in the administrative functions of the Board.

■ **FINANCIAL STATEMENT**

The following information is for the fiscal year, April 1, 2011 to March 31, 2012.

Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2012

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
7.1.05. LABOUR RELATIONS BOARD			
01. Salaries	479,138	647,100	682,100
02. Employee Benefits	963	1,400	900
03. Transportation and Communications	29,053	31,600	40,800
04. Supplies	6,180	6,700	4,700
05. Professional Services	218,531	218,600	174,400
06. Purchased Services	9,160	14,000	15,500
07. Property, Furnishings & Equipment	<u>309</u>	<u>1,000</u>	<u>2,000</u>
Total: Labour Relations Board	<u>743,334</u>	<u>920,400</u>	<u>920,400</u>

Source: Expenditure and revenue figures are unaudited and based on public information from the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended March 31, 2012. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Labour Relations Board is not required to provide a separate audited financial statement.

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

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

SHEILAGH M. MURPHY, *Chairperson*

Sheilagh Murphy graduated from the University of New Brunswick with a Bachelor of Laws, and from Memorial University of Newfoundland with a Bachelor of Science and Bachelor of Arts. She is a member of the Law Society of Newfoundland and Labrador and a former President of the Canadian Bar Association, Newfoundland and Labrador branch. She has presented at Memorial University of Newfoundland, the 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 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. He has also taught at Grenfell Campus of Memorial University of Newfoundland and Labrador for the past 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 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 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. He has also been appointed a Master of the Supreme Court of Newfoundland and Labrador in December 2010.

Mr. Inder was appointed to the position of Vice-Chairperson of the Labour Relations Board in April 2005 for a five-year term. He resigned from his position on 7 June 2011.

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 in June 2011 for a one-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 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 employee representative in January 2006 for a two-year term. He was reappointed in June 2011 for an additional two-year term.

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

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

Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was appointed as a regular employee representative in December 1995. He has been regularly reappointed as a regular employee representative since 1995. He was reappointed in June 2011 for a one-year term.

GRANT BARNES, *Employee Representative (Regular)*

Grant Barnes has over 25 year's experience in the labour movement. He was Chief Negotiator for the St. John's Fire Fighters Association Local 1075 for 10 years. He has held various other labour related positions including Grievance Chair-person; 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. He held various positions on that board which include Client Services, Finance and Governance. 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, and the Workplace Health Safety and Compensation Commission where he held various positions.

Mr. Barnes was appointed to the Labour Relations in January 2012 for a two year term.

DAVID CURTIS, *Employee Representative (Regular)*

David Curtis currently works as an Executive Assistant with Newfoundland Association of Public Employees (NAPE) and serves as an arbitrator for the Canadian Motor Vehicle Arbitration Plan. Mr. Curtis is Past President of the Newfoundland and Labrador Federation of Labour and Past President of the Newfoundland Association of Public and Private Employees (NAPE).

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. His term expired in June 2011.

DENIS A. GALWAY, *Employer Representative (Alternate)*

Denis Galway is President of Terra Nova Trusses (1994) Ltd. located in Mount Pearl, Newfoundland. Mr. Galway started his career in the Agriculture Industry in 1974 and has been self-employed since that time. Mr. Galway is Past Chair of the Newfoundland Hog Marketing Board, Past Chair of the Atlantic Wood Truss Fabricators Association and Past Chair of the Federal Farm Credit Loan Review Board. He is currently Vice-Chair of the Newfoundland and Labrador Construction Safety Association and President of the Canadian Home Builders Association of Eastern Newfoundland.

Mr. Galway was appointed to the Labour Relations Board as an alternate employer representative May, 2010 for a two-year term.

THOMAS BURKE, Q.C., *Employee Representative (Alternate)*

Thomas J. Burke, Q.C. graduated from Mercy Convent at Brigus, from Ottawa University and from the Law School at Dalhousie University, Halifax. He has been a member of the Law Society of Newfoundland and Labrador since 1976 and has practised law in St. John's. He has volunteered over the years with a number of community boards/organizations.

Mr. Burke was appointed to the Labour Relations Board as an alternate employee representative in May 2010 for a two-year term.

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

The following is a list of Reasons for Decision issued by the Board in the 2011-12 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. Hector Hillier & Tolson Scott and Hotel and Restaurant Workers Union, Local 779 and Resource Development Trades Council of Newfoundland and Labrador and Spectrum Security Ltd. dated June 22, 2011. [2011]L.R.B.D. No. 3 (LRB file 5276) (Chair Murphy)
2. Cyril Millier and Her Majesty the Queen in Right of Newfoundland and Labrador as represented by the Treasury Board (Department of Government Services) and Newfoundland and Labrador Association of Public and Private Employees dated August 24, 2011. [2011]L.R.B.D. No. 4 (LRB file 5327) (Chair Murphy)
3. Fabian Keeping and Canadian Union of Public Employees, Local 1860 and Scotia Recycling (NL) Limited dated August 24, 2011. [2011]L.R.B.D. No. 5 (LRB file 5326) (Chair Murphy)
4. Communications, Energy and Paperworkers Union of Canada, Local 60N and Hibernia Management Development Company Limited and Hibernia Platform Employers' Organization dated September 27, 2011. [2011]L.R.B.D. No. 6 (LRB file 5280) (Chair Murphy)
5. T.E.A.M. Investments Inc. and/or Terri-Lynn Humby and Hazel Pope dated October 5, 2011. [2011]L.R.B.D. No. 7 (LRB file 5348) (Chair Murphy)
6. Walter G. Duke and Transport and Allied Workers Local Union 855 and Transport and Allied Workers Local Union 855, affiliated with the International Brotherhood of Teamsters and Colonial Garage & Distributors Ltd. dated October 19, 2011. [2011]L.R.B.D. No. 8 (LRB file 5355) (Chair Murphy)
7. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Johnson's Construction Limited dated November 17, 2011. [2011]L.R.B.D. No. 9 (LRB file 5322) (Vice-Chair Sweetland)
8. Carla Major et al. and Newfoundland and Labrador Nurses' Union and Eastern Health dated December 16, 2011. [2011]L.R.B.D. No. 10 (LRB file 5334) (Vice-Chair Sweetland)

9. Wade Gravelle (Torbay Road Billiards Limited) and Amber Rogers dated January 30, 2012. [2012]L.R.B.D. No. 1 (LRB file 5373) (Chair Murphy)
10. Richard A. Clarke and Construction General Labourers, Rock and Tunnel Workers, Local 1208 and Capital Ready Mix Limited and Capital Precast Ltd. dated February 13, 2012. [2012]L.R.B.D. No. 2 (LRB file 5324) (Chair Murphy)
11. Allen Nixon and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 and Securitas Canada Limited dated February 14, 2012. [2012]L.R.B.D. No. 3 (LRB file 5352) (Vice - Chair Sweetland)
12. Kevin Burke and Newfoundland and Labrador Association of Public and Private Employees and Memorial University of Newfoundland dated March 6, 2012. [2012]L.R.B.D. No. 4 (LRB file 5142) (Vice-Chair Inder)
13. Wayne Smith and Canadian Union of Public Employees, Local 569 and City of St. John's dated March 13, 2012. [2012]L.R.B.D. No. 5 (LRB file 5347) (Vice-Chair Sweetland)

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

◆ **ACTIVITY ON 2011-12 MATTERS AND PRIOR**

The following are court cases decided in 2011-12 which reviewed decisions or proceedings of the Board.

1. 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)
2. 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)

◆ **CASES OUTSTANDING**

The following applications were before the Court at the end of 2011-12:

3. 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)
4. Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB file 4645)
5. Communication, Energy, and Paper Workers Union of Canada, Local 63 v. Nalcor Energy and International Brotherhood of Electrical Workers, Local 512 and Communication, Energy, and Paper Workers Union of Canada, Local 59N and Gordon Corbin (2011 01G3112) (LRB file 5303)

■ **APPENDIX IV - BARGAINING UNITS**

CERTIFICATION ORDERS ISSUED IN 2011-12

◆ ***Labour Relations Act***

1. International Union of Bricklayers & Allied Craftworkers, Local #1 Newfoundland and Labrador and M J R Masonary Inc.

Bargaining Unit

A unit of employees of M J R Masonary Inc. comprising all Mason and Mason Helpers working for the Employer in the Province of Newfoundland and Labrador.

2. Newfoundland and Labrador Association of Public and Private Employees and Helping Hands Homecare Services Limited

Bargaining Unit

A unit of employees of Helping Hands Homecare Services Limited comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, Non-working Supervisors and those above the rank of Non-working Supervisor.

3. United Brotherhood of Carpenters and Joiners of America, Local 579 and Oakland Enterprises Limited

Bargaining Unit

A unit of employees of Oakland Enterprises Limited comprising all Working Carpenter Foreman, Carpenters, Carpenter Apprentices, Scaffolders, and Scaffolders Apprentices working for the Employer in the Province of Newfoundland and Labrador.

4. Newfoundland and Labrador Association of Public and Private Employees and Horwood's Home & Community Support Services Inc.

Bargaining Unit

A unit of employee of Horwood's Home & Community Support Services Inc. comprising all employee save and except Owner, Administrator, Office Staff, Registered Nurses, Non-working Supervisors and those above the rank of Non-working Supervisor.

5. International Union of Painters and Allied Trades, Local 1984 and Oakland Enterprises Limited

Bargaining Unit

A unit of employees of Oakland Enterprises Limited comprising all Painters and Apprentices working for the Employer in the Province of Newfoundland and Labrador.

6. Newfoundland and Labrador Association of Public and Private Employees and All Care Home Support Ltd.

Bargaining Unit

A unit of employees of All Care Home Support Ltd. comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, Non-working Supervisors, and those above the rank of Non-working Supervisor.

7. Transport & Allied Workers Teamsters Union, Local 855, affiliated with the International Brotherhood of Teamsters and Capital Motors (2004) Limited

Bargaining Unit

A unit of employees of Capital Motors (2004) Limited working as Service Advisors at its Kenmount Road location save and except Office Staff, Parts Personnel, Automotive Technicians, Salespersons, Managers, Shop Dispatchers, Appointment Clerks, Warranty Clerks, Lot Attendants, Shuttle Drivers, Non-Working Foreman, those above the rank of Non-working Foreman, Non-Working Supervisors, and those above the rank of Non-Working Supervisor.

8. Transport & Allied Workers Teamsters Union, Local 855, affiliated with the International Brotherhood of Teamsters and Capital Motors (2004) Limited

Bargaining Unit

A unit of employees of Capital Motors (2004) Limited comprising all employees working as Office Staff and Parts Personnel at its Kenmount Road location save and except Automotive Technicians, Salespersons, Service Advisors, Managers, Shop Dispatchers, Appointment Clerks, Warranty Clerks, Lot Attendants, Shuttle Driver, non-working Foreman, those above the rank of non-working Foreman, non-working Supervisors, and those above the rank of non-working Supervisor.

9. Canadian Staff Union, Local 1-NL and Canadian Union of Public Employees

Bargaining Unit

A unit of employees of Canadian Union of Public Employees comprising all employees working in or out of St. John's and Corner Brook offices, save and except Regional Director, Assistant Director and those covered by a collective agreement with CUPE, Local 491

10. Newfoundland and Labrador Association of Public and Private Employees and Home Sweet Home Care Agency Inc.

Bargaining Unit

A unit of employees of Home Sweet Home Care Agency Inc. comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, Non-working Supervisors and those above the rank of Non-working Supervisors.

11. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and W.R.H. Construction Inc., carrying on business under the name and style of Hydro-Guard Roofing Systems

Bargaining Unit

A unit of employees of W.R.H. Construction Inc., carrying on business under the name and style of Hydro-Guard Roofing Systems comprising all labourers and working foremen working for the Employer in the Province of Newfoundland and Labrador.