

File No. App #07-008

Decision No.

**IN THE MATTER OF AN APPLICATION FOR ORDER CONCERNING STATUS OF  
SUCCESSOR TRADE UNION BEFORE THE LABOUR RELATIONS BOARD  
(PRINCE EDWARD ISLAND)**

**BETWEEN:**

**THE INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 942**

**APPLICANT**

**AND:**

**THE INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 902**

**RESPONDENT**

**DECISION**

**Background**

An Application for an Order concerning status of Successor Trade Union was brought by the Applicant, The International Union of Operating Engineers, Local 942, on the 18<sup>th</sup> day of December, 2007. The Respondents, The International Union of Operating Engineers, Local 902, have been each duly notified of the Application made to this Board. The Respondent has not indicated any objection to the Application.

The Applicant and the Respondent have agreed to merge The International Union of Operating Engineers, Local 902 and The International Union of Operating Engineers, Local 942.

On the 19<sup>th</sup> day of December, 2007, a copy of the Application for Order Concerning Status of Successor Trade Union Before the Labour Relations Board (Prince Edward Island) was forwarded to each of the Employers certified by The International Union of Operating Engineers, Local 902, requesting that, if the Employers had any objections to the granting of this Application, to submit those objections in writing on or before the 18<sup>th</sup> day of January, 2008. There were no objections filed.

**Statutes Considered**

*Labour Act* R.S.P.E.I. 1988 Cap. L-1 sections 4 and 40(1)

*Labour Act Regulations* R.S.P.E.I. 1988 Cap. L-1 section 17(5)

## **Evidence**

In support of the Application, the Applicant filed the following documents:

1. Resolution of The International Union of Operating Engineers, Local 942, dated the 13<sup>th</sup> day of September, 2007;
2. Resolution of The International Union of Operating Engineers, Local 902, dated the 24<sup>th</sup> day of September, 2007;
3. Letter to Tammy Chaisson, President, The International Union of Operating Engineers, Local 942, from Vincent J. Giblin, The International Union of Operating Engineers;
4. Local Union Charter dated the 1<sup>st</sup> of November, 2007;
5. List of Employers who have been certified by The International Union of Operating Engineers, Local 902.

## **Issues**

The sole issue to be decided by the Board is whether the two (2) locals (Local 902 and Local 942) are entitled to be merged.

## **Decision**

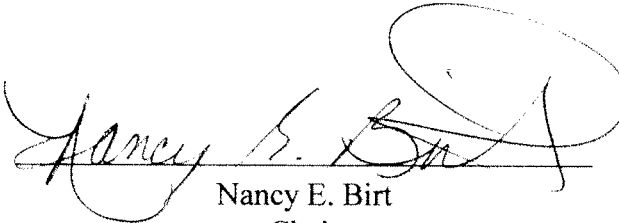
The provisions of Section 40 of the *Labour Act* state:

*Where a trade union claims that by reason of a merger or amalgamation or a transfer of jurisdiction it is the successor of a trade union that at the time of the merger, amalgamation or transfer of jurisdiction was the bargaining agent of a unit of employees of an employer and any question arises in respect of its right to act as the successor, the board, in any proceeding before it or on the application of any person or trade union affected, may by order declare that the successor has or has not, as the case may be, acquired the rights, privileges and duties under this Part of its predecessor.*

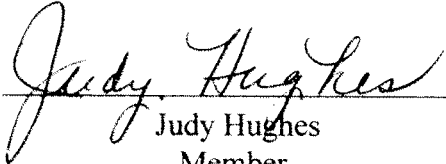
The provisions of Section 17(5) of the *Regulations* state:

*Where no reply has been filed and no statement of desire to make representations has been filed or any such reply or statement that has been filed does not state that a party desires a hearing before the Board, the Board may dispose of the application upon the material before it without further notice to any party or to the employees.*


Following a thorough consideration of the application and supporting documentation filed with this Board, the Board has concluded that the Applicant, The International Union of Operating Engineers, Local 942, is entitled to be merged with the International Union of Operating Engineers, Local 902. This Board declares that The International Union of Operating Engineers, Local 942, has acquired the rights, privileges and duties under this legislation of The International Union of Operating Engineers, Local 902.



Nancy E. Birt  
Chair

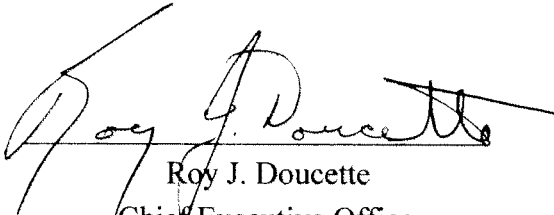


Judy Hughes  
Member



Paul Chiasson  
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 6<sup>th</sup> day of February, 2008, and issued under the hand of its Chief Executive Officer.



Roy J. Doucette  
Chief Executive Officer