



**GOVERNMENT OF PRINCE EDWARD ISLAND  
LABOUR RELATIONS BOARD**

Michele D. Sanderson, B.A., LL.B.  
Chair

Roy J. Doucette  
Chief Executive Officer

DEPARTMENT OF LABOUR  
P.O. BOX 2000  
CHARLOTTETOWN  
PRINCE EDWARD ISLAND  
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**IN THE MATTER OF THE APPLICATION FOR CERTIFICATION**

**BETWEEN:**

**UNITED FOOD AND COMMERCIAL WORKERS UNION,  
LOCAL 864**

**APPLICANT**

**AND:**

**BLUEWATER ENTERPRISES INC.  
EASTISLE RESTAURANTS (1986) LTD.**

**RESPONDENTS**

**DECISION**

**BACKGROUND**

On July 27, 1994 the Applicant, herein, United Food and Commercial Workers Union, Local 864, filed with the Prince Edward Island Labour Relations Board an Application for Certification for Bluewater Enterprises Inc. and/or Eastisle Restaurants (1986) Ltd.

The Respondent, Eastisle Restaurants (1986) Ltd., filed a Reply on August 22, 1994 indicating that it was not the employer of the employees. The Application is hereby dismissed as against Eastisle Restaurants (1986) Ltd.

The Respondent, Bluewater Enterprises Inc. filed a Reply on August 22, 1994 indicating that the appropriate bargaining unit should include employees at Cape Tormentine as well. Further to this, the Respondent alleged that the application should have been brought before the Canada Labour Relations Board.

In addition to its Reply, the Respondent, Bluewater Enterprises Inc., filed with the Board a Notice of Intervention requesting a pre-hearing representation vote as well as challenging the appropriateness of the bargaining unit.

A further statutory declaration was filed by the Respondent, Bluewater Enterprises Inc., withdrawing its challenge to the Board's jurisdiction and amending its position with respect to which employees should be included in the unit. The Respondents position is that only employees listed as permanent full-time should be included in the unit.

In the last mentioned statutory declaration, the Respondent requested that the Board investigate the circumstances surrounding the execution of membership cards and the payment of union dues. The Board has performed an investigation on this issue and is satisfied that the membership evidence is valid and that the payment of dues took place in a manner consistent with the Labour Act and Regulations. The remaining issues before the Board are:

1. Is a prehearing vote required?
2. Is the Applicant a trade union?
3. Is the proposed unit appropriate for collective bargaining and if so, which employees ought to be included in the unit.

Having reviewed in detail the membership evidence filed by the Applicant, the Board is satisfied that a majority of the employees wish to be represented by the Applicant and that there is no need to order a representation vote in this matter.


Question two is readily disposed of as the Applicant has filed its Constitution and bylaws and is a familiar entity to this Board.


The final issue deals with the appropriateness of this unit. The Applicant has applied to represent all employees in the Province except office employees and those who exercise managerial functions or who are employed in a confidential capacity. Although the respondent requested that only permanent full-time people be included, there is no evidence before the Board to suggest that the unit applied for is not appropriate.


### Decision

Having concluded the foregoing the Board does hereby certify, pursuant to Section 12 of the Labour Act, United Food and Commercial Workers Union, Local 864 as the bargaining agent for:

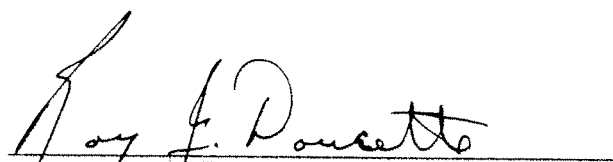
All employees of Bluewater Enterprises Inc. employed at its restaurant food service facility in Borden, Prince County, Prince Edward Island, excluding office employees, employees who either exercise managerial functions or are employed in a confidential capacity relating to labour relations.

  
Michele D. Sanderson  
Chair

  
Elizabeth MacFadyen, Member

  
Gerald Doyle, Member

**THIS DECISION** made by the Labour Relations Board on this 21st day of November, 1994 and issued under the hand of its Chief Executive Officer.

  
Roy J. Doucette  
Chief Executive Officer