



File No. 95-052

Decision No.

IN THE MATTER OF THE APPLICATION FOR CERTIFICATION

BETWEEN:

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 1432** **APPLICANT**

AND:

M & P ENTERPRISES **RESPONDENT**

DECISION

1. BACKGROUND

On July 19, 1995 the Applicant, herein filed with the P.E.I. Labour Relations Board (the "Board") an application for Certification for M & P Enterprises, which application is made pursuant to Section 12 of the Labour Act, R.S.P.E.I. 1988, Cap. L-1, as amended (the "Act").

On August 4, 1995 the Respondent, herein filed, as required, with the Board its Reply indicating, inter alia, that there were no employees of the Respondent as of the date of the subject application.

On September 13, 1995 the Board received a letter from the Applicant enclosing copies of certain pay stubs for employees paid by the Respondent, as well as by an associated company, H-Line Enterprises Inc., during the period from June 3, 1995 to July 29, 1995. The Applicant submitted to the Board that these people were indeed employees of both of these companies on the relevant date, in that, they were supervised and paid by the same management.

By letter dated September 14, 1995 the Board requested from Mr. Kenneth Henderson on behalf of the Respondent and H-Line Enterprises Inc. a response to the Applicant's submission that the Respondent's sworn statement contained in its Reply was incorrect.

A response was received, by letter to the Board, dated September 25, 1995 from Marjorie Henderson, on behalf of H-Line Enterprises Inc., indicating that the employees of M & P Enterprises had been paid with cheques of H-Line Enterprises Inc. simply because no cheques for M & P Enterprises were available at that time. The Respondent then provided additional information to the Board, by letter dated September 28, 1995 and also requested a pre-certification hearing. The Respondent also acknowledged in his letter, that as of the date of application, it had eight employees. Marjorie Henderson, on behalf of the Respondent, indicated that she had incorrectly sworn the Reply as she believed that the relevant date that the Respondent was to report employees was the Terminal Date and not the date of the Applicant's application.

A panel of the Board consisting of Janice L. MacCallum (Vice Chair), Judy Goodwin (Employee Representative) and Gerry Doyle (Employer Representative) met on October 12, 1995 to consider this application.

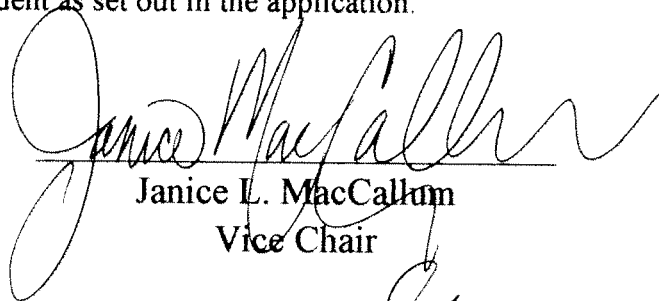
2. DECISION

As the Application for Certification of H-Line Enterprises Inc. (File No. 95-051) has been dismissed by the Board by its order dated October 12, 1995, the certification of this company is a non-issue for the purpose of this application presently before the Board.

After a review of the material filed, the panel finds there is sufficient evidence before the board to support the fact that there were employees of the Respondent on the date of this application.

The Board is, therefore, of the opinion that all requirements of the Act have been complied with and has found the Applicant to be a trade union within the meaning of the Act. It has also determined that the unit described in the application is appropriate for collective bargaining and has satisfied itself that on the date of the application, July 19, 1995, a majority of employees wished the Applicant to be certified as a bargaining agent on their behalf. The Board did not find any reasons why a pre-hearing representation vote or a pre-certification hearing should be held.

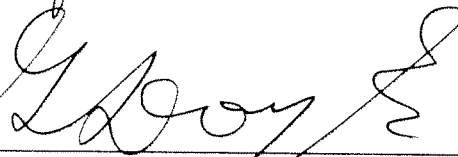
It was therefore ordered that the Applicant be certified as the bargaining agent for all employees of the Respondent as set out in the application.



Janice L. MacCallum
Vice Chair

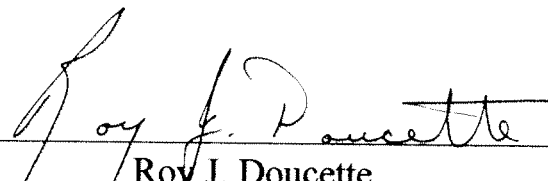


Judy Goodwin, Member



Gerry Doyle, Member

THIS DECISION made by the Labour Relations Board on this 12th day of October, 1995 and issued under the hand of its Chief Executive Officer.



Roy J. Doucette
Chief Executive Officer