



File No. 95-058

Decision No.

IN THE MATTER OF THE APPLICATION FOR CERTIFICATION

BETWEEN:

**NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION
AND GENERAL WORKERS UNION OF CANADA(CAW-CANADA)
APPLICANT**

AND:

PERRIN'S CLINTON VIEW LODGE LIMITED

RESPONDENT

**Counsel for the Applicant:
Counsel for the Respondent:**

**Paul J.D. Mullin
Donna L. MacEwen**

DECISION

BACKGROUND

An Application for Certification on behalf of the Applicant was filed with the Labour Relations Board on October 5, 1995. Concurrently, with Form 1, a list of Union officers, membership evidence and receipts, constitution and bylaws was also filed on that date.

The Chief Executive Officer of the Board set October 20, 1995 as the Terminal Date for this Application.

On October 20, 1995, the Board received a number of petitions from employees of the Respondent and on October 31, 1995 received Form 5, Reply to Application for Certification from the Respondent.

A panel of the Board, duly appointed, by the Chair, reviewed the Application for Certification and supporting documents, the Respondent's Reply and the Employee petitions.

DECISION

After review of the Application, the Board finds that the unit described in the Application is an appropriate unit for collective bargaining and that the Applicant is a Trade Union within the definition of the Act and the Application was supported by a majority of the employees, within the appropriate unit, and were members of the Applicant Trade Union having paid their initiation fee within 90 days of the Application.


The Board therefore concludes that the employee's true wishes are those contained in the Application and that a majority of the employees within the appropriate unit on the date of the Application desired to be represented by the Applicant Trade Union.

The Respondent in its reply suggests that there were attempts by the Applicant Trade Union to organize and obtain members of the Trade union within the Respondents place of employment. There is no evidence to suggest and the Respondent has not provided any facts in support of its allegation. The Board, having no evidence before it, is therefore of the opinion that this allegation by the Respondent has no basis in fact.

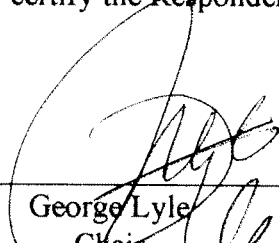
In arriving at its decision, the Board has considered the petition filed by certain of the employees. This petition states, among other things, that certain of the employees who joined the Union no longer wish to be represented by the Union. The employees did not state that they had resigned from the Union. No evidence or documents were submitted to the Board to explain the circumstances which gave rise to the preparation of the petition, its circulation or its voluntariness. Due to these factors, the Board prefers to determine whether a majority of the employees wish the Applicant Union to be certified as their bargaining agent on their behalf on the basis of the filed membership evidence.

The Board, being further satisfied that no other Trade Union was certified as a bargaining agent for any of the employee's prior to the Application, orders that the applicant be certified as the bargaining agent for all the employee's within the unit.

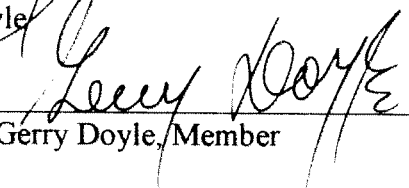
These are the reasons for the decision to certify the Respondent on February 5, 1996.



Ted Crockett, Member

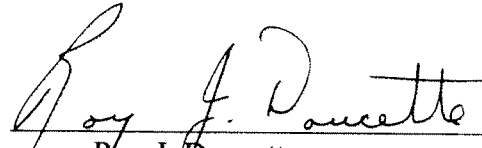


George Lyle
Chair



Gerry Doyle, Member

THIS DECISION made by the Labour Relations Board on the 5th day of February, 1996 and issued under the hand of its Chief Executive Officer on this 7th day of March, 1996.



Roy J. Doucette
Chief Executive Officer