



File No. 95-057

Decision No.

IN THE MATTER OF THE APPLICATION FOR REVIEW

BETWEEN:

**CONSTRUCTION AND GENERAL
LABOURERS UNION, LOCAL 1077**

APPLICANT

AND:

APM CONSTRUCTION INC.

RESPONDENT

D E C I S I O N

BACKGROUND

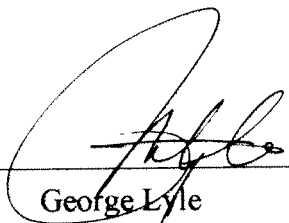
On September 25, 1995, the Labour Relations Board received an Application for Certification from the Construction and General Labourers Union, Local 1077, to certify all employees of the Respondent working as labourers and steel setters in the Province of Prince Edward Island and excluding foremen, and those above the rank of foremen, of APM Construction Inc., pursuant to Section 54 of the Act.

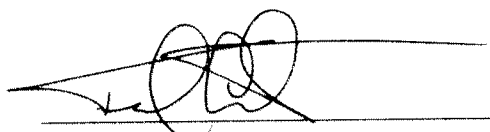
The Board met on October 2, 1995, consisting of the panel - George A. Lyle, Chairman, Jerry Doyle and Ted Crockett. The Board found all matters pertaining to the Application to be in order under the Labour Act. A Certification was granted by Order 07-95 to the Construction and General Labourers Union, Local 1077, certifying the Applicant as the Bargaining Agent for all employees of the Respondent working as labourers and steel setters in the Province of Prince Edward Island and excluding foremen, and those above the rank of foremen, employed with APM Construction Inc. Pursuant to the Act, notice was sent to the employer and the International Association of Bridge, Structural and Ornamental Ironworkers.

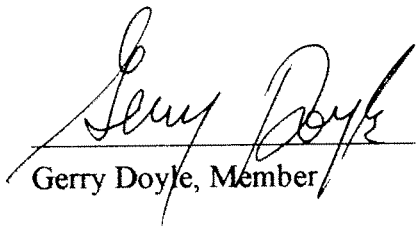
On October 10, 1995, the Board received a request supported by the affidavit of Timothy Banks, of Charlottetown, to review the foregoing Order pursuant to Section 54(6) of the Prince Edward Island Labour Act. The Board issued a notice of a Hearing of the Application for Review of Certification Order 07-95 to take place on the 8th of December, 1995. It was forwarded to the Respondent and the Applicant Union on the 15th of November, 1995. A request by Council for the Respondent Employer was received to delay the hearing date. The hearing was re-established for Tuesday, February 13, 1996, at 10:00 a.m. The Respondent Employer presented oral evidence and exhibit documents supporting his allegation that at the time of the Application, APM Construction Inc., had no employees within the jurisdiction of this Board. The Applicant Union elected not to call evidence to refute the evidence given and documents filed.

DECISION

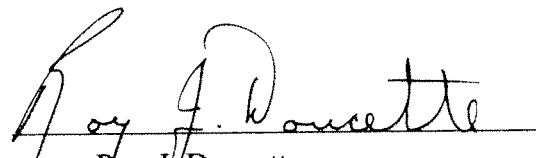
The Board, therefore, accepts as a fact, that APM Construction Inc., had no employees within this jurisdiction at the time that Construction and General Labourers Union, Local 1077, submitted its Application for Certification. Therefore, the Certification Order 07-95 granted on October 2, 1995, is rescinded.


George Lyle
Chair


Ted Crockett, Member


Gerry Doyle, Member

THIS DECISION made by the Labour Relations Board on this 13th day of February 1996 and issued under the hand of its Chief Executive Officer.


Roy J. Doucette
Chief Executive Officer