



18

GOVERNMENT OF PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD

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

L. W. Branmer,
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-

CANADIAN FOOD AND ALLIED WORKERS, LOCAL P282,

APPLICANT

-and-

CENTRAL FARMERS CO-OPERATIVE STORES, CHARLOTTETOWN,
P.E.I. (RETAIL STORES, QUEEN STREET, CHARLOTTETOWN,
ROYALTY MALL, CHARLOTTETOWN, CORNWALL AND BEDEQUE)

RESPONDENT

This application was filed with the Labour Relations Board on May 6, 1975 and processed in accordance with the Rules of Procedure of the Board. The Board reviewed the documents filed in support of the Application and a hearing was held on June 17, 1975.

The Application was initially filed to include certain groups of employees in the stores located at Queen Street and Royalty Mall in Charlottetown and in Cornwall. Subsequent to the filing of the Application, and through agreement of the parties, the Application was amended to include a similar unit of employees at the store in Bedeque.

The Respondent employer has made it clear that there is no formal opposition to the application for certification, provided the Board is satisfied that a majority of the employees wish to be represented by the Applicant Union. However, the employer has requested that three classifications be excluded from the certified bargaining unit as follows:

- (a) The Classification at the Bedeque store which the employer claims to be part-time office and part-time cashier.
- (b) The head cashiers at each of the Queen Street and Royalty Mall Stores, and
- (c) A truck driver classification in Charlottetown which includes duties related to the delivery of materials between stores and to various institutional customers.

The Board has reviewed the evidence of both parties as it relates to the above classifications and has decided as follows:

- 1. The employment classification in Bedeque that is in question is primarily an office staff function and, as a result, should not be included in the Certification Order.
- 2. Based on the evidence and particularly the formal job description, the head cashiers at each of the Charlottetown stores perform functions which, in the experience of the Board, relates very closely to the supervisory function normally associated with the role of Foreman. Consequently, following its consistent practice of excluding Foremen from bargaining units where the employer has presented evidence of a traditional supervisory function,

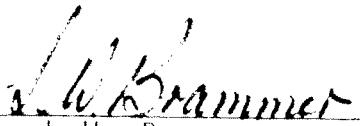
the Board will exclude head cashiers in the two Charlotte-town stores from the Certification Order.

3. The Board is satisfied that the employment classification of truck driver, as it defines the particular job classification referred to above, is primarily related to the normal delivery and distribution functions of the employer and, as such, the classification will be included in the bargaining unit.

The Board is satisfied that the Applicant is a trade union as defined by the Prince Edward Island Labour Act and that the Applicant Trade Union has a majority of the employees in the bargaining unit deemed appropriate for collective bargaining.

Consequently, the Application for Certification is approved with the exceptions noted above 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.