



File No. 96-017

Decision No.

IN THE MATTER OF THE APPLICATION FOR CONSENT

BETWEEN:

**SOME EMPLOYEES OF PERRIN'S CLINTON VIEW LODGE LTD.
APPLICANT**

AND:

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

D E C I S I O N

BACKGROUND

On June 18, 1996, an Application for Consent to make application for Revocation of Certification Order 04-96 was filed by the applicant with the Prince Edward Island Labour Relations Board.

On July 5, 1996, the Respondent filed a reply to the Application for Consent which outlined their reasons in opposition to this application.

DECISION

It is apparent from a review of Section 12 of the Labour Act that it grants to the union a ten-month period after certification to negotiate a collective agreement.

This time period is generally considered as being present to enable a union a period of time to negotiate terms and conditions of a collective agreement on behalf of the employees who at the time of the application for certification requested them to do so without having to devote its time and efforts in other directions which would include contesting a displacement application.

In dealing with this Application for Consent the Board is cognizant of the conflicting interests that exist. On the one hand there is the employees' right to exercise their freedom of choice to be represented by a union and on the other hand, there is the union who must be protected from attacks from both the employer and employees to enable it to be effective in its representation.

It is well settled and needs no explanation that one of the purposes of the Labour Act is to provide for harmonious labour relations. Clearly if this Board were to deprive the union sufficient time to be able to negotiate a collective agreement or utilize the provisions of the Labour Act to arrive at such an agreement the Board would clearly be perpetrating the mischief that the Labour Act was created to avoid.

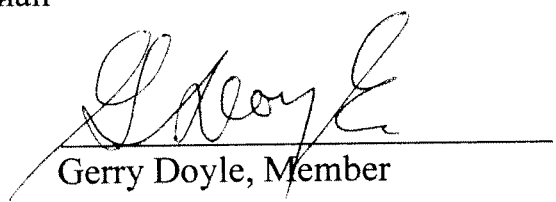
Having said the foregoing, it is the unanimous decision of this Board to dismiss the Application for Consent.



George Lyle
Chair

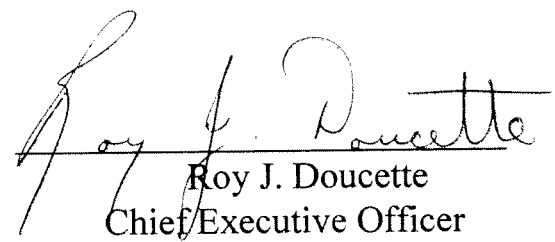


Ted Crockett, Member



Gerry Doyle, Member

THIS DECISION made by the Labour Relations Board on this 31st day of July, 1996, and issued under the hand of its Chief Executive Officer.



Roy J. Doucette
Chief Executive Officer