



**LABOUR RELATIONS BOARD**

**2016-17 ANNUAL REPORT**

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## MESSAGE FROM THE CHAIRPERSON

I am pleased, as the newly appointed Chairperson to present the Newfoundland and Labrador Labour Relations Board's annual report for 2016-17. This report was prepared in accordance with the Provincial Government's commitment to transparency and accountability as a category 3 entity. My signature below is indicative of the entire Board's accountability for the actual 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. The Labour Relations Board's primary objectives include fair and efficient processing of applications and rendering decisions which are clear, consistent, and in accordance with sound legal principles.

As of March 31, 2017, the Board consisted of a Chairperson, Vice-Chairperson, regular and alternate board members. The Board members are in numbers equally representative of employers and employees (two of each). Generally, the Board schedules annual meetings with monthly panel meetings as needed. The Board has reviewed and considered applications for certification, applications for revocation, bargaining in bad faith complaints, unfair labour practice complaints, successor rights applications and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction such as labour standards reviews and occupational health and safety matters. Depending on the circumstances of each case, the Board either decided matters based on the affidavit evidence provided, submissions of parties, and the investigation reports of its Board Officers, or conducted a hearing before making a final decision.

The Board has responsibilities under the Labour Relations Act; Public Service Collective Bargaining Act; Fishing Industry Collective Bargaining Act; Teachers' Collective Bargaining Act; Interns and Residents Collective Bargaining Act; Labour Standards Act; Occupational Health and Safety Act; Smoke-Free Environment Act, 2005, House of Assembly Accountability, Integrity and Administration Act, Public Interest Disclosure and Whistleblower Protection Act, and Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act. This is discussed more in the Public Overview section of the Annual Report.

Further information about the Labour Relations Board can be found at [www.gov.nl.ca/lrb/](http://www.gov.nl.ca/lrb/). This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms, and publications.

I would like to thank the administrative staff and the Board members for their hard work and continued professionalism. I am honoured to serve as Chair of the Board with this diligent group of people. I look forward to their continued participation in 2017-18.

  
David Conway  
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; House of Assembly Accountability, Integrity and Administration Act; and Public Interest Disclosure and Whistleblower Protection Act and Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.

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

The legislation confers on the Board authority over many important aspects of labour relations. These include but are not limited to the certification of unions to represent employees, the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, as well as unfair labour practices, bad faith bargaining complaints, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the Occupational Health and Safety Act and appeals of labour standards determinations. The Board has responsibilities under the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act in respect to the determination of reprisal complaints. The Board has exclusive authority to exercise the power conferred upon it in the *Act* in relation to determining questions of fact or law that came before it. It also has the power to reconsider any of its decisions and a privative clause in the *Act* limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

## **STAFF OF THE BOARD**

In 2016-17 the administrative staff of the Board was comprised of a Chief Executive Officer, Deputy Chief Executive Officer, two Labour Relations Board Officers and two support staff (3 males, 3 females). The annual expenditures of the Board is approximately \$690,000. The Labour Relations Board financial statement is attached as Appendix I.

The Board's offices are located on the 5<sup>th</sup> Floor of the Beothuck Building, 20 Crosbie Place, St. John's, with hearings held throughout the Province. The Board's hearings room facilities are located on the 1<sup>st</sup> Floor of the Beothuck Building. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709)729-2707; Fax (709)729-5738. The email address is [lrb@gov.nl.ca](mailto:lrb@gov.nl.ca).

The Labour Relations Board 2017-20 Activity Plan is located on the Board's website: [https://www.gov.nl.ca/lrb/publications/activity\\_plan\\_2017\\_20.pdf](https://www.gov.nl.ca/lrb/publications/activity_plan_2017_20.pdf)

## **STATISTICAL SNAPSHOT**

During the year under review, 2016-17, there were a total of 51 new applications filed with the Board and 20 applications were carried forward from the previous years. There were 15 representation votes conducted in applications for certification and revocation of certification applications, with 653 individuals eligible to vote in the elections. The Board considered 53 applications during the period, which culminated in the issuance of 65 Orders of the Board. A total of 47 of the applications considered were finalized. The remaining 24 applications were carried forward to 2017-18. The Board held 75 days of meetings and/or hearings. Fourteen (14) matters were referred to a hearing.

The financial statement of the Board is contained in Appendix I. Biographical information on Board members is contained in Appendix II. For a listing of the Reasons for Decision issued by the Board in 2016-17, please see Appendix III. A listing of the applications which were the subject of judicial review can be found in Appendix IV. Descriptions of bargaining units certified by the Board in 2016-17 are shown in Appendix V. All Board decisions dating from 1975 have been made available to clients via the 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 <http://www.gov.nl.ca/lrb/>.

## **HIGHLIGHTS AND PARTNERSHIPS**

The Board has continued to provide services to fulfill its ongoing commitments. During this reporting time, the Board received just over 42 per cent more applications than in the previous reporting period.

The Board continues to provide timely service to the parties associated with the increased number of applications using all resources available to it including but not limited to settlement conferences and where appropriate, dispensing with investigations and proceeding directly to a hearing.

The CEO also made a presentation to the Newfoundland and Labrador members of the Canadian Association of Counsel to Employers (CASE). This session presented an opportunity to share ideas and discuss recent changes to the way the Board carries out its business.

During this reporting year, the administrative arm of the Labour Relations Board adopted electronic mail as the primary method of exchanging documentation between the Board and the parties using the services of the Board.

# REPORT ON PERFORMANCE

## OBJECTIVES

The objectives discussed below represent the Board's annual focus and include performance measurement information to assist both the Board and the public to monitor and evaluate success. The Board performs two functions 1) administrative and 2) adjudicative. The Chief Executive Officer and staff fulfill the administrative function which generally entails processing applications; the Chair, Vice-Chairs and members of the Board fulfill the adjudicative function.

## ISSUE 1: PROCESSING APPLICATIONS

**Objective 1:** By March 31, 2017, the Labour Relations Board will have commenced processing or have processed all applications filed with the Board (processed means completed steps necessary to bring applications before the Board at regular board meetings).

**Measure:** All applications commenced or processed

Indicators	2016 - 17
Number of applications received	51
Number of applications in process	18
Number of applications completed	33

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

In addition to those applications processed which were received by the Board during the reporting period, the Board processed and completed 14 other applications during 2016-17 which were carried forward from previous years.

	Number of applications received	Number of applications in process	Number of applications completed
2014-15	55	27	28
2015-16	36	12	24
2016-17	51	18	33

During the three year period (2014-17) of the last planning cycle for the Board, all applications received by the Board in each year were in process or completed. Within the three years, the Board received 142 applications. At the end of the three year period (2014-17) of the last planning cycle for the Board, 124 applications were completed with 18 remaining in process. The Board met its objective of commencing or completing processing of all applications filed with it for the duration of the Activity Plan.

## **ISSUE 2: CONSIDERING APPLICATIONS**

**Objective 2:** By March 31, 2017, 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>2016 - 17</b>
Number of orders made by the Board at its meetings	65
Number of applications referred to the hearing process	14
Number of hearings scheduled	14
Number of applications considered and deferred	53 considered / 1 deferred

All processed applications were considered by the Board. The Board considered and finalized forty-seven (47) matters in the reporting period. Thirty-three (33) of these were received in 2016-17 and fourteen (14) were carried forward from the previous year(s). The Board also considered and referred an additional six (6) applications received in 2016-17 to a hearing making a total of 53 matters considered; these hearings were not finalized at the end of 2016-17. To avoid confusion with Issue 1, it is important to note that the number of applications received are different than the number of applications considered each year.

In some matters, more than one order was made. Thirty-three (33) orders were issued by the Board at its regular meetings and the Board issued twenty-four (24) 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 (8) orders in relation to applications which were referred to hearings.

Fourteen (14) matters were referred to the hearing process and were scheduled during this reporting period. One (1) of these matters was from the previous reporting year. In the reporting year, seven (7) matters were heard over 15 days; two (2) of these hearings were in relation to



files received by the Board in the previous reporting year; the other five (5) matters were referred to a hearing in this reporting year.

The Board consistently addressed matters with the issuance of an Order or by referral to the hearing process.

	<b>Number of orders made by the Board at its meetings</b>	<b>Number of applications referred to the hearing process</b>	<b>Number of hearings scheduled</b>	<b>Number of applications considered and deferred</b>
2014-15	53	6	6	47 considered/ 0 deferred
2015-16	63	9	9	49 considered/ 0 deferred
2016-17	65	14	14	53 considered/ 1 deferred

During the three year period (2014-17) of the last planning cycle, the Board issued 181 orders at its meetings, considered 149 applications, deferred 1 application, referred 29 applications to the hearing process and scheduled 29 hearings. The Board met its objective of considering all applications processed during the Activity Plan.

### **ISSUE 3: COMMUNICATION**

**Objective 3:** By March 31, 2017, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

**Measure:** Communication

<b>Indicators</b>	<b>2016 - 17</b>
Number of orders issued and number communicated to parties	65
Number of reasons for decision and number communicated to parties	15
Number of reasons for decision uploaded to the Board's internet-based decision system	15

There were a total of sixty-five (65) orders issued by the Board in 2016-17 and all were communicated to the parties. Reasons for decision are issued by the Board only when either requested by one (1) of the parties to the application or where a hearing has been conducted into an application. A total of fifteen (15) reasons for decision were issued by the Board in relation to fifteen (15) matters and were communicated to the affected parties. Fifteen (15) reasons for

decision were uploaded to the Board’s internet-based decision system. Three (3) decisions were issued in matters where hearings were conducted and twelve (12) were issued as a result of requests from one of the affected parties. (See Appendix III – Reasons for Decision)

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

	<b>Number of orders issued and number communicated to parties</b>	<b>Number of reasons for decisions issued and number communicated to parties</b>	<b>Number of reasons for decision uploaded to the Board’s internet-based decision system</b>
2014-15	53	9	9
2015-16	63	11	11
2016-17	65	15	15

During the three year period (2014-17) of the last planning cycle, the Board communicated 181 orders and 35 reasons for decision to the parties and uploaded its 35 reasons for decision to the Board’s internet based decision system. The Board met its objective of communicating the results of decisions and orders to relevant parties during the Activity Plan.

#### **ISSUE 4: CIRCULATING PUBLICATIONS**

**Objective 4:** By March 31, 2017, the Labour Relations Board will have circulated publications, as necessary, related to Board processes and procedures.

**Measure:** Circulated publications

<b>Indicators</b>	<b>2016 - 17</b>
As necessary, a number of information bulletins, forms and policy circulars distributed and placed on the Board’s website	Previously adopted bulletins and policy circulars were revised, as necessary
Annual Report filed and placed on the Board’s website	1

The Board fulfilled its mandate through the resolution of labour relations matters and by

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

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

	<b>As necessary, a number of information bulletins, forms and policy circulars distributed and placed on the Board's website</b>	<b>Annual Report filed and placed on the Board's website</b>
2014-15	Five (5) information bulletins were updated.	1
2015-16	One (1) information bulletin and one policy circular were issued.	1
2016-17	Previously adopted bulletins and policy circulars were revised, as necessary.	1

During the three year period (2014-17) of the last planning cycle, the Board revised previously adopted bulletins and circulars as necessary and issued 6 information bulletins and 1 policy circular. The Board met its objective of circulating publications, as necessary, related to Board processes and procedures.

**TOTAL NEW APPLICATIONS  
FILED IN 2016-17**

**2016-17**

**Labour Relations Act:**

Applications for Certification	17
Applications for Revocation of Certification	1
Termination of Bargaining Rights	0
Unfair Labour Practices	3
Duty of Fair Representation	9
Successorship/Transfer of Business	0
Common Employer	0
Reconsideration of Decision	4
Amendment of Bargaining Unit	1
First Collective Agreement	0
Questions under Section 18 of the Act	
Whether Collective Agreement in effect	0
Whether organization is party to or bound by Collective Agreement	0
Review of Labour Standards Determination	2
Submission by Director of Labour Standards	0
Change of name on Cert./ accred. Order	0
Successor Bargaining Agent	1
Alter Terms and Conditions of Employment	0
Certain agreement void	1
<b>Public Service Collective Bargaining Act</b>	
Duty of Fair Representation	2
Unfair labour practice complaint	3
Amendment of bargaining unit	1
Reconsideration of decision	1
<b>Fishing Industry Collective Bargaining Act</b>	
Application for Certification	1
Whether an organization is a trade union	1
<b>Occupational Health and Safety Act</b>	
Appeal of OH&S Order	1
Discriminatory Action	1
<b>Teachers' Collective Bargaining Act</b>	0
<b>Interns and Residents Collective Bargaining Act</b>	
Change of name on Cert./accred. Order	1

TOTAL APPLICATIONS 51

## **OPPORTUNITIES AND CHALLENGES**

The Labour Relations Board is application driven. When compared to the previous reporting year, the Board experienced just over 40% increase in the number of applications filed with the Board during the current reporting period.

All of the Board's internal operations continued to be reviewed by Board staff with a view to efficiently managing Board resources to effectively meet the increased demand for Board services.

The Board will continue to review its mandatory resolution process with the view to enhancing and creating additional value in process for the benefit parties appearing before the Board.

The Board is challenged by the limited capabilities of its case management system. The ability of the system to generate on-demand reports is limited to a minimal number and type of queries. These restrictions limit the Board's ability to expeditiously respond to both internal and external requests for information.

## APPENDIX I - FINANCIAL STATEMENT

The following information is for the fiscal year: April 1, 2016 to March 31, 2017.

### Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2017

#### Labour Relations Board

	Actual \$	Amended \$	Original \$
01. Salaries	625,370	680,700	680,700
02. Employee Benefits	1,980	1,900	1,900
03. Transportation and Communications	17,126	24,100	24,100
04. Supplies	5,817	6,000	6,000
05. Professional Services	28,623	69,900	69,900
06. Purchased Services	6,651	8,500	8,500
07. Property, Furnishings & Equipment	473	800	800
<b>Total: Labour Relations Board</b>	<b>686,040</b>	<b>791,900</b>	<b>791,900</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, 2017.

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

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

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

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

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

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

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

Mr. Sweetland was appointed to the position of Vice-Chairperson of the Labour Relations Board in May 2004 for a five-year term. He was reappointed in November 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 November 2015.

**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 47 years. He is past Chairman of the Newfoundland and Labrador Construction Association, past Provincial Vice-Chairman of the Canadian Construction Association and is past Chairperson of the Newfoundland and Labrador Construction Safety Association.

Mr. Drover was appointed to the Labour Relations Board as an alternate employer representative in February 2004 and was reappointed as a regular employer representative in January 2006, for a two-year term. He was reappointed in November 2015.

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

William (Bill) Parsons' entire career has been within the labour movement, serving as Vice-President of the Canadian Communications Workers' Union, Organizing Director of Fish, Food and Allied Workers Union and International Representative of the United Steelworkers of America. He is a Past President of the Newfoundland and Labrador Federation of Labour and a Past Vice-President of the Canadian Labour Congress, as well as a Board Member of the Advisory Council on the Economy and member of the Labour Relations Working Group Initiative. Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was also a founding member of the Newfoundland and Labrador Safety Association and continues to promote its work within the construction industry. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was appointed as a regular employee representative in December 1995. He has been regularly reappointed as a regular employee representative since 1995. He was reappointed in November 2015.

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

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



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

Mr. Barnes was appointed to the Labour Relations Board in January 2012. He was reappointed in November 2015.

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

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

Mr. White was appointed to the Labour Relations Board as an alternate employer representative in September, 2012. He was reappointed in November 2015.

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

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

Prior to May 2009, Ms. Penney was a partner with the law firm McInnes Cooper in St. John's, NL. Since June 2009, Ms. Penney has been Corporate Counsel for Marine Atlantic Inc. Ms. Penney practices primarily in the areas of corporate and commercial law, labour law, maritime law, insurance, pension law and privacy law. Ms Penney was appointed Chair of Newfoundland and Labrador Legal Aid Commission January 2015

Ms. Penney was appointed to the Labour Relations Board as an alternate employer representative on May 14, 2013 for a two-year term. She was reappointed in November 2015.

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

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

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

Mr. Pike was appointed to the Labour Relations Board as an alternate employer representative in May, 2013. He was reappointed in November 2015.

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

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

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

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

Mr. McGrath was appointed to the Labour Relations Board as an alternate employer representative in May, 2013. He was reappointed in November 2015.

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

Fred G. Douglas is a retired educator living in Burin. He is a past president of the Newfoundland and Labrador Teachers' Association and a former vice president of the Canadian Teachers' Federation. He is active in community, provincial and church related volunteer activities and served for 9 years as a trustee of the Newfoundland and Labrador English School District.

Mr. Douglas was appointed to the Labour Relations Board as an alternate employee representative in May, 2013. He was reappointed in November 2015.

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

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

Ms. St. Aubin was appointed to the Board in 1991 and 2003 as an alternate and regular employee member respectively. She was reappointed as an alternate employee representative on May 14, 2013. She was reappointed in November 2015.

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

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

Mr. Farewell served two terms as a Labour Representative on the former Labour Standard Tribunal and is a current member of the Labour Management Arbitration Committee. He was appointed to the Labour Relations Board as an alternate employee representative in May of 2013. He was reappointed in November 2015.

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

Michael Power became involved in the trade union movement with the International Brotherhood of Electrical Workers (IBEW) in 1977. He is past President/Business Manager of Local 2351, Churchill Falls and was appointed as an International Representative for the IBEW in Canada in 1992, a position he still holds. He is a past member of the Labour Relations Working Group, board member of the Advisory Council on the Economy, and a member of Construction Industry Industrial Adjustment Services (IAS) Committee. He was an alternate member of the Labour Relations Board for two years from 1995-1997 and a member of the Labour Relations Board as a jurisdictional umpire from 1999-2000. He is also past chairman of the Board of Directors of the Newfoundland and Labrador Construction Safety Association

(NLCSA) and presently Treasurer of the Association. He has served as a member of the Board of Directors of WHSCC (Workplace Health Safety Compensation Commission) from August, 2001- December 2004 and is currently a Labour representative on the Advisory Council to the Minister on Occupational Health and Safety.

Mr. Power was appointed to the Labour Relations Board as an alternate employee representative in May, 2013. He was reappointed in November 2015.

## APPENDIX III - REASONS FOR DECISION

The following is a list of Reasons for Decision issued by the Board in the 2016-17 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. **Rod Bown and Newfoundland and Labrador Association of Public and Private Employees and Central Regional Health Authority and Her Majesty the Queen in Right of Newfoundland and Labrador (as represented by Treasury Board)** dated April 8, 2016. [2016] L.R.B.D. No. 4 (LRB file 5493) (Chair Murphy, Q.C.)
2. **Association of Allied Health Professionals and Eastern Regional Integrated Health Authority and Newfoundland and Labrador Association of Public and Private Employees** dated April 11, 2016. [2016] L.R.B.D. No. 5 (LRB file 5524) (Chair Murphy, Q.C.)
3. **Nasir Ahmad and Newfoundland and Labrador Association of Public and Private Employees and College of the North Atlantic** dated May 6, 2016. [2016] L.R.B.D. No. 6 (LRB file 5552) (Chair Murphy, Q.C.)
4. **Adam LeGrow and Unifor Local 2121 and Crosbie Salamis Ltd. and Hibernia Platform Employers' Association** dated July 12, 2016. [2016] L.R.B.D. No. 7 (LRB file 5550) (Chair Murphy, Q.C.)
5. **Nasir Ahmad and Newfoundland and Labrador Association of Public and Private Employees and College of the North Atlantic** dated September 8, 2016. [2016] L.R.B.D. No. 8 (LRB file 5574) (Chair Murphy, Q.C.)
6. **Gerard Hall and Canadian Union of Public Employees, Local 488 and Western Regional Health Authority** dated October 21, 2016. 2016 L.R.B.D. 9 (LRB file 5558) (Chair Murphy, Q.C.)
7. **Lewis Pilgrim and Construction General Labourers Rock and Tunnel Workers, Local 1208 and Kiewit-Kvaerner Contractors and Resource Development Trades Council of Newfoundland and Labrador** dated October 26, 2016. 2016 L.R.B.D. No. 10 (LRB file 5566) (Chair Murphy, Q.C.)
8. **Ryan Simms and 13910 Newfoundland & Labrador Inc. (Operating as Fewer's Ambulance Service)** dated October 31, 2016. 2016 L.R.B.D. No. 11 (LRB file 5563) (Chair Murphy, Q.C.)

9. **Construction Labour Relations Association of Newfoundland and Labrador Inc. and International Union of Elevator Constructors, Local 125(A) and Thyssenkrupp Elevator (Canada) Limited** dated November 18, 2016. 2016 L.R.B.D. No. 12 (LRB file 5593) (Chair Murphy, Q.C.)
10. **Michael Ginn and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 and Securitas Canada Limited** dated December 9, 2016. [2016] L.R.B.D. No. 13 (LRB file 5581) (Chair Murphy, Q.C.)
11. **Transport and Allied Workers' Union, Teamsters Local 855 affiliated with the International Brotherhood of Teamsters and Town of Carbonear** dated December 16, 2016. 2016 L.R.B.D. No. 14 (LRB file 5577) (Chair Murphy, Q.C.)
12. **Newfoundland and Labrador Association of Quality Personnel and SNC-Lavalin Industrial Atlantic Inc. and ExxonMobil Canada Properties, and Hibernia Management and Development Ltd. and Unifor, Local 2121 and Hibernia Platform Employers' Organization** dated December 21, 2016. 2016 L.R.B.D. No. 15 (LRB file 5544) (Chair Murphy, Q.C.)
13. **Wendy Evans and Unifor Local 597 and Dominion Stores (Loblaws)** dated December 23, 2016. [2016] L.R.B.D. No. 16 (LRB file 5587) (Chair Murphy, Q.C.)
14. **Brian Tucker and HSE Integrated Inc.** dated February 19, 2017. [2017] L.R.B.D. No. 1 (LRB file 5590) (Chair Murphy, Q.C.)
15. **Scott Manning and Canadian Union of Public Employees, Local 569 and City of St. John's** dated March 31, 2017. [2017] L.R.B.D. No. 2 (LRB file 5588) (Chair Murphy, Q.C.)

## **APPENDIX IV - JUDICIAL REVIEW**

### **ACTIVITY ON 2016-17 MATTERS AND PRIOR**

The following are court cases decided in 2016-17 which reviewed decisions or proceedings of the Board.

1. **Unifor, Local 2121 v. Newfoundland and Labrador Labour Relations Board v. Hibernia Management and Development Company Limited v. Hibernia Platform Employers' Organization v. Baker Hughes Canada Company v. Belfor Property Restoration v. Crosbie Salamis Ltd. v. Halliburton Canada ULC v. Import Tool Corporation Ltd. v. Newfoundland and Labrador Association of Quality Personnel v. Wood Group PSN Canada Inc. v. Spectrol Energy Services Inc. (2015 01G 2553) (LRB Files 5280/5425)**
2. **Kevin Burke. v. Newfoundland and Labrador Association of Public and Private Employees v. Memorial University of Newfoundland. (2016 01G 1607) (LRB File 5526)**

### **CASES OUTSTANDING**

The following applications were before the Court at the end of 2016-17:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB file 4645)**
2. **Unifor, Local 2121 v. Newfoundland and Labrador Labour Relations Board v. Hibernia Management and Development Company Limited v. Hibernia Platform Employers' Organization v. Baker Hughes Canada Company v. Belfor Property Restoration v. Crosbie Salamis Ltd. v. Halliburton Canada ULC v. Import Tool Corporation Ltd. v. Newfoundland and Labrador Association of Quality Personnel v. Wood Group PSN Canada Inc. v. Spectrol Energy Services Inc. (2016 01H 0088) (LRB Files 5280/5425)**
3. **Kevin Burke. v. Newfoundland and Labrador Association of Public and Private Employees v. Memorial University of Newfoundland. (2016 01H 0115) (LRB File 5526)**

## APPENDIX V - BARGAINING UNITS

### CERTIFICATION ORDERS ISSUED IN 2016-17

#### *Labour Relations Act*

1. **Transport & Allied Workers Union, Teamsters Local 855, affiliated with the International Union of Brotherhood of Teamsters and The Bay Arena Association Bargaining Unit**  
A unit of employees of The Bay Arena Association comprising all employees of The Bay Arena Association working as Maintenance Worker and Canteen Worker at its Bay Roberts location save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.
2. **United Food and Commercial Workers, Local 1252 and International Brotherhood of Electrical Workers, Local 1620 Bargaining Unit**  
A unit of employees of International Brotherhood of Electrical Workers, Local 1620 comprising all employees of the International Brotherhood of Electrical Workers, Local 1620 working in Clerical and Dispatch at its 67 LeMarchant Road, St. John's, NL location save and except Site Representatives, Utility Representatives, Executive Assistant, Office Manager, Non-Working Supervisor and those above the rank of Non-Working Supervisor.
3. **United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 and Canadian Corps of Commissionaires (Newfoundland) Bargaining Unit**  
A unit of employees of Canadian Corps of Commissionaires (Newfoundland) working as security guards at Western Memorial Regional Hospital, Corner Brook; Humberwood Treatment Centre, Corner Brook; and Sir Thomas Roddick Hospital, Stephenville; NL, save and except office staff, sales staff, non-working supervisors and those above the rank of non-working supervisor.
4. **Transport and Allied Workers Union, Teamsters Local 855, affiliated with the International Brotherhood of Teamsters and Bill Matthews Autohaus Bargaining Unit**  
A unit of employees of Bill Matthews Autohaus Limited comprising of Service Advisors, Warranty Administrator, Appointment Co-ordinator, Tower Operator, and Receptionist, at its Kenmount Road, St. John's NL, location save and except all other persons employed by the company, managers, non-working supervisors, and those above the rank of non-working supervisor.