



**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: SUCCESSOR RIGHTS - NATIONAL SEA PRODUCTS LTD. - SUMMERSIDE
SEA PRODUCTS LTD.**

**BETWEEN: UNITED FOOD AND COMMERCIAL WORKERS UNION
LOCAL 1252 (IN TRUSTEESHIP)**

APPLICANT

AND: SUMMERSIDE SEA PRODUCTS LIMITED

RESPONDENT

DECISION

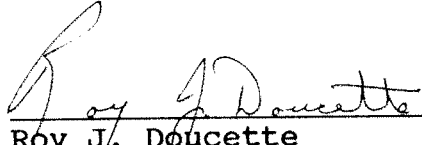
This application deals with the issue of whether Summerside Sea Products Limited is a successor to National Sea Products Limited as defined within Section 39 of the Labour Act.

Limited evidence was called regarding this matter throughout the course of the hearings; however, the Board finds sufficient evidence to order that Summerside Sea Products Limited was a successor to National Sea Products Limited. Evidence was called regarding the sale of the operation and the type of operations conducted, both prior to and subsequent to the sale from National Sea Products Limited to Summerside Sea Products Limited.

This Board has a doubt as to whether, in fact, it is necessary to make such a finding, given the circumstance that Summerside Sea Products Limited entered into two (2) collective agreements with the applicant union during the relevant periods of time. These collective agreements contained a clause recognizing the applicant union as the sole bargaining agent for the employees described within the agreement. These agreements were filed with the Minister of Labour; thus, pursuant to Section 19 of the Labour Act, the union would become recognized as the sole bargaining agent for the employees described within the agreements.

However, despite the comments contained in the above paragraph, without making reference to Section 19 of the Labour Act or to the collective agreements previously referred to, this Board finds that Summerside Sea Products Limited was a successor to National Sea Products Limited as set out in Section 39 of the Labour Act and rules accordingly that the applicant union held sole bargaining rights for the employees as described within the Certification Order binding National Sea Products Limited originally issued August 1, 1972, as amended on June 26, 1975 and September 19, 1980.

THIS DECISION made by the Prince Edward Labour Relations Board on April 26, 1991 and issued under the hand of its Chief Executive Officer.



Roy J. Doucette
Chief Executive Officer

PANEL:

Aidan Sheridan, Vice-Chairman
Lloyd Weeks, Member
Elizabeth MacFadyen, Member