

File No.

18-001

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:

UNIFOR, LOCAL 61

APPLICANT

- AND -

**COMMUNICATIONS, ENERGY AND PAPERWORKERS
UNION OF CANADA, (CEP) LOCAL 61**

RESPONDENT

- AND -

MARITIME PAPER PRODUCTS LIMITED PARTNERSHIP

RESPONDENT

DECISION

Background

[1] An Application for an Order concerning status of Successor Trade Union was brought by the Applicant, Unifor, Local 61, on the 4th day of April, 2018.

[2] On the 5th day of April, 2018, a copy of the Application for Order Concerning Status of Successor Trade Union Before the Labour Relations Board (Prince Edward Island) was forwarded to Communications, Energy and Paperworkers Union of Canada, (CEP) Local 61 (through their legal counsel, Pink Larkin) and to Maritime Paper Products Limited Partnership (Maritime Paper Products Ltd / Certification Order # 05-88), requesting that, if the Employer/Employees had any objections to the granting of this Application, those objections must be submitted in writing on or before the 26th day of April, 2018.

[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 Maritime Paper Products Limited Partnership and Unifor, Local 61;
 - B. Unifor Charter dated 1 September 2013;
 - C. Affidavit of Lewis Gottheil in the matter of a merger, amalgamation or transfer of jurisdiction between Unifor, and its Local Unions AND National, Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), and its Local Unions AND Communications Energy and Paperworkers Union of Canada (CEP), and its Local Unions AND Various Employers;
 - D. Proclamation of Canadian Paperworkers Union dated the 21st day of June, 1988.

Issues

[5] The issue to be decided by the Board is whether Unifor, Local 61, may acquire the rights, privileges and duties of the Communications, Energy and Paperworkers Union of Canada, (CEP) Local 61 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.

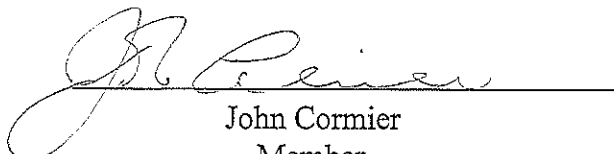
[7] The provisions of Section 17(5) of the *Regulations* state:


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 unanimously agreed that the Applicant, Unifor, Local 61, is the successor union to the Communications, Energy and Paperworkers Union, (CEP) Local 61 by reason of a merger, amalgamation or a transfer of jurisdiction. The Board, therefore, declares that Unifor, Local 61, has acquired the rights, privileges and duties under this legislation of the Communications, Energy and Paperworkers Union, (CEP) Local 61.


[9] Accordingly, a declaration and order will issue to the Respondents stating that the Applicant is the successor to Communications, Energy and Paperworkers Union of Canada, (CEP) Local 61, and Certification Order # 05-88 will be amended to reflect this decision of the Board.


Nancy Birt
Chair


John Cormier
Member


Michael Lund
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 14th day of May, 2018, and issued under the hand of its Chief Executive Officer on the 14th day of May, 2018.


Shawn M. Shea
Chief Executive Officer