



File No. 11-011

Decision No.

IN THE MATTER OF A JURISDICTIONAL DISPUTE COMPLAINT

BETWEEN:

CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 805

APPLICANT

AND:

HEALTH PEI

RESPONDENT

AND:

**PRINCE EDWARD ISLAND UNION OF PUBLIC SECTOR
EMPLOYEES**

INTERESTED PARTY

DECISION

Background

On the 10th day of November, 2011, the Applicant, Canadian Union of Public Employees, (“CUPE”) filed a Jurisdictional Dispute Complaint with the Labour Relations Board (the Board) pursuant to the *Labour Act and Regulations*. The Respondent named in the Application was the Prince Edward Island Department of Health. The Applicant sought to amend the application on the 6th day of January, 2012, to properly identify the Respondent as “Health PEI”. By consent this amendment was permitted. The jurisdictional dispute complaint alleged that the

Respondent has placed the newly created Patient Care Worker position within a bargaining unit represented by the Union of Public Sector Employees (UPSE). The complainant submits that the position properly belongs within its own bargaining unit (ie. Local 805 of the Canadian Union of Public Employees).

As a result of being named in the Complaint, the Prince Edward Island Union of Public Sector Employees (UPSE) was added as an interested party pursuant to the provisions of the *Labour Act, supra*.

After some period of attempted resolution of the matter, the parties by consent agreed that a date for a hearing should be fixed.

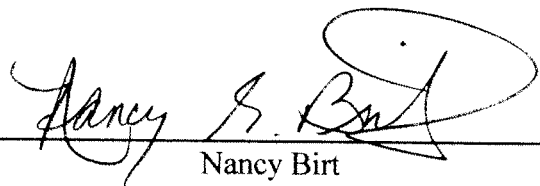
The hearing dates were originally set for the 5th and 6th days of February, 2013. By consent of all parties, the hearing was adjourned and the hearing was set for the 9th, 10th and 11th days of October, 2013.

Preliminary Matters

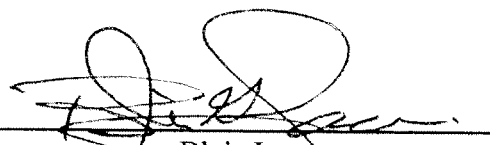
At the commencement of the hearing, the parties were asked if there were any preliminary matters to be addressed. At that moment, counsel for the Applicant advised that the Applicant was withdrawing its complaint. Counsel for the Respondent and the Interested Party advised the Board that they each consented to the request of the Applicant to withdraw the complaint.

Decision

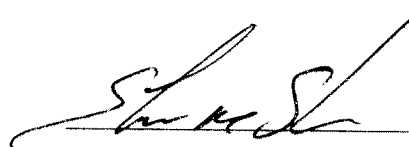
After consideration of the Applicant's request to withdraw, and with the consent of counsel for the Respondent and counsel for the Interested Party, the Board is prepared to permit the Applicant's request. The Complaint is therefore withdrawn.


Nancy Birt
Chair


Judy Hughes
Member


Blair James
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 06 day of December, 2013, and issued under the hand of its Chief Executive Officer on the 09 day of December, 2013.


Shawn M. Shea
Chief Executive Officer