

Labour Relations Board

Annual Report
2015 - 2016



Newfoundland
Labrador

Message from the Chairperson

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2015-16 period. This report was prepared in accordance with the Provincial Government's commitment to transparency and accountability as a category 3 entity. My signature below is indicative of the entire Board's accountability for the actual results reported.

The Newfoundland and Labrador Labour Relations Board is an independent, specialized, quasi-judicial body which plays a crucial role in contributing to and promoting harmonious labour relations in the Province. The Labour Relations Board's primary objectives include fair and efficient processing of applications and rendering decisions which are clear, consistent, and in accordance with sound legal principles.

As of March 31, 2016, the Board consisted of a Chairperson, Vice-Chairperson, regular and alternate board members. The Board members are in numbers equally representative of employers and employees (two of each). Generally, the Board schedules quarterly meetings with additional panel meetings as needed. The Board has reviewed and considered applications for certification, applications for revocation, unfair labour practice complaints, successor rights applications and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction such as labour standards reviews and occupational health and safety matters. Depending on the circumstances of each case, the Board either decided matters based on the affidavit evidence provided, submissions of parties, and the investigation reports of its Board Officers, or conducted a hearing before making a final decision.

This year, the Board was given additional responsibilities under the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, in addition to its existing responsibilities under the *Labour Relations Act*; *Public Service Collective Bargaining Act*; *Fishing Industry Collective Bargaining Act*; *Teachers' Collective Bargaining Act*; *Interns and Residents Collective Bargaining Act*; *Labour Standards Act*; *Occupational Health and Safety Act*; *Smoke-Free Environment Act, 2005* and *House of Assembly Accountability, Integrity and Administration Act* and *Public Interest Disclosure and Whistleblower Protection Act*. This is discussed more in the Public Overview section of the Annual Report.

Further information about the Labour Relations Board can be found at www.gov.nl.ca/lrb. This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms, and publications.

I would like to thank the administrative staff and the Board members for their hard work and continued professionalism throughout the year. As always, I am honoured to serve as Chair of the Board with this diligent group of people. I look forward to their continued participation in 2016-17.



Sheilagh M. Murphy, Q.C.
Chairperson

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PUBLIC BODY OVERVIEW

INTRODUCTION

The Labour Relations Board is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes: *Labour Relations Act; Public Service Collective Bargaining Act; Fishing Industry Collective Bargaining Act; Teachers' Collective Bargaining Act; Interns and Residents Collective Bargaining Act; Labour Standards Act; Occupational Health and Safety Act; Smoke-Free Environment Act, 2005; House of Assembly Accountability, Integrity and Administration Act; Public Interest Disclosure and Whistleblower Protection Act; and Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.*

The Board is established under the *Labour Relations Act* (the "Act"). The Board is composed of the Chairperson, Vice-Chairpersons, employer and employee representatives, all of whom are appointed by the Lieutenant-Governor in Council. The Act contains provisions outlining the labour relations rights and responsibilities of employers, trade unions, and employees. The Act guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to freely make this choice.

The legislation confers on the Board authority over many important aspects of labour relations. These include the certification of unions to represent employees, the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, as well as unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. During this reporting period, the Board has been assigned responsibilities under the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* in respect to the determination of, among other things, a Section 201.57 reprisal complaint. The Board has exclusive authority to exercise the power conferred upon it in the Act in relation to determining questions of fact or law that came before it. It also has the power to reconsider any of its decisions and a privative clause in the Act limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

MANDATE

The Labour Relations Board's primary mandate is to resolve labour relations and employment matters in accordance with its jurisdiction as conferred by the *Labour Relations Act* as well as several other statutes as follows: *Public Service Collective Bargaining Act*; *Fishing Industry Collective Bargaining Act*; *Teachers' Collective Bargaining Act*; *Interns and Residents Collective Bargaining Act*; *Labour Standards Act*; *Occupational Health and Safety Act*; *Smoke-Free Environment Act, 2005*; *House of Assembly Accountability, Integrity and Administration Act*; *Public Interest Disclosure and Whistleblower Protection Act*; and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

The Board administers and interprets the provisions of these statutes applicable to the Board.

LINES OF BUSINESS

The Labour Relations Board's two primary lines of business are resolving labour relations matters and educating the public. More specifically, the Board processes, investigates and adjudicates applications made to it by unions, employers, organizations and individual employees, or referrals made pursuant to the legislation. The Board also mediates parties' differences in an attempt to limit the extent and need for formal hearings or adjudication, thereby helping parties to resolve their own disputes to their mutual satisfaction. As well, the Board provides education to the Province's labour relations community on the interpretation of the legislation and of the Board's rules, policies, and procedures.

VISION

The vision of the Labour Relations Board is one of fair and equitable application of the provisions of labour and employment legislation pursuant to which the Board has jurisdiction.

MISSION (2017)

By March 31, 2017 the Labour Relations Board will have continued to administer and interpret the legislation with regard to matters brought before the Board.

The Board has been in existence for over 60 years and has, like other Labour Boards in Canada, acquired expertise both in its administration and adjudication. Considerable effort is expended by the Board and its staff in maintaining a high level of expertise which culminates in a high level of service to its primary clients.

STAFF OF THE BOARD

In 2015-16 the administrative staff of the Board was comprised of a Chief Executive Officer, Deputy Chief Executive Officer, three Labour Relations Board Officers and two support staff (3 males, 4 females). The annual expenditures of the Board is approximately \$798,796. The Labour Relations Board financial statement is attached as Appendix I.

The Board's offices are located on the 5th Floor of the Beothuck Building, 20 Crosbie Place, St. John's, with hearings held throughout the Province. The Board's hearings room facilities are located on the 1st Floor of the Beothuck Building. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709)729-2707; Fax (709)729-5738. The email address is lrb@gov.nl.ca.

STATISTICAL SNAPSHOT

During the year under review, 2015-16, there were a total of 36 new applications filed with the Board and 31 applications were carried forward from the previous year. There were 9 representation votes conducted in applications for certification and revocation of certification applications, with 389 individuals eligible to vote in the elections. The Board considered 49 applications during the period, which culminated in the issuance of 63 Orders of the Board. A total of 47 of the applications considered were finalized. The remaining 18 applications were carried forward to 2016-17. The Board held 77 days of meetings and/or hearings. Nine (9) matters were referred to a hearing; one of those matters was either settled or withdrawn before the hearing concluded.

The financial statement of the Board is contained in Appendix I. Biographical information on Board members is contained in Appendix II. For a listing of the Reasons for Decision issued by the Board in 2015-16, please see Appendix III. A listing of the applications which were the subject of judicial review can be found in Appendix IV. Descriptions of bargaining units certified by the Board in 2015-16 are shown in Appendix V. All Board decisions dating from 1975 have been made available to clients via the website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw and CanLII. The Board's website is <http://www.gov.nl.ca/lrb>.

HIGHLIGHTS/ACCOMPLISHMENTS

The Board has continued to provide service under its ongoing commitments. In addition to this, during this reporting period, the Board has been assigned responsibilities in terms of determining applications under Sections 201.57 and 201.60, among others, of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*. These responsibilities deal with occupational health and safety matters on offshore oil platforms. A full listing of the types of applications that may be brought to the Labour Relation Board under this piece of legislation are listed in Sections 17 and 18 of the *Labour Relations Act*. For example, Section 201.57 allows an employee, either personally or through a representative, in good faith, to file a complaint with the Labour Relations Board where he or she believes they have suffered reprisal as a result of an employer or provider of service taking action for conduct of the employee which is protected by the Act. Section 201.60 allows an employer or provider of service, in good faith, to file an application with the Labour Relations Board for a determination as to whether an employee has received wages and benefits knowing that circumstances did not exist to warrant the employee's refusal to work or refusal to be transported offshore.

On June 30, 2015, the Board created an information bulletin titled "Disclosure of Personal Information." This document outlines the Board's policy on the openness of its processes and describes how it handles issues relating to privacy. The Board's policy is consistent with the statement of the Heads of Federal Administrative Tribunals Forum (endorsed by the Council of Canadian Administrative Tribunals) and the principles found in the Protocol for the Use of Personal Information in Judgments approved by the Canadian Judicial Council.

On September 17, 2015, the Board adopted a policy circular titled "Mandatory Resolution Process." This document outlines the Board's policy as it relates to a detailed process that must be undertaken by the Board Officer and the parties to attempt to resolve a matter prior to adjudication by the Board. Prior to the submission of a Board Officer's report to the Board for a determination, the Board Officer must engage the parties to a matter with the view to resolving the matter without the input of the Board.

Additional and complete details of the topics outlined above can be found on the Labour Relations Board's website (<http://www.gov.nl.ca/lrb>) or by contacting the Board directly at 709-729-2707, or emailing lrb@gov.nl.ca.

REPORT ON PERFORMANCE

OBJECTIVES

The objectives discussed below represent the Board’s annual focus and include performance measurement information to assist both the Board and the public to monitor and evaluate success. The Board performs two functions – administrative and adjudicative. The Chief Executive Officer and staff fulfill the administrative function which generally entails processing applications; the Chair, Vice-Chairs and members of the Board fulfill the adjudicative function.

ISSUE: PROCESSING APPLICATIONS

Objective 1: By March 31, 2016, the Labour Relations Board will have commenced processing or have processed all applications filed with the Board (processed means completed steps necessary to bring applications before the Board at regular board meetings).

Measure: All applications commenced or processed.

Indicators	Accomplishments
Number of applications received.	36
Number of applications in process.	12
Number of applications completed.	24

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 23 other applications during 2015-16 which were carried forward from previous years.

The Board met its objective of commencing or completing processing of all applications filed with it during the fiscal year. The Board will report on the above objective, measure and indicators again in 2016-17.

ISSUE: CONSIDERING APPLICATIONS

Objective 2: By March 31, 2016, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings, but will not have necessarily made a final determination with respect to these applications (decisions of the Board are evidenced in the form of orders).

Measure: All processed applications are considered.

Indicators	Accomplishments
Number of orders made by the Board at its meetings.	63
Number of applications referred to the hearing process.	9
Number of hearings scheduled.	9
Number of applications considered and deferred.	49 considered/ 0 deferred

All processed applications were considered by the Board. The Board considered and finalized forty-seven (47) matters in the reporting period. Twenty-four (24) of these were received in 2015-16 and twenty-three (23) were carried forward from the previous year. The Board considered and referred an additional two (2) applications received in 2015-16 to a hearing. These hearings were not finalized at the end of 2015-16.

In some matters, more than one order was made. Forty (40) orders were issued by the Board at its regular meetings and the Board issued thirteen (13) orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or Vice-Chair alone. The Board also issued ten (10) orders in relation to applications which were referred to hearings.

Nine (9) matters were referred to the hearing process and were scheduled during this reporting period. In the reporting year, eight (8) matters were heard over 21 days; six (6) of these hearings were in relation to files received by the Board in the previous reporting year; the other three (3) matters were referred to a hearing in this reporting year.

The Board will report on the above objective, measure and indicators again in 2016-17.

ISSUE: COMMUNICATION

Objective 3: By March 31, 2016, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Measure: Communication.

Indicators	Accomplishments
Number of orders issued and number communicated to parties.	63
Number of reasons for decision issued and number communicated to parties.	11
Number of reasons for decision uploaded to the Board's internet-based decision system.	11

There were a total of sixty-three (63) orders issued by the Board in 2015-16 and all were communicated to the parties. Reasons for decision are issued by the Board only when either requested by one (1) of the parties to the application or where a hearing has been conducted into an application. A total of eleven (11) reasons for decision were issued by the Board in relation to eleven (11) matters and were communicated to the affected parties. Eleven (11) reasons for decision were uploaded to the Board's internet-based decision system. Five (5) decisions were issued in matters where hearings were conducted and six (6) were issued as a result of requests from one of the affected parties (see Appendix III – Reasons for Decision).

The communication and circulation of decisions and publications through the Board's searchable decision system and website ensures that the public and the parties appearing before the Board have ready access to the Board's policies and decisions.

The Board will report on the above objective, measure and indicators again in 2016-17.

ISSUE: CIRCULATING PUBLICATIONS

Objective 4: By March 31, 2016, the Labour Relations Board will have circulated publications, as necessary, related to Board processes and procedures.

Measure: Circulated publications.

Indicators	Accomplishments
As necessary, a number of information bulletins, forms and policy circulars distributed and placed on the Board’s website.	<p>One information bulletin and one policy circular as indicated below:</p> <p>The Board adopted one (1) new information bulletin and one (1) policy circular in 2015-16. The Board created an information bulletin titled “Disclosure of Personal Information.” This document outlines the Board’s policy on the openness of its processes and describes how it handles issues relating to privacy.</p> <p>The Board also adopted a policy circular titled “Mandatory Resolution Process.” This document outlines the Board’s policy as it relates to a required mandatory resolution process that is initiated by the Board Officer. Prior to the submission of a Board Officer’s report to the Board for a determination, the Board Officer must engage the parties to a matter with the view to resolving the matter without the input of the Board.</p>
Annual Report filed and placed on the Board’s website.	2015-16 Annual Report placed on the Board’s website.

The Board fulfilled its mandate through the resolution of labour relations matters and by educating the labour relations community and workers generally about the legislation, rules, policies and procedures of the Board through publication of policy circulars, general enquires and presentations to entities who requested them.

The Board continued its efforts to educate its clients and the public on its various processes through the updating of several information bulletins and presentations where requested. The Board continues to develop and maintain numerous information bulletins and policy circulars on its website. These documents describe the numerous types of applications which the Board is responsible for dealing with and explain the Board’s procedures for handling such applications and complaints, reflecting the current procedures and policies of the Board.

The Board will report on the above objective, measure and indicators again in 2016-17.

Total New Applications Filed in 2015-16

	2015-16
<i>Labour Relations Act:</i>	8
Applications for Certification	2
Applications for Revocation of Certification	1
Termination of Bargaining Rights	6
Unfair Labour Practices	3
Duty of Fair Representation	1
Successorship/Transfer of Business	0
Common Employer	1
Reconsideration of Decision	1
Amendment of Bargaining Unit	1
First Collective Agreement	1
Questions under Section 18 of the Act	1
Whether Collective Agreement in effect	0
Whether organization is party to or bound by Collective Agreement	3
Review of Labour Standards Determination	0
Submission by Director of Labour Standards	1
Change of name on Cert./ accred. Order	0
Successor Bargaining Agent	0
Jurisdictional Dispute (Umpire)	0
Alter Terms and Conditions of Employment	0
<i>Public Service Collective Bargaining Act:</i>	6
Duty of Fair Representation	0
Change of name on Cert./ accred. Order	0
Amendment of bargaining unit	0
Whether Collective Agreement in effect	0
<i>Fishing Industry Collective Bargaining Act:</i>	0
Reconsideration of Decision	0
<i>Occupational Health and Safety Act:</i>	1
Discriminatory Action	0
<i>Teachers' Collective Bargaining Act:</i>	0
Appointment of Conciliation Officer	0
Total Applications	36

OPPORTUNITIES AND CHALLENGES

The Board continues to be challenged by the failure of a party to meet the required timelines for filing Respondent's replies and/or Applicant's responses with the Board. The Board continues to educate the labour relations community with respect to the rules of the Board. The Board has also directed that where a party wishes to submit a late reply and/or response to a matter, the submission shall be accompanied by a written reason for the late submission.

The Board has experienced an increase in the percentage of "duty of fair representation" complaints/applications filed with the Board. Ten years ago these types of applications represented approximately five per cent of the Board's business; today they represent 25 per cent. Generally the applicants of these types in applications are self-represented and are unfamiliar with Board processes. As a consequence, the Board Officers are spending significantly more time and resources educating these applicants about the Board itself and its processes.

All of the Board's internal operations have been reviewed by Board staff on an informal basis during the reporting period with a view to improving operational efficiency.

The legislative duties and responsibilities of the Board have expanded under the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*. These changes have provided the Board with an opportunity to further develop its staff and to expand on the educational component of its mandate through regular internal discussions and legislation review. The Board will continue with this opportunity of staff development regarding this new legislative responsibility in 2016-17.

APPENDIX I - FINANCIAL STATEMENT

The following information is for the fiscal year: April 1, 2015 to March 31, 2016.

Statement of Expenditure and Related Revenue Unaudited For the Year Ended March 31, 2016

	Actual \$	Amended \$	Original \$
7.2.01 LABOUR RELATIONS BOARD			
01. Salaries	672,218	736,600	735,500
02. Employee Benefits	1,980	900	900
03. Transportation and Communication	25,812	26,000	26,000
04. Supplies	5,519	8,000	8,000
05. Professional Services	75,510	70,000	70,000
06. Purchased Services	5,670	15,500	15,500
07. Property, Furnishings and Equipment	1,956	1,800	1,800
Total: Labour Relations Board	\$788,305	\$858,800	\$857,700

Source: Expenditure and revenue figures are unaudited and based on public information from the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended March 31, 2016. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Labour Relations Board is not required to provide a separate audited financial statement.

APPENDIX II - MEMBERS OF THE BOARD

During the year under review, the Board consisted of the following members:

SHEILAGH M. MURPHY, Q.C., Chairperson

Sheilagh Murphy graduated from the University of New Brunswick with a Bachelor of Laws, and from Memorial University of Newfoundland with a Bachelor of Science and Bachelor of Arts. She has been a member of the Law Society of Newfoundland and Labrador since 1999 and is a former President of the Canadian Bar Association, Newfoundland and Labrador branch. Ms. Murphy practiced with Curtis, Dawe Lawyers from 1999-2012. She has presented at Memorial University of Newfoundland, the Law Society of Newfoundland's Bar Admission Course and published in the *Annual Review of Civil Litigation*. She volunteers with a number of community and professional organizations.

Ms. Murphy was appointed Vice-Chairperson of the Labour Relations Board in July 2007 for a five-year term. On May 3, 2009, Ms. Murphy was appointed Chairperson of the Board on an interim basis and on July 2, 2012, Ms. Murphy was appointed to the full-time Chairperson position.

JOHN C. SWEETLAND, Q.C., Vice-Chairperson

John Sweetland obtained his Bachelor of Science degree from St. Francis Xavier University and a Bachelor of Law degree from the University of New Brunswick. He has been a member of the Law Society of Newfoundland and Labrador since April 1973. Mr. Sweetland practiced law in Corner Brook in a variety of areas of law, including corporate/commercial, real estate, criminal, family, contract law, workplace health safety and compensation/Canada pension disputes, labour law and administrative law. He is a qualified mediator and has served on several arbitration boards. He has also taught at Grenfell Campus of Memorial University of Newfoundland and Labrador for a period of 12 years.

Mr. Sweetland was appointed to the position of Vice-Chairperson of the Labour Relations Board in May 2004 for a five-year term. He was reappointed in November 2011.

BRIAN R. GATIEN, Vice-Chairperson

Brian R. Gatien obtained his Bachelor of Commerce (Hons.) in 1974 from Laurentian University, his Master of Business Administration from the Schulich School of Business at York University in 1975, and his law degree from Osgoode Hall Law School in 1978. He also has the designation of Certified Human Resources Professional and was granted an Honourary Life Member in the Human Resources Professionals Association.

Mr. Gatien is a member of the Bars of Ontario, Newfoundland and Labrador and Alberta.

From 1980 to 1985 Mr. Gatien was Director of Negotiations with the Ontario Hospital Association and since 1985 has practiced solely in the field of labour relations law. He has an established labour and

employment mediation and arbitration practice in Newfoundland and Labrador and in Alberta. He has also been retained as an independent investigator in workplace harassment and human rights disputes.

Mr. Gatien was appointed Vice-Chair in 2012 and resigned from the Board on January 1, 2016.

GERALYN HANSFORD, Employer Representative (Regular)

Geralyn Hansford retired from Bell Aliant in 2010, where she held the position of Director – Customer Care, Atlantic Canada. She has 33 years of Labour Relations experience.

Ms. Hansford was first appointed to the Board as a regular employer representative in March 2005 for a two year term and again in 2007 and 2009. She was reappointed in November 2015.

AUBREY DROVER, Employer Representative (Regular)

Aubrey Drover is the owner of AMD Holdings Ltd., a general contracting firm located in St. John's, Newfoundland. Mr. Drover has an extensive background in construction management, spanning some 47 years. He is past Chairman of the Newfoundland and Labrador Construction Association, past Provincial Vice-Chairman of the Canadian Construction Association and is past Chairperson of the Newfoundland and Labrador Construction Safety Association.

Mr. Drover was appointed to the Labour Relations Board as an alternate employer representative in February 2004 and was reappointed as a regular employer representative in January 2006 for a two-year term. He was reappointed in November 2015.

WILLIAM A. PARSONS, Employee Representative (Regular)

William (Bill) Parsons' entire career has been within the labour movement, serving as Vice-President of the Canadian Communications Workers' Union; Organizing Director of Fish, Food and Allied Workers Union; and International Representative of the United Steelworkers of America. He is a Past President of the Newfoundland and Labrador Federation of Labour and a Past Vice-President of the Canadian Labour Congress, as well as a Board Member of the Advisory Council on the Economy and member of the Labour Relations Working Group Initiative. Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was also a founding member of the Newfoundland and Labrador Safety Association and continues to promote its work within the construction industry. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was appointed as a regular employee representative in December 1995. He has been regularly reappointed as a regular employee representative since 1995. He was reappointed in November 2015.

GRANT BARNES, Employee Representative (Regular)

Grant Barnes has over 25 years' experience in the labour movement. He was Chief Negotiator for the St. John's Fire Fighters Association, Local 1075 for 10 years. He has served on various other labour related committees including Grievance, Arbitration Board, Political Action Committee, Human Rights, Labour Management, and Legislative Lobbying. He served as the Newfoundland Vice-President of the Atlantic Provinces Professional Fire Fighters Association for 10 years and is an

honorary member of that Association. He held the position of Newfoundland Representative for the International Association of Fire Fighters for 6 years. He is President Emeritus of the St. John's Fire Fighters Association Local, 1075. In 2004 he was appointed to the Board of Directors at Workplace, Health, Safety and Compensation Commission and has held various committee positions on that board. He retired from the St. John's Regional Fire Department as Fire Captain in 2001.

Mr. Barnes has been very active in his community in many volunteer positions, including the CBS Lions Club for 20 years in which he held the position of President. He was elected Mayor for the town of Terra Nova in October 2013.

Mr. Barnes was appointed to the Labour Relations Board in January 2012. He was reappointed in November 2015.

RICHARD WHITE, Employer Representative (Alternate)

Richard White currently works as an Accountant with Blagdon, Tilley and Company, Certified General Accountants which operates a public accounting firm in Conception Bay South. Mr. White is also the owner of Rand Enterprises Limited which operates an accounting, contracting and lounge business in Conception Bay South. He has been active in community volunteer programs such as Conception Bay South Senior and Minor Hockey Association and Conception Bay South Minor Sports programs in both executive and coaching positions.

Mr. White was appointed to the Labour Relations Board as an alternate employer representative in September, 2012. He was reappointed in November 2015.

JACQUELINE PENNEY, Employer Representative (Alternate)

Jacqueline Penney graduated from Dalhousie Law School in 1993 with a Bachelor of Laws. She graduated from Dalhousie University with a Bachelor of Arts in 1989. Ms. Penney is a practising member of the Law Society of Newfoundland and Labrador and the Nova Scotia Barristers' Society.

Prior to May 2009, Ms. Penney was a partner with the law firm McInnes Cooper in St. John's, NL. Since June 2009, Ms. Penney has been Corporate Counsel for Marine Atlantic Inc. Ms. Penney practices primarily in the areas of corporate and commercial law, labour law, maritime law, insurance, pension law and privacy law. Ms Penney was appointed Chair of Newfoundland and Labrador Legal Aid Commission in January 2015

Ms. Penney was appointed to the Labour Relations Board as an alternate employer representative on May 14, 2013 for a two-year term. She was reappointed in November 2015.

PAUL PIKE, Employer Representative (Alternate)

Paul A. Pike graduated from Memorial University of Newfoundland with a Bachelor of Arts (Education) and a Masters Degree in Administration. He has been involved in the education sector in this province for the past thirty-eight years. He has extensive experience in labour relations both from his professional career as well as from his involvement in community/economic experience.

Mr. Pike is also involved in a number of committees and boards. These include: Community Credit Union, Literacy NL, Municipal Assessment Agency, BP Chamber of Commerce, and the Community Business Development Corporation. He has been involved in Municipal Governance for twenty years and is currently Mayor of the Municipality of St. Lawrence.

Mr. Pike was appointed to the Labour Relations Board as an alternate employer representative in May, 2013. He was reappointed in November 2015.

JOHN R. MCGRATH, Employer Representative (Alternate)

In January 1966, Mr. McGrath commenced employment with Wabush Mines, Wabush, Labrador, where he held a number of positions in the Human Resources Department until he was promoted to Assistant Director of Human Resources in December 1980 at the Montréal head office. In 1991, he was promoted to Director of Human Resources, with responsibility for Human Resources functions for the Scully Mine operation at Wabush, Labrador and the Iron Ore Pellet Processing Plant at Sept-Iles, Québec. In July 1987, the head office was relocated to Sept-Iles, Québec where he remained until his retirement at the end of 2006. During his 41 year career, he had extensive experience in benefits administration, labour negotiations, public relations, recruitment and selection, grievance and arbitration presentation, employee assistance programs, and other HR/LR duties.

During his career he has held a number of volunteer positions with school boards, hospital boards, sports associations, parish councils, and the Newfoundland Manpower Training and Certification Board. He was a founding member of the Newfoundland and Labrador Employer's Council and has held the position of Chair for two terms. He is currently a member of the board of directors of St. Bonaventure's College, a volunteer pastoral care worker at the Health Sciences Centre, and has recently retired from the board and executive of the Newfoundland and Labrador Employers' Council.

Since his retirement in 2006, John has been consulting in the Human Resources/Labour Relations environment of Newfoundland and Labrador including recent work with Nalcor Energy, SNC-Lavalin, Cliffs Natural Resources, and other organizations.

Mr. McGrath was appointed to the Labour Relations Board as an alternate employer representative in May, 2013. He was reappointed in November 2015.

FRED G. DOUGLAS, Employee Representative (Alternate)

Fred G. Douglas is a retired educator living in Burin. He is a past president of the Newfoundland and Labrador Teachers' Association and a former vice president of the Canadian Teachers' Federation. He has been active in community and provincial volunteer activities and is currently a Trustee with the Newfoundland and Labrador English School Board and a volunteer at his church.

Mr. Douglas was appointed to the Labour Relations Board as an alternate employee representative in May, 2013. He was reappointed in November 2015.

MARIE ST. AUBIN, Employee Representative (Alternate)

Marie St. Aubin completed a Political Science Major at Memorial University and graduated from the Labour College of Canada. She served as President of the Staff Representatives Union with RWDSU and Secretary-Treasurer of the National Staff Representatives' Union with CAW. She has extensive experience with negotiations, labour relations and women's issues and employee benefits, having served in various capacities with Newfoundland and Labrador Federation of Labour, Workers' Compensation Appeals Tribunal and Labour Relations Board. She has been employed as International Representative with Retail, Wholesale and Department Store Union and United Steelworkers and a National Representative with Canadian Autoworkers Union.

Ms. St. Aubin was appointed to the Board in 1991 and 2003 as an alternate and regular employee member respectively. She was reappointed as an alternate employee representative on May 14, 2013. She was reappointed in November 2015.

BRIAN FAREWELL, Employee Representative (Alternate)

Brian Farewell graduated from Memorial University in 1969 with a Bachelor of Arts degree. He was employed as the Director of Purchasing and Transportation with the former R. C. School Board and successor Boards for 26 years. He became a servicing Representative with the Canadian Union of Public Employees in 1999 and is currently the Chief Negotiator for CUPE in the province and has served on CUPE's National Mentoring Program for new staff representatives. He has in excess of 43 years experience in the Labour Relations field and labour movement.

Mr. Farewell served two terms as a Labour Representative on the former Labour Standard Tribunal and is a current member of the Labour Management Arbitration Committee. He was appointed to the Labour Relations Board as an alternate employee representative in May of 2013. He was reappointed in November 2015.

MICHAEL POWER, Employee Representative (Alternate)

Michael Power became involved in the trade union movement with the International Brotherhood of Electrical Workers (IBEW) in 1977. He is past President/Business Manager of Local 2351, Churchill Falls and was appointed as an International Representative for the IBEW in Canada in 1992, a position he still holds. He is a past member of the Labour Relations Working Group, board member of the Advisory Council on the Economy, and a member of Construction Industry Industrial Adjustment Services (IAS) Committee. He was an alternate member of the Labour Relations Board for two years from 1995 - 1997 and a member of the Labour Relations Board as a jurisdictional umpire from 1999 - 2000. He is also past chairman of the Board of Directors of the Newfoundland and Labrador Construction Safety Association (NLCSA) and presently Treasurer of the Association. He has served as a member of the Board of Directors of WHSCC (Workplace Health, Safety, Compensation Commission) from August, 2001 - December 2004 and is currently a Labour representative on the Advisory Council to the Minister on Occupational Health and Safety.

Mr. Power was appointed to the Labour Relations Board as an alternate employee representative in May, 2013. He was reappointed in November 2015.

APPENDIX III - REASONS FOR DECISION

The following is a list of Reasons for Decision issued by the Board in the 2015-16 fiscal year showing the file name, date issued, file number, the Chair or Vice-Chair writing the Reasons for Decision on behalf of the Board or panel of the Board and the person writing a Dissent, if any.

1. **Ray Connolly and Communications Energy and Paperworkers Union of Canada, Local 441G and Transcontinental (a division of Optipress GP)** dated May 29, 2015. [2015] L.R.B.D. No. 4 (LRB file 5238) (Employer Representative Penney).
2. **Rambler Metals and Mining Canada Limited and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9503** dated July 15, 2015. [2015] L.R.B.D. No. 5 (LRB file 5519) (Vice-Chairperson Sweetland, Q.C.).
3. **Richard A. Clarke and Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters** dated July 20, 2015. [2015] L.R.B.D. No. 6 (LRB file 5490) (Chair Murphy, Q.C.).
4. **United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 and Paladin Security Group Ltd.**, dated July 31, 2015. [2015] L.R.B.D. No. 7 (LRB file 5523) (Chair Murphy, Q.C.).
5. **United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 7144 and Vale Newfoundland and Labrador Ltd., and Transport and Allied Workers Local Union 855 Affiliated with the International Brotherhood of Teamsters** dated September 25, 2015. [2015] L.R.B.D. No. 8 (LRB file 5488) (Chair Murphy, Q.C.).
6. **United Brotherhood of Carpenters and Joiners of America, Local 579 and ABA Maintenance & Contracting Ltd.**, dated September 25, 2015. [2015] L.R.B.D. No. 9 (LRB file 5474) (Employee Representative Penney) (Dissent filed by Vice-Chairperson Sweetland, Q.C.).
7. **Fish, Food and Allied Workers (FFAW-Unifor) and Harbour Grace CS Inc.**, dated November 25, 2015. [2015] L.R.B.D. No. 10 (LRB file 5499) (Chair Murphy, Q.C.).
8. **John W. Withers and United Brotherhood of Carpenters and Joiners of America, Local 579 and Astaldi Canada Inc.**, dated December 22, 2015. [2015] L.R.B.D. No. 11 (LRB file 5533) (Chair Murphy, Q.C.).
9. **Stephen James Power and International Association of Heat and Frost Insulators & Allied Workers, Local 137 and Kaefer Industrial Services Ltd. and Resource Development Trades Council of Newfoundland and Labrador**, dated January 12, 2016. [2016] L.R.B.D. No. 1 (LRB file 5530) (Chair Murphy, Q.C.).

10. **Mike Bugden and YMCA of Northeast Avalon Inc.**, dated March 3, 2016. [2016] L.R.B.D. No. 2 (LRB file 5512) (Vice-Chairperson Sweetland, Q.C.).
11. **Kevin Burke and Newfoundland and Labrador Association of Public and Private Employees, Local 7804 and Memorial University of Newfoundland** dated March 11, 2016. [2016] L.R.B.D. No. 3 (LRB file 5526) (Chair Murphy, Q.C.).

APPENDIX IV - JUDICIAL REVIEW

ACTIVITY ON 2015-16 MATTERS AND PRIOR

The following are court cases decided in 2015-16 which reviewed decisions or proceedings of the Board.

1. **United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 9342 v. Peter McLaughlin and Securitas Canada Limited** (2015 01G 0926) (LRB Files 5472, 5507 and 5511). *The applicant filed a Notice of Discontinuance with the court.*
2. **The Director of Labour Standards v. The Labour Relations Board and The Fish, Food and Allied Workers Union (FFAW/CAW) and Ocean Choice International L.P.** (2013 01G 2642) (LRB file 5422).
3. **Ocean Choice International L.P. v. The Fish, Food and Allied Workers Union (FFAW/CAW) and The Director of Labour Standards and The Labour Relations Board** (2013 01G 3135) (LRB file 5422).

CASES OUTSTANDING

The following applications were before the Court at the end of 2015-16:

1. **Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208** (2009 04T 0382) (LRB file 4645).
2. **Unifor, Local 2121 v. Newfoundland and Labrador Labour Relations Board v. Hibernia Management and Development Company Limited v. Hibernia Platform Employers' Organization v. Baker Hughes Canada Company v. Belfor Property Restoration v. Crosbie Salamis Ltd. v. Halliburton Canada ULC v. Import Tool Corporation Ltd. v. Newfoundland and Labrador Association of Quality Personnel v. Wood Group PSN Canada Inc. v. Spectrol Energy Services Inc.** (2015 01G 2553) (LRB Files 5280/5425).
3. **Kevin Burke. v. Newfoundland and Labrador Association of Public and Private Employees v. Memorial University of Newfoundland.** (2016 01G 1607) (LRB File 5526).

APPENDIX V - BARGAINING UNITS

CERTIFICATION ORDERS ISSUED IN 2015-16

Labour Relations Act

1. Canadian Union of Public Employees, Local 5247 and Mackenzie Ambulance Service Inc.

Bargaining Unit

A unit of employees of Mackenzie Ambulance Service Inc. comprising all employees employed as Emergency Medical Responder (EMR) and Primary Care Paramedic (PCP), save and except administrative assistants, managers, non-working supervisors and those above the rank of non-working supervisor.

2. Transport & Allied Workers Union, Teamsters Local 855, affiliated with the International Brotherhood of Teamsters and Bill Matthews Autohaus Limited.

Bargaining Unit

A unit of employees of Bill Matthews Autohaus Limited comprising all employees working as Parts Personnel at its Kenmount Road, St. John's, NL location save and except all other persons employed by the company, Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

3. Unifor, Local 441G and OptiPress Printing G.P., trading as TC Transcontinental Printing.

Bargaining Unit

A unit of employees of OptiPress Printing G.P., trading as TC Transcontinental Printing comprising all Customer Service Representatives in the Production Support Department at its commercial printing operations in St. John's, in the Province of Newfoundland and Labrador, save and except General Helpers, Pre-press Technicians, Press Operators, Press Feeders, Binders, Sales Representatives, Payroll Masters, Production Supervisors, Managers, Non-working Supervisors, and those above the rank of Non-working Supervisor.

4. International Association of Machinists and Aerospace Workers, Local 544 and JAGO Auto Ltd., operating under the name and style of Western Toyota.

Bargaining Unit

A unit of employees of JAGO Auto Ltd. operating under the name and style of Western Toyota comprising all employees employed as Automotive Technicians, Apprentice Technicians, Lube Technicians, and Parts Advisors, save and except Office Staff, Sales Persons, Appointment Coordinators, Service Advisors, Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

5. Newfoundland and Labrador Association of Public and Private Employees and Karwood Retirement Retreat Limited.

Bargaining Unit

A unit of employees of Karwood Retirement Retreat Limited comprising all employees save and except the Owners, Managers, Licensed Practical Nurses, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

6. Fish, Food and Allied Workers –Unifor (FFAW-Unifor) and Provincial Ready Mix Inc.

Bargaining Unit

A unit of employees of Provincial Ready Mix Inc. comprising all employees of Provincial Ready Mix Inc. working as cleaners/janitors at the Long Harbour site save and except managers, office staff, non-working supervisors and those above the rank of non-working supervisor.

