



LABOUR RELATIONS BOARD

**ANNUAL REPORT
2010-11**

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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 2010-11 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. 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 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. As this is the last Annual Report for the 2008-11 reporting period, a new Activity Plan for 2011-14 is available on our website.

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.



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, 2010-11, there were a total of 61 new applications filed with the Board and 46 applications were carried forward from the previous year. There were 24 representation votes conducted in applications for certification, termination of bargaining rights and revocation of certification applications, with 981 individuals eligible to vote in the elections. The Board considered 69 applications during the period, which culminated in the issuance of 104 Orders of the Board. A total of 64 of those matters were finalized. The Board held 78 days of meetings. Ten 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 2010-11, 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 2010-11 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 Saskatchewan in August, 2010. The Chair and Deputy CEO of the Board attended and the discussion generated in the sessions proved to be invaluable in acquainting the Board with emerging trends in other jurisdictions in areas of labour relations.

During this fiscal period, the Chief Executive Officer of the Board, Ms. Carmel Noel, retired after serving with the Board for 23 years. Board Officer, Mr. Peter Furlong, retired after serving with the Board for 11 years.

The Board had previously developed and executed a plan to deal with those staff retirements and the resulting transition period. All of the Board's internal operations have been reviewed, analyzed and documented in the form of an Internal Operations Manual that outlines the various steps in each of the Board's processes. Significant other work has been done to develop other operational tools to assist staff to carry out the day-to-day administrative functions of the Board. The documents and tools have been completed in the reporting period and have proven to be extremely beneficial in carrying out the work of the Board.

In compliance with the *Transparency and Accountability Act*, the Board developed an Activity Plan covering three fiscal years 2011-12, 2012-13 and 2013-14, pursuant to which the Board is categorized as a category 3 public body. This exercise enabled the Board to review its processes, procedures and operations.

The Board issued two new Information Bulletins in 2010-11 which give detailed information on the processing of applications, complaints and references to the Board, and the role of the Board Officer. These Information Bulletins are available on the Board's website.

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.

REPORT ON PERFORMANCE

Mission (2011)

The mission expired in 2011 and the Board is now required to report on the measure and indicators associated with it. The new activity plan for 2011-14 contains the Board's new mission to 2017.

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, either 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 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, which resulted in the generation of either 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, 2011, 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	61
Number of applications in process	19
Number of applications completed	42

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 22 other applications during 2010-11 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, 2011, 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	104
Number of applications referred to the hearing process	19
Number of hearings scheduled	19
Number of applications considered and deferred	69 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized 64 matters in the reporting period, 42 of these were received in 2010-11 and 22 were carried forward from the previous year. The Board considered an additional five applications which were not finalized at the end of 2010-11 as they were referred to a hearing. All five matters were received in 2010-11.

It is important to note that in some matters more than one order was made. Seventy (70) orders were issued by the Board at its regular meetings and the Board issued twenty-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 nineteen matters were referred to the hearing process and scheduled during the reporting period, the Board actually conducted hearings into ten matters over thirty-two days. Four of those matters were consolidated and were referred to a hearing in the reporting period. The other six matters were a continuation of a hearing commenced in the previous fiscal year.

ISSUE: COMMUNICATION

Objective 3: By March 31, 2011, 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	104
Number of reasons for decision issued and number communicated to parties	6
Number of reasons for decision uploaded to the Board's internet-based decision system	6

There were a total of 104 orders issued by the Board in 2010-11 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 6 reasons for decision were issued by the Board in relation to 6 matters and were communicated to the affected parties. One decision was issued in a matter where hearings were conducted and five 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, 2011, 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 and policy circulars distributed and placed on Board's website	2 information bulletins
Annual Report filed and placed on the Board's website	2009-10 Annual Report placed on the Board's website

The Board fulfilled 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 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 two new Information Bulletins in 2010-11. These give detailed information on the processing of applications, complaints and references to the Board and the role of the Board Officer. These Information Bulletins are available on the Board's website. The Board intends to publish additional information bulletins in 2011-12.

**TOTAL NEW APPLICATIONS
FILED IN 2010-11**

2010-11

Labour Relations Act:

Applications for Certification	27
Applications for Revocation of Certification/ Termination of Bargaining Rights	4
Unfair Labour Practices	5
Duty of Fair Representation	4
Successorship/Transfer of Business	1
Common Employer	0
Reconsideration of Decision	4
Amendment of Bargaining Unit	1
Questions under Section 18 of the Act	0
Review of Labour Standards Determination	3
Submission by Director of Labour Standards	1
Access to Remote Site	1
Successor Bargaining Agent	0
Jurisdictional Dispute (Umpire)	0
Alter Terms and Conditions of Employment	1
Application to Settle Workforce Requirements for Shutdown of Offshore Platform	1
Change Name of Certification/Accreditation Order	1

<i>Public Service Collective Bargaining Act</i>	5
<i>Fishing Industry Collective Bargaining Act</i>	0
<i>Occupational Health and Safety Act</i>	2
<i>Teachers' Collective Bargaining Act</i>	0

TOTAL APPLICATIONS 61

■ *OPPORTUNITIES AND CHALLENGES*

Scheduling of hearings has been a challenge for the Board. In an effort to ensure matters proceed as scheduled and reduce the number of postponements, the Board has now regularly scheduled pre-hearing conferences, in which the parties and a panel of the Board, among other things clarify issues to be heard, ensure appropriate numbers of hearing dates are set aside, and deal with preliminary issues. It is the Board's hope that in conjunction with the pre-hearing conference, parties will endeavour to not seek postponements of hearings unless absolutely necessary.

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

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 in the form of an Internal Operations Manual that outlines the various steps in each of the Board's processes. Significant other work has been done to develop other operational tools to assist staff to carry out the day-to-day administrative functions of the Board.

■ **FINANCIAL STATEMENT**

The following information is for the fiscal year, April 1, 2010 to March 31, 2011.

Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2011

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
	\$	\$	\$
7.1.05. LABOUR RELATIONS BOARD			
01. Salaries	700,985	701,000	658,600
02. Employee Benefits	1,100	1,100	900
03. Transportation and Communications	46,088	47,200	40,800
04. Supplies	5,512	6,500	4,700
05. Professional Services	147,015	148,900	174,400
06. Purchased Services	7,495	9,700	15,500
07. Property, Furnishings & Equipment	<u>250</u>	<u>2,000</u>	<u>2,000</u>
Total: Labour Relations Board	<u>908,445</u>	<u>916,400</u>	<u>896,900</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, 2011. 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. 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.

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.

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.

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.

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 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 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.

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.

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.

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

The following is a list of Reasons for Decision issued by the Board in the 2010-11 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. John P. Nelson and United Brotherhood of Carpenters and Joiners of America, Local 579 and Chester Dawe 4338533 CANADA Inc. (a subsidiary of RONA) dated April 14, 2010. [2010]L.R.B.D. No. 5 (LRB file 5230) (Chair Murphy)
2. United Brotherhood of Carpenters and Joiners of America, Local 579 and Drover's Construction Limited and Rock Drywall Limited dated July 5, 2010. [2010]L.R.B.D. No. 6 (LRB file 5227) (Chair Murphy)
3. Norbert Joyce and City of Corner Brook dated August 19, 2010. [2010]L.R.B.D. No. 7 (LRB file 5211) (Vice-Chair Inder)
4. 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 dated August 30, 2010. [2010]L.R.B.D. No. 8 (LRB file 5284) (Vice-Chair Sweetland) (Dissent – Member Hansford)
5. Vale Newfoundland & Labrador Limited and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 9508 dated January 20, 2011. [2011]L.R.B.D. No. 1 (LRB file 5331) (Vice-Chair Sweetland)
6. Nalcor Energy and Communications, Energy and Paperworkers Union of Canada, Local 59N and Communications, Energy and Paperworkers Union of Canada, Local 63 and International Brotherhood of Electrical Workers, Local 512 and Gordon Corbin, Vernon Tait, Sean Dyke and Donald Corbin dated March 29, 2011. [2011]L.R.B.D. No. 2 (LRB file 5303) (Chair Murphy)

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

◆ **ACTIVITY ON 2010-11 MATTERS AND PRIOR**

The following are court cases decided in 2010-11 which reviewed decisions or proceedings of the Board.

1. 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)
2. 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)
3. Fish, Food and Allied Workers Union (FFAW/CAW) v. Robert Conway and Molson Canada 2005 (2010 01T 1003) (LRB file 5223)

◆ **CASES OUTSTANDING**

The following applications were before the Court at the end of 2010-11:

4. Locke's Electrical Ltd. v. Paul George, et al. and International Brotherhood of Electrical Workers, Local 2330 (2007 01T 3603) (LRB file 5043)
5. Cabot & Sons Fish Co. Ltd. v. Fish Food and Allied Workers (2008 No. 38) (Court of Appeal) (LRB file 5128)
6. 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)
7. Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB file 4645)
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 2010-11

◆ ***Labour Relations Act***

1. United Food and Commercial Workers, Local 1252 and Cambridge Estates (2004) Inc.

Bargaining Unit

A unit of employees of Cambridge Estates (2004) Inc. comprising all employees working for the Employer save and except Manager, Team Leaders, Kitchen Supervisor, non-working supervisors and those above the rank of non-working supervisor.

2. Transport and Allied Workers Union, Local 855, affiliated with the International Brotherhood of Teamsters and 61050 Newfoundland and Labrador Inc., trading as Hickman Chrysler Dodge Jeep (Hickman Chrysler)

Bargaining Unit

A unit of employees of 61050 Newfoundland and Labrador Inc., trading as Hickman Chrysler Dodge Jeep (Hickman Chrysler) comprising all employees working as Salespersons at its Peet Street location save and except Parts Department, Automotive Technicians, Office Staff, Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

3. Canadian Union of Public Employees, Local 4885 and Compass Group Canada Ltd.

Bargaining Unit

A unit of employees of Compass Group Canada Ltd. comprising all Cafeteria Staff including Supervisors (Lead Hands) and General Help employed by the Employer in the schools listed in Schedule "A" (attached) in the geographic area known as the Western Region Schools of the Eastern School District of Newfoundland and Labrador.

4. Newfoundland and Labrador Association of Public and Private Employees and Stephenville Retirement Centre Inc., carrying on business under the name and style of Acadian Village Senior Retirement Living

Bargaining Unit

A unit of employees of Stephenville Retirement Centre Inc., carrying on business under the name and style of Acadian Village Senior Retirement Living comprising all employees save and except Owner/Operator, Manager, non-working supervisors and those above the rank of non-working supervisor.

5. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and North Shore Roofing Ltd.

Bargaining Unit

A unit of employees of North Shore Roofing Ltd. comprising all labourers, roofers and working foremen working for the Employer in the Province of Newfoundland and Labrador.

6. Newfoundland and Labrador Association of Public and Private Employees and SOFAR Enterprises Limited, carrying on business under the name and style of In-Home Health Care

Bargaining Unit

A unit of employees of SOFAR Enterprises Limited, carrying on business under the name and style of In-Home Health Care comprising all Home Support Workers save and except Owner, Office Staff, non-working supervisors and those above the rank of non-working supervisor.

7. United Food and Commercial Workers, Local 1252 and Retirement Home Specialists Inc., operating as Clarenville Retirement Centre

Bargaining Unit

A unit of employees of Retirement Home Specialists Inc., operating as Clarenville Retirement Centre comprising all employees save and except Manager, Assistant Manager, Team Leader, Maintenance, Housekeeping Supervisor, Head Cook, Recreation/Laundry Supervisor, Security Supervisor, non-working supervisors and those above the rank of non-working supervisor.

8. United Food and Commercial Workers, Local 1252 and CallingWood Downs Limited, carrying on business under the name and style of CallingWood Downs Seniors Complex

Bargaining Unit

A unit of employees of CallingWood Downs Limited, carrying on business under the name and of CallingWood Downs Seniors Complex comprising all employees save and except Manager, Team Leader, Head Cook, Maintenance/Housekeeping Supervisor, Recreation/Laundry Supervisor, Night Security Supervisor, non-working supervisors and those above the rank of non-working supervisor.

9. Construction General Labourers, Rock and Tunnel Workers, Local 1208 and CNG Distribution Limited, carrying on business as Economy Drywall Supplies

Bargaining Unit

A unit of employees of CNG Distribution Limited, carrying on business as Economy Drywall Supplies comprising all employees employed at Sagona Avenue,

Mount Pearl, NL save and except managers, office staff, sales staff, non-working foremen and those above the rank of non-working foreman.

10. United Brotherhood of Carpenters and Joiners of America, Local 579 and Builder's Edge Manufacturing Inc.

Bargaining Unit

A unit of employees of Builder's Edge Manufacturing Inc. comprising all production workers working for the Employer in the manufacturing facility at Hodgewater Line, Makinsons in the Province of Newfoundland and Labrador save and except managers, floor/shop managers, supervisory staff, sales staff, warranty repair staff, students, installation staff, outside contract staff, clerical and office staff, maintenance staff, design staff, owners, shareholders, non-working foremen and those above the rank of non-working foreman.

11. Sheet Metal Workers' International Association, Local 512 and Black & McDonald Limited

Bargaining Unit

A unit of employees of Black & McDonald Limited comprising all Sheet Metal Workers and Apprentices employed by the Employer in the Province of Newfoundland and Labrador.

12. Newfoundland and Labrador Association of Public and Private Employees and A Better Living Home Care Inc.

Bargaining Unit

A unit of employees of A Better Living Home Care Inc. comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, self-managed home care workers who are not direct employees and use A Better Living Home Care Inc. as a payroll service, non-working supervisors and those above the rank of non-working supervisor.

13. Canadian Union of Public Employees, Local 5022 and Ferryland Emergency Service Ltd.

Bargaining Unit

A unit of employees of Ferryland Emergency Service Ltd. comprising all employees employed as Emergency Medical Responders (EMR) and Primary Care Paramedics (PCP), save and except Owners, Directors, Office Staff, Clerical Staff, non-working supervisors and those above the rank of non-working supervisor.

14. Newfoundland and Labrador Association of Public and Private Employees and Quality Home Care Service Inc.

Bargaining Unit

A unit of employees of Quality Home Care Service Inc. comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, self-managed home care workers who are not direct employees and use Quality Home Care Service Inc. as a payroll service, non-working supervisors and those above the rank of non-working supervisor.

15. United Brotherhood of Carpenters and Joiners of America, Local 579 and Holson Forest Products Limited

Bargaining Unit

A unit of employees of Holson Forest Products Limited comprising all employees employed in sawmill, planer mill and pellet plant operations at Roddickton, NL save and except President, General Manager, Office staff, loggers and equipment operators on woods operations, owner operators of trucks and/or heavy equipment working in the Province of Newfoundland and Labrador, non-working supervisors and those above the rank of non-working supervisor.