



File No. 08-006

Decision No.

IN THE MATTER OF THE APPLICATION FOR CERTIFICATION

BETWEEN:

**THE UNITED ASSOCIATION OF PLUMBERS AND PIPEFITTERS,
LOCAL 721**

APPLICANT

AND:

MR. PLUMBER BLAIR LAPIERRE INC.

RESPONDENT

DECISION

BACKGROUND

On the 7th day of April, 2008, the Prince Edward Island Labour Relations Board (hereinafter "the Board") received an Application for Certification from the United Association of Plumbers and Pipefitters, Local 721 (hereinafter U.A. Local 721), being Application Number 08-006. The said application was made pursuant to section 54 of the *Labour Act* and section 3 of the Labour Act Regulations as amended, for the certification of the Applicant as bargaining agent for the employees of Mr. Plumber Blair LaPierre Inc in the unit being set forth. That unit sought to be certified is described in paragraph 9 of the Application as:

All journeymen and apprentices involved in the plumbing, oil burner, boiler work, steamfitting, pipefitting and welding in the Province of Prince Edward Island.

STATUS CONSIDERED

1. *Labour Act*, RSPEI, 1988, Cap. L-1, section 54;
2. *Labour Act*, Regulations (EC 521/71) section 3.

EVIDENCE

The Application was accompanied by the membership evidence, the Applicant's Constitution and Bylaws and list of its officers.

ISSUE

The issue before the Board in this matter is whether the available evidence demonstrates the existence of each of the elements necessary to enable the Board to grant the Certification Order being sought.

DECISION

Careful consideration has been given by the panel to all of the evidence presented regarding this Application for Certification being identified as Board File Number 08-006.

The Board has reviewed the Application for Certification and the supporting evidence filed therewith and has considered the provisions of section 54 of the *Labour Act* and section 3 of the Regulations of the *Act*.

To summarize these statutory provisions, in any application for certification, the Board must address the following points, namely:

- Is the Applicant a trade union;
- Is the unit appropriate for collective bargaining;
- Do a majority of the employees in the unit proposed wish the Applicant to be certified as their bargaining agent; and
- Whether there are grounds for granting the relief sought.

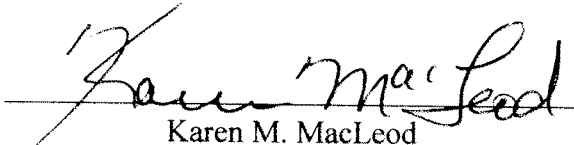
The Board is satisfied that the appropriate documentation was filed with the Board to grant the Board jurisdiction to hear the matter.


The Board met on the 10th day of April, 2008, and reviewed all documentation including the membership evidence. The Board requested additional information and clarification from the Respondent as to how many employees it had on April 7, 2008, the date of the Application.

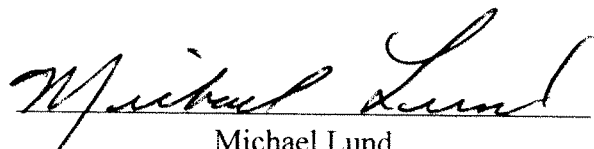
The Board met again on the 21st day of April, 2008, to review the additional information supplied by the employer, namely that it had 16 employees on the date in question; however, of the employees, only 4 of the employees listed in Exhibit "B" attached to the Application for Certification were actually employees at the date of the Application. The remaining members listed on Exhibit "B" had been issued records of employment by the respondent.

The Board determined that the Applicant is a trade union and that the unit proposed was appropriate. However, after receiving information from the employer, the Board determined that the individuals who had signed membership evidence and whose names were listed on Exhibit "B" could not be considered employees at the date of application. As such, the evidence does not support that a majority of the employees of the Respondent desire the Applicant to represent them for collective bargaining purposes.

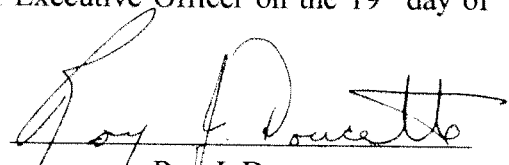
Accordingly, the Board denied the application on the 21st day of April, 2008, and indicated that written reasons would follow. The Board so ruled.


Karen M. MacLeod
Chair


Fraser MacDougall
Member


Michael Lund
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 21st day April, A.D., 2008, and issued under the hand of its Chief Executive Officer on the 19th day of June, A.D., 2008.


Roy J. Doucette