

Manitoba Labour Board

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DISMISSAL NO. 1811

Case No. 65/07/LRA

IN THE MATTER OF: *THE LABOUR RELATIONS ACT*

- and -

IN THE MATTER OF: An Application by

T.H., on behalf of a Group of Employees,

Applicant,

- and -

Manitoba Government and General Employees' Union,

Respondent,

- and -

RED RIVER COLLEGE,

Employer.

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

WHEREAS:

1. On February 8, 2007, with subsequent documentation filed on February 9 and 12, 2007, the Applicant filed a complaint with the Manitoba Labour Board (the "Board") pursuant to Section 70 of *The Labour Relations Act* (the "*Act*").
2. On February 27, 2007, following an extension of time, the Employer, through Counsel, filed its Reply, asserting that the complaint does not disclose a *prima facie* case of breach of the *Act*. The Employer further states that the complaint is untimely and should be dismissed without a hearing.
3. On March 1, 2007, following an extension of time, the Manitoba Government and General Employees' Union, through Counsel, filed its Reply, asserting that the complaint does not disclose a *prima facie* case of breach of the *Act* and should be dismissed summarily without the necessity of a hearing. The Respondent further states that the complaint is untimely and should also be rejected on that basis.

4. The Board, following consideration of the written material filed by the parties, has determined the following:
- a) That a hearing is not necessary in that the matter can be determined by a review of the written materials filed by the parties;
 - b) The preliminary objection of both the Manitoba Government and General Employees' Union and the Employer that the complaint is untimely pursuant to Section 70(4) of the *Act* is **DISMISSED**;
 - c) Based on a review of the material filed by the parties, the Board is satisfied that under either Section 69(2) or Section 93(3) of the *Act*:
 - i) The Manitoba Government and General Employees' Union gave reasonable notice to the employees in the affected bargaining unit of the ratification/strike vote and its dual purpose. Specifically, the Board notes that no complaint is made regarding the reasonableness of the notice given to the employees; and
 - ii) The affected employees had a reasonable opportunity to cast votes by secret ballots on the scheduled voting day, namely, Friday January 26, 2007.
 - d) Having made these findings, the Board is satisfied there was compliance with the specific requirements of Section 69 and 93 of the *Act*, which can be the subject of a complaint by an employee.

Accordingly, the Board finds that the complaint filed by the Applicant should be **DISMISSED**.

T H E R E F O R E

The Manitoba Labour Board **HEREBY DISMISSES** the complaint filed by T.H., on behalf of a Group of Employees on February 8, 2007.

DATED at **WINNIPEG**, Manitoba, this 14th day of March 2007 and signed on behalf of the Manitoba Labour Board by

"Original signed by"

William D. Hamilton, Chairperson