



File No. 13-020

Decision No.

IN THE MATTER OF AN APPLICATION FOR ORDER CONCERNING STATUS OF SUCCESSOR TRADE UNION BEFORE THE LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)

BETWEEN:

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
LOCAL 1928**

APPLICANT

AND:

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
LOCAL 1432**

MARITIME ELECTRIC COMPANY LIMITED

UNIVERSITY OF PRINCE EDWARD ISLAND

CITY OF SUMMERSIDE

RESPONDENTS

DECISION

Background

An Application for an Order concerning status of Successor Trade Union was brought by the Applicant, the International Brotherhood of Electrical Workers, Local 1928, on the 8th day of July, 2013.

On the 9th day of July, 2013, a copy of the Application for Order Concerning Status of Successor Trade Union Before the Labour Relations Board (Prince Edward Island) was forwarded to the International Brotherhood of Electrical Workers, Local 1432 (Local 1432) and to each of the Employers certified by Local 1432 [Maritime Electric Company Limited, University of Prince Edward Island and the City of Summerside], requesting that, if the Employers had any objections to the granting of this Application, those objections must be submitted in writing on or before the 30th day of July, 2013.

There were no objections filed, however, two Employers provided clarification regarding the number of their employees. Thereafter, a request to amend the Application was received from the Applicant on the 4th day of September, 2013. Local 1432 was duly notified of the Request for Amendment made to this Board. Local 1432 did not indicate any objection to the Amendment.

On the 4th day of September, 2013, a copy of the Applicant's request to amend the application with respect to the number of employees working for Maritime Electric Company Limited (should read 126, not 22) and with respect to the number of employees working for University of Prince Edward Island (should read 60, not 22), was forwarded to each of the Employers certified by Local 1432 (Maritime Electric Company Limited and the University of Prince Edward Island), requesting that, if the Employers had any objections to the granting of this amendment to the Application, to submit those objections in writing on or before the 11th day of September, 2013. The Employers acknowledged receipt and confirmed that they were taking no further position on the matter.

The Applicant and the Respondents have agreed to merge the International Brotherhood of Electrical Workers, Local 1928 and the International Brotherhood of Electrical Workers, Local 1432.

Statutes Considered

Labour Act R.S.P.E.I. 1988 Cap. L-1 sections 4 and 40(1)

Labour Act Regulations R.S.P.E.I. 1988 Cap. L-1 section 17(5)

Evidence

In support of the Application, the Applicant filed the following documents:

1. Detailed description of the unit of employees for Maritime Electric Company Ltd, University of Prince Edward Island, City of Summerside "Summerside Community Network", City of Summerside "Electrical Workers", City of Summerside "Clerical Workers";
2. Approximate number of employees in the units for Maritime Electric Company Ltd, University of Prince Edward Island, City of Summerside "Summerside Community Network", City of Summerside "Electrical Workers", City of Summerside "Clerical Workers" and a letter to Prince Edward Island Labour Relations Board dated 4 September 2013 requesting leave of the Board to amend the application with respect to the numbers of workers working for Maritime Electric Company Limited and University of Prince Edward Island;
3. Copies of collective agreements for Maritime Electric Company Ltd, University of Prince Edward Island, City of Summerside "Summerside Community Network", City of Summerside "Electrical Workers", City of Summerside "Clerical Workers";
4. International Brotherhood of Electrical Workers Constitution;
5. International Brotherhood of Electrical Workers, Local 1928, Bylaws;
6. International Brotherhood of Electrical Workers Charter;
7. Copy of collective agreement for Nova Scotia Power Incorporated and International Brotherhood of Electrical Workers, Local 1928;
8. Voluntary Recognition Agreement between Emera Utility Services and International Brotherhood of Electrical Workers, Local 1928;
9. Copy of collective agreement for Emera Utility Services, Transmission and Distribution Bargaining Unit and International Brotherhood of Electrical Workers, Local 1928;
10. Copy of collective agreement for Black and MacDonald Limited and International Brotherhood of Electrical Workers, Local 1928;
11. Copy of collective agreement for Sears Canada and International Brotherhood of Electrical Workers, Local 1928;

12. Copy of collective agreement for Corporation of the Town of Antigonish and International Brotherhood of Electrical Workers, Local 1928;
13. Copy of collective agreement for the Berwick Electric Commission and International Brotherhood of Electrical Workers, Local 1928;
14. Copy of collective agreement for the Town of Lunenburg and International Brotherhood of Electrical Workers, Local 1928;
15. Copy of collective agreement for the Region of Queens Municipality Liverpool and International Brotherhood of Electrical Workers, Local 1928;
16. Copy of collective agreement for the Municipality of the District of Shelburne and International Brotherhood of Electrical Workers, Local 1928;
17. Copy of collective agreement for the Town of Lockeport and International Brotherhood of Electrical Workers, Local 1928;
18. Copy of collective agreement for the Town of Shelburne and International Brotherhood of Electrical Workers, Local 1928;
19. International Brotherhood of Electrical Workers, Local 1928, contact information;
20. Minutes of International Brotherhood of Electrical Workers Executive Meeting, August, 2012;
21. City of Summerside (Unit 1) Motion to merge Local 1928, Local 625 and Local 1432 and to divide Local 1432 between Local 1928 and Local 625;
22. City of Summerside (Unit 6) Motion to merge Local 1928, Local 625 and Local 1432 and to divide Local 1432 between Local 1928 and Local 625;
23. UPEI (Unit 5) Motion to merge Local 1928, Local 625 and Local 1432 and to divide Local 1432 between Local 1928 and Local 625;
24. Maritime Electric Ltd (Unit 3) Motion to merge Local 1928, Local 625 and Local 1432 and to divide Local 1432 between Local 1928 and Local 625;
25. Motion to merge Local 1928, Local 625 and Local 1432 and to divide Local 1432 between Local 1928 and Local 625;
26. Inside Electrical and Construction (Unit 2) Motion to merge Local 1928, Local 625 and Local 1432 and to divide Local 1432 between Local 1928 and Local 625 ;
27. International Brotherhood of Electrical Workers, Local 1928 Notice of Motion and LU meeting attendance record; and,
28. Letter to International Vice President of IBEW First District from IBEW International President date 3 January 2013.

Issues

The sole issue to be decided by the Board is whether the two (2) locals (Local 1928 and Local 1432) of the International Brotherhood of Electrical Workers are entitled to be merged.

Decision

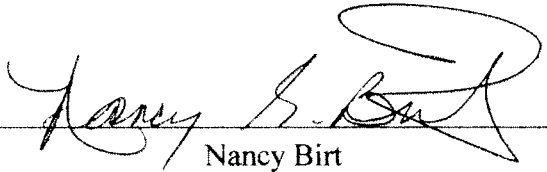
The provisions of Section 40 of the *Labour Act* state:

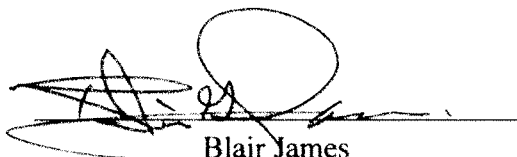
Where a trade union claims that by reason of a merger or amalgamation or a transfer of jurisdiction it is the successor of a trade union that at the time of the merger, amalgamation or transfer of jurisdiction was the bargaining agent of a unit of employees of an employer and any question arises in respect of its right to act as the successor, the board, in any proceeding before it or on the application of any person or trade union affected, may by order declare that the successor has or has not, as the case may be, acquired the rights, privileges and duties under this Part of its predecessor.

The provisions of Section 17(5) of the *Regulations* state:

Where no reply has been filed and no statement of desire to make representations has been filed or any such reply or statement that has been filed does not state that a party desires a hearing before the Board, the Board may dispose of the application upon the material before it without further notice to any party or to the employees.

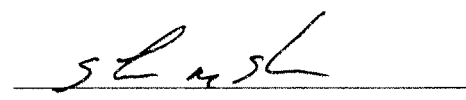
Following a thorough consideration of the application and supporting documentation filed with this Board, the Board has concluded that the Applicant, the International Brotherhood of Electrical Workers, Local 1928, is entitled to be merged with the International Brotherhood of Electrical Workers, Local 1432. This Board declares that the International Brotherhood of Electrical Workers, Local 1928, has acquired the rights, privileges and duties under this legislation of the International Brotherhood of Electrical Workers, Local 1432.


Nancy Birt
Chair


Blair James
Member


Judy Hughes
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 27 day of September, 2013, and issued under the hand of its Chief Executive Officer on the 27 day of September 2013.


Shawn M. Shea
Chief Executive Officer