



File No. 98-006

Decision No.

IN THE MATTER OF AN APPLICATION FOR CERTIFICATION

BETWEEN:

PEI UNION OF PUBLIC SECTOR EMPLOYEES

APPLICANT

AND

ANDREW'S LODGE INC.

RESPONDENT

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

**J. Gordon MacKay, Q.C.
David Hooley**

BACKGROUND

On May 1, 1998, the PEI Union of Public Sector Employees (UPSE) applied to the Prince Edward Island Labour Relations Board (the Board) to be certified as the exclusive bargaining agent for employees of Andrew's Lodge Inc. (Andrew's Lodge).

On May 21, 1998, the employees of Andrew's Lodge filed a Notice of Intervention and Statement of Desire to oppose the certification of UPSE.

On May 22, 1998, Andrew's Lodge replied to the application, requesting that the Board grant a time bar on further applications by UPSE if "the Certification Application is either withdrawn or dismissed in due course by the Labour Relations Board".

By letter dated June 3, 1998, to the Chief Executive Officer, UPSE requested the withdrawal of its Application for Certification.

DECISION

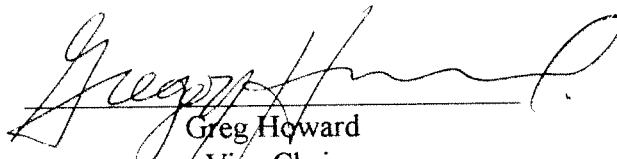
The Board Panel consisting of Greg Howard, Vice Chair and Members Elizabeth MacFadyen and Gerald Doyle met to consider the Application on Monday, July 13, 1998.

Under Section 12(5) and 12(7) of the *Labour Act*, R.S.P.E.I. 1974, Cap. L-1, as amended, the Board has the mandatory duty to either certify the applicant union or dismiss the application. If the Board dismisses the Application, Subsection (7) of the Act permits the Board to designate the length of time that must elapse before the same applicant may make another application.

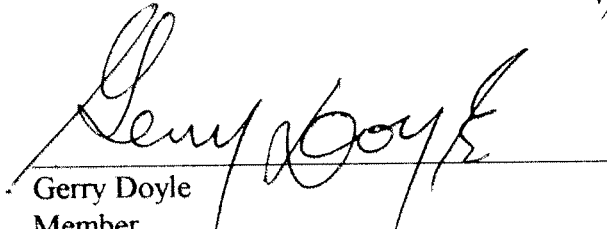
The Board is satisfied that a majority of the employees do not want the applicant trade union to be certified as their exclusive agent and accordingly orders that the Application for Certification filed May 1, 1998, be dismissed.

The Board also orders that a period of ninety days must elapse from the date this decision is issued before the applicant trade union may make another application for certification as bargaining agent for the Respondent's employees.

Having dismissed UPSE's Application for Certification, it is unnecessary for the Board to deal with the request to withdraw.



Greg Howard
Vice Chair

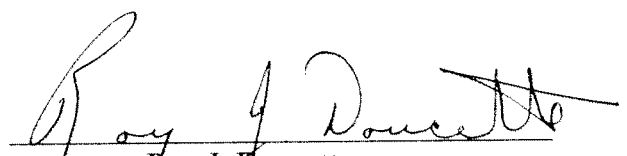


Gerry Doyle
Member



Elizabeth MacFadyen
Member

THIS DECISION made by the Labour Relations Board on this 14th day of July, 1998, and issued under the hand of its Chief Executive Officer.



Roy J. Doucette
Chief Executive Officer