

**EC2007-643**

LEGISLATIVE ASSEMBLY  
MEMBER OF THE LEGISLATIVE ASSEMBLY  
OATH OF ALLEGIANCE  
TO ADMINISTER  
ORDERED

Council ordered that a proclamation do issue directing the Clerk of the Legislative Assembly or the Clerk Assistant of the Legislative Assembly to administer the Oath of Allegiance to the Member of the Legislative Assembly duly elected to represent Electoral District No. 4 (Belfast-Murray River) in the 63rd General Assembly, in the Confederation Chamber at 1:30 p.m. on the 31st of October 2007.

**EC2007-644**

**PROVINCE OF PRINCE EDWARD ISLAND  
ESTIMATES OF CAPITAL EXPENDITURE  
FISCAL YEAR 2008-2009**

This Council in Committee, having under consideration the Estimates of Capital Expenditure required to carry on the public services of the Province for the fiscal year ending March 31, 2009, and amounting in all to the sum of Seventy-Six Million, Eight Hundred and Fifty-Three Thousand, Eight Hundred Dollars (\$76,853,800.00), together with a sum sufficient for similar capital expenditure to carry on the public services of the Province from the expiration of the fiscal year ending March 31, 2009 up to and until the final passage of the Capital Estimates for the year ending March 31, 2010, it was and is hereby recommended that the Capital Estimates be approved by His Honour, the Administrator of the Province of Prince Edward Island, and be presented to the Legislative Assembly during the present session thereof.

**EC2007-645**

**ELECTION ACT  
TARIFF OF FEES AND EXPENSES REGULATIONS**

Under authority of section 120 of the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1, and upon the recommendation of the Chief Electoral Officer, Council made the following regulations.

1. In these regulations, "Act" means the *Election Act* R.S.P.E.I. 1988, Act, defined Cap. E-1.1.
2. The fees and expenses that may be paid to a person for his or her duties and expenses under the Act are set out in the Schedule to these regulations. Fees and expenses
3. The *Election Act* Tariff of Fees and Expenses Regulations (EC473/03) are revoked. Revocation
4. These regulations are deemed to have come into force on April 1, 2007. Commencement

**SCHEDULE  
TARIFF OF FEES AND EXPENSES**

## 1. Returning Officers:

(a) For personal services in connection with the administration of a general confirmation of electors including any expenditures not otherwise provided for; for each ordinary polling division necessarily established .....\$120.00

Minimum .....\$1,900.00

(b) For personal services in connection with the administration of an election subsequent to the issue of a Writ of Election including any expenditure not otherwise provided for; for each ordinary polling station necessarily established .....\$120.00

Minimum .....\$1,900.00

(c) Allowance for the Returning Officer's headquarters, per week, period to be authorized by the Chief Electoral Officer .....\$100.00

(d) Travelling expenses as authorized by the Chief Electoral Officer, at current Treasury Board rate per kilometre

- (e) Miscellaneous expenses as authorized by the Chief Electoral Officer and supported by voucher if over .....\$200.00
- (f) For attending schools of instruction prior to the issue of a Writ of Election, the sum of.....\$100.00
- (g) For duties assigned by the Chief Electoral Officer including the review and revision of polling division boundaries in each year, an amount as authorized by the Chief Electoral Officer.
2. Election Clerks:
- (a) For personal services in assisting the Returning Officer in the administration of his or her duties for each polling division
- (i) during the general confirmation of electors, the sum of.....\$100.00
- (ii) during the period after the issue of the Writ of Election, the sum of .....\$100.00
- (b) Travelling expenses as authorized by the Chief Electoral Officer, at the current Treasury Board rate per kilometre.
3. Deputy Returning Officers:
- (a) Ordinary Polls
- (i) attending school of instruction .....\$50.00
- (ii) basic fee .....\$120.00
- (b) Advance Polls
- (i) attending school of instruction .....\$50.00
- (ii) basic fee, per day.....\$135.00
4. Poll Clerks:
- (a) Ordinary Polls
- (i) attending school of instruction .....\$50.00
- (ii) basic fee .....\$100.00
- (b) Advance Polls
- (i) attending school of instruction .....\$50.00
- (ii) basic fee, per day.....\$110.00
5. Constables:
- (a) Ordinary Polls
- (i) attending school of instruction .....\$50.00
- (ii) basic fee, per day.....\$90.00

## (b) Advance Polls

- (i) attending school of instruction .....\$50.00
- (ii) basic fee, per day.....\$90.00

## 6. Confirmation Officers:

## (a) Electoral District

- No. 10 – Charlottetown-Sherwood
- No. 11 – Charlottetown-Parkdale
- No. 12 - Charlottetown-Victoria Park
- No. 13 - Charlottetown-Brighton
- No. 14 - Charlottetown-Lewis Point
- No. 21 – Summerside-Wilmot
- No. 22 – Summerside-St. Eleanors

the sum of

- (i) for attending school of instruction.....\$50.00
- (ii) a basic amount of .....\$85.00
  - (A) for each elector confirmed .....\$0.35
  - (B) for obtaining signature of elector on the Confirmation Record - for each elector confirmed .....\$0.20

## (b) All other Electoral Districts

the sum of

- (i) for attending school of instruction.....\$50.00
- (ii) a basic amount of .....\$85.00
  - (A) for each elector confirmed .....\$0.40
  - (B) for obtaining signature of elector on the Confirmation Record - for each elector confirmed .....\$0.20

## 7. Rentals:

## (a) Ordinary Polling Stations

- (i) Single Poll.....\$150.00
- (ii) for each addition poll if held in the same place,  
per poll.....\$75.00

## (b) Advance Polling Stations

- (i) for each electoral district, per day\$150.00
- (ii) for each additional electoral district if held in the same  
place.....\$75.00

The foregoing includes all expenses.

## 8. Printing:

Ballots, including perforating, numbering and stitching,  
etc. - as per a schedule agreed to by the printer and the  
Chief Electoral Officer.

## 9. Postage:

To be supplied by the Chief Electoral Officer when required.

## 10. Travelling:

The Chief Electoral Officer will authorize all travel for election officials at the current Treasury Board rate per kilometre.

## 11. Miscellaneous:

The Chief Electoral Officer is authorized to engage such staff and incur such expenses as, in his or her opinion may be required to perform the duties of his or her office.

**EXPLANATORY NOTES**

**Section 1** defines the word “Act”.

**Section 2** indicates that the fees and expenses that may be paid to a person for his or her duties and expenses under the Act are those that are set out in the Schedule to these regulations.

**Section 3** revokes the current Tariff of Fees and Expenses Regulations.

**Section 4** provides for the commencement of these regulations.

**The Schedule** sets out the fees and expenses referred to in section 2. The fees and expenses in the current regulations that were payable to the Chief Electoral Officer and Deputy Chief Electoral Officer have been dropped. The references to the names of the electoral districts have been updated.

**EC2007-646**

**ENVIRONMENTAL PROTECTION ACT  
ISLAND WASTE MANAGEMENT CORPORATION  
APPOINTMENTS**

Pursuant to section 7 of Order-in-Council EC1999-262 of 25 May 1999, as amended by Orders-in-Council EC2003-397 of 22 July 2003 and EC2007-578 of 25 September 2007, Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Eddie Power Stratford (vice Charlene Duffy, term expired)	30 October 2007 to 30 October 2010
Robert White Central Kildare (vice Sharon Horne, term expired)	30 October 2007 to 30 October 2010

**EC2007-647**

**ENVIRONMENTAL PROTECTION ACT  
SEWAGE DISPOSAL SYSTEMS REGULATIONS  
AMENDMENT**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**1. Section 1 of the *Environmental Protection Act* Sewage Disposal Systems Regulations (EC403/03) is amended by the addition of the following after clause (mm):**

(mm.01) “professional engineer” means a professional engineer as defined in the *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8.1; professional  
engineer

**2. Section 4.1 of the regulations is amended by the deletion of the words “A licensed contractor” and the substitution of the words “A professional engineer or a licensed contractor”.**

**3. These regulations come into force on November 10, 2007.**

**EXPLANATORY NOTES**

The amendment exempts a professional engineer as well as a licensed contractor from the requirement to obtain a permit to construct, install or modify a sewage disposal system and from the requirement to construct, install or modify a sewage disposal system in accordance with certain provisions of the regulations.

**EC2007-648**

**EXECUTIVE COUNCIL ACT  
MINISTER OF COMMUNITIES, CULTURAL AFFAIRS AND LABOUR  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(2009 CANADA GAMES MULTI-PARTY AGREEMENT)  
WITH THE  
GOVERNMENT OF CANADA  
AND THE  
PRINCE EDWARD ISLAND 2009 CANADA GAMES  
HOST SOCIETY INC./SOCIÉTÉ HÔTESSE DES JEUX DU CANADA  
DE 2009 DE L'ÎLE-DU-PRINCE-ÉDOUARD INC.  
AND THE  
CANADA GAMES COUNCIL**

Pursuant to clauses 10(a) and (d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Communities, Cultural Affairs and Labour to enter into an agreement with the Government of Canada, as represented by the Minister of Canadian Heritage and Status of Women, the Prince Edward Island 2009 Canada Games Host Society Inc./Société Hôtesse des Jeux du Canada de 2009 de l'Île-du-Prince-Édouard Inc., and the Canada Games Council to provide for establishment of a coordinating committee and to set out terms and conditions of funding to the Prince Edward Island 2009 Canada Games Host Society Inc. and the 2009 Canada Games, such as more particularly described in the draft agreement.

**EC2007-649**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
STEVE UPPAL AND JASWINDER S. BOPARAI  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Steve Uppal of New London, Prince Edward Island and Jaswinder S. Boparai of Charlottetown, Prince Edward Island to acquire an interest in a land holding of approximately seventy-one decimal one six (71.16) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Nora Bagnall of Charlottetown, Prince Edward Island.

**EC2007-650**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
100875 P.E.I. INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 100875 P.E.I. Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately seventy-one decimal one six (71.16) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Nora Bagnall of Charlottetown, Prince Edward Island.

**EC2007-651**

**LABOUR ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 49 of the *Labour Act* R.S.P.E.I. 1988, Cap. L-1, Council made the following regulations:

**1. Clause 1(d) of the *Labour Act* Regulations (EC521/71) is revoked and the following substituted:**

(d) “unfair labour practice” means any labour practice or act prohibited by the Act or these regulations. unfair labour  
practice

**2. Subsection 2(2) of the regulations is amended**

(a) in clause (a), by the deletion of the word “himself”; and

(b) by the revocation of clause (d) and the substitution of the following:

(d) by a trade union or employers’ organization  
(i) by any two officers of the trade union or employers’ organization, or  
(ii) by any person authorized for such purpose by a resolution duly passed at a meeting of the trade union or employers’ organization.

**3. Section 3 of the regulations is amended**

**(a) in subsection (2), by the deletion of the word “Concurrently” and the substitution of the words “Subject to subsection (2.1), concurrently”;**

**(b) by the addition of the following after subsection (2):**

(2.1) The Board may waive compliance by an applicant trade union with clause (2)(c) where the applicant trade union, by statutory declaration, declares that current copies of the union constitution or other documents required by clause (2)(c) have been filed with the Board. Exception

**(c) by the revocation of subsection (3) and the substitution of the following:**

(3) The material filed by an applicant trade union pursuant to (a) 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; Confidentiality, availability of information  
 (b) clause (2)(c), or material on file with the Board pursuant to subsection (2.1), shall be available to and open for inspection by any other party to the proceedings; or  
 (c) clause (2)(d), shall be available to and open for inspection by any other party to the proceedings only with the approval of the Board.

**(d) in subsection (4),**

- (i) by the deletion of the words “wish that the applicant trade union be certified” and the substitution of the words “agree to the applicant trade union being certified”,**
- (ii) by the deletion of the word “his” wherever it appears and the substitution of the words “the person’s”, and**
- (iii) by the deletion of the word “he” wherever it appears and the substitution of the words “the person”.**

**4. Section 9 of the regulations is amended by the deletion of the words “his or their opposition” and the substitution of the words “opposing the application”.**

**5. Subsection 13(2) of the regulations is amended by the addition of the words “in Form 2” after the word “notice”.**

**6. Section 20 of the regulations is amended by the deletion of the word “him” and the substitution of the words “ the Chief Executive Officer”.**

**7. Subsection 22(2) is amended by the deletion of the words “his case in this regard” and the substitution of the words “the party’s case”.**

**8. Section 23 of the regulations is revoked and the following substituted:**

**23.** Decisions of the Board may be communicated in the form of an order signed Decisions of the Board

- (a) by the chief executive officer; or
- (b) by each member of the panel having jurisdiction in the matter.

**9. Section 24 of the regulations is amended**

**(a) by the revocation of subsection (1) and the substitution of the following:**

**24.** (1) A document may be served or delivered for the purposes of these regulations by personal service or by registered mail. Service of documents

**(b) by the addition of the following after subsection (1):**

(1.1) For the purposes of these regulations, any notice or communication sent by registered mail is presumed, unless the contrary is proved, to have been received by the addressee three days after the date of the mailing. Deemed receipt after 3 days

**(c) in subsection (3), by the deletion of the word “he” and the substitution of the words “the person”.**



**10. Section 28 of the regulations is amended**

**(a) in clause (3)(f), by the deletion of the words “in his possession and upon which he proposes to rely in support of his claim for relief or his” and the substitution of the words “in the applicant’s possession and upon which the applicant intends to rely for the claim for relief or the”; and**

**(b) by the addition of the following after subsection (3):**

(3.1) The Board may waive compliance by an applicant trade union with any clause of subsection (3) where the Board is satisfied that it has a current copy of Exception

- (a) the union constitution;
- (b) the collective agreement; or
- (c) any other document related to the matter before the Board.

**11. Subsection 30(1) of the regulations is amended by the deletion of the words “Form 15” and the substitution of the words “Form 2”.**

**12. Section 32 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “it may be deemed by the Board to have abandoned any claim to have any interest in the application” and the substitution of the words “it may be deemed by the Board to have abandoned any claim for intervention in the matter”;**

**(b) in subsection (2), by the deletion of the words “he shall give” and the substitution of the words “the submission shall include”; and**

**(c) by the revocation of subsection (3) and the substitution of the following:**

(3) Any person, trade union, council of trade unions, employer or employers’ organization that has an interest in an application for accreditation which it believes should be considered the Board may file with the Board a notice of intervention on Form 18 which shall state the interest in the application and include documentary evidence in support of the interest. Notice of intervention

**13. Section 33 of the regulations is amended by the deletion of the words “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” and the substitution of the words “the Board may instruct the parties to file additional documents to enable the Board to consider the requirements of clause 55(3)(b) of the Act”.**

**14. Subsection 36(2) the regulations is amended by the deletion of the words “who believes that he has an interest” and the substitution of the words “that believes that there is an interest”.**

**15. Section 37 of the regulations is amended**

**(a) in subsection (1), by the deletion of the word “he” and the substitution of the words “the employer”; and**

**(b) by the revocation of subsection (3) and the substitution of the following:**

(3) The chief executive officer of the Board shall forthwith send a copy of the complaint to the respondent against whom the complaint is made. Copy of complaint to respondent

(4) The respondent, within seven days of receipt of the copy of the complaint, shall file with the Board a reply to the complaint admitting or denying the statements contained in the complaint. Reply

**16. The Schedule is revoked and the Schedule to these regulations is substituted.**

**17. These regulations come into force on November 10, 2007.**

**SCHEDULE**

**FORM 1  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
APPLICATION FOR CERTIFICATION**

- 1. Name of Applicant Union .....
- 2. Address .....
- 3. Is there on file with the Board a current copy of your constitution, rules and bylaws, or other instruments or documents containing a complete statement of the Applicant Union's objects and purposes? Yes ..... No .....

If no, please file concurrently with this application.

- 4. If the applicant is a member of a council of trade unions, please state the name and address of each union that is a member of the council of trade unions:  
.....  
.....  
.....

- 5. Name of Respondent (Employer) .....  
Address .....

- 6. Nature of Employer's Business .....

- 7. Is this application filed under section 54 of the Act? Yes ..... No .....

- 8. If yes, is there a collective agreement in place of which the proposed unit will become a part? If yes, state commencement date ..... expiry date .....

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

- 10. Total number of employees of the respondent in respect of which the application for certification has been made .....  
(use approximate number, if exact number is not known)

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

- 12. Is there a collective agreement affecting employees in the proposed unit?  
If so, state commencement date ..... expiry date .....

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

- 14. 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 hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act R.S.P.E.I. 1988, Cap E-11.*

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

.....  
Applicant Union Name

.....  
A Commissioner for taking affidavits  
in the Supreme Court

.....  
Authorized signature

.....  
Title

.....  
A Commissioner for taking affidavits  
in the Supreme Court

.....  
Authorized signature

.....  
Title

\*Note: This application will be processed without a pre-hearing vote unless the applicant indicates that it does require a pre-hearing vote.  
[Attach completed Exhibit "A" and "B".]

**EXHIBIT "A" to Form 1**

The following is a list of the duty elected officers of

---

President		(name)	
		(address)	
		(phone)	(fax)
Vice President		(name)	
		(address)	
		(phone)	(fax)
Recording Secretary		(name)	
		(address)	
		(phone)	(fax)
Financial Secretary		(name)	
		(address)	
		(phone)	(fax)
Treasurer		(name)	
		(address)	
		(phone)	(fax)

Date: \_\_\_\_\_

\_\_\_\_\_  
 Initials of person making  
 statutory declaration

**EXHIBIT "B" to Form 1**

Names of members in good standing	Date of payment -initiation fee	Day of payment -monthly dues	Detail of payment -equivalent to monthly dues
--------------------------------------	------------------------------------	---------------------------------	---

Date: \_\_\_\_\_

\_\_\_\_\_  
 Initials of person making  
 statutory declaration

**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 of the Board

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

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

TO: .....

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

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

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

You shall file a reply in form 5 with the Board not later than the terminal date.

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

.....  
Chief Executive Officer of the Board

**FORM 4**  
**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)**  
**NOTICE TO EMPLOYEES OF APPLICATION**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

TO THE EMPLOYEES OF: .....

1. TAKE NOTICE that on ....., 20....., the applicant made an application to the Board for certification as bargaining agent of employees in the following bargaining unit:

.....

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

3. Any employee or group of employees affected by the application and intending to make representations to the Board in relation to this application shall send to the Board a statement of intent, 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 described above; and
- (d) state whether or not the employee or group of employees intend to give evidence at a Board hearing.

4. The statement of intent shall be

- (a) received by the Board not later than the terminal date shown in paragraph 2; or
- (b) mailed by registered mail to the Board not later than the terminal date shown in paragraph 2.

5. The Board will not accept a statement of intent that does not comply with paragraphs 3 and 4.

6. If the Board conducts a hearing to receive further evidence, a notice of hearing shall be duly posted at the workplace.

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

.....  
 Chief Executive Officer of the Board

**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: .....
- 7. The name, job description and status (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 Exhibit "A" annexed to this Form.
- 8. 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: .....
- 9. The date of any certification of a bargaining agent of any employees who may be affected by the application:.....
- 10. 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:
 .....  
 .....
- 11. Other relevant statements (use additional pages if necessary):.....

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act R.S.P.E.I. 1988 Cap. E-11.*

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Respondent

.....  
Title

EXECUTIVE COUNCIL \_\_\_\_\_ 30 OCTOBER 2007

**EXHIBIT "A" to Form 5**

The following is a list of employees on the payroll of \_\_\_\_\_

as of \_\_\_\_\_ (Date of application for certification)

(date)

Name

Job Description

Hours of Work  
(full-time, part-time, etc.)\_\_\_\_\_  
date\_\_\_\_\_  
Initials of Respondent





**FORM 7  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
APPLICATION FOR REVOCATION OF CERTIFICATION ORDER**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

1. The applicant applies to the Board 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 hereby declare that the statements made and information given herein are true in substance and in fact and I 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 *Evidence Act R.S.P.E.I. 1988 Cap. E-11.*

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Applicant

.....  
Title

**FORM 8  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
NOTICE OF APPLICATION FOR REVOCATION OF CERTIFICATION ORDER**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

TO: .....

1. TAKE NOTICE that the applicant on the ..... day of ....., 20..... made an application to the Board 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 the bargaining agent on their behalf.

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

3. The respondent is required to file a reply in Form 10 not later than the terminal date. 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. TAKE FURTHER NOTICE that if a hearing is required, the parties shall be given notice of the hearing by the Board.

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

.....  
Chief Executive Officer of the Board

**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 to the Board 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 intending to make representations to the Board shall send to the Board a statement in writing of such intent which shall
  - (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 shall be received by the Board not later than the terminal date set out in paragraph 2.
5. TAKE FURTHER NOTICE that if a hearing is required, the parties shall be given notice of the hearing by the Board.

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

.....  
Chief Executive Officer of the Board

**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 the 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 hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act R.S.P.E.I. 1988 Cap. E-11.*

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Respondent  
.....  
Title

**FORM 11  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
UNFAIR LABOUR PRACTICE COMPLAINT**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

1. The Complainant complains to the Board that the Respondent has violated section .....  
of the *Labour Act* as follows: .....

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

3. Name of Complainant .....  
Address of Complainant for service .....  
Name of Respondent .....  
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 resolution of the matters giving rise to the complaint: .....  
.....

6. State remedy requested:

I hereby declare that the statements made and information given herein are true in substance  
and in fact and I make this solemn declaration conscientiously believing it to be true,  
knowing that it is of the same force and effect as if made under oath and by virtue of the  
*Evidence Act* R.S.P.E.I. 1988 Cap. E-11.

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Complainant

**FORM 12  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
NOTICE OF HEARING**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

TO:

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

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

.....  
Chief Executive Officer of the Board

**FORM 13  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
JURISDICTIONAL DISPUTE COMPLAINT**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

The Complainant is a party to a jurisdictional dispute and has been unable to effect a settlement of the dispute.

The Complainant requests the Board to 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, address, and telephone number of any person, trade union, council of trade union, or employers' organization that may be affected by the complaint .....

3. The dates upon which the act or work assignment 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.....

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act R.S.P.E.I. 1988 Cap. E-11.

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

..... )
A Commissioner for taking affidavits in the ..... )
Supreme Court Complainant

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 Board 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. Address of Applicant .....

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 (refer 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 hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act R.S.P.E.I. 1988 Cap. E-11.

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

..... )
A Commissioner for taking affidavits in the ..... )
Supreme Court Applicant

Title

**FORM 15  
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 with the Board an Application for Accreditation as bargaining agent 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 this 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 or  
(b) if it is mailed by registered mail addressed to the Board at its office, .....  
..... mailed not later than the terminal date.

4. TAKE FURTHER NOTICE that if a hearing is required, the parties will be given notice of the hearing by the Board.

5. 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.

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

(a) 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.

(b) for each employer listed in the attached Schedules, the address and, if known, the telephone number.

(c) 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.

(d) 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.

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

.....  
Chief Executive Officer of the Board

**FORM 16  
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 shall be made to sectors 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:  
.....  
.....

8. All existing or recently expired collective agreements have been filed with this Reply.

9. Schedules A and B are annexed and form part of this Reply.

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act R.S.P.E.I. 1988 Cap. E-11*.

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

A Commissioner for taking affidavits in the  
Supreme Court

.....  
Respondent

.....  
Title

**EXHIBIT "A" to FORM 16  
LIST OF EMPLOYERS -- ACCREDITATION**

Alphabetical list 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**

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 B.

**EXHIBIT "B" to FORM 16**

**LIST OF EMPLOYERS - ACCREDITATION**

Alphabetical list 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)  
INTERVENTION REGARDING ACCREDITATION OR  
REVOCATION OF ACCREDITATION

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

AND:

..... INTERVENER

(Name of Intervener)

- 1. The intervener is a:     \_\_\_ Trade Union
- \_\_\_ An Employer
- \_\_\_ A Council of Trade Unions
- \_\_\_ An Employers' Organization

(check one)

that claims an interest in this application for the following reason(s):

.....

2. The Intervener contests the accreditation/revocation on the following ground(s):

.....

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

.....

4. The intervener state(s):

(a) Address of intervener .....

(b) Address of intervener for Service .....

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act* R.S.P.E.I. 1988 Cap. E-11.

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

A Commissioner for taking affidavits in the  
Supreme Court

.....  
Intervener  
.....  
Title

FORM 18

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

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

1. The applicant applies to the Board for the revocation of accreditation order, number ..... issued on the .....day of ....., 20.....

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

3. The names and addresses of all unions and councils of trade unions affected by or likely to be affected by the accreditation order or its revocation:

.....
.....

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

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

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

.....

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

.....

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

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

.....

8. 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:

.....
.....

9. 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:

.....

10. This Application is made under clause 59(1)(a) of the Act and the Respondent is not a party to any collective agreement. (Delete if this Application is made under other provisions of the Act.)

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act R.S.P.E.I. 1988 Cap. E-11.

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

.....
A Commissioner for taking affidavits in the Supreme Court

.....
Applicant

.....
Title

**FORM 19  
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 Board for the revocation of accreditation order, 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 the .....day of ....., 20.....
3. You shall send to the Board your reply not later than the terminal date as shown in paragraph 2.
4. 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 of the Board

**FORM 20  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
REPLY TO NOTICE OF APPLICATION FOR REVOCATION OF  
ACCREDITATION ORDER**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

To: .....

This form serves as a reply to employers or employers' organizations 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 shall 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 Exhibit "A" 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 the ..... day of ....., 20.....

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

(c) contains the following provision relating to its termination

8. State grounds for opposition to application

9. Schedule A forms part of this Reply.

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 hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act R.S.P.E.I. 1988 Cap. E-11.

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Respondent

.....  
Title

EXHIBIT "A" to FORM 20  
LIST OF EMPLOYERS - ACCREDITATION

Alphabetical list 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 of Respondents .....
- (d) Addresses of Respondents .....

4. The dates upon which the acts complained of occurred .....

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

6. As of the date of filing of this Complaint the act(s) complained of in paragraph 5

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

7. State remedy requested .....

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act* R.S.P.E.I. 1988 Cap. E-11.

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

.....  
A Commissioner for taking affidavits in the Supreme Court

.....  
Complainant

**FORM 22**  
**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)**  
**NOTICE OF COMPLAINT UNDER SECTION 57 OF THE Act**

BETWEEN:

.....COMPLAINANT

AND:

.....RESPONDENT

TO: .....

1. TAKE NOTICE that on ....., 20....., the applicant filed a complaint with the Board under section 57 of the Act. A copy of the Complaint is attached.
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 or
  - (b) if it is mailed, by registered mail addressed to the Board at its office
 .....  
 mailed not later than the terminal date.
4. If a hearing is required, the Board shall give notice of the hearing to the parties.

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act R.S.P.E.I. 1988 Cap. E-11.*

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Chief Executive Officer  
of the Board

**FORM 23  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
REPLY TO COMPLAINT UNDER SECTION 57 OF THE ACT**

BETWEEN:

..... APPLICANT

AND:

..... RESPONDENT

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: .....

3. The Respondent confirms/denies the statements contained in the complaint as follows: ....

I hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act R.S.P.E.I. 1988 Cap. E-11.*

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Respondent

.....  
Title

**FORM 24**  
**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 Board under section 39 of the Act with respect to the bargaining rights of

.....  
 (trade union)

as a result of an alleged

\* (a) lease or transfer or an agreement to sell, lease or transfer a business or the operation of a business by .....  
 (predecessor employer)

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

OR

\* (b) annexation, attachment or adding all or part of one municipality to another 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 where 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.

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 hereby declare that the statement made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the Evidence Act R.S.P.E.I. 1988 Cap. E-11.

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Applicant

.....  
Title

**FORM 25**  
**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 Board under section 40 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 hereby declare that the statements made and information given herein are true in substance and in fact and I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the *Evidence Act R.S.P.E.I. 1988 Cap. E-11.*

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

.....  
A Commissioner for taking affidavits in the  
Supreme Court

.....  
Applicant

.....  
Title

EXECUTIVE COUNCIL \_\_\_\_\_ 30 OCTOBER 2007

**FORM 26  
LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)  
NOTICE OF REPRESENTATION VOTE**

To the employees of.....  
.....  
in the Province of Prince Edward Island,  
Take notice that a vote will be conducted by secret ballot on ..... the.....  
day of ..... 20..... by the Returning Officer for the Labour Relations Board to  
determine whether a majority of the employees to whom this notice is directed wish to be  
represented by .....  
name of organization  
in their employment relations with the above named employer.

**SECRET BALLOT**

This vote will be conducted by secret ballot under the direct supervision of the Returning Officer and Voters will be able to vote without any interference whatsoever and it will be impossible for anyone to know how any individual has voted.

**HOW TO VOTE**

At the proper polling place you will be given a ballot by the Returning Officer. You will then mark your ballot in secret, fold it and deposit it in the locked ballot box which will be under the direct supervision of the Returning Officer.

**TIME and PLACE(S) of VOTING and SAMPLE BALLOT**

Those eligible to vote shall be the persons whose names appear on the "Voter's List" which is hereby also posted.

Voting Unit	TIME and PLACE(S) of VOTING		
	Polling Booth	Date	Time

.....  
Chief Executive Officer  
of the Board

**BALLOT**

THE FOLLOWING IS A SAMPLE BALLOT TO BE USED IN THE VOTE:

**SECRET BALLOT**

**PLACE AN "X" IN ONE SQUARE ONLY  
ANY OTHER MARK WILL SPOIL YOUR  
BALLOT**

Mark X opposite your choice IN YOUR EMPLOYMENT RELATIONS WITH  DO YOU WISH TO BARGAIN COLLECTIVELY THROUGH	
<b>OR</b>	

\_\_\_\_\_  
Returning Officer

Posted on \_\_\_\_\_ at \_\_\_\_\_  
Date Time

**THIS NOTICE IS POSTED BY THE LABOUR RELATIONS BOARD  
AND SHALL NOT TO BE MARRED OR ALTERED**

EXECUTIVE COUNCIL \_\_\_\_\_ 30 OCTOBER 2007

**FORM 27**  
**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)**  
**VOTER'S LIST (REPRESENTATION VOTE)**

In the matter of a representation vote of the employees of .....  
.....  
as set out in Form A herewith posted.

NAME

OCCUPATION

This voter's list is agreed upon

\_\_\_\_\_

for employer

\_\_\_\_\_

Returning Officer

\_\_\_\_\_

for union

Date \_\_\_\_\_ 20\_\_

EXECUTIVE COUNCIL \_\_\_\_\_ 30 OCTOBER 2007

**FORM 28**  
**LABOUR RELATIONS BOARD (PRINCE EDWARD ISLAND)**  
**REPORT OF RETURNING OFFICER (REPRESENTATION VOTE)**

Having been directed by the Labour Relations Board to conduct a representation vote by secret ballot among the employees of \_\_\_\_\_,

Certification Order Number: \_\_\_\_\_, in their employment relations with the above named employer,

I, the undersigned Returning Officer appointed to conduct the said vote and to act as Returning Officer report that:

1. In accordance with directions issued, the said vote was conducted by me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

2. The "Notice of Vote" and "Voter's List" which is attached hereto was posted in a conspicuous place or places satisfactory to all parties concerned on the time and date indicated thereon and the minimum seventy-two hours from the time of posting of the said notices had elapsed before the opening of the poll.

3. The employees who voted were in all cases identified as being eligible to vote.

4. The ballots used were in the same form as the sample ballot shown in the "Notice of Vote" attached hereto.

5. The time and place(s) of voting as shown in the "Notice of Vote" attached hereto were adhered to.

6. The vote was conducted in a fair and proper manner.

7. The result of the vote was as follows:

- No. of eligible voters
- No. of votes for Applicant
- No. of votes against Applicant
- No. of spoiled ballots
- No. of ballots cast
- No. of employees not voting
- No. of contested ballots

In witness whereof, I have hereunto set my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ AD 20 \_\_\_\_.

\_\_\_\_\_  
 Returning Officer for Labour Relations Board

We the undersigned hereby acknowledge that we have each received a copy of the foregoing "Report of Returning Officer" and each of us agrees that the statements made in the said report are to the best of our knowledge true in all respects.

In witness whereof, we have hereunto set out hands at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ AD 20 \_\_\_\_.

\_\_\_\_\_  
 Scrutineer for Employer

\_\_\_\_\_  
 Scrutineer for Union

**EXPLANATORY NOTES**

**SECTION 1** replaces the definition in clause 1(d) to include unfair labour practices under any section of the Act rather than only under section 10.

**SECTION 2** rephrases clause 2(2)(d) to eliminate duplication. It also substitutes gender neutral language.

**SECTION 3** eliminates the need to file a copy of the union constitution and other duplicate documents with each application, where that information is already on file with the Board. It also provides for inspection by parties of material listed under clause 3(2)(c), while

material listed in clause 3(2)(d) is available only with consent of the Board. It also substitutes gender neutral language.

**SECTION 4** substitutes gender neutral language.

**SECTION 5** substitutes a reference to form 2.

**SECTION 6** substitutes gender neutral language.

**SECTION 7** substitutes gender neutral language.

**SECTION 8** gives the authority to sign decisions of the Board to the Chief Executive Officer or the panel having jurisdiction in the matter.

**SECTION 9** provides for service of documents. It also substitutes gender neutral language.

**SECTION 10** reduces duplication by eliminating the need to file the union constitution or collective agreement under clauses 28(3)(a) or (b) when that information is already on file with the Board. It also substitutes gender neutral language.

**SECTION 11** deletes a reference to form 15 and adds a reference to form 2.

**SECTION 12** ensures that a failure to file an intervention does not prevent a party from having a continued interest in an application. It also substitutes gender neutral language.

**SECTION 13** allows the Board to determine what documents should be filed with it.

**SECTION 14** substitutes gender neutral language.

**SECTION 15** requires the CEO of the Board to send a copy of a complaint to the respondent and gives 7 days for the respondent to reply to the complaint. It also substitutes gender neutral language.

**SECTION 16** replaces the Schedule with a new Schedule.

**SECTION 17** is the effective date of these regulations.

## EC2007-652

### OCCUPATIONAL HEALTH AND SAFETY ACT GENERAL REGULATIONS AMENDMENT

Pursuant to section 34 of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.1, Council made the following regulations:

**1. The *Occupational Health and Safety Act* General Regulations (EC 180/87) is amended by the revocation of sections 8.1 to 8.4 and Tables I and II following section 8.4, and by the substitution of the following:**

- 8.1.** (1) In this Part, Definitions
- (a) “noise exposure limit” means a noise exposure limit established noise exposure limit  
under section 8.3;
- (b) “practicable” means that which is reasonably capable of being practicable  
done.
- (2) Noise terminology and measurements used or described in this Part Terminology and  
measurements  
have the same meaning that they have in
- (a) CSA Standard Z107.56-06, Procedures for the Measurement of  
Occupational Noise Exposure, as amended from time to time; and

(b) ANSI Standard S1.25-1991, Specification for Personal Noise Dosimeters, as amended from time to time.

**8.2** An employer shall ensure that practicable means are used to reduce the noise to which workers are exposed in areas at the workplace where workers may be present. Use of practicable means to reduce noise

**8.3** An employer shall ensure that a worker’s noise exposure does not exceed any of the following noise exposure limits: Noise exposure limits

Exposure level (dBA)	Exposure duration
80	24 hours
82	16 hours
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 minutes
100	15 minutes
103	7.50 minutes
106	3.75 minutes
109	1.88 minutes
112	0.94 minutes
115 and greater	0

**8.4** (1) Unless otherwise provided in this Part, where Measurement of noise level  
 (a) a worker of an employer is exposed to noise at the workplace of the employer in excess of any noise exposure limit; or  
 (b) an employer or worker of an employer has reason to believe that a worker of the employer may be exposed to noise at the workplace of the employer in excess of any noise exposure limit,  
 the employer shall cause the noise exposure of a worker at the workplace to be measured without delay.

(2) Where, in accordance with subsection (1), an employer causes a noise exposure measurement to be made at a workplace of the employer, the employer shall cause the measurement to be repeated without delay after a change in equipment or process affects the exposure level, or the exposure duration, at the workplace. Repetition of noise exposure measurement

(3) Where, in accordance with subsection (1) or (2), an employer causes a noise exposure measurement to be made at a workplace of the employer, the employer shall ensure that Procedure  
 (a) the noise exposure measurement is performed in accordance with *CSA Standard Z107.56-06, Procedures for the Measurement of Occupational Noise Exposure*, as amended from time to time; and  
 (b) the noise dosimeters and sound level meters used in the noise exposure measurement meet the requirements of *ANSI Standard S1.25-1991, Specification for Personal Noise Dosimeters*, as amended from time to time.

(4) The employer shall as soon as possible after a noise exposure measurement is conducted at a workplace of the employer inform affected workers of Duty to inform workers of results  
 (a) the results of the noise exposure measurement; and  
 (b) the significance of the results in terms of their risk of hearing loss at the workplace.

**8.5** Notwithstanding anything to the contrary in section 8.4, an employer is not required to measure the noise exposure of a worker of the employer at the workplace of the employer, if the employer can reasonably determine, without a noise exposure measurement, that the worker is exposed to noise at the workplace in excess of any noise exposure limit. Exception

**8.6** Where a worker of an employer is exposed to noise in the workplace in excess of any noise exposure limit, the employer shall Engineered noise control  
 (a) investigate options for engineered noise control; and  
 (b) if practicable, implement one or more of those options to reduce noise exposure of workers to or below the noise exposure limit.

**8.7** (1) If it is not practicable for an employer to reduce the noise exposure of a worker of the employer at the workplace to or below any noise exposure limit, the employer shall Reduction of noise exposure, signs

- (a) reduce the noise exposure of the worker to the lowest level practicable;
- (b) establish a noise control and hearing conservation program that complies with the requirements of section 8.8;
- (c) post warning signs in the noise hazard areas;
- (d) give to affected workers hearing protection that meets the requirements of *CSA Standard Z94.2-02, Hearing Protection Devices – Performance, Selection, Care, and Use*, as amended from time to time, provide training to the affected workers in the use and care of the hearing protection and maintain the hearing protection so that it continues to meet those requirements; and
- (e) ensure that hearing protection required by clause (d), is worn properly by workers of the employer in noise hazard areas.
- (2) Every worker in a posted noise hazard area shall wear hearing protection. Hearing protection
- 8.8** A noise control and hearing conservation program required under subsection 8.7(1) shall include provisions on Program - requirement
- (a) noise measurement;
- (b) education and training;
- (c) engineered noise control;
- (d) hearing protection;
- (e) posting of noise hazard areas;
- (f) hearing tests; and
- (g) annual program review.
- 8.9** (1) An employer shall ensure that workers of the employer who are exposed to noise in the workplace that exceeds a noise exposure limit are given Hearing test
- (a) an initial hearing test without delay after employment starts, but not later than 6 months after the start of employment; and
- (b) a hearing test at least once every 12 months after the initial test if the worker continues to be employed with the employer.
- (2) An employer shall ensure that hearing tests required under subsection (1) shall be administered by Who must administer hearing tests
- (a) an audiologist; or
- (b) a person who is certified to conduct audiometric testing.
- (3) The employer shall be responsible for paying for hearing tests administered under this section. Cost responsibility
- 8.10** The employer shall keep records of Records
- (a) the initial and annual hearing test results for each worker, which shall
- (i) be kept as long as the worker is employed by the employer, and
- (ii) be kept confidential and not released to anyone without the written permission of the worker, or as otherwise required by law;
- (b) the education and training provided to workers; and
- (c) the results of noise exposure measurements taken under section 8.4.
- 2. Section 13.1 of the regulations is revoked and the following substituted:**
- 13.1** In this Part, “confined space” means an enclosed or partially enclosed space Defined, “confined space”
- (a) not designed or intended for human occupancy;
- (b) with restricted access or exit; and
- (c) that is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions,
- and includes any bin, tank, tanker, tunnel, silo, sewer, vault, chamber, pipeline, pit, vessel, vat and flue.
- 3. The heading before section 45.12, and section 45.12, of the regulations are revoked.**
- 4. These regulations come into force on October 31, 2008.**



**EXPLANATORY NOTES**

**SECTION 1** provides a definition of “noise exposure limit” and explains the meaning of the noise terminology and measurements used in these regulations. In addition, the section requires employers to measure the noise exposure of workers in certain situations and to inform workers of the results. It also requires employers to reduce noise levels, and workers to wear hearing protection, where the noise exposure of a worker at a workplace exceeds a noise exposure limit. Finally, this section requires an employer to ensure that workers are given hearing tests if they have a noise exposure that exceeds a noise exposure limit.

**SECTION 2** amends the definition of “confined space”.

**SECTION 3** revokes the material respecting hearing protection currently in the regulations.

**SECTION 4** provides for the commencement of these regulations.

**EC2007-653****UNIVERSITY ACT  
SALE OF REAL PROPERTY  
APPROVED**

Council, having under consideration the recommendation of the Minister of Education, and pursuant to clause 14(1)(i) of the *University Act*, R.S.P.E.I. 1988, Cap. U-4, approved the sale by the University of Prince Edward Island of Provincial Property No. 566786 located at 412 Winsloe Road, Winsloe South, Prince Edward Island.