



Labour Relations Board

**Annual Report
2018-19**

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Message from the Chairperson

I am pleased to present the annual report of the Labour Relations Board (the Board) for 2018-19. 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, 2019, 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 the Labour Relations Board's [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 2019-20.



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 2018-19, 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 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.

Statistical Snapshot

During 2018-19, there were 59 new applications filed with the Board and 27 applications were carried forward from the previous years. The Board considered 54 applications during the period, which culminated in the issuance of 72 Orders of the Board. A total of 48 of the applications considered were finalized. The remaining 38 applications were carried forward to 2019-20. There were 19 representation votes conducted in applications for certification, with 455 individuals eligible to vote in the elections. The Board held meetings and hearings over 106 days. Ten 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 2018-19, 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 2018-19 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 meeting of Chairs and Administrators of Labour Relations Boards was held from September 24-26, 2018 in Montreal, QC. 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. In 2019, the Newfoundland and Labrador Labour Relations Board will host the annual meeting.

Ms. Roseanne Saturley was appointed on January 28, 2019 as an Employer representative (Regular) for the Board.

One of the lines of the Board's business is education of the Province's labour relations community in the interpretation of the Board's legislation, orders, policies and procedures. The staff of the Board generally prepares an annual presentation to one of the local colleges; this year the Board was provided with an opportunity to present to the Law Society of Newfoundland and Labrador, which it did on March 1, 2019.

The Board would like to acknowledge the passing of two former members of the Board, Mr. John Sweetland, Q.C., and Mr. William Parsons. Both of these individuals made a significant contribution to the Labour Relations Board and the labour relations community.

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 second 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 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 completion.

Objective 1: By March 31, 2019, the Labour Relations Board will have initiated the processing of all applications filed with the Board.

Indicators	2018-19
Number of applications received	59
Number of applications in process	31
Number of applications completed	28

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 20 other applications during 2018-19, which were carried forward from previous years.

The Board will report on this objective using the same indicators in the 2019-20 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, 2019, the Labour Relations Board will have considered all processed applications.

Indicators	2018-19
Number of orders made by the Board at its meetings	72
Number of applications referred to the hearing process	10
Number of hearings scheduled	10
Number of applications considered	54
Number of considered applications deferred	0

All processed applications were considered by the Board. The Board considered and finalized 48 matters in the reporting period. Twenty-eight of these were received in 2018-19 and 20 were carried forward from previous years. The Board also considered and referred an additional six applications received in 2018-19 to a hearing, making a total of 54 matters considered. These hearings were scheduled for beyond the end of 2018-19.

In some matters, more than one order was made. Thirty-six orders were issued by the Board at its regular meetings and the Board issued 34 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 two orders in relation to applications, which were referred to hearings, for a total of 72 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 2018-19 reporting year, 10 matters were referred to the hearing process and scheduled for hearings. Three of these matters had hearings that took place during the 2018-19 reporting year. One other hearing, for a file received in a previous year, also took place during this reporting year, for a total of four hearings during 2018-19. These four hearings took place over a period of eight days.

The Board will report on this objective using the same indicators in the 2019-20 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, 2019, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Indicators	2018-19
Number of orders issued and number communicated to parties	72
Number of reasons for decision issued 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 72 orders issued by the Board in 2018-19 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 13 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 2019-20 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, 2019, the Labour Relations Board will have circulated necessary publications related to Board processes and procedures.

Indicators	2018-19
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 updated the [Duty of Fair Information Bulletin](#). 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 2019-20 Annual Report.

Total New Applications Filed in 2018-19

<u>Labour Relations Act</u>	
Applications for Certification	26
Applications for Revocation of Certification	0
Termination of Bargaining Rights	0
Unfair Labour Practices	7
Duty of Fair Representation	2
Successorship/Transfer of Business	2
Common Employer	0
Reconsideration of Decision	4
Amendment of Bargaining Unit	3
First Collective Agreement	2
Questions under Section 18 of the Act	
Whether Collective Agreement in effect	1
Whether organization is party to or bound by Collective Agreement	1
Review of Labour Standards Determination	1
Submission by Director of Labour Standards	0
Change of name on Certification/Accreditation Order	0
Successor Bargaining Agent	0
Alter Terms and Conditions of Employment	0
Unfair denial of union membership	0
<u>Public Service Collective Bargaining Act</u>	
Duty of Fair Representation	3
Designation of essential employees	1
Unfair labour practice complaint	0
Amendment of bargaining unit	1
Reconsideration of decision	3
Whether an Employee within meaning of the Act	1
<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	0
Discriminatory Action	1
<u>Teachers' Collective Bargaining Act</u>	
<u>Interns and Residents Collective Bargaining Act</u>	
Change of name on Certification/Accreditation Order	0
TOTAL APPLICATIONS	59

Opportunities and Challenges

Matters coming before the Board have become increasingly complex in recent years. To address this challenge, the Board has taken certain measures to allow for a more efficient use of its limited resources.

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. For example, if, after reviewing a file, the Board decides that an investigation is not necessary, or that a hearing is more appropriate than an investigation, the Board will determine the matter without an Investigating Officer's Report. This process allows the Board Officers' to focus on matters requiring investigation.

The Chief Executive Officer reviews 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.

The Board decided that another approach was required to deal with "duty of fair representation complaints/applications". The Board saw an opportunity to revamp its process, in an effort to reduce the amount of resources required, by all parties, to effectively deal with this type of application.

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 is scheduled to host the 2019 meetings in St. John's, NL.

Appendix A - Financial Statement

The following information is for the fiscal year April 1, 2018 to March 31, 2019.

Labour Relations Board
Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2019

Activity - 4.1.06	Actual \$	Amended \$	Original \$
Salaries	583,579	608,700	615,100
Employee Benefits	4,165	4,000	4,000
Transportation and Communications	14,442	17,500	22,700
Supplies	6,150	4,800	4,800
Professional Services	61,358	70,000	70,000
Purchased Services	6,323	10,400	13,800
Property, Furnishings and Equipment	520	800	800
Total: Labour Relations Board	676,537	716,200	731,200

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, 2019. 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 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. In 2003, Mr. Peddigrew graduated from Dalhousie University Schulich School of Law. In 2004, Chris was called to the Bar in this Province and became a member of the Law Society of Newfoundland and Labrador. 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 practicing since 2014. Chris' practice is focused primarily in the areas of labour and employment law and alternative dispute resolution, including mediation and arbitration. Chris is also an arbitrator on the Provincial roster of labour arbitrators. Chris 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 BA and B.Ed.; besides his undergraduate degrees, he also qualified with a DPA and MPA from Dalhousie University. He also graduated with CPA 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 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. 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 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.

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 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).

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. Recently he has provided Human Resource and Business advisory services to a client in Ottawa, Ontario who supports indigenous financial lending to organizations throughout the country and the municipality of the City of Mount Pearl.

Mr. Pittman is very 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 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 June 30, 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 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 28, 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.

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). Mr. Whelan 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, Mr. Whelan entered an in-house position with CareGivers Inc. Mr. Whelan 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. On August 23, 2018, Mr. Whelan resigned his position with the Board.

Appendix C – Reasons for Decision

The following is a list of Reasons for Decision issued by the Board in the 2018-19 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 5659 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. **Unifor, Local 597 and D-J Composites Inc.** dated 13 April 2018 [2018] L.R.B.D. No.8 (LRB File 5659) (Chair D. Conway)
2. **Corrine Bonnie Coles and International Union of Operating Engineers, Local 904 and Astaldi Canada Inc.** dated 17 May 2018 [2018] L.R.B.D. No.9 (LRB File 5622) (Chair D. Conway)
3. **North Atlantic Refining Partnership Limited and Barry Upshall and Alvin Burt and Her Majesty the Queen in right of the Province of Newfoundland and Labrador, as represented by Minister Eddie Joyce, Service NL** dated 4 June 2018 [2018] L.R.B.D. No.10 (LRB File 5594) (Chair S. Murphy, Q.C.)
4. **Transport and Allied Workers Union, Teamsters Local 855, Affiliated with the International Brotherhood of Teamsters and Gambo Ambulance Services Inc.** dated 5 June 2018 [2018] L.R.B.D. No.11 (LRB File 5615) (Chair S. Murphy, Q.C.)
5. **Richard Lichtenauer and Newfoundland and Labrador Association of Private and Public Employees and Her Majesty the Queen in Right of Newfoundland and Labrador (Represented by Treasury Board)** dated 31 October 2018 [2018] L.R.B.D. No.12 (LRB File 5683) (Vice-Chair J.M. Aylward)
6. **Smith's Ambulance Service Limited and Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters** dated 22 August 2018 [2018] L.R.B.D. No.13 (LRB File 5678) (Chair D. Conway)

7. **Federation of Independent Sea Harvesters of Newfoundland and Labrador and Association of Seafood Producers and all fish buyers and Food and Allied Workers-Unifor** dated 28 September 2018 [2018] L.R.B.D. No.14 (LRB File 5602) (Chair D. Conway)
8. **Jacqueline Mullaly 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) Childrens, Seniors and Social Development** dated 21 November 2018 [2018] L.R.B.D. No.15 (LRB File 5633) (Vice-Chair J.M. Aylward)
9. **United Brotherhood of Carpenters and Joiners of America, Local 579 and Edward Collins Contracting Limited** dated 27 December 2018 [2018] L.R.B.D. No.16 (LRB File 5616) (Chair S. Murphy, Q.C.)
10. **Her Majesty the Queen in Right of Newfoundland and Labrador (Represented by Treasury Board) and Canadian Union of Public Employees, Locals 1860-01, 1860-03, 1560-02, 3167, 3762 and 3765** dated 18 February 2019 [2019] L.R.B.D. No. 1 (LRB File 5607) (Chair S. Murphy, Q.C.)
11. **Bradley Frank King and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 5795 and Rio Tinto (Iron Ore Company of Canada)** dated 26 February 2019 [2019] L.R.B.D. No. 2 (LRB File 5651) (Chair D. Conway)
12. **Trent Douglas Young and International Union of Operating Engineers, Local 904 and Atlantic Minerals Ltd.** dated 14 March 2019 [2019] L.R.B.D. No. 3 (LRB Files 5646 & 5720) (Chair D. Conway)

Appendix D – Judicial Review

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

Activity on 2018-19 Matters and Prior

The following are court cases decided in 2018-19, which reviewed decisions or proceedings of the Board:

1. **Kevin Burke v. Newfoundland and Labrador Association of Public and Private Employees v. Memorial University of Newfoundland (2016 01H 0115)** (LRB File 5526)
2. **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)

Cases Outstanding

The following applications were before the Court at the end of 2018-19:

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. **Richard Lichtenauer v. Newfoundland and Labrador Association of Public and Private Employees (NAPE) (2018 04 G 0129)** (LRB Files 5683/5621)
4. **James J. Patten v. Newfoundland and Labrador Labour Relations Board (2018 01 G 8704)**

Appendix E – Bargaining Units

Certification Orders Issued in 2018-19

Labour Relations Act

1. **Newfoundland and Labrador Association of Quality Personnel (NLAQP) and Hoyles Ambulance Service Ltd.**
Bargaining Unit
A unit of employees of Hoyles Ambulance Service Ltd. comprising all employees working in and out of New-Wes-Valley, Newfoundland and Labrador, save and except non-working supervisors and those above the rank of non-working supervisor.
2. **International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 203 and ClearWater Energy Services LP**
Bargaining Unit
A unit of employees of ClearWater Energy Services LP comprising all working Boilermaker Apprentices, Journeypersons, Working Forepersons, Forepersons & General Forepersons employed by the Employer in Newfoundland and Labrador.
3. **Newfoundland and Labrador Association of Public and Private Employees and Collins' Ambulance Service Ltd.**
Bargaining Unit
All employees of Collins' Ambulance Service Ltd. working in and out of Burin, St. Lawrence and the general area, save and except 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 Scotia Recycling (NL) Limited**
Bargaining Unit
All employees of Scotia Recycling (NL) Limited located at the Green Depot at 325 Garrett Drive, Gander, NL, save and except the Depot Lead, Supervisor, and those above the rank of Supervisor.
5. **International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 203 and Anmar Mechanical & Electrical Contractors Ltd.**
Bargaining Unit
A unit of employees of Anmar Mechanical & Electrical Contractors Ltd. comprising of all working Boilermaker Apprentices, Journeypersons, working Forepersons, Forepersons and General Forepersons employed by the Employer in Newfoundland and Labrador.

- 6. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Blue Water (Newfoundland) Ltd.**
Bargaining Unit
A unit of employees of Blue Water (Newfoundland) Ltd. comprising 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 on an offshore petroleum production platform as contemplated by the *Act*.
- 7. 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
A unit of employees of L.M.D. Enterprises Ltd. comprising all Plumbers and Pipefitters working for the Employer in the Province of Newfoundland and Labrador.
- 8. Newfoundland and Labrador Association of Public and Private Employees and Stephenville Gardens Corporation**
Bargaining Unit
A unit of employees of Stephenville Gardens Corporation comprising 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.