



GOVERNMENT OF PRINCE EDWARD ISLAND  
LABOUR RELATIONS BOARD

M. Lynn Murray, B.B. A., LL.B.  
Chairman

Roy J. Doucette  
Chief Executive Officer

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

RE: APPLICATION FOR CERTIFICATION  
BETWEEN: LOCAL 1432, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS APPLICANT;  
AND: GORMAN CONTROLS LTD. RESPONDENT

Counsel for Applicant - Ray McBride representing the Union  
Counsel for Respondent - John K. Mitchell

1. Application numbered by the Labour Relations Board(hereinafter referred to as the Board) as 88-010 involves an Application for Certification filed on September 21, 1988 by Local 1432, International Brotherhood of Electrical Workers involving the employees of Gorman Controls Ltd.(hereinafter referred to as "Gorman").
2. A reply in Form 5 was filed by Gorman on or about October 21, 1988. A Hearing was scheduled for November 23, 1988, and both parties had an opportunity to make representations to the Board and adduce evidence at that time.
3. The Board has determined that the Applicant is a trade union within the meaning of the Labour Act R.S.P.E.I. 1974, Cap. L-1 and so finds.
4. The Board reviewed the evidence and has determined that the appropriate unit for collective bargaining in this situation is "all journeymen and apprentice electricians employed by the respondent in the Province of Prince Edward Island", which includes all employees of Gorman excluding the President, two Bookkeepers and two Design Engineers.
5. Turning finally to whether or not a majority of employees support the Applicant trade union, the Board reviewed the membership evidence submitted by the Applicant. Section 3(4) of the Regulations made pursuant to the Labour Act states:

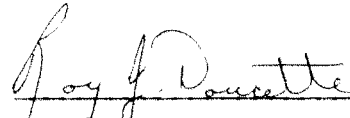
"(4) A person shall be deemed by the Board to wish that the applicant trade union be certified as bargaining agent on his behalf if at the date of application

- (a) He was a member in good standing of the applicant trade union, and had paid at least two dollars as union dues within three months preceding the date on which the application was filed; or
- (b) he has signed a document stating that he wishes the applicant trade union to be certified as bargaining agent on his behalf and has within three months preceding the date on which the application was filed paid at least two dollars as union dues or fees."

In addition thereto, since the date the application was made, the Board received one letter on October 13, 1988 and two letters on October 14, 1988 indicating that those employees wished to withdraw as members of the Applicant Union.

6. The Board did not find that a majority of the employees wished to have the Applicant Trade Union certified as bargaining agent. Also, proper documentation was not before the Board to indicate two employees had paid dues within 90 days of the date the Application was filed. For the foregoing reasons, the Application for Certification stands dismissed.

This Decision made by the Labour Relations Board on December 2, 1988 and issued under the hand of its Chief Executive Officer.

  
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Roy J. Doucette  
Chief Executive Officer

PANEL: M. Lynn Murray, Chairperson  
Ted Crockett, Member  
Gerry Doyle, Member