

File No. 13-021

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 625**

**APPLICANT**

**AND:**

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

**BLACK & MCDONALD LTD AND COMSTOCK CANADA LIMITED**

**EASCO ELECTRIC LIMITED**

**FORD ELECTRIC LIMITED**

**GARDNER ELECTRIC LIMITED**

**GJ CAHILL & COMPANY (1979) LIMITED**

**ICS STATE SAINT JOHN**

**MEMCO CONTROLS**

**MONCTON PLUMBING & SUPPLY COMPANY**

**ASSOCIATION OF COMMERCIAL AND INDUSTRIAL  
CONTRACTORS OF PEI INC**

**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 625, on the 18<sup>th</sup> day of July, 2013. The Respondents were duly notified of the Application made to this Board.

On the 19<sup>th</sup> 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 [Black & McDonald Ltd and Comstock Canada Limited and Easco Electric Limited and Ford Electric Limited and Gardner Electric Limited and GJ Cahill & Company (1979) Limited and ICS State Saint John and MEMCO Controls and Moncton Plumbing & Supply Company and the Association of Commercial and Industrial Contractors of PEI Inc], requesting that, if there were any objections to the granting of this Application, to submit those objections in writing on or before the 9<sup>th</sup> day of August, 2013.

There were no objections filed by any of the Respondents.

The Applicant and the Respondents have agreed to merge the International Brotherhood of Electrical Workers, Local 625 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. Names of employers (Black & McDonald Limited and Comstock Canada Limited and Easco Electric Limited and Ford Electric Limited and Gardner Electric Limited and GJ Cahill & Company (1979) Limited and ICS State Saint John and MEMCO Controls and Moncton Plumbing & Supply Company and the Association of Commercial and Industrial Contractors of PEI Inc) affected by the application;
2. Detailed description of the unit of employees for which the predecessor was the bargaining agent;
3. Copy of collective agreement for the Association of Commercial and Industrial Contractors of PEI and International Brotherhood of Electrical Workers, Local 1432;
4. International Brotherhood of Electrical Workers Constitution;
5. Electrical Agreement for Nova Scotia Construction Labour Relations Association Limited and International Brotherhood of Electrical Workers, Local 625;
6. International Brotherhood of Electrical Workers, Local 625, contact information;
7. Minutes of International Brotherhood of Electrical Workers Executive Meeting, August, 2012;

8. 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;
9. International Brotherhood of Electrical Workers handwritten minutes dated 13 September 2012;
10. International Brotherhood of Electrical Workers handwritten minutes dated 18 October 2012;
11. Memo to International Brotherhood of Electrical Workers 1<sup>st</sup> District Vice President from Business Manager and Financial Secretary, Local 625, dated 23 October 2012; and,
12. 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 625 and Local 1432) of the International Brotherhood of Electrical Workers are entitled to be merged.

### **Decision**

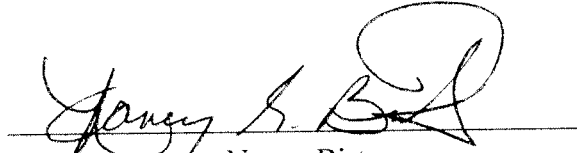
The provisions of Section 40 of the *Labour Act* state:


*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.*

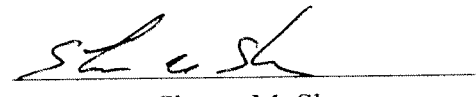
Following a thorough consideration of the application and supporting documentation filed with this Board, the Board has concluded that the Applicant, the International Brotherhood of Electrical Workers, Local 625, is entitled to be merged with the International Brotherhood of Electrical Workers, Local 1432. This Board declares that the International Brotherhood of Electrical Workers, Local 625, 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