



At the same time, the Board must be aware of its implied mandate to monitor the actions of employers in the exercise of these rights and to determine the extent to which employer actions can be deemed to fall within the allowable bounds of the section.

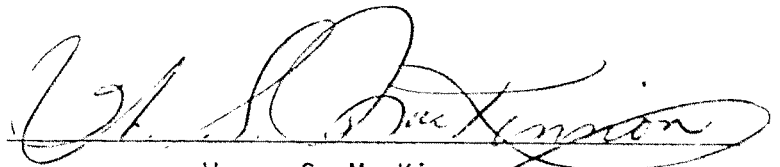
Considering all of the circumstances, the Board is of the opinion that there is insufficient evidence to prove that the employer violated Section 8, subsection 5(a). At the same time, the Board feels compelled to caution the employer and Mr. Lea, and by extension employers in general, that discretion must be used in exercising the freedom given in Section 8, subsection (5), and to express particular concerns about the references to comparative union versus non-union wage rates and other benefits. Certainly the employer is moving in the direction of undue influence by following this road and while, as mentioned above, the Board has insufficient evidence to find in this instance that such was the case, the Board feels that it has the responsibility to express a degree of concern.

The Unfair Labour Practice Complaint is therefore dismissed, and the Board will not issue an Order as requested by the Complainant.

This Decision was made by the Labour Relations Board on December 2, 1980, and is issued over the hand of its Chief Executive Officer.

PANEL:

J. J. Revell, Chairman  
Harry Snow  
Robert Crockett



Wayne S. MacKinnon  
CHIEF EXECUTIVE OFFICER