



# **Labour Relations Board**

**Annual Report  
2019-20**

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## Message from the Chairperson

I am pleased to present the annual report of the Labour Relations Board (the Board) for 2019-20. This report was prepared in accordance with the Provincial Government's commitment to transparency and accountability as a category three entity. My signature below is indicative of the entire Board's accountability for the actual results reported.

The Board is an independent, specialized, quasi-judicial body, which plays a central role in contributing to and promoting harmonious labour relations in the Province. The 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, 2020, the Board consisted of a Chairperson, two Vice-Chairpersons, regular, and alternate Board members. The Board members are in numbers equally representative of employers and employees. Generally, the Board schedules monthly panel meetings, with other meetings as needed. The Board reviews and considers various types of applications, including applications for certification, unfair labour practice complaints, and complaints with respect to the duty of fair representation. The Board also conducts reviews of labour standards decisions and occupational health and safety matters. Depending on the circumstances of each case, the Board either decides matters based on the affidavit evidence provided, submissions of parties and the investigation reports of its Board Officers, or conducts a hearing before making a final decision.

Further information about the Board can be found on its [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 the administrative staff and the Board members for their hard work and continued professionalism throughout the year. I am honoured to serve as Chairperson of the Board with this diligent group of people. I look forward to their continued participation in 2020-21.



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**David Conway**  
Chairperson

# Public Body Overview

## Introduction

The Labour Relations Board (the 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;**
- **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 composed of the Chairperson, two Vice-Chairpersons, and employer and employee representatives. 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 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;
- 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 determinations under the **Labour Standards Act.**

The Board has responsibilities under the **Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act** with 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 come 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.

The Board's mandate and lines of business, including the 2017-20 Activity Plan, are more particularly described on the Board's [website](#).

## Staff of the Board

In 2019-20, the administrative staff of the Board was comprised of a Chief Executive Officer, Deputy Chief Executive Officer (vacant), two Labour Relations Board Officers, and two support staff (three males, three females). Late in 2019-20, a third Labour Relations Board Officer was hired. The Board's financial statement is attached as Appendix A.

The Board's offices are located on the fifth floor of the Natural Resources Building, 50 Elizabeth Avenue, St. John's, with hearings held in St. John's and throughout the Province. 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).

## Statistical Snapshot

During 2019-20, there were 44 new applications filed with the Board and 39 applications were carried forward from the previous years. The Board considered 54 applications during the period, which culminated in the issuance of 74 Orders of the Board. A total of 51 of the applications considered were finalized. The remaining 32 applications were carried forward to 2020-21. There were 15 representation votes conducted in applications for certification, with 345 individuals eligible to vote in the elections. The Board held meetings and hearings over 142 days. Eight matters were referred to a hearing.

Biographical information on Board members is contained in Appendix B. For a listing of the Reasons for Decision issued by the Board in 2019-20, please see Appendix C. A listing of the applications which were the subject of judicial review can be found in Appendix D. Descriptions of bargaining units certified by the Board in 2019-20 are shown in Appendix E. All Board decisions dating from 1975 have been made available to clients on the Labour Relations Board's [website](#). Full text versions of Board decisions are also

available on [CanLII](#).

## Highlights

The annual national meeting of Chairs and Administrators of Labour Relations Boards was held from September 24-26, 2019 in St. John's, NL. The Chair and Chief Executive Officer of the Board attended. The discussion generated in these sessions proved to be invaluable in acquainting the Board with emerging trends and labour board processes in other jurisdictions. Given that it was held in St. John's, it provided an opportunity for Board members and staff to attend some functions.

The Secretary to the Chair joined the Board's staff in January 2020 and two Labour Relations Board Officers joined the Board's staff in March 2020.

# Report on Performance

## Objectives

The objectives discussed below represent the Board's annual focus and include performance measurement information to allow both the Board and the public to monitor and evaluate success. Reported below are the results of the third year of a three-year activity plan (2017-20). 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. There are four main issues used as an indication of the efficacy of the Board. These include processing applications, considering applications, communicating results and orders, and circulating publications.

### Issue 1: Processing Applications

The processing of applications includes administrative and adjudicative functions. The administrative branch receives the application and initiates the process before presenting the application to the adjudicative branch for completion.

**Objective 1:** By March 31, 2020, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators	2019-20
Number of applications received	44
Number of applications in process	24
Number of applications completed	20

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 the Board received during the reporting period, the Board also processed and completed 30 other applications during 2019-20, which were carried forward from previous years.

	Number of Applications Received	Number of Applications in Process	Number of Applications Completed
2017-18	63	24	39
2018-19	59	31	28
2019-20	44	24	20

During the three year period (2017-20) 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 166 applications. At the end of the three year period (2017-20) of the last planning cycle for the Board, 142 applications were completed with 24 remaining in process. Eighty-seven of these applications were completed within the year of receipt. 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

The adjudicative branch considers an application after the administrative branch provides the information on record. When considering an application, the Board may decide the matter and issue an order, order a hearing, or defer the matter pending receipt of additional information.

**Objective 2:** By March 31, 2020, the Labour Relations Board will have considered all processed applications.

Indicators	2019-20
Number of orders made by the Board at its meetings	74
Number of applications referred to the hearing process	8
Number of hearings scheduled	8
Number of applications considered	53
Number of considered applications deferred	0

All processed applications were considered by the Board. The Board considered and finalized 50 matters in the reporting period. Twenty of these were received in 2019-20 and 30 were carried forward from previous years. The Board also considered and referred an additional three applications received in 2019-20 to a hearing, making a total of 53 matters considered. These hearings were scheduled for beyond the end of 2019-20.

In some matters, more than one order was made. Twelve orders were issued by the Board at its regular meetings and the Board issued 58 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 four orders in relation to applications, which were referred to hearings, for a total of 74 orders.

When the Board refers matters to the hearing process and schedules hearings, the hearings may take place during the same reporting year or at a later date. During the 2019-20 reporting year, 8 matters were referred to the hearing process and scheduled for hearings. Four of these matters had hearings that took place during the 2019-20 reporting year. Two other hearings, for three matters received in a previous year, also took place during this reporting year, for a total of six hearings during 2019-20. These six hearings took place over a period of 27 days.



	<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>
<b>2017-18</b>	79	12	12	59 Considered, 0 Deferred
<b>2018-19</b>	72	10	10	54 Considered, 0 Deferred
<b>2019-20</b>	74	8	8	53 Considered, 0 Deferred

During the three year period (2017-20) of the last planning cycle, the Board issued 225 orders at its meetings, considered 166 applications, deferred 0 applications, referred 30 applications to the hearing process, and scheduled 30 hearings. The Board met its objective of considering all applications processed during the Activity Plan.

**Issue 3: Communicating Results of Decisions and Orders**

Decisions of the Board could impact future applications to the Board. The availability of the Board’s decisions allows for the use of the information in future applications.

**Objective 3:** By March 31, 2020, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

<b>Indicators</b>	<b>2019-20</b>
Number of orders issued and number communicated to parties	74
Number of reasons for decision issued 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 74 orders issued by the Board in 2019-20 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 15 reasons for decision were issued by the Board in relation to 19 matters and were communicated to the affected parties. Fifteen reasons for decision were uploaded to the Board’s [Internet-based decision system](#). Five decisions were issued in matters where hearings were conducted and ten were issued as a result of requests from one of the affected parties (see Appendix C – 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 and Number Communicated to Parties</b>	<b>Number of Reasons for Decision Issued and Number Communicated to Parties</b>	<b>Number of Reasons for Decision Uploaded to the Board's Internet-Based Decision System</b>
<b>2017-18</b>	79	12	12
<b>2018-19</b>	72	12	12
<b>2019-20</b>	74	15	15

During the three year period (2017-20) of the last planning cycle, the Board communicated 225 orders and 39 reasons for decision to the parties, and uploaded its 39 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**

The circulation of publications allows the Board to educate and inform the labour relations community as to current practices and procedural changes.

**Objective 4:** By March 31, 2020, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

<b>Indicators</b>	<b>2019-20</b>
Number of reports, information bulletins and policy circulars distributed	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. During the reporting year, the Board added one new policy circular: [Board Review of Applications](#). The policy circular outlines, among other things, that the Chief Executive Officer will automatically

refer applications to the Board within 90 days of receipt.

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>
<b>2017-18</b>	1 Information Bulletin was Updated	1
<b>2018-19</b>	1 Information Bulletin was Updated	1
<b>2019-20</b>	1 New Policy Circular was Issued	1

During the three year period (2017-20) of the last planning cycle, the Board previously adopted bulletins and circulars as necessary and issued two information bulletins and one policy circular. The Board met its objective of circulating publications, as necessary, related to Board processes and procedures.

## Total New Applications Filed in 2019-20

<b><u>Labour Relations Act</u></b>	
Applications for Certification	19
Applications for Revocation of Certification	0
Termination of Bargaining Rights	0
Unfair Labour Practices	4
Duty of Fair Representation	3
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	2
Whether organization is party to or bound by Collective Agreement	0
Review of Labour Standards Determination	1
Submission by Director of Labour Standards	0
Change of name on Certification/Accreditation Order	1
Successor Bargaining Agent	0
Alter Terms and Conditions of Employment	0
Unfair denial of union membership	1
<b><u>Public Service Collective Bargaining Act</u></b>	
Duty of Fair Representation	5
Designation of essential employees	0
Unfair labour practice complaint	0
Amendment of bargaining unit	0
Reconsideration of decision	3
Whether an Employee within meaning of the Act	0
<b><u>Fishing Industry Collective Bargaining Act</u></b>	
Application for Certification	0
Whether an organization is a trade union	0
<b><u>Occupational Health and Safety Act</u></b>	
Appeal of Occupational Health and Safety Order	0
Discriminatory Action	0
<b><u>Teachers' Collective Bargaining Act</u></b>	
<b><u>Interns and Residents Collective Bargaining Act</u></b>	
Change of name on Certification/Accreditation Order	0
<b>TOTAL APPLICATIONS</b>	<b>44</b>

## Opportunities and Challenges

In order to reduce demands on the Board's resources, the Board has taken a new approach to dealing with certain matters received by the Board. The Administration of the Board holds regular case management meetings to discuss challenges and opportunities within each file. The new policy: [Board Review of Applications](#) has also been engaged to move files along.

The Chief Executive Officer continues to review the files to determine whether an investigation is necessary, then the complete file is forwarded to a panel of the Board for further direction. If the Board concurs, the panel deals with the file without a formal investigation. This continues to be beneficial for moving files to the attention of the Board for adjudication.

The annual meeting of Chairs and Administrators of Labour Relations Boards presents the Board with an opportunity to discuss best Labour Relations Board practices with our counterparts across Canada. The Labour Relations Board in Saskatchewan is scheduled to host the 2020 meetings, which will be held using virtual technology due to the COVID-19 pandemic.

The Board has continued to maintain its operations and services during the COVID-19 pandemic. The Board operates within the COVID-19 guidelines that it has produced and has posted to its website. The Board will continue to monitor the COVID-19 situation and will adjust its operations as necessary.

## Appendix A - Financial Statement

The following information is for the fiscal year April 1, 2019 to March 31, 2020.

**Labour Relations Board**  
**Statement of Expenditure and Related Revenue**  
**Unaudited**  
**For the Year Ended March 31, 2020**

<b>Activity - 4.1.06</b>	<b>Actual \$</b>	<b>Amended \$</b>	<b>Original \$</b>
Salaries	509,710	591,800	623,900
Employee Benefits	3,460	4,200	4,200
Transportation and Communications	8,205	22,500	22,500
Supplies	5,213	8,600	8,600
Professional Services	72,426	69,900	69,900
Purchased Services	7,528	10,200	10,200
Property, Furnishings and Equipment	-	700	700
<b>Total: Labour Relations Board</b>	<b>606,542</b>	<b>707,900</b>	<b>740,000</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, 2020. 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 B – Members of the Board**

**As of March 31, 2020, the Board consisted of the following members:**

### **David Conway, Chairperson**

David Conway graduated from McGill University (B.A.) and the University of New Brunswick (LL.B.) before being called to the Bar in Ontario and in Newfoundland and Labrador. Prior to his appointment as Chairperson, he practiced exclusively in the fields of labour law and administrative law.

Mr. Conway has experience in various types of proceedings, including arbitrations, judicial reviews, workers' compensation hearings, employment insurance hearings, human rights cases, disciplinary tribunal hearings, and collective agreement negotiations. He has appeared at all levels of court, including the Supreme Court of Canada. He is a member of the Disciplinary Panel of the Law Society of Newfoundland and Labrador. He has presented educational seminars to various groups throughout Canada, is an instructor in the Administrative Law section of the Newfoundland and Labrador Bar Admission Course, and has instructed at Memorial University of Newfoundland.

Mr. Conway was appointed as Chairperson of the Labour Relations Board on August 7, 2017 for a five-year term.

### **Joan Marie Aylward, Vice-Chairperson**

Joan Marie Aylward has been a member of the National Seniors Council of Canada since September 2018. In 2016, Ms. Aylward completed a six-year position as the Executive Director of St. Patrick's Mercy Home, a role that strengthened competencies in strategic planning with a deeper understanding of the ethical issues surrounding care of seniors. Ms. Aylward has served in numerous Ministerial Government portfolios, including Health, Finance, and Treasury Board, and brings an extensive understanding of the interface among governments, the private sector, and the public sector.

Ms. Aylward has worked in social and economic policy development and has competencies in complex initiatives and leadership skills. She has also served on numerous boards and committees, including Oxfam Canada and the Atlantic Salmon Conservation Foundation. Her career began as a clinical nurse before working as a Nurse Educator and serving as President of the Provincial Nurses Union for six years. She completed the Institute of Corporate Director's Education Program (ICD.D) in 2006.

Ms. Aylward was appointed to the Labour Relations Board as Vice-Chairperson on March 5, 2018 for a five-year term.

### **Chris Peddigrew, Vice-Chairperson**

Chris Peddigrew graduated from Memorial University of Newfoundland with a Bachelor of Commerce (Co-operative) Honours degree in 1999, and in 2003 graduated from Dalhousie University Schulich School of Law. In 2004, Mr. Peddigrew was called to the Bar in this Province and became a member of the Law Society of Newfoundland and Labrador. Since that time, Mr. Peddigrew has been in private practice, first with a large regional law firm and then as a founding partner of Wadden Peddigrew Hogan Law Firm where he has been practicing since 2014. Mr. Peddigrew's practice is focused primarily in the areas of labour and employment law and alternative dispute resolution, including mediation and arbitration. Mr. Peddigrew is also an arbitrator on the provincial roster of labour arbitrators. Mr. Peddigrew also practices in the areas of personal injury, business law, administrative law, residential and commercial real estate transactions, and general litigation.

Mr. Peddigrew volunteers with a number of community and professional organizations, including the St. Patrick's Mercy Home Foundation and Choices for Youth.

On March 5, 2018, Mr. Peddigrew was appointed Vice-Chairperson of the Labour Relations Board for a five-year term.

### **Weldon Brake, Employer Representative (Alternate)**

Weldon Brake was born in Meadows, NL. He is a former Registrar of the Medical Review Panels with Work Safe British Columbia; he was the first non-physician as Registrar. Mr. Brake was the first Executive Director of Workers' Compensation Appeal Tribunal (WCAT) in Newfoundland and Labrador. He studied at Memorial University, receiving a Bachelor of Arts and a Bachelor of Education; besides his undergraduate degrees, he also qualified with a Diploma in Public Administration and Master of Public Administration from Dalhousie University. He also graduated with a Certificate in Public Accounting in Negotiations from the London School of Economics.

Mr. Brake continued his graduate studies at the London School of Economics and Political Science as a candidate in the Ph.D. program in Resource Management and Environmental Planning. His Ph.D. thesis was recently published: *Alternative Resource Management and Environmental Planning Strategies for Offshore Oil and Gas: A comparative study of Norway, UK and NL*. His professional education was further pursued in the completion of Alternative Conflict Resolution programs from the University of Windsor and Harvard University.

Mr. Brake's professional appointments include: Specialist in Conflict Resolution and Mediation; Senior Executive Management in the School of Nursing MUN; Researcher in Genetics Faculty of Medicine MUN; First Executive Director of WCAT NL; Executive Assistant and Researcher to the Chief Appeal Commissioner WCAT BC.



Mr. Brake was appointed to the Labour Relations Board as an alternate employer representative on March 5, 2018 for a two-year term.

**Florence Careen-Power, Employee Representative (Alternate)**

Florence Careen-Power graduated from the General Hospital, St. John's in 1972 as a Licensed Practical Nurse. She worked in the Acute Care Emergency Department for 25 years.

Ms. Careen-Power has been past General Vice President of the Newfoundland and Labrador Federation of Labour; past President of the St. John's and District Labour Council; past Chairperson for Friends of Cape St. Mary's Ecological Reserve; past Member of the Board of Directors for the NL Safety Council, Labour Canada Skill Mix Study (Nursing); Board Director - Consumer Organization for Persons with Disabilities; Labour Representative Northeast Avalon Regional Economic Development Board; Employee Representative Employment Insurance Appeal Board. Ms. Careen-Power presently is a Member of the Benevolent Irish Society Cultural Committee.

Ms. Careen-Power was appointed to the Labour Relations Board as an alternate employee representative on March 5, 2018 for a two-year term.

**David Curtis, Employee Representative (Alternate)**

David Curtis is the past President of the Newfoundland and Labrador Federation of Labour and past President of the Newfoundland Association of Public Employees. Following 30 years' involvement in the labour movement, Mr. Curtis retired from NAPE in 1997. He currently works as a labour relations consultant and serves as an arbitrator for the Canadian Motor Vehicle Arbitration Plan.

Mr. Curtis was appointed to the Labour Relations Board as an employee representative alternate 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. On March 5, 2018, he was appointed for a two-year term as an alternate employee representative.

**Michele Farrell, Employer Representative (Alternate)**

Michele M. Farrell is the Owner and Principal Consultant at Trusted Consult Inc. providing human resources and leadership counsel to help businesses achieve their strategic objectives. Before opening her consulting practice, she spent close to twenty years in senior leadership roles in the human resource management and environment health and safety fields in the Newfoundland and Labrador offshore oil and gas industry with Petro-Canada and Suncor. Before joining the oil and gas industry Ms. Farrell spent ten years in human resources leadership roles at Newfoundland and Labrador Housing Corporation.

Ms. Farrell holds a Bachelor of Commerce degree from Memorial University, is a certified Compensation Professional and a trained Harassment Investigator. In April 2017, Ms. Farrell was appointed to the Board of Directors of the Women in Resource Development Corporation.

Ms. Farrell was appointed as an alternate employer representative with the Labour Relations Board on March 5, 2018 for a two-year term.

**Christina R. Kennedy, Employee Representative (Regular)**

Christina R. Kennedy graduated from Memorial University in 1998 with a Bachelor of Arts (Hons). She graduated from the University of New Brunswick with a Bachelor of Laws in 2004. Ms. Kennedy is called to the Bar in both Ontario and Newfoundland & Labrador and practiced law in Ontario prior to returning to her home province in 2005.

Ms. Kennedy has worked at the Newfoundland & Labrador Association of Public and Private Employees (NAPE) since 2006. As Legal Counsel for NAPE, she practices in all aspects of labour law.

Ms. Kennedy was appointed to the Labour Relations Board as a regular employee representative on June 30, 2017 for a two-year term. She was reappointed for a two-year term on June 30, 2019.

**Sean Noah, Employee Representative (Regular)**

Sean Noah has over 32 years' experience in the education system of our province, having been a teacher and administrator in Eastern, Central and Labrador School Districts. He is a former President of the Newfoundland and Labrador Teachers' Association (NLTA) and Vice-President of the Canadian Teachers' Federation (CTF). He also served as the Atlantic Canadian Representative on the CTF Board of Trustees for several years. He holds Bachelor degrees in Arts and Education, as well as a Master's in Education from Memorial University of Newfoundland.

Mr. Noah has varied experience in collective bargaining preparation and negotiations, pension investment and group insurance services, as well as a background in workplace health and safety, child services, and human resources in Education. He has chaired numerous provincial committees in these and other areas such as school administration, teacher allocation, and membership benefits and services. At the national level, he has chaired work promoting human rights in education.

Mr. Noah was appointed to the Labour Relations Board on June 30, 2017 for a two-year term as a regular employee representative. He was reappointed to the Board for a two-year term on June 30, 2019.

### **Jacqueline Penney, Q.C., Employer Representative (Regular)**

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.

From January 2015 to December 2017, Ms. Penney acted as Chair of the Newfoundland and Labrador Legal Aid Commission. In November 2017, Ms. Penney was appointed as a part-time member of the Transportation Appeal Tribunal of Canada for a term of four years.

Ms. Penney was appointed to the Labour Relations Board as an alternate employer representative on May 14, 2013 for a two-year term; on June 30, 2017, she was reappointed for a two-year term as a regular employer representative. Ms. Penney was reappointed for another two-year term on June 30, 2019.

### **Larry Pittman, Employer Representative (Alternate)**

Larry Pittman, born and raised in St. John's, NL, is currently the owner and President of BlueSky Business Consulting. A 1985 graduate of Memorial University, he has significant work experience in Human Resources and Labour Relations. In 2009, he earned the professional designation of Certified Human Resources Professional (CHRP).

Mr. Pittman has provided human resources/labour relations services to two of the largest mining companies in the world (Vale - formerly Voisey's Bay Nickel and Anglo American/DeBeers Canada, Victor Diamond Mine). Larry was Human Resources/Labour Relations Manager at the Muskrat Falls Project (2014-15) for one of the prime contractors at the construction site, responsible for over 2500 employees.

Under the auspices of BlueSky Business Consulting Larry has provided support and advice for a municipality in Newfoundland and Labrador and a company under the federal jurisdiction and the Canada Labour Code during their collective bargaining process. Both organizations were successful and were able to get a new Collective Agreement without the use of a strike by the employees. The most recent set of negotiations were successfully conducted virtually (due to the COVID-19 pandemic) through the assistance of an Arbitrator and believed to be one of the first ever to do so in Canada.

Mr. Pittman is immensely proud to have served his country, as a uniformed military reserve officer at the military base in Happy Valley-Goose Bay, Labrador, Canada, for a three-year posting in the early 1990s.

One of his most rewarding moments was providing support on September 11, 2001. As Chief Executive Officer of the Goose Bay Airport Corporation, Larry was responsible for all civil aviation including the landing requirements for an anticipated 80 aircrafts and managing the processing and housing of some 1,000 stranded passengers and aircrew.

Mr. Pittman was appointed to the Labour Relations Board as an alternate employer representative on June 30, 2017 for a two-year term and was reappointed to a second term on November 3, 2019.

### **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 from which he retired in October 2017. 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 past Treasurer of the Association. He has served as a member of the Board of Directors of WHSCC (Workplace Health, Safety and Compensation Commission) from August 2001-December 2004 and is currently a Labour representative on the Labour Management Arbitration Committee.

Mr. Power was appointed to the Labour Relations Board as an alternate employee representative in May 2013 and he was reappointed in November 2015. On March 5, 2018, he was reappointed for a two-year term as an alternate employee representative.

### **Roseanne Saturley, Employer Representative (Regular)**

The entirety of Roseanne Saturley's career has been in leadership roles in the Human Resources and Labour Relations sectors. She has achieved successful results in projects related to recruitment and selection, change management, employee relations, collective bargaining, and training and development, among others. In her career, she has had the opportunity to work with diverse cultures and groups, across Canada and the Middle East, allowing her to extensively use her skills in dispute resolution and conflict management. Her employment has included NORDCO Limited, the Workers' Compensation Board (WorkplaceNL), the Canadian Broadcasting Corporation, and the College of the North

Atlantic (CNA). One of her proudest accomplishments was the work she performed in establishing the Human Resources infrastructure for CNA's campus in Doha, Qatar.

Ms. Saturley graduated from Memorial University of Newfoundland with a Bachelor of Arts focused on English Literature, Sociology and Business. She also completed extensive training related to Labour Relations.

Ms. Saturley was appointed to the Board as an alternate employer representative on March 5, 2018 for a two-year term; and on January 18, 2019 Ms. Saturley was appointed as a Regular employer representative for the remainder of her term.

### **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 Retail, Wholesale and Department Store Union (RWDSU) and Secretary-Treasurer of the National Staff Representatives' Union with Canadian Autoworkers Union (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 RWDSU and United Steelworkers and a National Representative with CAW.

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 and in November 2015; on March 5, 2018, she was reappointed for a two-year term as an alternate employee representative.

### **Raelene Lee, Employer Representative (Alternate)**

Raelene Lee holds a Bachelor of Commerce (Co-op) from Memorial University of Newfoundland and a law degree from the University of Ottawa. Ms. Lee maintained a private law practice for almost 12 years before joining a local health authority as in-house counsel and currently holds the position of Legal Counsel of Medical Services. She has practiced in the areas of real estate, corporate commercial, privacy, human rights, administrative as well as labour and employment law. She has provided training in board governance and agency law and is a sessional instructor at Memorial University teaching labour law, labour relations and business law. She was appointed for a two-year term on September 17, 2019.

## Appendix C – Reasons for Decision

The following is a list of Reasons for Decision issued by the Board in the 2019-20 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.

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 the application. Reasons for Decision are uploaded to the Board's [Internet-based decision system](#) and can be searched by entering the labour relations file number (for example: LRB File 5669 as noted below).

For matters that arose prior to August 2017, the previous Chairperson remains seized of those files and has issued reasons accordingly. The current Chairperson was appointed in August 2017.

1. **Harold Scott Tizzard and International Brotherhood of Electrical Workers, Local 1620 and Pennecon Limited** dated 18 April 2019 [2019] L.R.B.D. No. 4 (LRB File 5669) (Chair D. Conway)
2. **Michael Lahey and 13910 Newfoundland & Labrador Inc. (operating as Fewer's Ambulance Service) and Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters** dated 24 April 2019 [2019] L.R.B.D. No. 5 (LRB File 5684) (Chair D. Conway)
3. **Association of Allied Health Professionals and Eastern Regional Integrated Health Authority** dated 31 May 2019 [2019] L.R.B.D. No. 6 (LRB File 5614) (Vice-Chair J. M. Aylward)
4. **Greg Lucas and Canadian Union of Public Employees, Local 1289 and City of St. John's** dated 28 June 2019 [2019] L.R.B.D. No. 7 (LRB File 5660) (Chair D. Conway)  
  
**Greg Lucas and Canadian Union of Public Employees, Local 1289 and City of St. John's – Corrigendum** dated 13 August 2019 [2019] L.R.B.D. No. 7 (LRB File 5660) (Chair D. Conway)
5. **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 and LMD Enterprises Ltd.** dated 28 June 2019 [2019] L.R.B.D. No. 8 (LRB File 5712) (Chair D. Conway)

6. **Catherine M. Ryan and International Brotherhood of Boilermakers and Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 203 and Bay Tank and Vessel of Canada Ltd.** dated 1 August 2019 [2019] L.R.B.D. No. 9 (LRB File 5653) (Chair D. Conway)
7. **Donna Margaret Wiseman and United Food and Commercial Workers, Canada, Local 1252 and Canadian Corps of Commissionaires (Newfoundland)** dated 16 August 2019 [2019] L.R.B.D. No. 10 (LRB File 5675) (Chair D. Conway)
8. **Canadian Merchant Service Guild and Her Majesty the Queen in Right of Newfoundland and Labrador, represented by Treasury Board** dated 13 September 2019 [2019] L.R.B.D. No. 11 (LRB File 5729) (Chair D. Conway)
9. **Canadian Union of Public Employees, Local 4303 and Canadian Union of Public Employees, Local 3034 and Town of Conception Bay South** dated 11 October 2019 [2019] L.R.B.D. No. 12 (LRB File 5714/5715/5716) (Chair D. Conway)
10. **Her Majesty the Queen in Right of Newfoundland and Labrador (Represented by the Treasury Board) and Canadian Union of Public Employees, Local Numbers 488, 879, 4934, 4935, 4936, 4937, 4938, 4939, and 5078** dated 16 October 2019 [2019] L.R.B.D. No. 13 (LRB File 5608) (Chair Sheilagh M. Murphy, Q.C.)
11. **Delton Gordon McGrath and Newfoundland and Labrador Association of Public and Private Employees and Marine Institute of Memorial University** dated 17 October 2019 [2019] L.R.B.D. No. 14 (LRB File 5579) (Chair Sheilagh M. Murphy, Q.C.)
12. **Newfoundland and Labrador Association of Public and Private Employees and Paladin Security Group Limited** dated 27 December 2019 [2019] L.R.B.D. No. 15 (LRB Files 5700, 5706 & 5740) (Chair D. Conway)
13. **Harold Scott Tizzard and International Brotherhood of Electrical Workers, Local 1620 and Pennecon Limited** dated 4 February 2020 [2020] L.R.B.D. No. 1 (LRB File 5744) (Chair D. Conway)
14. **Corey Pike and Newfoundland and Labrador Association of Public and Private Employees and Eastern Health** dated 6 February 2020 [2020] L.R.B.D. No. 2 (LRB File 5757) (Chair D. Conway)

15. **United Food and Commercial Workers Canada, Local 1252 and Hebert's Recycling Inc.** dated 6 March 2020 [2020] L.R.B.D. No. 3 (LRB File 5733) (Chair D. Conway)



## Appendix D – Judicial Review

These are applications to the court with respect to decisions of the Board.

### Activity on 2019-20 Matters and Prior

The following are court cases decided in 2019-20, 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. (2016 01H 0088)** (LRB Files 5280/5425)
2. **James J. Patten v. Newfoundland and Labrador Labour Relations Board (2018 01 G 8704)** (No LRB File Number Assigned)

### Cases Outstanding

The following applications were before the Court at the end of 2019-20:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382)** (LRB File 4645)
2. **Richard Lichtenauer v. Newfoundland and Labrador Association of Public and Private Employees (NAPE) (2018 04 G 0129)** (LRB Files 5683/5621)
3. **Canadian Merchant Service Guild v. Her Majesty the Queen in Right of Newfoundland and Labrador, represented by Treasury Board (2019 01 G 8144)** (LRB File 5729)

# Appendix E – Bargaining Units

## Certification Orders Issued in 2019-20

### Labour Relations Act

- 1. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Blue Water (Newfoundland) Ltd.**  
Bargaining Unit  
All employees, working in and out of 33 Hops Street, Conception Bay South, save and except Office Staff, Supervisors, those above the rank of Supervisor, and employees employed on an offshore petroleum production platform as contemplated by the *Act*.
- 2. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, UA Local 740 Newfoundland and Labrador and L.M.D. Enterprises Ltd.**  
Bargaining Unit  
All Plumbers and Pipefitters working for the Employer in the province of Newfoundland and Labrador.
- 3. Newfoundland and Labrador Association of Public and Private Employees and Stephenville Gardens Corporation**  
Bargaining Unit  
All employees of the Stephenville Gardens Corporation employed as Arena Workers at the Stephenville Dome/Hockey Arena located in Stephenville, Newfoundland and Labrador, excluding Arena Manager.
- 4. Canadian Union of Postal Workers St. John’s Local 126 and Bee Clean Building Maintenance**  
Bargaining Unit  
All employees of Bee Clean Building Maintenance performing maintenance and cleaning services in Canada Post’s facility located at 98 Kenmount Road, St. John’s, NL.
- 5. Newfoundland and Labrador Association of Public and Private Employees and Young’s Funeral Home Limited operating as Young’s Ambulance Services**  
Bargaining Unit  
A unit of employees of Young’s Funeral Home Limited operating as Young’s Ambulance Services comprising all employees of Young’s Funeral Home Limited operating as Young’s Ambulance Services working in and out of Spaniard’s Bay and general area, save and except non-working supervisors and those above the

rank of non-working supervisor.

- 6. International Brotherhood of Electrical Workers, Local 1615 and Nalcor Energy (operating as Power Supply Division)**  
Bargaining Unit  
A unit of employees of Nalcor Energy (operating as Power Supply Division) comprising all employees as described in “Schedule A-Revised”.
- 7. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and CarStar Collision and Glass Service**  
Bargaining Unit  
A unit of employees of CarStar Collision and Glass Service comprising all employees of CarStar Collision and Glass Service, located at 71 L.T. Stick Drive, Bay Roberts, save and except office staff, supervisors, and those above the rank of supervisor.
- 8. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union 764 and Mammoet Canada Eastern Ltd.**  
Bargaining Unit  
A unit of employees of Mammoet Canada Eastern Ltd. comprising all Ironworkers and Ironworker Apprentices in the Province of Newfoundland and Labrador save and except superintendent and those above the rank of superintendent.
- 9. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Eastern Regional Service Board**  
Bargaining Unit  
A unit of employees of Eastern Regional Service Board comprising of all employees of Eastern Regional Service Board working in the Province of Newfoundland and Labrador as Waste Collectors, Labourers, and Highway Transport Equipment Operators, save and except Office Staff, Site Attendants, Supervisors, and those above the rank of Supervisor.
- 10. Newfoundland and Labrador Association of Public and Private Employees and Students’ Union of Sir Wilfred Grenfell College, Inc.**  
Bargaining Unit  
A unit of employees of Students’ Union of Sir Wilfred Grenfell College, Inc. comprising of all employees of Students’ Union of Sir Wilfred Grenfell College save and except Student Council Executive and Board and those above the rank of Supervisor.
- 11. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial And Service Workers International Union (United Steelworkers),**

**Local 6185 and Aramark Quebec Inc.**

**Bargaining Unit**

All employees of Aramark Quebec Inc. employed in and around Wabush and Labrador City, Newfoundland and Labrador save and except managers, non-working supervisors, and those above the rank of non-working supervisor.

**12. United Food and Commercial Workers Canada, Local 1252 and Hebert's Recycling Inc.**

**Bargaining Unit**

All employees of Hebert's Recycling Inc. who work as sorters and operators working at the Central Regional Service Board Material Recovery Facility at Norris Arm North save and except non-working supervisors and those above the rank of non-working supervisor.

**13. International Union of Bricklayers & Allied Craftworkers Local #1 Newfoundland & Labrador and Trinity Maintenance Solutions LTD.**

**Bargaining Unit**

All Masons and Masons Helpers working for Trinity Maintenance Solutions LTD. in the Province of Newfoundland and Labrador.

**14. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local 740 and Elmm Incorporated**

**Bargaining Unit**

A unit of employees of Elmm Incorporated comprising of all Plumbers and Pipefitters working for the Employer in the Province of Newfoundland and Labrador.