



**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**  
**RE: Majority of Employees**

**BETWEEN:**

**UNITED FOOD AND COMMERCIAL WORKERS' INTERNATIONAL UNION**

**APPLICANT**

**AND:**

**BOLAND'S LIMITED**

**RESPONDENT**

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**COUNSEL FOR THE APPLICANT:**

**EUGENE P. ROSSITER, Q.C.**

**COUNSEL FOR THE RESPONDENT:**

**WILLIAM G. LEA, Q.C.**

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**DECISION**

1. On April 21, 1992, the Labour Relations Board comprised of M. Lynn Murray as Chair, Ray McBride as Employee Representative and Lloyd Weeks as Employer Representative made a decision in regard to this matter, wherein it held that the Applicant was a trade union, the unit was appropriate for collective bargaining and that a vote would be conducted to determine majority support.

2. Subsequent to April 21, 1992, the Employee Representative sitting on this matter withdrew from sitting on this panel of the

Board as the particular member has matters pending before the Board. In light thereof, that Board member is not partaking in any Board meetings, activities or otherwise until such time as all matters pending before the Board which involved his union are resolved. This position was necessary as a result of a decision rendered by the Prince Edward Island Supreme Court - Appeal Division in The National Automobile, Aerospace and Agricultural Implement Workers' Union of Canada (CAW-Canada) v. United Food and Commercial Workers Union, Local 1252 (in Trusteeship) and United Food and Commercial Workers' International Union, [1988] 1 P.E.I.R. B-16.

3. In light of the circumstances enumerated above, this matter presently before the Board is being concluded by the Chair and the Employer Representative sitting together and constituting a quorum under Section 3(8) of the Labour Act, R.S.P.E.I. 1988, Cap. L-1.

4. The only issue remaining concerns majority support which was to be determined by the representation vote ordered on April 21, 1992. The Chief Executive Officer of the Labour Relations Board conducted a vote of the Respondent's employees on May 15, 1992.

5. The Chief Executive Officer has advised the Board that the representation vote was counted on June 18, 1992 in the presence of representatives for both the Applicant and Respondent. The number of employees of the Respondent on April 21, 1992 numbered 91, of whom 85 cast ballots on May 15, 1992. The results of the representation vote ordered is as outlined below:

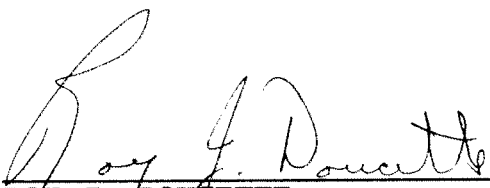
44	-	in favour of the Applicant
35	-	opposed to the Applicant
6	-	spoiled (1 blank; 4 checkmarks for Applicant; 1 checkmark against Applicant)
<u>85</u>		ballots cast

6. By virtue of the provisions of Section 13 of the Labour Act, supra, a majority of the eligible employees in the unit appropriate for collective bargaining cast their ballots in favour

of the Applicant union. The Labour Relations Board therefore determines that the Applicant has majority support.

8. Having stated the foregoing, the Labour Relations Board finds the Applicant has satisfied the requirements imposed by the Labour Act, supra. Accordingly, a certification order will issue to the Applicant for all employees of Boland's Limited employed at its Waterfront Mall, Summerside, Prince Edward Island, IGA store except store manager, assistant store manager, bakery manager and bookkeepers.

This decision of the Labour Relations Board was made this 25th day of June, A.D. 1992 and issued under the hand of its Chief Executive Officer.

  
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ROY J. DOUCETTE  
CHIEF EXECUTIVE OFFICER

**PANEL:**

M. Lynn Murray:Chair  
Lloyd Weeks :Member