



01-008
File No. App #00-008

Decision No.

IN THE MATTER OF AN APPLICATION UNDER SECTION 39 OF THE LABOUR ACT (SUCCESSOR RIGHTS)

BETWEEN:

QUEENS REGION HEALTH & COMMUNITY SERVICES

APPLICANT

AND:

CANADIAN BLOOD SERVICES

RESPONDENT

AND:

UNION OF PUBLIC SECTOR EMPLOYEES

RESPONDENT

DECISION

1. On 12 June 2001, an Application for Successor Rights and a Memorandum of Settlement dated 24 May 2001, was filed by the Applicant requesting that, as a result of the Canadian Blood Services transferring a part of their business to Queens Region Health & Community Services, the Labour Relations Board grant successor rights to Queens Region Health.

2. The Applicant also requested that the "Board" rescind Certification Order 07-99 between Canadian Blood Services and the Union of Public Sector Employees as the bargaining unit described in this unit would now be represented by the International Union of Operating Engineers, Local 942.

3. The Chief Executive Officer sent notice of the Application to the Respondents on 19 June 2001 and scheduled 6 July 2001 as the Terminal Date.

On 25 June 2001, the "Board" received the following letter from the Incumbent Union:

June 21, 2001

*Mr. Roy Doucette
Chief Executive Officer
P.E.I. Labour Relations Board
P.O. Box 2000
Charlottetown, P.E.
C1A 7N8*

Dear Mr. Doucette:

Re: *Application under Section 39 of the Act (Successor Rights) - Prince Edward Island Union of Public Sector Employees and International Union of Operating Engineers - Queens Region Health & Community Services*

This letter is written to advise that UPSE has reviewed the Form 2 Application including Notice of Fixing of Terminal Date in the aforementioned matter.

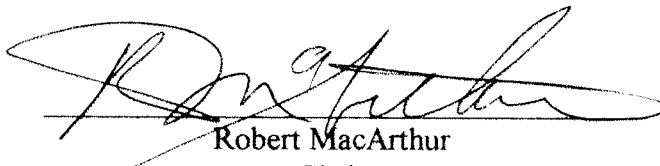
Please be advised that UPSE has made the necessary agreements to assure a smooth transfer of benefits and pay from CBS to Queens Region Health on behalf of its CBS members. Now that the former CBS employees have these matters, we are now prepared to stand down from opposing this application. Of course, UPSE wishes to recognize the cooperation of the former employer, CBS, Queens Region Health and the Operating Engineers.

I trust UPSE's position in this matter is clear.

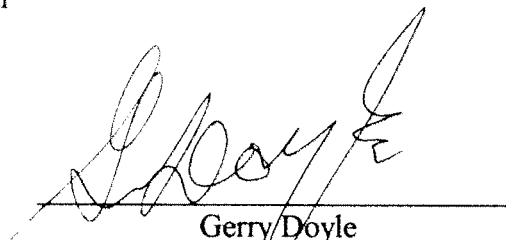
Sincerely
(signed)
Sandy MacKay
President

cc: *Paul Atkinson, UPSE*
Paul Beaugard, OE
Michele Dorsey, HRA
John Johnson, CBS

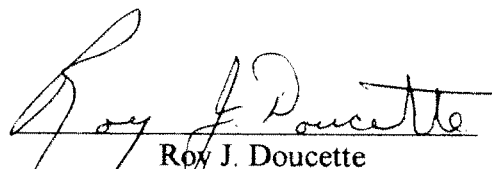
In light of the foregoing, the "Board" hereby orders that Certification Order 07-99 be rescinded and pursuant to section 39 subsection 3(h) of the *Labour Act* declares that the International Union of Operating Engineers, Local 942, be the certified bargaining agent for all Laboratory Technologists employed by Queens Regional Health & Community Services.


Robert MacArthur
Chair


Elizabeth MacFadyen
Member


Gerry Doyle
Member

This Decision made by the Prince Edward Island Labour Relations Board on 22 October 2001 and issued under the hand of its Chief Executive Officer.


Roy J. Doucette
Chief Executive Officer