



13.

GOVERNMENT OF PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD

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

L. W. Frammer,
Chief Executive Officer

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

D E C I S I O N

RE: APPLICATION FOR CERTIFICATION

-Between-

P.E.I. GENERAL WORKERS, LOCAL 1659, CANADIAN LABOUR CONGRESS, APPLI

-and-

INTERNATIONAL HARVESTER COMPANY OF CANADA LIMITED, CHARLOTTE-
TOWN, P.E.I. (CHARLOTTETOWN AND MONTAGUE OUTLETS) RECOMM

This application was filed with the Labour Relations Board on May 9, 1975 and processed in accordance with the Rules of Procedure of the Board.

The Board has reviewed the documents filed in support of the Application and a hearing was held on June 17, 1975.

The Board heard evidence from Edward Johnston, Regional Director of the Canadian Labour Congress concerning the formation and development of the Applicant Local and has reviewed certain documents filed in support of the existence and status of the Applicant Local. This evidence is sufficient to allow the Board to decide that the Applicant Local is a Trade Union as defined by the Prince Edward Island Labour Act.

At the hearing, Mr. Garth Staples, Manager of the Charlottetown and Montague outlets of the employer, read a prepared statement in reply to the Application. While reiterating that the Company recognized the rights of employees to be represented by a Union of their choice, the employer has expressed two particular concerns.


First, while the Application includes certain employees in both the Charlottetown and Montague outlets and requests that they be included in one Certification Order, the Company feels that the Board should separate the employees into two separate bargaining units. Although recognizing some problems that may exist as a result, but considering the geographic distance of approximately thirty-five miles, the single management responsibility for both operations, the consistent interchange of certain employees as business warrants, and the similarities in occupational classifications and duties at both locations, the Board is of the opinion that a single bargaining unit as applied for is appropriate for collective bargaining.

Secondly, the Company has recommended that the Board should conduct a representation vote prior to determining the status of majority. However, in light of the membership evidence filed by the Applicant which shows strong majority status, the Board is of the opinion that a representation vote is not necessary in order for it to reach its conclusion on the question and accepts the argument of the Applicant Union that it should not be held.

The Board accepts the argument of the employer that two job classifications at the Charlottetown store which are primarily related to accounting and clerical functions in the Parts and Service Departments, are essentially office staff functions and should not be included in any certification order. Consequently, the Board will not include them.

The Board is, therefore, satisfied that the Applicant is a Trade Union as required by the Prince Edward Island Labour Act, that the unit applied for is appropriate for collective bargaining with the above exceptions and that the Applicant Trade Union has a majority of the employees in the bargaining unit. Consequently, the Application for Certification is approved and a Certification Order will be issued.

This Decision was made by the Labour Relations Board on June 17, 1975 and is issued over the signature of its Chief Executive Officer.


L.W. Brammer
Chief Executive Officer.