

Manitoba Labour Board

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DISMISSAL NO. 1799

Case No. 756/06/LRA

IN THE MATTER OF: *THE LABOUR RELATIONS ACT*

- and -

IN THE MATTER OF: An application by

United Steelworkers of America, Local 1-234,

Applicant,

- and -

TOLKO INDUSTRIES LTD., MANITOBA SOLID WOOD DIVISION,

Employer,

- and -

**T.B-G, Jory Trucking Ltd., and
C.H., Hrrapstead Trucking Ltd.,**

Persons Concerned.

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

1. On November 16, 2006, the Applicant filed an application Seeking Remedy for an Alleged Unfair Labour Practice contrary to Part IV, Section 62 of *The Labour Relations Act*.
2. On November 16, 2006, the Applicant filed additional documentation with the Board.
3. On December 14, 2006, following an extension of time, the Employer through counsel filed its Reply disputing the application.
4. Based on a review of the Application and the Employer's Reply, the Board had determined that the material facts relevant to the disposition of this case are as follows:
 - a) the Union alleges that the Employer has failed to bargain in good faith, contrary to Part IV, Section 62 of *The Labour Relations Act*;
 - b) the parties have entered into a collective agreement which has an effective date of January 22, 2006 to January 31, 2009;

- c) the Persons Concerned, namely, T.B-G. and C.H. are covered by the terms of the collective agreement; and,
 - d) the Union purported to give notice to commence collective bargaining on August 10, 2006.
5. The Board, following consideration of material filed by the Applicant and the Employer, has **DETERMINED** to its satisfaction, the following:
- a) the obligation to commence collective bargaining in good faith only arises where proper notice has been given pursuant to Section 60 of *The Labour Relations Act*; and,
 - b) Section 61 of *The Labour Relations Act* establishes the time frames in which notice pursuant to Section 60 may be given. The Union's purported notice to bargain is not timely and the Employer is not currently under an obligation to enter into collective bargaining and to bargain in good faith. Accordingly, the application is to be **DISMISSED**.

T H E R E F O R E

The Manitoba Labour Board **HEREBY DISMISSES** the application filed by the United Steelworkers of America, Local 1-234 on November 16, 2006.

DATED at **WINNIPEG**, Manitoba, this 2nd day of January, 2007, and signed on behalf of the Manitoba Labour Board by

"Original signed by"

C. S. Robinson, Vice-Chairperson

RD/dlm/rb-s