



File No. 14-013

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:

LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 900

APPLICANT

- AND -

LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL UNION NO. 1077

RESPONDENT

- AND -

THE ASSOCIATION OF COMMERCIAL AND INDUSTRIAL CONTRACTORS OF PEI INC

RESPONDENT

- AND -

PRINCE EDWARD ISLAND HUMANE SOCIETY

RESPONDENT

- AND -

THE FATHERS OF CONFEDERATION BUILDINGS TRUST

RESPONDENT

DECISION

Background

[1] An Application for an Order concerning status of Successor Trade Union was brought by the Applicant, the Labourers' International Union of North America, Local 900, (Local 900) on the 1st day of August, 2014.

[2] On the 11th day of August, 2014, a copy of the Application for Order Concerning Status of Successor Trade Union Before the Labour Relations Board (Prince Edward Island) was forwarded to Labourers' International Union of North America, Local Union No. 1077 (Local 1077) and to each of the Employers certified by Local 1077 [the Association of Commercial and Industrial Contractors of PEI Inc, Prince Edward Island Humane Society, the Fathers of Confederation Buildings Trust], requesting that, if the Employers/Employees had any objections to the granting of this Application, those objections must be submitted in writing on or before the 2nd day of September, 2014.

[3] 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

[4] In support of the Application, the Applicant filed the following documents:

- A. Collective Agreement between the Construction and General Labourers and General Workers in Construction, Industrial and Commercial, Local Union No. 1077 and the Association of Commercial and Industrial Contractors of Prince Edward Island.
- B. Collective Agreement between the PEI Humane Society and the Construction and General Labourers and General Workers in Construction, Industrial and Commercial, Local Union No. 1077
- C. Collective Agreement between the Fathers of Confederation Building Trust operating Confederation Centre of the Arts and the Construction and General Labourers, Local Union No. 1077
- D. Copy of a letter dated 13 March 2014 from Terry O'Sullivan, General President of the Labourers International Union of North America (LIUNA) to Joseph S. Mancinelli, supervisor of Local 900 and Trustee of Local 1077
- E. Copy of notice to members of Local 1077 of transfer of their membership to Local 900 dated April, 2014
- F. Copy of Charter of LIUNA, Local 900
- G. Copy of Charter of LIUNA, Local 1077

Issues

[5] The issue to be decided by the Board is whether Local 900 may acquire the rights, privileges and duties of Local 1077 as a result of a transfer of jurisdiction.

Decision

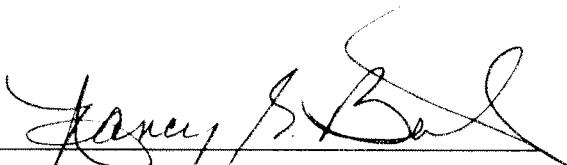
[6] The provisions of Section 40 of the *Labour Act* state:

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.

[7] 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.

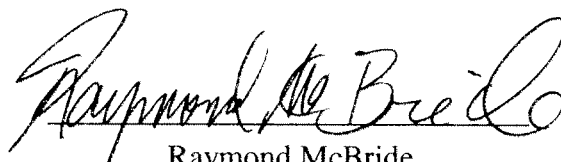
[8] Following a thorough consideration of the application and supporting documentation filed with this Board, the Board has concluded that the Applicant, the Labourers' International Union of North America, Local 900, is the successor union to the Labourers' International Union of North America, Local 1077 by reason of a transfer of jurisdiction. The Board, therefore, declares that the Labourers' International Union of North America, Local 900, has acquired the rights, privileges and duties under this legislation of the Labourers' International Union of North America, Local 1077.



Nancy Birt
Chair




John Cormier
Member



Raymond McBride
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 3rd day of November, 2014, and issued under the hand of its Chief Executive Officer on the 3rd day of November, 2014.



Shawn M. Shea
Chief Executive Officer