



GOVERNMENT OF PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD

J. J. Revell, B. Comm., M.B.A.
Chairman

L.W. Brammer,
Chief Executive Officer

DEPARTMENT OF LABOUR
P.O. BOX 2000,
CHARLOTTETOWN
PRINCE EDWARD ISLAND

DECISION OF THE LABOUR RELATIONS BOARD

RE:

APPLICATION FOR CERTIFICATION

Between

Local 409B Sheetmetal Workers International Association APPLICANT

and

Douglas Bros. & Jones (1971) Inc. RESPONDENT

The Application was filed with the Board on November 5, 1973, and processed in accordance with the procedures of the Board.

The Board has examined documents filed in support of the Application and has conducted a hearing which was held on December 3, 1973.

The Board is satisfied that the Applicant is a trade union as defined by the Prince Edward Island Labour Act.

The Board has given careful consideration to an intervention filed by the Respondent in the form of a letter dated November 20, 1973, and consequent representation made by the Respondent at the Hearing. The Board has also given careful consideration to the representations made by the applicant trade union at the Hearing.

The Board has taken notice of the circumstances in the construction industry in the Province as they relate to the plumbing and sheetmetal trades. The Respondent employer has agreed that these two trades, in the light of these circumstances in the industry, should be represented by only one union, and because of the bargaining history of the Plumbers' Union, that union should be the representative, and the Application by the Sheetmetal Workers should be rejected.

The Board, after due consideration, has determined that it should be guided by the more fundamental policy of recognition of bargaining units in the construction industry, and give significant weight to the nature of the craft, the work performed, and the qualifications of licensing within the craft. Consequently, in conformity with its decision in the first Application, which was filed by the Applicant for this bargaining unit, (which Application was dismissed as being untimely), the Board is satisfied that the unit applied for, i.e. "all sheet metal workers, registered apprentices, and helpers in training in the employ of the Respondent except non-working foremen and those above that rank", is appropriate for collective bargaining.

The Board has given careful consideration to the question of the effect of the present collective agreement between Local Union #721 United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States of America and Canada, with the Respondent company on this Application. As distinguished from the first Application referred to above, the present Application was filed within the last two months of the current agreement and consequently, in accordance with Section 11, sub-section 2(c) of the Act, this current agreement is not a bar to the Application. The Board is of the opinion that the negotiations currently in progress towards a new collective agreement have no effect on this Application.

The Board is satisfied that the Applicant is in a majority position as required by the Act.

Consequently, a Certification Order will be issued.

December 5, 1973