

**Manitoba Labour Board**

402 – 258 Portage Avenue  
Winnipeg, Manitoba, Canada R3C 0B6  
T 204 945-2089 F 204 945-1296  
www.manitoba.ca/labour/labbrd

**ORDER NO. 1395**

**CASE NO. 11/07/LRA**

***IN THE MATTER OF: THE LABOUR RELATIONS ACT***

**- and -**

**IN THE MATTER OF: An Application by**

**G.D.,**

**Applicant,**

**- and -**

**Local Union 2085 of The International Brotherhood of Electrical  
Workers,**

**Bargaining Agent,**

**- and -**

**AAA ELECTRIC (1988) LTD.,**

**Employer.**

**This Decision/Order has been edited to protect the personal  
information of individuals by removing personal identifiers.**

**WHEREAS:**

1. On January 12, 2007, the Applicant filed an Application to terminate the bargaining rights of Local Union 2085, International Brotherhood of Electrical Workers, for a voluntarily recognized unit described by the parties as:

***“The Employer recognizes the Union as the sole collective bargaining agency for all Foremen, Journeyman Electricians, Apprentices and other classifications within this Agreement who are employed by the Employer in the Province of Manitoba and Nunavut.”***

2. On January 19, 2007, the Employer, through counsel, filed its Nominal Roll, pursuant to Rule 13(3) of the *Manitoba Labour Board Rules of Procedure*.

3. On January 24, 2007, the Bargaining Agent, through counsel, filed its Reply, requesting that the matter be dismissed on the basis that the Application was untimely according to Subsections 49(2) and 35(2)(a) of the *Act*.
4. On January 26, 2007, the Board determined that the matter should proceed to hearing to address the issue of timeliness as raised by the Bargaining Agent.
5. On March 26, 2007, the Board conducted a hearing, at which time the parties appeared before the Board with their respective counsel. The Bargaining Agent presented evidence with respect to the issue of timeliness and all parties submitted argument.
6. On April 4, 2007, the Board, by way of Interim Order No. 1393, determined that:
  - a. the Application to terminate the Bargaining Agent's bargaining rights is timely;
  - b. fifty percent (50%) or more of the employees in the unit represented by the Bargaining Agent supported the Application made by the Applicant; and
  - c. accordingly, the Board ordered that a Representation Vote be conducted, pursuant to Section 50(2) of the *Act*, to determine the true wishes of the affected employees of AAA Electric (1988) Ltd.
7. On April 5, 2007, the Bargaining Agent, through counsel, filed documentation advising that in light of the Board's decision as contained in Interim Order No. 1393, issued April 4, 2007, the Union wished to withdraw its opposition to the Application and that the Representation Vote ordered be cancelled.
8. On April 11, 2007, the Applicant, through counsel, filed documentation requesting the Board to exercise its discretion and declare that the bargaining rights of the Union should be deemed to have ceased as of January 11, 2007, or alternatively, on January 24, 2007, or February 23, 2007.
9. On April 11, 2007, the Bargaining Agent, through counsel, filed a Reply to counsel's documentation of April 11, 2007, opposing the Applicant's request for the Board to depart from the Board's usual procedure when issuing orders.
10. The Board, following consideration of material filed, and noting that the Bargaining Agent no longer opposes the Application and has waived its right to a Representation Vote, **ORDERED** that the Application be **GRANTED**, pursuant to Section 50(3) of *The Labour Relations Act*.

11. Further, the Board **HEREBY DECLINES** to exercise its discretion to depart from the Board's usual practice and procedure to deem that the bargaining rights of the Union has ceased to a date other than the date of this Order.

**T H E R E F O R E**

The Manitoba Labour Board **HEREBY TERMINATES** the bargaining rights of Local Union 2085 of The International Brotherhood of Electrical Workers with respect to a unit of employees employed by AAA Electric (1988) Ltd.

**DATED** at **WINNIPEG**, Manitoba, this 12th day of April 2007 and signed on behalf of the Manitoba Labour Board by

*"Original signed by"*

---

**Colin S. Robinson, Vice-Chairperson**

LSC/dr/rb-s