



LABOUR RELATIONS BOARD

**ANNUAL REPORT
2017-18**

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MESSAGE FROM THE CHAIRPERSON

I am pleased to present the annual report of the Labour Relations Board (the Board) for 2017-18. 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, 2018, 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 at 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 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 2018-19.



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: www.gov.nl.ca/lrb/.

STAFF OF THE BOARD

In 2017-18, 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 (three males, three females). The annual expenditures of the Board are approximately \$750,000. 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 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.

STATISTICAL SNAPSHOT

During 2017-18, there were a total of 63 new applications filed with the Board and 24 applications were carried forward from the previous years. There were 16 representation votes conducted in applications for certification, with 571 individuals eligible to vote in the elections. The Board considered 59 applications during the period, which culminated in the issuance of 79 Orders of the Board. A total of 56 of the applications considered were finalized. The remaining 31 applications were carried forward to 2018-19. The Board held meetings and hearings over 86 days. Twelve 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 2017-18, 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 2017-18 are shown in Appendix E. All Board decisions dating from 1975 have been made available

to clients on its website, www.gov.nl.ca/lrb. Full text versions of Board decisions are also available on LexisNexis®QuickLaw® (<https://www.lexisnexis.com/ca/legal/>) and CanLII (<https://www.canlii.org/>).

HIGHLIGHTS

In August 2017, Mr. David Conway was appointed Chairperson of the Board for a five-year term. For a complete listing of Board appointments, please refer to Appendix B.

The Board is pleased to announce that in November 2017, its offices were moved to 50 Elizabeth Avenue. This move will not impact service delivery to the public or parties using the services of the Board on a regular basis.

The annual meeting of the Chairs and Administrators of Labour Relations Boards from across Canada was held in Quebec in September 2017. The Chair and the Chief Executive Officer of the Board attended. The discussion generated in the sessions proved to be invaluable in acquainting the Board with emerging trends and Board processes in other jurisdictions in areas of labour relations.

During this reporting period, there was an amendment to Section 6 of the **Labour Relations Act** as it related to the term of employee and employer representatives. This modification enhanced consistency among all Board members as it relates to expirations, retirements and re-appointments. The amendment received Royal Assent on December 7, 2017.

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. Reported below are the results of the first year of a three-year 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 audit mechanism for 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 determination.

Objective 1: By March 31, 2018, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators	2017-18
Number of applications received	63
Number of applications in process	24
Number of applications completed	39

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 also processed and completed 17 other applications during 2017-18 which were carried forward from previous years.

The Board will report on this objective using the same indicators in the 2018-19 Annual Report.

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, 2018, the Labour Relations Board will have considered all processed applications.

Indicators	2017-18
Number of orders made by the Board at its meetings	79
Number of applications referred to the hearing process	12
Number of hearings scheduled	12
Number of applications considered	59
Number of applications deferred	0

All processed applications were considered by the Board. The Board considered and finalized 56 matters in the reporting period. Thirty-nine of these were received in 2017-18 and 17 were carried forward from previous years. The Board also considered and referred an additional three applications received in 2017-18 to a hearing, making a total of 59 matters considered. These hearings were not finalized at the end of 2017-18.

In some matters, more than one order was made. Thirty-seven orders were issued by the Board at its regular meetings and the Board issued 35 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 seven orders in relation to applications which were referred to hearings, for a total of 79 orders.

Twelve matters were referred to the hearing process and were scheduled during this reporting period. All of these matters were received during this reporting year. In the reporting year, seven matters were heard over 18 days; three of these hearings were in relation to files received by the Board in the previous reporting year; the other four matters were referred to a hearing in this reporting year.

The Board will report on this objective using the same indicators in the 2018-19 Annual Report.

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, 2018, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Indicators	2017-18
Number of orders issued and number communicated to parties	79
Number of reasons for decision and number communicated to parties	12
Number of reasons for decision uploaded to the Board's internet-based decision system	12

There were a total of 79 orders issued by the Board in 2017-18 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 12 reasons for decision were issued by the Board in relation to 14 matters and were communicated to the affected parties. Twelve reasons for decision were uploaded to the Board's internet-based decision system. Five decisions were issued in matters where hearings were conducted and seven 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.

The Board will report on this objective using the same indicators in the 2018-19 Annual Report.

ISSUE 4: CIRCULATING PUBLICATIONS

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

Objective 4: By March 31, 2018, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

Indicators	2017-18
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. 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.

The Board will report on this objective using the same indicators in the 2018-19 Annual Report.

TOTAL NEW APPLICATIONS FILED IN 2017-18

<u>Labour Relations Act</u>	
Applications for Certification	16
Applications for Revocation of Certification	0
Termination of Bargaining Rights	0
Unfair Labour Practices	12
Duty of Fair Representation	11
Successorship/Transfer of Business	0
Common Employer	0
Reconsideration of Decision	7
Amendment of Bargaining Unit	3
First Collective Agreement	1
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	1
Submission by Director of Labour Standards	0
Change of name on Certification/Accreditation Order	1
Successor Bargaining Agent	2
Alter Terms and Conditions of Employment	2
Unfair denial of union membership	1
<u>Public Service Collective Bargaining Act</u>	
Duty of Fair Representation	5
Unfair labour practice complaint	0
Amendment of bargaining unit	0
Reconsideration of decision	0
<u>Fishing Industry Collective Bargaining Act</u>	
Application for Certification	0
Whether an organization is a trade union	0
<u>Occupational Health and Safety Act</u>	
Appeal of Occupational Health and Safety Order	1
Discriminatory Action	0
<u>Teachers' Collective Bargaining Act</u>	
	0
<u>Interns and Residents Collective Bargaining Act</u>	
Change of name on Certification/Accreditation Order	0
TOTAL APPLICATIONS	63

OPPORTUNITIES AND CHALLENGES

The Board is application driven. Over the previous year, the Board experienced just over a 23 per cent increase in the number of applications filed with the Board. All of the Board's internal operations continued to be reviewed by Board staff with a view to efficiently managing Board resources to meet the increased demand for Board services.

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, which may in turn impact the time required to respond to requests for information. Board staff have worked diligently and professionally to respond to these requests as expeditiously as possible.

The annual meeting of Labour Relations Board Chairs and Administrators provides a tremendous opportunity to share ideas and labour relations trends. It also allows the Board to assess and improve upon its practices and procedures.

With the dedicated staff and members who are committed to the objectives and goals of the Board, we continue to serve parties in the administration and support of harmonious labour relations in Newfoundland and Labrador.

APPENDIX A - FINANCIAL STATEMENT

The following information is for the fiscal year April 1, 2017 to March 31, 2018.

Labour Relations Board
Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2018

Activity - 4.1.05	Actual \$	Amended \$	Original \$
Salaries	613,020	615,000	615,100
Employee Benefits	5,296	1,700	1,700
Transportation and Communications	15,177	25,000	25,000
Supplies	5,788	5,900	5,900
Professional Services	91,903	101,000	69,000
Purchased Services	31,382	33,700	33,700
Property, Furnishings and Equipment	0	700	700
Total: Labour Relations Board	\$762,566	\$783,000	\$751,100

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, 2018. 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

The current Board consists 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 recently 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 initiative 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.

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

CHRIS PEDDIGREW, *Vice-Chairperson*

Chris graduated from Memorial University of Newfoundland with a Bachelor of Commerce (Co-operative) Honours degree in 1999. In 2003, Mr. Peddigrew graduated from Dalhousie University Schulich School of Law and became a member of the Law Society of Newfoundland and Labrador in 2004. Since that time, Chris 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 since 2014. His practice is focused primarily in the area of labour and employment law, but he also practices in the areas of personal injury, business law, administrative law, residential and commercial real estate transactions and general litigation.

Since 2016, he has been a Labour Arbitrator and Mediator. He 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 BA and B.Ed.; besides his undergraduate degrees, he also qualified with a DPA and MPA from Dalhousie University.

He 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.

His 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 alternate 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.

She 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. Marys 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 thirty years involvement in the labour movement, Mr. Curtis retired from NAPE in 1997. He currently works as a labour relations consultant and serves as an arbitrator for the Canadian Motor Vehicle Arbitration Plan.

Mr. Curtis was appointed to the Labour Relations Board as an 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 reappointed 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 HR 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 HR leadership roles at Newfoundland and Labrador Housing Corporation.

Ms. Farrell holds a Bachelor of Commerce degree from Memorial University and 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 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.

She was appointed to the Labour Relations Board as a regular employee representative on July 11, 2017 for a two-year term.

SEAN NOAH, *Employee Representative (Regular)*

Sean Noah has over thirty-two 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 Masters' 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.

JACQUELINE PENNEY, *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.

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, Labour Relations, Crisis Management, Business Consulting, Aviation Management, Marketing, Public Relations, Economic Development and Event Planning. In 2009, he earned the professional designation of Certified Human Resources Professional (CHRP).

Larry 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. Currently he provides Human Resource and Business advisory services to a client in Ottawa, Ontario who supports indigenous financial lending to organizations throughout the country.

He is very proud to have served his country, as a uniformed military reserve officer at the military base in Goose Bay, Labrador, Canada, for a three-year posting in the early 1990's. Larry really enjoyed the people and lifestyle in Labrador where he lived and worked for nearly 25 years. An avid community volunteer, he was involved with Minor Hockey, Rotary Club and Air Cadets. In recognition of his impact, Larry was awarded the 2004 Happy Valley-Goose Bay Volunteer of the Year. On Remembrance Day 2009, Larry fulfilled a dream of his to carry the Olympic Torch for the Vancouver 2010 Olympics in Happy Valley-Goose Bay.

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 July 11, 2017 for a two-year term.

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 and 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 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 (Alternate)*

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.

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

JOHN WHELAN, *Employer Representative (Regular)*

John Whelan graduated from the University of New Brunswick with a Bachelor of Laws degree and from Memorial University with a Bachelor of Commerce (Finance). He has been a Practicing Member of the Law Society since 2009 and is also a member of the Provincial Court Judges' Salary & Benefits Tribunal.

After a brief period with Stewart McKelvey, he entered an in-house position with CareGivers Inc. He is the Executive Director of Blue Sky Family Care; a past Director of the Newfoundland & Labrador Employers' Council; and a former lecturer at Memorial University's Faculty of Business Administration where he taught general business law and advanced labour relations.

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

The following Board members completed their term during 2017-18:

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. Ms. Murphy's appointment with the Board ended in August 2017.

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. His term with the Board ended on March 13, 2018.

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

Fred 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 and he was reappointed in November 2015. His appointment with the Board ended March 13, 2018.

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. His appointment with the Board ended March 13, 2018.

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 and he was reappointed in November 2015. His appointment ended with the Board on March 13, 2018.

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, he 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 and he was reappointed in November 2015. His appointment with the Board ended March 13, 2018.

PAUL PIKE, *Employer Representative (Alternate)*

Paul 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 38 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 20 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. His appointment with the Board ended on March 13, 2018.

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 and he was reappointed in November 2015. His appointment with the Board ended March 13, 2018.

APPENDIX C - REASONS FOR DECISION

The following is a list of Reasons for Decision issued by the Board in the 2017-18 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.

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

1. **Unifor, Local 597 and D-J Composites Inc. and D-J Engineering Inc.** dated 29 June 2017 [2017] L.R.B.D. No.3 (LRB File 5617) (Chair Murphy, Q.C.)
2. **Unifor, Local 597 and Saputo Inc. and Transportation and Allied Workers Local Union 855, Affiliated with International Brotherhood of Teamsters** dated 29 August 2017 [2017] L.R.B.D. No.4 (LRB File 5557) (Chair Murphy, Q.C.)
3. **Transport and Allied Workers Union, Teamsters Local 855 Affiliated with the International Brotherhood of Teamsters and Mercer's Ambulance Service Limited** dated 27 November 2017 [2017] L.R.B.D. No.5 (LRB File 5604) (Chair Murphy, Q.C.)
4. **Transport and Allied Workers Union, Teamsters Local 855, Affiliated with the International Brotherhood of Teamsters and 13910 Newfoundland and Labrador Inc. (Operating as Fewer's Ambulance Service)** dated 18 December 2017 [2017] L.R.B.D. No.7 (LRB File 5612) (Chair Murphy, Q.C.)
5. **Her Majesty the Queen in Right of Newfoundland and Labrador (Represented by Treasury Board) and Newfoundland and Labrador Association of Private and Public Employees** dated 21 December 2017 [2017] L.R.B.D. No.8 (LRB File 5606) (Chair Murphy, Q.C.)
6. **Arlene King and Unifor Local 597 and Loblaws Inc.** dated 17 January 2018 [2018] L.R.B.D. No.1 (LRB File 5628) (Chair Conway)
7. **Fish, Food and Allied Workers-Unifor (FFAW-Unifor) and Federation of Independent Sea Harvesters of Newfoundland and Labrador (FISH-NL) and Association of Seafood Producers (ASP) and all fish buyers** dated 19 January 2018 [2018] L.R.B.D. No.2 (LRB File 5603) (Chair Murphy, Q.C.)
8. **Transport and Allied Workers Union, Teamsters Local 855, Affiliated with the International Brotherhood of Teamsters and Ferryland Emergency**

- Services Ltd.** dated 19 January 2018 [2018] L.R.B.D. No.3 (LRB File 5610) (Chair Murphy, Q.C.)
9. **Transport and Allied Workers Union, Teamsters Local 855, Affiliated with the International Brotherhood of Teamsters and Tremblett's Ambulance Service Ltd.** dated 19 January 2018 [2018] L.R.B.D. No.4 (LRB File 5613) (Chair Murphy, Q.C.)
 10. **Michael Taylor (Fish Bowl Inc.) and Christopher Hounsell** dated 8 February 2018 [2018] L.R.B.D. No.5 (LRB File 5641) (Chair Conway)
 11. **Richard Lichtenauer and Newfoundland and Labrador Association of Public and Private Employees and Her Majesty the Queen in Right of Newfoundland and Labrador (Represented by Treasury Board Forestry and Agrifoods Agency)** dated 9 March 2018 [2018] L.R.B.D. No.6 (LRB File 5621) (Vice-Chair Sweetland, Q.C.)
 12. **Stephen Richard Blackmore and Freake's Ambulance Service Limited and Transport and Allied Workers Union, Teamsters Local 855 Affiliated with the International Brotherhood of Teamsters** dated 22 March 2018 [2018] L.R.B.D. No.7 (LRB Files 5625/5626/5627) (Chair Murphy, Q.C.)

APPENDIX D - JUDICIAL REVIEW

ACTIVITY ON 2017-18 MATTERS AND PRIOR

The following are court cases decided in 2017-18, which reviewed decisions or proceedings of the Board.

1. **Brian Tucker v. HSE Integrated Limited (2017 01G 4101)** (LRB File 5590)

CASES OUTSTANDING

The following applications were before the Court at the end of 2017-18:

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 Salmis 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)
4. **Fish, Food and Allied Workers-Unifor v. Federation of Independent Sea Harvesters of Newfoundland and Labrador v. Association of Seafood Producers and All Fish Buyers (2018 01 G 1253)** (LRB File 5603)

APPENDIX E - BARGAINING UNITS

CERTIFICATION ORDERS ISSUED IN 2017-18

Labour Relations Act

1. Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters and Mercer's Ambulance Service Limited

Bargaining Unit

A unit of employees of Mercer's Ambulance Service Limited comprising all employees working in and out of Boyd's Cove, Fogo Island and Carmanville as Emergency Medical Responders (EMRs), Primary Care Paramedics (PCPs) and Dispatchers, save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

2. Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters and 13910 Newfoundland and Labrador Inc. (Operating as Fewer's Ambulance Service)

Bargaining Unit

A unit of employees of 13910 Newfoundland and Labrador Inc. (Operating as Fewer's Ambulance Service) comprising all employees working in and out of Conception Bay South and Holyrood as Emergency Medical Responders (EMRs), Primary Care Paramedics (PCPs), and Dispatchers, save and except Managers, Non-Working Supervisors, and those above the rank of Non-Working Supervisor.

3. Transport and Allied Workers Local Union 855 affiliated with the International Brotherhood of Teamsters and Ferryland Emergency Services LTD.

Bargaining Unit

A unit of employees of Ferryland Emergency Services LTD. comprising all employees working in and out of Ferryland as Emergency Medical Responders (EMRs), Primary Care Paramedics (PCPs), and Dispatchers, save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

4. Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters and Tremblett's Ambulance Service Ltd

Bargaining Unit

A unit of employees of Tremblett's Ambulance Service Ltd comprising all employees working in and out of Bell Island as Emergency Medical Responders

(EMRs), Primary Care Paramedics (PCPs), and Dispatchers, save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

5. Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters and Gambo Ambulance Services Incorporated

Bargaining Unit

A unit of employees of Gambo Ambulance Services Incorporated comprising all employees working in and out of Gambo as Emergency Medical Responders (EMRs), Primary Care Paramedics (PCPs), and Emergency Medical Dispatchers (EMDs), save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

6. Newfoundland and Labrador Association of Public and Private Employees and Public Service Pension Plan Corporation

Bargaining Unit

A unit of employees of Public Service Pension Plan Corporation comprising all employees in Levels 1-5 of the employer's classification plan save and except Executive Assistants, Managers, Supervisors or other person who exercises management functions or is employed in a confidential capacity in matters related to labour relation.

7. Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters and Fewer's Ambulance Service Limited

Bargaining Unit

A unit of employees of Fewer's Ambulance Service Limited comprising all employees working in and out of Clarenville, Bonavista, Arnold's Cove, Port Rexton, Terranceville and Lethbridge as Emergency Medical Responders (EMRs), Primary Care Paramedics (PCPs), and Emergency Medical Dispatchers (EMDs), save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

8. Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters and Ryan's Ambulance Service Ltd.

Bargaining Unit

A unit of employees of Ryan's Ambulance Service Ltd. comprising all employees working in and out of Trepassey as Emergency Medical Responders (EMRs) and Primary Care Paramedics (PCPs), save and except Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

9. **Unifor, Local 597 and Saputo Inc. and Transport and Allied Workers Local Union 855, affiliated with the International Brotherhood of Teamsters**
Bargaining Unit
 A unit of employees of Saputo Inc. comprising all Registered Distributor Operators (RDO's) employed by Saputo Inc. in the Province of Newfoundland and Labrador.
- [Note: Unifor, Local 597 was certified to be the bargaining agent]
10. **United Association of Journeymen Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, UA Local 740 Newfoundland and Labrador and Plomberie Du Portage Inc.**
Bargaining Unit
 A unit of employees of Plomberie Du Portage Inc. comprising all Sprinkler System Installers; also known as Sprinkler Fitters, both Journeypersons and Apprentices working for Plomberie Du Portage Inc. in Newfoundland and Labrador save and except Office Staff, Sales Staff, Non-Working Foreman and those above the rank of Non-working Foreman.
11. **Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Reliant Transport Ltd.**
Bargaining Unit
 A unit of employees of Reliant Transport Ltd. comprising all Bulk Drivers, save and except Managers, Dispatchers, Supervisors, and those above the rank of Supervisor.
12. **Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Smith's Ambulance Service Limited**
Bargaining Unit
 A unit of employees of Smith's Ambulance Service Limited comprising all employees working in and out of Markland as Emergency Medical Responders, Primary Care Paramedics, and Dispatchers, save and except Mangers, Non-Working Supervisors, and those above the rank of Non-Working Supervisor.
13. **Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Cabot Ford Lincoln Sales Limited**
Bargaining Unit
 A unit of employees of Cabot Ford Lincoln Sales Limited comprising all employees working as Service Advisors, Warranty Administrators, Appointment Coordinators and Tower Operators, save and except all other persons employed by the company, Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

- 14. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Town of Wabana**
Bargaining Unit
A unit of employees of the Town of Wabana comprising all employees working in and out of the Town of Wabana as clerical staff, save and except Managers, Supervisors, and those above the rank of Supervisor.
- 15. International Union of Operating Engineers, Local 904 and Boreal Cranes Inc.**
Bargaining Unit
A unit of employees of Boreal Cranes Inc. comprising all employees of Boreal Cranes Inc. employed in Newfoundland and Labrador, save and except office, sales and clerical employees, managers, non-working supervisors, and those above the rank of non-working supervisor.
- 16. Newfoundland and Labrador Association of Public and Private Employees and GDI Services (Canada) LP**
Bargaining Unit
A unit of employees of GDI Services (Canada) LP comprising all employees save and except owner, administrator, non-working supervisors and those above the rank of non-working supervisor.
- 17. Newfoundland and Labrador Association of Public and Private Employees and Gestion Colimat Inc.**
Bargaining Unit
A unit of employees of Gestion Colimat Inc. comprising all employees employed by Gestion Colimat Inc. at the hotel located at 125 Water Street, save and except the General Manager, Director of Operations, Business Development Manager, Sales Coordinator, Meeting & Banquets Manager, Working and Non-Working Supervisors, and those above the rank of Working Supervisor and Non-Working Supervisor.