



**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: Unfair Labour Practice Complaint
Section 9(1), 10(1) (a), (b), (c) and (d) of the Labour Act**

BETWEEN:

**NATIONAL AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS' UNION OF CANADA (CAW-CANADA)**

COMPLAINANT

AND:

ADVANCED MEDICAL TECHNOLOGIES

RESPONDENT

COUNSEL FOR THE COMPLAINANT:

**DALE PATTERSON,
Appearing as Agent**

COUNSEL FOR THE RESPONDENT:

EUGENE P. ROSSITER

DECISION:

1. On October 17, 1990, the Complainant, hereinafter referred to as "CAW", filed an Unfair Labour Practice Complaint with the Labour Relations Board against the Respondent, hereinafter referred to as "Advanced Medical", alleging a violation of Subsection 9(1) of the Prince Edward Island Labour Act as well as violations of Subsection 10(1) (a), (b), (c) and (d). A reply was filed by Advanced Medical on October 24, 1990.

2. The Chief Executive Officer as he is required to do by Statute, investigated the Complaint and was unable to settle it.

He reported his endeavours to the Board on January 18, 1991.

3. Previously, a panel of the Labour Relations Board on August 21, 1990 in Application No. 90-017 issued a Certification Order No. 13-90 to CAW involving Advanced Medical Technologies, a division of Tube-Fab Ltd.


4. The employer, Advanced Medical Technologies, a division of Tube-Fab Ltd. requested the Board to reconsider its decision on September 10, 1990 (Application No. 90-020). The Board held a hearing on November 26, 1990 and on December 7, 1990, rendered its decision in Application No. 90-020 wherein it varied the Certification Order No. 13-90 "to name the employer as 'Advanced Medical Technologies, a division of Tube-Fab Ltd.' " and allowed the remainder of the Order to stand as originally issued.

5. On February 14, 1991, a panel of the Board met to deal with the Unfair Labour Practice Complaint. After several preliminary matters were raised and oral decisions given, the Board was asked to adjourn the matter to a date to be fixed as the parties were trying to reach a settlement.

6. The Board agreed to adjourn the matter to a date to be fixed on the condition that notification was to be given to the Board within a period of two weeks as to whether or not this matter had been settled. As the two week period has now expired and the Board has not been notified that this matter is to be brought back on for hearing, the Board requested its Chief Executive Officer to confirm as to whether the matter had been settled.

7. In light of the indication to its Chief Executive Officer that the Board was no longer required to deal with this matter, the Board is dismissing the complaint and in accordance with the provisions of Section 11 of the Labour Act orders that a copy of this decision be served on the individuals who appeared at the hearing representing the interests of their respective client and/or employers.

This decision of the Labour Relations Board was made this 10th day of April, A. D. 1991 and issued under the hand of its Chief Executive Officer.



ROY J. DOUCETTE
CHIEF EXECUTIVE OFFICER

PANEL:

M. Lynn Murray, Chair
Ray McBride, Member
Marc Gallant, Member