



GOVERNMENT OF PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD

J. J. Revell, B. Comm., M.B.A.
Chairman
W. S. MacKinnon
Chief Executive Officer

DEPARTMENT OF LABOUR
P.O. BOX 2000
CHARLOTTETOWN
PRINCE EDWARD ISLAND
C1A 7N8

DECISION

Re: Application for Amendment of Certification Order
- between -
International Union of Operating Engineers, Local 721C APPLICANT;
- and -
Schurman's Supply Limited RESPONDENT;

This Application was filed on April 9, 1980, and processed in accordance with the procedures of the Board. A Hearing to consider the matter was held on May 7. The Applicant has requested that Certification Order No. 4-77 which granted certification rights to the Applicant for a unit of employees in the Respondent's retail and wholesale building supplies operations in Charlottetown be amended. The amendment would have the effect of amalgamating into Certification Order No. 4-77 the employees covered by Certification Order 7-78, which includes similar classifications in the Respondent's business operations in Summerside.

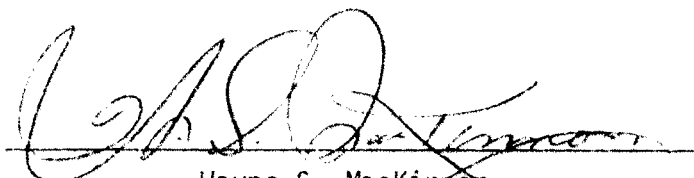
The Board will normally approve Applications which would result in amalgamation of bargaining units when one or both of the following conditions prevail:

- (a) If the amalgamation is designed to have the new Certification Order reflect changes in bargaining and collective agreements which have taken place since the original Certification Orders. This is sometimes referred to as a "tidying-up" Application and would normally be agreed to by all of the parties. Clearly this is not the case in the present Application, as the parties have bargained separately for the two units and there are two collective agreements which coincide with the separate Certification Orders. Additionally, the employer does not agree to the amendment, citing differences in the competitive markets in Summerside and Charlottetown as one of the main reasons for maintaining separate bargaining units.
- (b) The Board will consider such applications when the amalgamation is designed to reflect employment conditions which have changed materially since the time of the original Certification Orders, although such changes are not reflected by collective bargaining or in collective agreements. In this situation, however, the onus is on the Applicant Union to demonstrate that such changes have occurred, particularly where the Union had originally chosen to proceed by way of separate Certification Applications. Consequently, evidence would be required that the originally separate operations are now being conducted in such a way as to involve some degree of interchange of employees, transfers or related activities. In the present case, it would appear that such changes have not occurred, the employment situation remains stable and the two units operate separately.

Therefore, for the above reasons, the Application for Amendment is denied.

This Decision was made by the Labour Relations Board on May 7, 1980, and is issued over the hand of its Chief Executive Officer.

PANEL:
J. J. Revell, Chairman
Lloyd Weeks, Member
Glen Mitchell, Member


Wayne S. MacKinnon
CHIEF EXECUTIVE OFFICER