

#	Body	Section	Unions(s)	Employer(s)	Order Date
1	<u>1493</u> <u>CORRECTED</u> <u>ORDER</u>	LABOUR RELATIONS BOARD	Canadian Union of Public Employees, Local 1259,	Keddy's Nursing Manor Limited,	December 21, 1970
2	<u>1493</u>	LABOUR RELATIONS BOARD	Canadian Union of Public Employees, Local 1259,	Keddy's Nursing Manor,	February 23, 1970
3	<u>2916</u>	LABOUR RELATIONS BOARD	33 51 Rita Eastman; Mrs. Marian Pick; and Canadian Union of Public Employees, Local 1259, Edward Kravitz; Michael McNeil; Brian Ferguson; and Canadian Union of Public Employees, Local 1259,	Mr. Donald Keddy; Mr. Dale Keddy; Keddy's Nursing Manor Ltd., Keddy's Nursing Manor Ltd.; Donald Keddy & Dale Keddy;	November 30, 1982
4	<u>2916</u> <u>SUPPLEMENT</u> <u>ARY</u>	LABOUR RELATIONS BOARD	51 33 Edward Kravitz; Michael McNeil; Brian Ferguson; and Canadian Union of Public Employees, Local 1259, Mrs. Rita Eastman; Mrs. Marian Pick; and Canadian Union of Public Employees, Local 1259,	Keddy's Nursing Manor Ltd.; Donald Keddy; and Dale Keddy, Keddy's Nursing Manor Ltd.; Donald Keddy; and Dale Keddy,	January 28, 1983
5	<u>2992</u>	LABOUR RELATIONS BOARD	51 Ron Griffiths; & Canadian Union of Public Employees, Local 1259,	Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy,	November 3, 1983
6	<u>2993</u>	LABOUR RELATIONS BOARD	33(a) 51 Canadian Union of Public Employees, Local 1259,	Keddy's Nursing Manor Ltd.; Donald Keddy and Dale Keddy,	November 3, 1983
7	<u>2994</u>	LABOUR RELATIONS BOARD	33 (b) 51 Rhonda Marriot, Nancy Drysdale, Janet Goodhue, Darlene Jollimore, Gale Drysdale; & Canadian Union of Public Employees, Local 1259,	Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy;	November 3, 1983
8	<u>2995</u>	LABOUR RELATIONS BOARD	33 (b) 51 Wilfred Brenton & Canadian Union of Public Employees, Local 1259, (Complainants)	Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy;	November 3, 1983

AND that the Unit requested appropriate one for Collective Bargaining purposes;

Order the Labour Relations Board (Nova Scotia) does hereby certify Canadian Union of Public Employees, Local 1259, Halifax, Nova Scotia as the Bargaining Agent for a non professional bargaining unit consisting of all employees of the Respondent, but excluding Hospital Administrator, Registered Nurses, Supervisor, and those equivalent to the rank of Supervisor and above, Office Employees, Part Time Employees and those excluded by Clause (i) and (ii) of Paragraph (f) of Section 1 of the Trade Union Act.

Approximate No. of Employees 51

#1 Decision #: 1493

Union Canadian Union of Public Employees, Local 1259,
Canadian Union of Public Employees, Local 1259, 5553 Bloomfield Street, Halifax, Nova Scotia

Employer Keddy's Nursing Manor, Keddy's Nursing Manor, Alton Drive, Armdale,
Halifax, Nova Scotia

Hearing Date February 17, 1970

Application Date January 20, 1970

Order Date February 23, 1970

Subject of the Trade Union Act

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on January 20, 1970, for Certification of the Applicant as Bargaining Agent pursuant to the Trade Union Act;

Circumstances

AND the Application having been contested by the Respondent;

AND the Board having considered the Application and the documents filed by the Applicant and Respondent, and the representations made and evidence presented on behalf of the parties at a Hearing held on February 17, 1970;

AND the Board having satisfied itself that a majority of the employees of the Respondent in the Bargaining Unit are members in good standing of the Applicant in accordance with Regulation 3A (1) Governing Procedure of the Board;

AND that the Unit requested appropriate one for Collective Bargaining purposes;

Order the Labour Relations Board (Nova Scotia) does hereby certify Canadian Union of Public Employees, Local 1259, Halifax, Nova Scotia as the Bargaining Agent for a non professional bargaining unit consisting of all employees of the Respondent, but excluding Hospital Administrator, Registered Nurses, Supervisor, and those equivalent to the rank of Supervisor and above, Office Employees, Part Time Employees and those excluded by Clauses (i) and (ii) of Paragraph (j) of Section 1 of the Trade Union Act.

Approximate No. of Employees 51

2 Decision #: 1493 CORRECTED ORDER

Union Canadian Union of Public Employees, Local 1259,
Canadian Union of Public Employees, Local 1259, 5553 Bloomfield Street, Halifax, Nova Scotia

Employer Keddy's Nursing Manor Limited, Keddy's Nursing Manor Limited, Alton
Drive, Armdale, Halifax, Nova Scotia

Hearing Date February 17, 1970

Application Date January 20, 1970

Order Date December 21, 1970

Subject of the Trade Union Act

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on January 20, 1970, for Certification of the Applicant as Bargaining Agent pursuant to the Trade Union Act;

Circumstances

AND the Application having been contested by the Respondent;

AND the Board having considered the Application and the documents filed by the Applicant and Respondent, and the representations made and evidence presented on behalf of the parties at a Hearing held on February 17th, 1970;

AND the Board having satisfied itself that a majority of the employees of the Respondent in the Bargaining Unit requested are members in good standing of the Applicant in accordance with Regulation 3A (1) Governing Procedure of the Board;

AND that the Unit requested is an appropriate one for Collective Bargaining purposes;

Order the Labour Relations Board (Nova Scotia) does hereby certify the Canadian Union of Public Employees, Local 1259, Halifax, Nova Scotia as the Bargaining Agent for a non-professional bargaining unit consisting of all employees of the Respondent, but excluding Hospital Administrator, Registered Nurses, Supervisor, and those equivalent to the rank of Supervisor and above, Office Employees, Part-time Employees and those excluded by Clauses (i) and (ii) of Paragraph (j) of Section 1 of the Trade Union Act.

#3 Decision #: 2916

Union Rita Eastman; Mrs. Marian Pick; and Canadian Union of Public Employees, Local 1259, c/o N. Blaise MacDonald, Barrister & Solicitor, 7001 Mumford Road, Tower 2, Suite 2005, Halifax, Nova Scotia B3L 4R3

Additional Union(s) Edward Kravitz; Michael McNeil; Brian Ferguson; and Canadian Union of Public Employees, Local 1259,

Employer Mr. Donald Keddy; Mr. Dale Keddy; Keddy's Nursing Manor Ltd., Mr. Donald Keddy; Mr. Dale Keddy; Keddy's Nursing Manor Ltd., 25 Alton Drive, Halifax, Nova Scotia B3M 1M1

Additional Employer(s) Keddy's Nursing Manor Ltd.; Donald Keddy & Dale Keddy;

Order Date November 30, 1982

Subject of the Trade Union Act

WHEREAS in the course of Hearings of Unfair Labour Practice Complaints (Case No.'s 2961 and 2966), allegations were made that the employer through observations of employees at work, through timing their performance and by way of other acts has intimidated employees within the meaning of Section 51 (3) (e) of the Trade Union Act;

Circumstances AND the Board having been satisfied from the testimony of witnesses that a Complaint of Unfair Labour Practice has been made out;

Order the Labour Relations Board (Nova Scotia) does hereby order Keddy's Nursing Manor Ltd. to cease and desist from its intimidation in violation of Section 51 (3) (e) and hereafter to comply with the said Section of the Trade Union Act.

#4 Decision #: 2916 SUPPLEMENTARY

Union Edward Kravitz; Michael McNeil; Brian Ferguson; and Canadian Union of Public Employees, Local 1259, c/o N. Blaise MacDonald Barrister & Solicitor, Suite 2005, Tower 2, 7001 Mumford Road, Halifax, Nova Scotia B3L 1M1

Additional Union(s) Mrs. Rita Eastman; Mrs. Marian Pick; and Canadian Union of Public Employees, Local 1259,

Employer Keddy's Nursing Manor Ltd.; Donald Keddy; and Dale Keddy , Keddy's Nursing Manor Ltd.; Donald Keddy; and Dale Keddy , 25 Alton Drive, Halifax, Nova Scotia B3M 1M1

Additional Employer(s) Keddy's Nursing Manor Ltd.; Donald Keddy; and Dale Keddy ,

Hearing Date November 1, 2, 19, and 26, 1982, December 20, 1982 and January 24, 25, and 26, 1983

Application Date July 15, 1982

Order Date January 28, 1983

Subject of the Trade Union Act

A COMPLAINT of Unfair Labour Practice having been filed with the Labour Relations Board (Nova Scotia) on July 15, 1982, pursuant to section 51 (1) (a), (3) (a) (i), (3) (a) (vi), (3) (d) (ii) and (3) (e) of the Trade Union Act;

Circumstances

AND A FURTHER COMPLAINT having been referred to the Labour Relations Board (Nova Scotia) pursuant to Section 34 by the Minister of Labour on August 10, 1982, filed pursuant to Section 33 (b) and section 51 (1) (a), (3) (a) (i), (3) (a) (vi), (3) (d) (ii) and (3) (e) of the Trade Union Act;

AND the Complaints having been contested by the Respondents;

AND the Board having considered the Complaints and the documents filed and representations made and evidence presented on behalf of the parties at Hearings held on November 1, 2, 19, and 26, 1982, December 20, 1982 and on January 24, 25, and 26, 1983;

AND The Board having dealt with the Complaint of Rita Eastman in L.R.B. No. 2916, dated November 30, 1982;

AND the Board having been satisfied that there may have been a failure by the employer to comply with Section 51 (3) (a) in regard to the termination of employment of Brian Ferguson, Michael McNeil, Edward Kravitz and Marion Pick;

AND the Board not having been satisfied on the balance of probabilities that the employer has met the burden of proof established by Section 54 (3) of the Trade Union Act;

AND the Board having found that in terminating the above named employees the Employer has violated Section 51 (3) (a) (i) and (vi);

AND FURTHER, the Board having found that the effect of such terminations amounted to an interference with a formation of Local 1259 of the Canadian Union of Public Employees and with its representation of employees thus violating Section 51 (1) (a) of the Act;

AND the Board having found that the employer has violated Section 51 (3) (e) through its seeking by intimidation or by other means to compel an employee to refrain from being or to cease to be a member, officer or representative of a trade union;

AND the Board upon request of counsel having agreed to postpone consideration of a decision upon the alleged violation of Section 51 (3) (d) (ii) pending counsel's efforts to resolve matters themselves;

AND the Board having found that the employer violated Section 33 (a) of the Act in changing:

- (a) the starting time for hours of work of members of cleaning staff;
- (b) the number of rooms worked and the nature and amount of work performed by those members of the cleaning staff engaged in cleaning rooms;
- (c) the number of hours of work performed weekly by members of the cleaning staff for the purpose of introducing a work sharing agreement among cleaning staff employees so as to avoid layoffs;

AND the Board having found that the rental of an apartment in the employer's premises by Mr. Michael McNeil was not a term or condition of employment and accordingly the decision by the employer to terminate this lease was not a violation of Section 33 (b).

Order

the Labour Relations Board (Nova Scotia) does hereby order that;

- (1) the employer comply with Section 51 (1) (a), and in particular to cease any interference with

the formation of Local 1259 of the Canadian Union of Public Employees and its representation of employees;

(2) the employer comply with Section 51 (3) (a) (i) (vi) and in particular to cease to refuse to continue to employ, or to employ any person because he or she is or was a member of a trade union or is or was exercising any right inferred under this Act;

(3) to reinstate,

(a) with compensation from the date of termination to the date of re-employment Edward Kravitz, Michael McNeil and Marion Pick;

(b) to reinstate with compensation Brian Ferguson from the date of termination to the date of commencement of the program in which he is enrolled with the Nova Scotia Institute of Technology namely August 30, 1982;

(4) the employer cease violating Section 51(3) (e) of the Trade Union Act and in particular to stop seeking by intimidation or by any other means to compel Mrs. Rita Eastman or any other employee from refraining from becoming or cease to be a member, officer or representative of Local 1259 of the Canadian Union of Public Employees;

(5) the employer comply with Section 33 (a) of the Act and in particular unless Local 1259 of the Canadian Union of Public Employees agrees to that change, to revoke the changes or conditions of employment noted below, to restore the named changes to those in effect prior to the change:

(a) to change the start time of the day shift for employees in the cleaning staff from 8:00 a.m. to the time in effect before the change, namely 7:00 a.m.

(b) to revoke the work sharing agreement and to restore the system in effect prior to the changes and in particular with respect to Mrs. Rita Eastman who lost time against her will by virtue of the work sharing to credit her and to pay at the prevailing hourly rate an amount if any equal to the difference between the average number of hours per week worked by members of the full-time cleaning staff after the change and the average of the number of hours per week worked by Mrs. Rita Eastman prior to the change;

(c) to change the number of rooms worked by cleaning employees from 20 (after the change) to 15 rooms as was the norm prior to the change. For the sake of clarity this means that on the day shift the old system of 4 cleaners on rooms should be reinstated to replace the 3 cleaners on rooms and one on the buffer;

(6) the parties are free upon notice to bring to the Board any matter that arises under the allegations pursuant to Section 51 (3) (d) (ii) or in regard to compensation to the four reinstated employees, in respect to which the Board remains seized with jurisdiction.

5 - Decision #: 2992

Union Ron Griffiths; & Canadian Union of Public Employees, Local 1259,
c/o N. Blaise MacDonald, Barrister & Solicitor, 7001 Mumford Road, Tower 2, Suite 2005,
Halifax, Nova Scotia B3L 4R3

Employer Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy,
Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy, 25 Alton Drive, Halifax,
Nova Scotia B3M 1M1

Hearing Date April 12, May 16, and July 4, 1983

Application Date January 25, 1983

Order Date November 3, 1983

Subject of the Trade Union Act

A COMPLAINT of Unfair Labour Practice pursuant to Sections 51 (1) (a), 51 (3) (a) (i) (vi) and 51 (3) (d) (e) of the Trade Union Act having been made to the Labour Relations Board (Nova Scotia) on January 25, 1983, by Ron Griffiths and the Canadian Union of Public Employees, Local 1259, alleging that Ron Griffiths was terminated contrary to the provisions of the Trade Union Act and the Respondents interfered with the administration of a trade union or the representation of employees by a trade union;

Circumstances

AND the Complaint having been contested by the Respondent;

AND the Board having considered the Complaint and the documents filed by the Complainants and the Respondents, and representations made and evidence presented on behalf of the parties at Hearings held on April 12, May 16, and July 4, 1983;

AND the Board not having been satisfied that the Respondents acted contrary to Section 51 (3) (d) and (e) of the Trade Union Act;

Order

the Labour Relations Board (Nova Scotia) does hereby dismiss the Complaints of Unfair Labour Practice as they relate to Section 51 (3) (d) and (e) of the Trade Union Act;

AND FURTHER, the Board having been satisfied that an act of Unfair Labour Practice contrary

to Section 51 (3) (a) (i) and (vi) of the Trade Union Act was committed against Ron Griffiths by the termination of employment following his one week suspension ending January 25, 1983;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby order the Respondents to reinstate with compensation Ron Griffiths to the position he held prior to the suspension which terminated January 25, 1983. Such reinstatement to be effective and compensation made from and including the date when but for the illegal dismissal Ron Griffiths would have been regularly scheduled to work and such compensation as shall have been agreed upon between the parties or failing agreement as shall be determined by the Board to be payable, shall be paid by the Respondents to Ron Griffiths not later than one month from the date of this Order;

AND FURTHER, the Board having been satisfied that the Respondents committed an Unfair Labour Practice contrary to Section 51 (1) (a) of the Trade Union Act by interfering with the representation of employees by the trade union;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby order the Respondents to cease and desist any efforts to interfere with the representation of employees by the trade union.

The Board shall remain seized of jurisdiction should questions arise to compensation, reinstatement or any other matter connected with the said violations.

6 - Decision #: 2993

Union Canadian Union of Public Employees, Local 1259, c/o N. Blaise
MacDonald, Barrister & Solicitor, Suite 2005, Tower 2, 7001 Mumford Road, Halifax, Nova
Scotia B3L 4R3

Employer Keddy's Nursing Manor Ltd.; Donald Keddy and Dale Keddy,
Keddy's Nursing Manor Ltd.; Donald Keddy and Dale Keddy, c/o Keddy's Nursing Manor Ltd.,
25 Alton Drive, Halifax, Nova Scotia B3N 1M1

Hearing Date October 31, 1983

Application Date January 25, 1983

Order Date November 3, 1983

Clarity / Withdrawal Statement

I wish to advise you that the Labour Relations Board (Nova Scotia), at a Hearing held on October 31, 1983, has granted the request of the Complainant to withdraw their Complaints of Unfair Labour Practice and Failure to Negotiate filed with the Board on January 25, 1983, pursuant to Sections 51 (1) (a), (3) (a) (i), (iii), (v), (vi), 51 (3) (e) and 33 (a) of the Trade Union Act in connection with the above noted case.

7 - Decision #: 2994

Union Rhonda Marriot, Nancy Drysdale, Janet Goodhue, Darlene Jollimore, Gale Drysdale; & Canadian Union of Public Employees, Local 1259, c/o N. Blaise MacDonald, Barrister & Solicitor, Suite 2005, Tower 2, 7001 Mumford Road, Halifax, Nova Scotia B3M 4R3

Employer Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy; Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy; 25 Alton Drive, Halifax, Nova Scotia B3M 1M1

Hearing Date September 26 and 27, and October 11, 1983

Application Date January 25, 1983

Order Date November 3, 1983

Subject of the Trade Union Act

A COMPLAINT of Unfair Labour Practice pursuant to Sections 51 (1) (a), 51 (3) (a) (i) (iii) (v) (vi), 51 (3) (e) and 33 (b) of the Trade Union Act having been made to the Labour Relations Board (Nova Scotia) on January 25, 1983, by Rhonda Marriot, Nancy Drysdale, Janet Goodhue, Darlene Jollimore, Gale Drysdale and the Canadian Union of Public Employees, Local 1259, alleging that the Respondents acted contrary to various subsections of the Trade Union Act and that the Respondents interfered with the administration of a trade union or the representation of employees by a trade union;

Circumstances

AND the Complaint having been contested by the Respondents;

AND the Board having considered the Complaint and the documents filed by the Complainants and the Respondents and representations made and evidence presented on behalf of the parties at Hearings held on September 26, September 27, 1983 and October 11, 1983;

AND the Board not being satisfied that the Respondents acted contrary to Section 51 (3) (a) (i) (iii) (v) (vi), 51 (3) (d) and (e) of the Trade Union Act;

Order

the Labour Relations Board (Nova Scotia) does hereby dismiss the Complaints pursuant to those subsections of the Trade Union Act;

AND FURTHER, the Board having been satisfied that the Respondents, without the consent of the Labour Relations Board (Nova Scotia) or of the certified Bargaining Agent, Canadian Union of Public Employees, Local 1259, did alter terms or conditions of employment contrary to Section 33 (b) of the Act in that it changed shift times or reduced the hours of work of the Complainants;

AND FURTHER, the Board for the sake of clarity notes that it was not a violation of the Trade Union Act to alter the working conditions of the Complainants during the period of mechanical shutdown;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby order that the Respondents shall compensate the Complainants, namely, Rhonda Marriot, Nancy Drysdale, Janet Goodhue, Darlene Jollimore, and Gale Drysdale such that from the date when the illegal changes were instituted each of the Complainants shall be paid the compensation that she would have received had she been permitted to work the regularly scheduled shifts that were applicable to her prior to the change. And such compensation as shall have been agreed upon between the parties or failing agreement as shall be determined by the Board to be payable shall be paid by the Respondents to each of the Complainants not later than one month from the date of this Order.

AND FURTHER, the Board having been satisfied that the Respondents acted contrary to Section 51 (1) (a) of the Trade Union Act by interfering with the representation of employees by the trade union;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby order the Respondents to cease and desist any efforts to interfere with the representation of employees by the Trade Union.

The Board shall remain seized of jurisdiction should questions arise to compensation or any other matter connected.

8 -Decision #: 2995

Union Wilfred Brenton & Canadian Union of Public Employees, Local 1259,
(Complainants) c/o N. Blaise MacDonald, Barrister & Solicitor, Suite 2005, Tower 2, 7001
Mumford Road, Halifax, Nova Scotia B3L 4R3

Employer Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy;
Keddy's Nursing Manor Ltd.; Mr. Donald Keddy; Mr. Dale Keddy; 25 Alton Drive, Halifax,
Nova Scotia B3M 1M1

Hearing Date April 11 and 12, 1983

Application Date January 25, 1983

Order Date November 3, 1983

Subject of the Trade Union Act

A COMPLAINT of Unfair Labour Practice pursuant to Sections 51 (1) (a), (3) (a) (i), (3) (a) (vi), (3) (c), (3) (e) and 33 (b) of the Trade Union Act having been made to the Labour Relations Board (Nova Scotia) on January 25, 1983, by Wilfred Brenton and the Canadian Union of Public Employees, Local 1259, alleging that Wilfred Brenton was unjustly disciplined contrary to the provisions of the Trade Union Act and that the Respondents interfered with the administration of a trade union or the representation of employees by a trade union;

Circumstances

AND the Complaint having been contested by the Respondents;

AND the Board having considered the Complaint and the documents filed by the Complainants and the Respondents, and representations made and evidence presented on behalf of the parties at Hearings held on April 11 and April 12, 1983;

AND the Board not having been satisfied that the Respondents acted contrary to Section 51 (3) (a) (i) (vi) and 51 (3) (c) and 33 (b) of the Trade Union Act;

Order

the Labour Relations Board (Nova Scotia) does hereby dismiss the Complaints pursuant to those subsections of the Trade Union Act;

AND the Board having been satisfied that the Respondents have acted contrary to the provisions

of Section 51 (3) (e) of the Trade Union Act by the imposition of a one week suspension against Wilfred Brenton;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby require the Respondents to rescind the disciplinary action in the form of a one week suspension and to pay compensation to Wilfred Brenton in an amount equivalent to the compensation that he would have received but for the illegal suspension. Such compensation to be payable from and including the date when but for the illegal suspension Wilfred Brenton would have been regularly scheduled to work and such compensation as shall have been agreed upon between the parties or failing agreement as shall have been agreed upon between to parties or failing agreement as shall be determined by the Board to be payable shall be paid by the Respondents to Wilfred Brenton not later than one month from the date of this Order.

AND FURTHER, the Board having been satisfied that the Respondents acted contrary to Section 51 (1) (a) of the Trade Union Act by interfering with the representation of employees by a trade union;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby order the Respondents to cease and desist any efforts to interfere with the representation of employees by a trade union.

The Board shall remain seized of jurisdiction should questions arise to compensation or any other matter connected with the said violation.