



File No. 13-027

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:**

**UNIFOR, Local 1515**

**APPLICANT**

**AND:**

**CANADIAN AUTO WORKERS, LOCAL 1515**

**PERFECTION FOODS, 1991**

**RESPONDENTS**

**Andy Neilson**

**Counsel for Applicant**

**DECISION**

**Background**

An Application for an Order concerning status of Successor Trade Union was brought by the Applicant, UNIFOR, Local 1515, on the 15<sup>th</sup> day of November, 2013.

On the 19<sup>th</sup> day of November, 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 Canadian Auto Workers, Local 1515, and to Perfection Foods, 1991, requesting that, if the Employer and/or Union had any objections to the granting of this Application, those objections must be submitted in writing on or before the 10<sup>th</sup> day of December, 2013.

There were no objections filed.

**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. Amended Certification Order (Serial No. 02-94) between the National Automobile, Aerospace, Transportation and General Workers' Union of Canada (CAW-Canada), CAW, Local 1515
2. Collective Agreement between Perfection Foods (1991) and Local 1515, Canadian Auto Workers
3. Charter for UNIFOR
4. Constitution for UNIFOR

## **Issues**

The sole issue to be decided by the Board is whether the two (2) unions (Canadian Auto Workers, Local 1515 and UNIFOR, Local 1515) are entitled to be merged.

## **Decision**

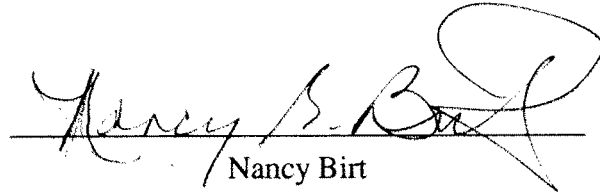
The provisions of Section 40 of the *Labour Act* state:

*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.*

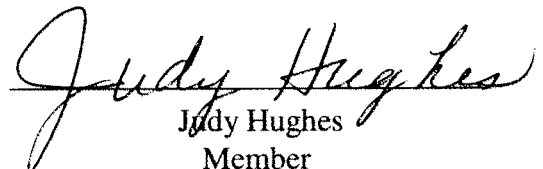
The provisions of Section 17(5) of the *Regulations* state:

*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, UNIFOR, Local 1515, is entitled to be merged with the Canadian Auto Workers, Local 1515. This Board declares that UNIFOR, Local 1515, has acquired the rights, privileges and duties under this legislation of the Canadian Auto Workers, Local 1515,

  
Nancy Birt  
Chair

  
Blair James  
Member

  
Judy Hughes  
Member

This Decision made by the Prince Edward Island Labour Relations Board on the 17<sup>th</sup> day of December, 2013, and issued under the hand of its Chief Executive Officer on the 20<sup>th</sup> day of December, 2013.

  
Shawn M. Shea  
Chief Executive Officer