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GOVERNMENT OF PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD

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

Wayne S. MacKinnon
Chief Executive Officer

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

UNFAIR LABOUR PRACTICE COMPLAINT

BETWEEN:

Frank McCourt (Member)
Local 721C, International Union of Operating
Engineers,

COMPLAINANT

-and-

Neil's Ambulance Service Incorporated,

RESPONDENT

The complaint was filed with the Labour Relations Board on October 14, 1975 and processed in accordance with the Regulations of the Board. Attempts to negotiate a settlement of the Complaint were unsuccessful and the matter was scheduled for hearing. A hearing was held on December 19, 1975.

The complaint alleges that "did fire the above named upon the excuse that the company would not be able to operate if the union was formed. The Union claims discrimination because of membership".

The Board has determined the relevant facts to be as follows:

1. Frank McCourt had been hired on a trial basis with the Respondent Company from May 19 to May 30. Mr. MacDonald, President of the Respondent Company, who had hired Mr. McCourt, agreed to rehire him in September and Mr. McCourt was rehired on September 1st.
2. Mr. McCourt was discharged on Tuesday, September 23rd and was paid wages until Friday, September 26, 1975.
3. Mr. MacDonald had been dissatisfied with Mr. McCourt as an employee as he had been unable to reach him on a number of occasions due, in Mr. MacDonald's opinion, as a result of Mr. McCourt's employment as a City fireman. Mr. MacDonald alleges that on a number of occasions he had requested Mr. McCourt to resign his position as a fireman in order to be more readily available for his work.
4. On September 23, Mr. MacDonald advised Mr. McCourt that he was not going to have him licensed as an ambulance driver and attendant, as required by the Hospital Services Commission, and he, therefore, would not be eligible to continue his employment.

FINDING

The Board, upon review of the evidence, has made the following determination:

1. The Board is satisfied that the Complainant, Mr. McCourt, was a satisfactory employee in the normal sense of that term while he was at work as an ambulance driver or ambulance attendant.
2. The Board is satisfied that the Respondent Company had adequate grounds to be concerned about the difficulty in reaching the

Complainant, Mr. McCourt, for emergency ambulance duties.

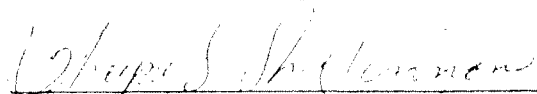
The Board finds that it was completely reasonable, in the circumstances of this particular business operation, to request the Complainant to be immediately available for work when he was on call, and that the employer had reasonable grounds to request Mr. McCourt to cease his duties as volunteer fireman.

3. The Board is satisfied that the Respondent Company and its President, Neil MacDonald, did not act in a discriminatory manner toward the Complainant in his discharge from the Company and, indeed, this finding is substantiated by Mr. McCourt's own admission that he was convinced that his discharge was not for union activity.
4. The Board finds that there is insufficient grounds to uphold the Complaint and the Complaint is, consequently, dismissed.

This decision was made by the Labour Relations Board on January 29, 1976 and is issued over the hand of its Chief Executive Officer.

Dated at Charlottetown, Prince Edward Island, this 2nd day of February, 1976.

Labour Relations Board panel
J. J. Revell, Chairman
Leo McCormick
Joseph Murphy


Wayne S. MacKinnon
Chief Executive Officer.