



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291 or by email to pmporter@gov.pe.ca.

CHAPTER L-1

LABOUR ACT

REGULATIONS

Made by the Lieutenant Governor in Council under the *Labour Act*
R.S.P.E.I. 1988, Cap. L-1

- 1.** In these regulations
- | | |
|---|-------------------------|
| | Definitions |
| (a) "Act" means the <i>Labour Act</i> R.S.P.E.I. 1988, Cap. L-1; | Act |
| (b) "Board" means the Labour Relations Board established pursuant to the Act; | Board |
| (c) "chief executive officer" means the chief executive officer of the Board; | chief executive officer |
| (d) "unfair labour practice" means an act prohibited by section 10 of the Act. (EC521/71) | unfair labour practice |
- 2.** (1) Every proceeding before the Board shall be commenced by the filing of an application verified by statutory declaration and made in accordance with these regulations.
- | | |
|--|-------------|
| | Application |
|--|-------------|
- (2) An application to the Board or any notice may be signed, if it is made, given or entered into
- | | |
|--|---------------------------|
| | Signatures to application |
|--|---------------------------|
- (a) by an employer who is an individual, by the employer himself;
- (b) where several individuals are jointly employers, by a majority of the said individuals;
- (c) by a corporation, by one of its authorized managers or by one or more of the principal executive officers;
- (d) by a trade union or employers' organization, by the president and secretary or by any two officers thereof, or by any person authorized for such purpose by resolution duly passed at a meeting of the trade union or employers' organization. (EC521/71)
- 3.** (1) An application by a trade union for certification as bargaining agent pursuant to the Act shall be made in Form 1.
- | | |
|--|-------------------------------|
| | Application for certification |
|--|-------------------------------|
- (2) Concurrently with the filing of an application for certification, the applicant trade union shall file with the Board the material upon which it relies to establish its right to certification and such material shall include
- | | |
|--|-----------------------------|
| | Supplementary documentation |
|--|-----------------------------|
- (a) a list of persons in the proposed bargaining unit who wish that the applicant trade union be certified as bargaining agent on their behalf;

- (b) evidence that the persons in the list referred to in clause (a) wish that the applicant trade union be certified as bargaining agent on their behalf;
- (c) a copy of its constitution, rules and bylaws, or other instruments or documents containing a full and complete statement of its objects and purposes;
- (d) a list of its officers.

Confidentiality

(3) The material filed by the applicant trade union under clauses 2(a) and (b) shall be for the information of the Board only and shall not be available to or open for inspection by any other party to the proceedings.

Approval of
application by
members

(4) A person shall be deemed by the Board to wish that the applicant trade union be certified as bargaining agent on his behalf if at the date of application

- (a) he was a member in good standing of the applicant trade union, and, had paid at least two dollars as union dues within three months preceding the date on which the application was filed; or
- (b) he has signed a document stating that he wishes the applicant trade union to be certified as bargaining agent on his behalf and has within three months preceding the date on which the application was filed paid at least two dollars as union dues or fees. (EC521/71)

Terminal date

4. (1) The chief executive officer, upon receipt of an application for certification, shall forthwith fix the terminal date for the application and shall serve notice in Form 2 upon the applicant.

Service of
application on
respondent

- (2) The chief executive officer shall serve the respondent with
- (a) a notice of application in Form 3 with a copy of the application attached;
 - (b) an appropriate number of copies of the notice to employees in Form 4 for posting. (EC521/71)

Posting notice to
employees

5. An employer upon whom copies of the notice to employees is served shall immediately upon receipt thereof

- (a) post all copies of the notice in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application; and
- (b) report in writing to the chief executive officer the date and time at which, and the places in which the postings have been made by the employer. (EC521/71)

Notice to union
affected

6. The chief executive officer shall serve a notice of application upon any trade union named in the application or reply or known to the chief executive officer to claim to be the bargaining agent of or to represent any employee who may be affected by the application. (EC521/71)

- 7.** The employer named in an application shall file a reply in Form 5 not later than the terminal date and the reply shall be accompanied by any existing or recently expired collective agreement that is or was recently binding upon the employer or any employees of the employer in the bargaining unit claimed by either the applicant or the employer to be appropriate for collective bargaining. (EC521/71) Reply
- 8.** (1) Any trade union other than the applicant trade union claiming to represent or be the bargaining agent for any of the employees who may be affected by the application, may, not later than the terminal date for the application, file an intervention and, if it fails to file such intervention, it may be deemed to have abandoned any claim to represent any of the employees who may be affected by the application. Interpretation
- (2) A trade union that files an intervention may, not later than the terminal date for the application to which the intervention relates, file an application for certification. Application for certification
- (3) The chief executive officer shall give notice to the employer and the applicant trade union to the original application. (EC521/71) Notices
- 9.** Any employer, employee, or group of employees, affected by an application by a trade union for certification desiring to oppose such application shall file with the Board an intervention in writing not later than the terminal date for the application and shall state therein the grounds for his or their opposition. (EC521/71) Filing intervention
- 10.** Where, in the opinion of the Board a new terminal date should be set, the Board may by order set such new date and serve notice thereof upon the applicant, respondent, and other interested parties. (EC521/71) New terminal date
- 11.** When the Board deems it necessary to hear verbal evidence or argument respecting an application for certification, the chief executive officer shall give notice in Form 12 of the time and place fixed for the hearing to the applicant and respondent and any intervener. (EC521/71) Notice of hearing
- 12.** (1) An application under section 18 of the Act for the amendment of a certification order shall be made in Form 6 and filed with the Board. Application to amend certification order
- (2) Notice of the application with a copy of the application attached shall be served on the other party or parties named in the certification order and sufficient copies for posting shall be sent to the employer. Notice
- (3) The notice of the application shall set a date for filing of replies to the application and if no replies are filed, the Board may proceed to consider the application without giving a notice of hearing. (EC521/71) Reply

| | |
|-----------------------------|---|
| Revocation of certification | 13. (1) An application for the revocation of a certification order shall be made in Form 7. |
| Notice | (2) The chief executive officer shall serve the applicant with a notice setting out the terminal date for the application. |
| <i>Idem</i> | (3) The chief executive officer shall serve the respondent with a copy of the application and a notice of application in Form 8 and such notice shall set out the terminal date for the application. The chief executive officer shall serve the employer with an appropriate number of notices of application in Form 9 for posting. (EC521/71) |
| Reply | 14. The respondent shall file a reply in Form 10 not later than the terminal date for the application. (EC521/71) |
| Notice | 15. The chief executive officer shall serve the applicant and respondent and any other party affected by the application with a notice of the hearing of the application in Form 12. (EC521/71) |
| Transfer of business | 16. (1) An application under section 39 of the Act shall be made in Form 23. |
| Notice | (2) The chief executive officer shall serve a copy of the application and a notice of application upon the employer or employers and the trade union or trade unions affected by the application, and such notice shall set the terminal date for the application. |
| <i>Idem</i> | (3) The chief executive officer shall serve upon the employer or employers affected by the application an appropriate number of notices of application for posting. |
| Reply | (4) A trade union or an employer served with notice of the application shall file a reply not later than the terminal date of the application. |
| Disposition | (5) Where no reply has been filed and not 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. |
| Hearing | (6) Where an employer or a trade union or an employee or the representative of a group of employees requests and the Board directs that a hearing be held, the chief executive officer shall serve each of the parties and each such employee or representative of a group of employees with a notice in Form 12 of the hearing of the application. (EC521/71; 26/86) |

- 17.** (1) An application under section 40 of the Act shall be made in Form 24. Merger of trade unions
- (2) The chief executive officer shall serve a copy of the application and a notice of application upon the employer or employers and the trade union or trade unions affected by the application, and such notice shall set the terminal date for the application. Notice
- (3) The chief executive officer shall serve upon the employer or employers affected by the application an appropriate number of notices of application for posting. *Idem*
- (4) A trade union or an employer served with notice of the application shall file a reply not later than the terminal date of the application. Reply
- (5) 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. Disposition
- (6) Where an employer or a trade union or an employee or the representative of a group of employees requests and the Board directs that a hearing be held, the chief executive officer shall serve each of the parties and each such employee or representative of a group of employees with a notice in Form 12 of the hearing of the application. (EC521/71; 26/86) Hearing
- 18.** Where it appears that the Board has made a decision in ignorance of some material fact, or by reason of some technical irregularity, or if there is good reason for the Board doing so, the Board may entertain an application to reconsider a decision or order made by it under the Act. (EC521/71) Application for reconsideration
- 19.** (1) A complaint of unfair labour practice shall be made in Form 11 and shall be verified by statutory declaration. Complaint of unfair labour practice
- (2) The complaint shall identify the person or persons claiming to have been aggrieved, name the respondent party or parties against whom the complaint is made, state the allegation of unfair labour practice and the section of the Act alleged to have been violated and state the remedy desired by the complainant. Form of complaint
- (3) The chief executive officer shall forthwith send a copy of the complaint to the respondent party or parties against whom the complaint is made and within seven days of the receipt of a copy of the complaint, the respondent party or parties shall file with the Board a reply to the Reply

complaint specifically admitting or denying the statements contained in the complaint. (EC521/71)

Representation
votes

20. Where the Board has directed that a vote be taken of the employees in a bargaining unit, the chief executive officer shall be responsible for the taking of the vote, and subject to the direction of the Board, shall have authority on behalf of the Board to determine all matters whatsoever pertaining to the taking of the vote and to issue all directions deemed necessary by him for that purpose and shall report the result of such vote to the Board for its further action. (EC521/71)

Consolidation of
proceedings

21. Where the Board deems it necessary, it may at any time direct that a proceeding before the Board be consolidated with any other proceeding before the Board, and the Board may issue such directions in respect of the conduct of the consolidated proceeding as it considers advisable. (EC521/71)

Evidence

22. (1) The Board shall accept evidence as to matters of fact only when verified by affidavit or statutory declaration or when tendered by way of sworn testimony before the Board.

Representation by
counsel

(2) A party in any proceeding desiring to adduce verbal evidence before the Board or to support or resist an application by argument may be permitted to appear for this purpose at a hearing of the Board by counsel or other persons authorized to conduct his case in this regard.

Right of audience

(3) Subject to the Act and these regulations, in any proceedings before it, the Board shall afford an opportunity to all interested parties either to present oral or written evidence or make oral or written representations on matters at issue as the Board deems advisable in the circumstances. (EC521/71)

Decisions of the
Board

23. All decisions of the Board shall be made in the form of an order under the hand of the chief executive officer. (EC521/71)

Service of
documents

24. (1) Service of any document on behalf of the Board upon any person may be effected by forwarding the document by prepaid registered post to the person at the address given in the material filed in the Board office and such service shall be deemed to have been made on the day next following the day of mailing.

Idem

(2) Where the name and address of a solicitor or agent of any person are endorsed on or shown in a document filed with the Board, service upon such solicitor or agent shall constitute service upon the person.

Failure to file reply

(3) Where any person served with a notice fails to file a reply or attend upon a hearing pursuant to such notice or to these regulations, he shall

not be entitled to any further notice of or participation in the proceeding, but the Board may in its discretion receive submissions and hear representations and evidence from such person, upon such terms and conditions as the Board may determine.

(4) Where, in any proceeding or hearing, it appears that any person to whom notice has not been given should have had notice, the Board may adjourn the proceeding or hearing in order that notice may be given to such person. (EC521/71)

Failure to give
notice

25. (1) The Board may, if it thinks it advisable in any circumstances, adjourn any hearing for such length of time and to such place and upon such terms as it thinks fit.

Adjournments

(2) The Board may, upon such terms as it thinks advisable, enlarge the time prescribed by these regulations for doing any act, serving any notice, filing any report, document or paper, or taking any proceeding and may do so although application therefor is not made until after the expiration of the time prescribed.

Enlargement of
time

(3) Where it is satisfied that it is necessary or convenient in the public interest, the Board may abridge the time prescribed by these regulations for doing any act, serving any notice, filing any report, document or paper, or taking any proceeding. (EC521/71)

Abridgement of
time

26. An application, reply, intervention, complaint, statement of desire to make representation or notice may be amended before or at the hearing by leave of the Board on such terms and conditions as the Board thinks advisable. (C521/71)

Amendments

27. No proceeding under the Act or these regulations is invalid by reason of any defect in form or of any technical irregularity. (EC521/71)

Defect in form

28. (1) A complaint to the Board under section 38 of the Act shall be made in Form 13, verified by statutory declaration.

Jurisdictional
dispute complaint

(2) Notice of an interim order under subsection 38(4) shall be served upon any trade union, employer or employers' organization involved in the jurisdictional dispute.

Interim order

(3) Where a trade union, employer or employers' organization involved in a jurisdictional dispute in respect of which an interim order has been made applies to the Board to review the interim order, the application shall be in writing and the applicant shall file with the Board

Review

- (a) any union constitution;
- (b) any collective agreement;

- (c) any agreement or understanding between trade unions as to their respective jurisdiction on work assignments;
- (d) any agreement or understanding between a trade union and an employer as to work assignments;
- (e) any decision of any tribunal respecting work assignment; and
- (f) any other document relating to the work in dispute which may be in his possession and upon which he proposes to rely in support of his claim for relief or his claim that the relief requested should not be granted, as the case may be, and a statement as to any area or trade practice related to the work in dispute, and pictures, diagrams or drawings of disputed work.

| | |
|-------------------------------|--|
| Filing | (4) Where a date for a hearing to review an interim order under subsection 38(4) of the Act has been set every person served with notice of hearing in Form 12 shall file the material specified in subsection (3) with the Board prior to the hearing. (EC1016/73) |
| Application for accreditation | 29. (1) Every proceeding before the Board shall be commenced by the filing of an application and made in accordance with section 2. |
| Form of application | <p>(2) (a) An application for accreditation as bargaining agent shall be made in Form 14, verified by statutory declaration.</p> <p>(b) An application for accreditation shall include or be accompanied by</p> <ul style="list-style-type: none"> (i) a copy of the constitution, bylaws and rules of the employers' association, marked "Exhibit A", (ii) the names and addresses of the duly elected officers of the employers' organization, marked "Exhibit B", (iii) where necessary, under section 2, a copy of the resolution passed at a meeting of the employers' organization authorizing the making of an application for accreditation marked "Exhibit C", (iv) a list of the unionized employers in the sector and area applied for which designates the trade union with which each bargains, and which indicates the unionized employers who are members in good standing of the applicant employers' organization, marked "Exhibit D", (v) evidence that the members of the applicant employers' organization in the list referred to in clause (2)(d) has vested authority in the applicant employers' organization to enable it to discharge the responsibilities of an accredited bargaining agent and statutory declarations for each member of the applicant in the sector and area applied for, signed by a person or persons authorized in section 2, marked "Exhibit E", (vi) where the applicant employers' organization intends to rely on clause 55(3)(b) of the Act, material verified by statutory |

declaration demonstrating that the employers who are members of the applicant employers' organization employ a majority of the employees employed by unionized employers in the geographic area and sector applied for. (EC1016/73)

30. (1) The chief executive officer, upon receipt of an application for accreditation, shall forthwith fix the terminal date for the application and shall serve notice in Form 15 upon the applicant. Terminal date

(2) The chief executive officer shall serve notice of the application in Form 16 and a copy of the application upon Notice

(a) each trade union and each employer listed in the application for accreditation;

(b) every other employer, employers' organization or trade union known to the Board to be functioning in the geographic area and sector applied for; and

(c) any other employer, employers' organization or trade union as the Board sees fit. (EC1016/73)

31. (1) Each trade union or council of trade unions that is served with a notice of application for accreditation shall file with the Board not later than the terminal date, a reply in Form 17 which shall be accompanied by a list of all employers in the area and sector applied for on behalf of whose employees that trade union is certified and with whom the trade union has a collective agreement. Reply

(2) Each trade union shall verify its list of employers by statutory declaration to the effect that it has complied with this section to the best of its knowledge and ability. List of employers

(3) Each trade union shall file, at the same time, a copy of any existing or recently expired collective agreement that is or was recently binding upon any employer in the sector and area applied for. (EC1016/73) Collective agreement

32. (1) Any employer, employers' organization, trade union or council of trade unions that has received notice under subsection 30(2) and who wishes to contest the application for accreditation shall, not later than the terminal date for the application, file an intervention in Form 18 and, if it fails to file such intervention, it may be deemed by the Board to have abandoned any claim to have any interest in the application. Intervention

(2) Where an employer, employers' organization, trade union or council of trade unions submits that a unit of employers other than the one applied for is appropriate, he shall give a detailed description of that unit. Unit of employers

| | |
|-----------------------------|---|
| Party having interest | <p>(3) Any person, trade union, council of trade unions, employer or employers' organization who believes that he has an interest that should be considered by the Board in connection with the application for accreditation may, with leave of the Board, file with the Board a notice of intervention in Form 18 stating his interest in the proceeding and documentary evidence in support of his claim. (EC1016/73)</p> |
| Special cases | <p>33. Where in an application for accreditation, the Board is not satisfied that the applicant employers' organization has as members a majority of the unionized employers in the geographic area and sector applied for but the applicant organization claims that it has as members no less than thirty-five per cent of the unionized members in the geographic area and sector applied for and that those employers who are members of the applicant organization employ a majority of the employees employed by unionized employers in the geographic area and sector applied for, the chief executive officer, under the direction of the Board, may instruct the parties with regard to the documents to be filed with the Board. (EC1016/73)</p> |
| Revocation of accreditation | <p>34. (1) An application for revocation of accreditation shall be made in Form 19 verified by statutory declaration.</p> |
| Terminal date | <p>(2) The chief executive officer shall serve the accredited employers' organization, every employer bound by the accreditation order and every trade union or council of trade unions that has bargaining rights with the accredited employers' organization with a notice of the application for revocation and such notice shall set the terminal date for the application. (EC1016/73)</p> |
| Reply | <p>35. A respondent employers' organization served with a notice of the application for revocation of accreditation, if it contests the application, shall file with the Board a reply in Form 20 which</p> <ul style="list-style-type: none"> (a) contains a concise statement of material facts upon which the employers' association intends to rely; and (b) specifically admits, denies or explains each of the statements made in the application for revocation of accreditation. (EC1016/73) |
| <i>Idem</i> | <p>36. (1) Any trade union or council of trade unions that has received notice of the application for revocation of accreditation from the Board, if it believes that it has an interest that should be considered by the Board in connection with the application for revocation of accreditation, shall file a reply in Form 18 not later than the terminal date of the application stating its interest and documentary evidence in support of its claims.</p> |
| Notice of intervention | <p>(2) Any other person, trade union, council of trade unions, employer or employers' organization, who believes that he has an interest that should</p> |

be considered by the Board in connection with the application for revocation of accreditation may file with the Board a notice of intervention in Form 18 stating his interest in the proceeding, and documentary evidence in support of this claim. (EC1016/73)

37. (1) A complaint by an employer that he has been denied membership in or expelled from an accredited employers' organization contrary to section 57 of the Act shall make the complaint in Form 21 verified by statutory declaration.

Employer's
complaint against
employers'
organization

(2) The complaint shall identify the person or persons claiming to have been aggrieved, name the respondent party or parties against whom the complaint is made, a statement of the nature of the complaint alleged, and state the remedy requested by the complainant.

Form of complaint

(3) The chief executive officer shall forthwith send a copy of the complaint to the respondent party or parties against whom the complaint is made and within seven days of the receipt of the copy of the complaint, the respondent party or parties shall file with the Board a reply to the complaint specifically admitting or denying the statements contained in the complaint. (EC1016/73)

Notice and reply

FORM 1

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
APPLICATION FOR CERTIFICATION**

1. Name of Applicant

2. Address

3. (Where applicant is council of trade unions)

The name and address of each union that is a member of the council:

.....
.....
.....

4. Name of Respondent (Employer)

Address

5. Nature of Employer's Business

.....

6. Is application filed under section 54 of the Act? Yes No

Detailed description of unit of employees of the respondent and geographic area that the applicant claims to be appropriate for collective bargaining:

.....
.....
.....

7. Name of any trade union or employee organization known to the applicant as claiming to be the bargaining agent of, or as claiming to represent, any employees affected by this application.

.....
.....
.....

8. Is there a collective agreement affecting employees in the proposed unit?

If so, state commencement date expiry date

9. The applicant does/does not request a pre-hearing representation vote among employees in such voting constituency as the Board determines.

N.B. This application will be processed without a pre-hearing vote unless the applicant indicates that it does require a pre-hearing vote.

10. The undersigned on behalf of the applicant requests that the Board certify the applicant as bargaining agent of the employees in the unit set forth as appropriate for collective bargaining.

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of

and Province of)
this day of)
20....)
.....)
.....)
A Commissioner

FORM 2

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF FIXING TERMINAL DATE**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

TO:

TAKE NOTICE that the day of, 20.....
has been fixed as the terminal date of this application.

DATED at Charlottetown, Prince Edward Island, this day of, 20.....

.....
Chief Executive Officer

FORM 3
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF APPLICATION

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

TO:

TAKE NOTICE that the day of, 20.....
the applicant filed an application for certification as bargaining agent of a unit of employees
described in the attached copy of the application.

TAKE FURTHER NOTICE THAT THE day of, 20..... has
been fixed as the terminal date of the application.

You are required to post the enclosed notices to employees (Form 4) immediately in
conspicuous places where they are most likely to come to the attention of all employees
who may be affected by the application. You shall keep them posted until the close of
business on the terminal date and report to the chief executive officer the date and time at
which, and the places in which the postings have been made.

Your reply in Form 5 shall be filed not later than the terminal date.

DATED at Charlottetown, Prince Edward Island, this day of, 20....

FORM 4

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF APPLICATION**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

TO THE EMPLOYEES OF

1. TAKE NOTICE that on, 20....., the applicant made an application to the Labour Relations Board (Prince Edward Island) for certification as bargaining agent of employees in the following bargaining unit:

2. The terminal date fixed for this application is theday of, 20.....

3. Any employee or group of employees affected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement in writing of such desire, which shall,

- (a) contain the return mailing address of the employee or representative of a group of employees;
- (b) contain the name of the employer concerned;
- (c) be signed by the employee or each member of a group of employees; and
- (d) state whether or not the employee or group of employees desire to give evidence at a Board hearing.

4. The statement of desire must be

- (a) received by the Board not later than the terminal date shown in paragraph 2; or
- (b) if it is mailed by registered mail addressed to the Board at its office, mailed not later than the terminal date shown in paragraph 2.

5. A statement of desire that does not comply with paragraphs 3 and 4 will not be accepted by the Board.

6. Should the Board conduct a hearing to receive further evidence, a notice of hearing shall be duly posted.

DATED at Charlottetown, Prince Edward Island, this..... day of, 20.....

.....
Chief Executive Officer

FORM 5

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
REPLY TO APPLICATION FOR CERTIFICATION**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

1. Name of Respondent

Address of Respondent

2. Nature of Respondent's Business

3. Total number of employees of the respondent on the payroll of the plant(s) or establishment(s) in respect of which the application for certification has been made:.....

4. Number of employees in the unit described by the applicant as being appropriate for collective bargaining as of the date the application was made:

5. Detailed description of the unit claimed by the respondent to be appropriate for collective bargaining, including the municipality or other geographic area affected.....

6. Number of employees in the unit claimed by the respondent to be appropriate for collective bargaining as of the date the application was made:

6.1. The name, job description and status (whether full-time or part-time) of each employee on the payroll at the time the application for certification was made are as set out in the Schedule annexed to this Form.

7. The name and address of any trade union known to the respondent as claiming to be the bargaining agent of or to represent any employees who may be affected by the application:

8. The date of any certification of a bargaining agent of any employees who may be affected by the application:

9. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed, with a trade union or council of trade unions that

(a) was signed on the..... day of, 20.....;

(b) became effective on the..... day of, 20.....; and

(c) contains the following provision relating to its termination or renewal:

10. Other relevant statements (use additional pages if necessary):

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20...)
.....)
.....)
A Commissioner

FORM 6

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
APPLICATION FOR AMENDMENT OF CERTIFICATION ORDER**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

1. Name of Applicant
Address

2. Name of Respondent
Address

3. The applicant requests an amendment to certification order number
issued the day of, 20.....

4. Description of requested amendment:
.....

5. Name of any trade union or employee organization known to the applicant as claiming to be the bargaining agent of, or as claiming to represent, any employees affected by this application.
.....

6. Reasons for requesting amendment:
.....

I/WE
declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)
.....)

A Commissioner

FORM 7

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
APPLICATION FOR REVOCATION OF CERTIFICATION ORDER**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

- 1. The applicant applies for revocation of certification order number
issued on the day of, 20.....
 - 2. The bargaining unit in the said certification order is described as follows:
.....
 - 3. Is there a collective agreement affecting employees in the bargaining unit? If so, state
commencement date and expiry date.
.....
 - 4. Does the respondent union represent a majority of the employees in the unit for which it
was certified?
.....
State particulars:
.....
 - 5. Is this application accompanied by an application for certification of another trade union
in place of the respondent union?
If so, state name of such union
- I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
 before me at)
 in the County of)
 and Province of)
 this day of)
 20....)
)
)

A Commissioner

FORM 8

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND) NOTICE OF
APPLICATION FOR REVOCATION OF CERTIFICATION ORDER**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant on the day of, 20.....
made an application for the revocation of certification order number
on the ground that a majority of the employees of
in the bargaining unit described in the attached copy of the application no longer wish the
respondent to act as bargaining agent on their behalf.

2. The terminal date for the application is the.....day of, 20.....

3. TAKE FURTHER NOTICE of the hearing of the application at
on the day of, 20..... at o'clock in the noon.

4. The respondent is required to file a reply in Form 10 not later than the terminal date and
failure to file a reply and appear on the hearing of this application may result in the Board
disposing of the application on the evidence and representations placed before it by the
applicant without further notice to you.

DATED at Charlottetown, Prince Edward Island, this..... day of, 20.....

.....
Chief Executive Officer

FORM 9

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE TO EMPLOYEES OF APPLICATION FOR REVOCATION OF
CERTIFICATION ORDER**

BETWEEN:

.....APPLICANT

and

RESPONDENT

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant on the day of, 20.....
made an application for the revocation of certification order number
on the ground that a majority of the employees of
in the bargaining unit described in the attached copy of the application no longer wish the
respondent to act as bargaining agent on their behalf.

2. The terminal date for the application is the..... day of, 20....

3. TAKE FURTHER NOTICE of the hearing of the application at
on the day of, 20..... at o'clock in the noon.

4. Any employee or group of employees affected by the application or desiring to make
representations to the Board must send to the Board a statement in writing of such desire
which must

- (a) contain the return mailing address of the employee or representative of a group of employees;
- (b) be signed by the employee or each member of a group of employees and must be received by the Board not later than the terminal date set out in paragraph 2.

DATED at Charlottetown, Prince Edward Island, this..... day of, 20.....

.....
Chief Executive Officer

FORM 10

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND) REPLY TO
APPLICATION FOR REVOCATION OF CERTIFICATION**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

1. Name of respondent
Address.....

2. Name of employer of employees affected by this application
.....
Address of employer

3. The respondent is or was a party to or bound by a collective agreement, a copy of which
is enclosed herewith, with
name of employer

that,

- (a) was signed on the day of, 20.....;
- (b) became effective on the day of, 20; and
- (c) contains the following provision for termination or renewal:

4. State grounds for opposition to application:
.....
.....

I/WE

declare that the statements made and information given herein are true in substance and in
fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and
knowing that it is of the same force and effect as if made under oath and by virtue of the
Canada Evidence Act.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of))
20....))
.....)
.....)

A Commissioner

FORM 11

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND) UNFAIR LABOUR
PRACTICE COMPLAINT**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

1. The complainant complains that the respondent has violated subsection
of section 10 of the *Labour Act* as follows:

2. The persons or parties alleged to be aggrieved are as follows:
.....

3.(a) Name of Complainant
(b) Address of Complainant for service
(c) Name of Respondent
(d) Address of Respondent

4. The following is a concise statement of the nature of each act or omission complained of:
.....

5. State measures taken for adjustment of the matters giving rise to the complaint:

6. State remedy requested:

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said
before me at
in the County of
and Province of
this day of
20... ..
.....
.....

A Commissioner

FORM 12

**NOTICE OF HEARING
BEFORE THE PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD**

BETWEEN:

..... APPLICANT

and

.....RESPONDENT

TO:

TAKE NOTICE of the hearing by the Board of
.....at the Board Room
..... on the day of, 20..... at o'clock in the
..... noon.

DATED at Charlottetown, Prince Edward Island, this..... day of, 20.....

FORM 13

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
JURISDICTIONAL DISPUTE COMPLAINT**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

The complainant requests that the Board issue an interim order under subsection 38(4) of the *Labour Act* with respect to the assignment of work hereafter set forth.

The complainant states:

1.(a) Address and Telephone Number of Complainant

(b) Address and Telephone Number of each of the Respondents

2. Name(s), address(s), and telephone number(s) of any person(s), trade union(s), council of trade union(s), or employers' organization that may be affected by the complaint

3. The date(s) upon which the act(s) or work assignment(s) complained of occurred

4 Detailed description of the work in dispute

5. The work has been assigned to

6. The material facts upon which the complainant proposes to rely at the hearing

7. The relief to which the complainant claims to be entitled by reason of such facts

8. The submissions the complainant proposes to make in support of a claim for relief (copies of which are attached)

9. The following steps have been taken by or on behalf of the complainant for the adjustment of the matters giving rise to the complaint

10. Details of the allegation that a stoppage of all or any part of the work is imminent or is taking place by reason of the requirement as to the assignment of work or by reason of the assignment of work

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of))
20....))
.....)
.....)

A Commissioner

FORM 14

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
APPLICATION FOR ACCREDITATION**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

(Each trade union that bargains
(with any employer for whom
accreditation is sought

The applicant applies to the Labour Relations Board (P.E.I.) for accreditation as the bargaining agent for the employers whose employees are bargained for by the Respondents in a unit of employers that the applicant claims is appropriate for accreditation.

The applicant states:

- 1.(a) Address of Applicant
- (b) Address of each of the trade unions named as respondent

2. Detailed description of the unit of unionized employers that the applicant claims to be appropriate for accreditation (reference must be made to the sector(s) of the construction industry claimed and to the geographic area affected)

.....

3. Representations as to the appropriateness of the unit described in paragraph 2, including the history of collective bargaining, if any, of the applicant and the respondent. (use additional sheets as required)

.....

4. Approximate number of unionized employers described in paragraph 2.

.....

5. The name and address of any other employer's organization, trade union or council of trade unions which may have an interest in this application

.....

6. Approximate number of employees affected by this application

7. The nature of the authority relied upon by the applicant to act as bargaining agent for employers in the unit of employers (For example, authority to act as bargaining agent may in the case of memberships in the applicant, stem from the applicant's constitution or bylaws; or, in the case of members or non-members from a specific authorization by an employer)

.....

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of))
20....))
.....)
.....)
.....)
A Commissioner

FORM 15

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF FIXING TERMINAL DATE ACCREDITATION**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

TO:

TAKE NOTICE that the day of, 20.....has
been fixed as the terminal date of this application.

DATED at Charlottetown, Prince Edward Island, this..... day of, 20.....

.....
Chief Executive Officer

FORM 16

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF APPLICATION FOR ACCREDITATION**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

TO THE RESPONDENTS:

- 1. TAKE NOTICE that on, 20..... the applicant filed an application for accreditation as bargaining agents for employers whose employees are represented by you in a unit of employers described in the attached copy of the application.
- 2. TAKE FURTHER NOTICE that the day of, 20..... has been fixed as the terminal date for the application.
- 3. You shall send to the Board your reply as well as the material listed below so that
 - (a) it is received by the Board not later than the terminal date shown in paragraph 2, or
 - (b) if it is mailed by registered mail addressed to the Board at its office, mailed not later than the terminal date shown in paragraph 2.

This form serves as notice of application to employers or employers' organizations named in the application, as well as notice to the respondent trade unions.

The following is to be completed by any trade union or group of employees affected by the application and not by the employers or employers' organization.

- 1. A list verified by statutory declaration arranged as in the attached Schedule A and B of all employers described in the application as to the date when the applicant's application was made.
- 2. For each employer listed in the attached Schedules, the address and, if known, the telephone number.
- 3. For each of the employers listed in the attached Schedules a reference to the type of document upon which you base your claim to represent employees of each of the employers, whether collective agreement, recognition agreement or certificate together with a copy of any existing or recently expired collective agreement that is or was recently binding upon any employer in the sector and area applied for.
- 4. If, in your reply, you propose a unit of employers different from the one proposed by the applicant, you should indicate on the list of employers referred to in paragraph 3 the name of any employer you propose should be excluded from, as well as the name of any employer you propose should be added to, the unit of employers proposed by the applicant.
- 5. Should the Board conduct a hearing to receive further evidence, the chief executive officer shall serve the respondent with a notice of hearing.

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

SCHEDULE A

LIST OF EMPLOYERS - ACCREDITATION

List (alphabetically arranged) of all employers in the following unit of employers:

.....
.....
.....

on behalf of whose employees
is entitled to bargain as of the day of, 20.....

| Name, Address & Phone Number of Employer | Source of Bargaining Rights | Relevant Date |
|---|--------------------------------|---------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

INSTRUCTIONS

- Under "Source of Bargaining Rights" indicate whether respondent is entitled to bargain as a result of a collective agreement, a recognition agreement or a certificate of the Labour Relations Board that has not yet resulted in a collective agreement.
- Under "Relevant Date" give the date of the collective agreement, recognition agreement or certificate, as the case may be.
- Do not include employers listed in Schedule B.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)
.....)

A Commissioner

SCHEDULE B

LIST OF EMPLOYERS - ACCREDITATION

List (alphabetically arranged) of all employers in the following unit of employers:

.....
.....
.....

on behalf of whose employees
is entitled to bargain as of the day of, 20.... but
who have not, to the respondent's knowledge, had employees performing any work in the
geographic area set out in the above unit of employers or sector (e.g., industrial, commercial
and institutional, residential, etc.) within the period of one year to the date of making of this
application.

| Name, Address & Phone Number of Employer | Source of Bargaining Rights | Last Day Known to Have Had Employees |
|---|--------------------------------|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

INSTRUCTIONS

1. Under "Source of Bargaining Rights" indicate whether respondent is entitled to bargain as a result of a collective agreement, a recognition agreement or a certificate of the Labour Relations Board that has not yet resulted in a collective agreement.
2. Under "Relevant Date" give the date of the collective agreement, recognition agreement or certificate, as the case may be.
3. Do not include employers listed in Schedule A.

FORM 17

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
REPLY TO APPLICATION FOR ACCREDITATION**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

1. Name of Respondent
Address of Respondent

2. Detailed description of unit of employers claimed by the respondent to be appropriate for accreditation (reference must be made to sector(s) of the construction industry and to the geographic area affected):
.....
.....

3. Representations as to the appropriateness of the unit of employers described in paragraph 2, including the history of any applicant and respondent. (Use additional pages, if necessary)
.....
.....

4. The number of employers in the unit described by the applicant as being appropriate for accreditation as of the date the application was made:
.....
.....

5. The number of employers of the respondent working in the area and sector described in the unit of employers claimed by the applicant, as of the date the application was made:
.....

6. Approximate number of members of the respondent working the area and sector described in the unit of employers claimed by the applicant, as of the date the application was made:
.....
.....

7. The names and addresses of any employers' organization, trade union or council of trade unions which may have interest in this application:
.....
.....

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)

.....)
A Commissioner

FORM 18

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
INTERVENTION, ACCREDITATION OR
REVOCAION OF ACCREDITATION**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

..... INTERVENERS

(Name of Interveners)

in this proceeding.

1. The interveners state:

(a) Address of Interveners

(b) Address of Interveners for Service

2. The intervener is a: * Trade Union

* An Employer

* A Council of Trade Unions

* An Employers' Organization

(*Strike out the words not applicable)

that claims an interest in this application for the following reasons:

.....

.....

3. The intervener submits with this intervention the following documentary evidence in support of its claim to an interest in this proceeding:

.....

.....

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said

before me at

in the County of

and Province of

this day of

20.... ..

.....

.....

A Commissioner

FORM 19

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
APPLICATION FOR REVOCATION OF ACCREDITATION ORDER**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

1. The applicant applies for revocation of accreditation order,
serial number issued on theday of, 20.....

2. The applicant states:
(a) Address of Applicant:
(b) Address of Respondent:

3. Detailed description of the unit of unionized employers for which the respondent is the bargaining agent:
.....
.....
.....

4. Approximate number of unionized employers in the unit described in paragraph 3:
.....

5. Approximate number of employees employed by the employers in the unit described in paragraph 3:
.....

6.(a) Where the application is made under clause 59(1)(a) of the Act, date of the respondent's accreditation order:
.....

(b) Where the application is made under clause 58(1)(b) of the Act, expiry date of the collective agreement between respondent and the trade union or council of trade unions:
.....

(c) Where the application is made under clause 58(1)(c) of the Act, date of the respondent's accreditation order:
.....

7. The applicant submits with the application the document or documents by which employers in the unit of employers have voluntarily signified in writing that they no longer wish to be represented by the respondent:
.....
.....

8. Approximate number of employees employed by the employers who have voluntarily signified in writing that they no longer wish to be represented by the respondent:
.....

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and

knowing that it is of the same force and effect as if made under oath and by virtue of the
Canada Evidence Act.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)
.....)

FORM 20

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF APPLICATION FOR REVOCATION OF ACCREDITATION ORDER**

BETWEEN:

..... APPLICANT

and

..... RESPONDENT

To:

1. TAKE NOTICE that the applicant on the day of 20..... made an application to the Labour Relations Board (Prince Edward Island) for the revocation of accreditation order, Serial number, on the grounds that the Respondent no longer represents the employers in the unit of employers described in the attached copy of the application.

2. The terminal date for the application is theday of, 20.....

3. You shall send to the Board your reply not later than the terminal date as shown in paragraph 2. Failure to file a reply and appear on the hearing of this application may result in the Board disposing of the application on the evidence and representations placed before it by the applicant without further notice to you.

4. This form serves as a notice of application and reply to employers or employer's organization named in the application and to any other person including any trade union or council of trade unions that the Board believes has an interest that should be considered by the Board in connection with this application for revocation of accreditation Part A is to be completed by the employers. If any person, trade union or council of trade unions that has received notice of the application for revocation of accreditation from the Board believes that it has an interest that should be considered by the Board, it shall complete Part B.

PART A

1. A list arranged as in the attached Schedule C of all employers in the unit of employers described in the application as at the date that the Applicant's application was made.

2. For each employer listed in the attached Schedule, the address and, if known, telephone number.

3. Name of trade union or council of trade unions affected by the application:
.....
.....

4. Address of trade union or council of trade unions
.....

5. Detailed description including geographic area and sector of the construction industry of the unit of employers for which the respondent is the accredited bargaining agent.
.....
.....
.....

6. The date of accreditation of the respondent as bargaining agent of the employers in the unit:
.....

7. The respondent is or was a party to a collective agreement, a copy of which is enclosed herewith, with

.....
(name of trade union or council of trade unions)

that

(a) was signed on theday of, 20.....

(b) became effective on theday of, 20.....

(c) contains the following provision relating to its termination

.....
.....

8. State grounds for opposition to application

.....
.....

PART B

1. Name of person, trade union or council of trade unions

.....

2. Address of person, trade union or council of trade unions

.....

3. State grounds for opposition to application

.....

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said

before me at

in the County of

and Province of

this day of

20.... ..

.....

.....

A Commissioner

SCHEDULE C

LIST OF EMPLOYERS - ACCREDITATION

List (alphabetically arranged) of all employers in the following unit of employers:

As of the day of, 20.....

| Name of Employer | Address of Employer | Phone Number |
|------------------|---------------------|--------------|
| | | |
| | | |
| | | |
| | | |

FORM 21

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
COMPLAINT UNDER SUBSECTION 57(1) OF THE ACT**

BETWEEN:

.....COMPLAINANT

and

.....RESPONDENT

1. The complainant complains that the respondent has violated subsection 57(1) of the *Labour Act*.

2. The person or parties alleged to be aggrieved are as follows:

- 3. (a) Name of Complainant
- (b) Address of Complainant for service
- (c) Name(s) of Respondent(s)
- (d) Address(es) of Respondent(s)

4. The date(s) upon which the act(s) complained of occurred

5. The following is a concise statement of the nature of each act complained of:

6. As of the date of application the act(s) complained of in paragraph 5

- * is
- * are continuing.
- * Strike out if not applicable.

7. State remedy requested

I/WE.....

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)
.....)

A Commissioner

FORM 22

**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)
NOTICE OF COMPLAINT UNDER SECTION 57 OF THE ACT**

BETWEEN:

..... APPLICANT

and

RESPONDENT

TO:

1. TAKE NOTICE that on, 20....., the applicant filed a complaint under section 57 of the Act.

2. TAKE FURTHER NOTICE that the day of, 20..... has been fixed as the terminal date of the application.

3. You shall send to the Board your reply so that
(a) it is received by the Board not later than the terminal date shown in paragraph 2; or
(b) if it is mailed, by registered mail addressed to the Board at its office
.....
mailed not later than the terminal date shown in paragraph 2.

4. The respondent states in reply to the complaint of the applicant as follows:
(1) (a) correct name of respondent(s)
.....
(b) address of respondent(s)
.....
(2) The respondent(s) reply to the complaint as follows:.....
.....
.....

5. Should the Board conduct a hearing to receive further evidence, a notice of hearing shall be served on the parties by the chief executive officer.

I/WE

declare that the statements made and information given herein are true in substance and in fact, and that I/WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of))
20....))
.....)
.....)

A Commissioner

FORM 23

**APPLICATION UNDER SECTION 39 OF THE ACT
(SUCCESSOR RIGHTS) BEFORE THE LABOUR RELATIONS BOARD
(PRINCE EDWARD ISLAND)**

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

The applicant applies to the Labour Relations Board (P.E.I.) under section 39 of the Act with respect to the bargaining rights of

(trade union)

as a result of an alleged

* (a) sale of a business by
(predecessor employer)

to
alleged to have taken place on or about the..... day of, 20...

OR

* (b) amalgamation of one or more municipalities into another municipality or an
amalgamation, union or other joining of two or more municipalities involving
.....
(successor municipality)

alleged to have taken place on or about the..... day of, 20...

* Strike out if not applicable.

The applicant states:

1.(a) Name of applicant:

(b) Address:

* 2.(a) Name of trade union claiming bargaining rights:

.....
(b) Address of trade union claiming bargaining rights:

* 3.(a) Full name of successor employer:

(b) Address of successor employer:

* 4.(a) Full name of predecessor employer:

(b) Address of predecessor employer:

* 5.(a) Full name of any other trade union, employer or other person known to have an
interest in this application:

.....
(b) Address of any other trade union, employer or other person known to have an
interest in this application:

6.(1) A sale of business *did/did not take place.

(2) An amalgamation of one or more municipalities into another municipality, union or
other joining of two or more municipalities *did/did not take place.

7. As a result,

(a).....*is/is not bound by a collective
agreement entered into by

.....
(trade union)
and

OR

(b)*is/is not required to bargain with
..... with a view to
(trade union)
making a collective agreement.
* Strike out if not applicable.

8. A change in the character of the business so that it is substantially different from the business of the predecessor employer *has/has not taken place.

9. An intermingling of employees of one business with employees of another business represented by a trade union *has/has not taken place.

10. The applicant makes the following request (state nature of relief claimed):
.....
.....

11. The applicant submits with this application the following documents:
.....
.....

12. Other relevant statements, including a statement of events which led to this application (attach additional pages if necessary):
.....
.....
.....

*I/We.....de
clare that the statement made and information given herein are true in substance and in fact and *I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)
.....)

A Commissioner of the Supreme Court
of Prince Edward Island

* Strike out if not applicable.

FORM 24

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

BETWEEN:

.....APPLICANT

and

.....RESPONDENT

The applicant applies to the Labour Relations Board (P.E.I.) under section 39 of the Act for a declaration that

.....

(name of trade union claiming to be the successor)

*has/has not acquired the rights, privileges and duties of its predecessor

.....

(name of predecessor trade union)

by reason of a merger, amalgamation or a transfer of jurisdiction.

The applicant states:

1. (a) Address of applicant:

(b)Address of respondent:

2. Last known address of predecessor trade union:

.....

3. (a) Name of employer of employees affected by the application:

.....

(b) Address of employer:

4. Detailed description of the unit of employees for which the predecessor was the bargaining agent:

.....

5. Approximate number of employees in the unit described in paragraph 4:.....

* 6. The predecessor trade union and the employer are or were parties to or bound by a collective agreement, a copy of which is attached, that,

(a) was signed on the day of, 20..... ;

(b) became effective on the..... day of, 20..... ;

(c) contains the following provision relating to its termination or renewal:

.....

.....

7. The material facts upon which the applicant intends to rely to establish its request for a declaration (use additional pages if necessary):

.....

.....

.....

8. Other relevant statements (use additional pages if necessary):

.....

.....

.....

.....

*I/We.....de
clare that the statements made and information given herein are true in substance and in fact
and *I/we make this solemn declaration conscientiously believing it to be true, and knowing
that it is of the same force and effect as if made under oath, and by virtue of the *Canada*
Evidence Act.

DECLARED by the said)
before me at)
in the County of)
and Province of)
this day of)
20....)
.....)
.....)

.....
Signature of Applicant

A Commissioner of the Supreme Court
of Prince Edward Island

* Strike out if not applicable.