

PROVINCE OF NEW BRUNSWICK



Labour and Employment Board

IR-024-08

IN THE MATTER OF THE *INDUSTRIAL RELATIONS ACT*

AND IN THE MATTER OF AN APPLICATION FOR A DECLARATION  
CONCERNING STATUS OF SUCCESSOR TRADE UNION

BETWEEN:

United Association of Journeymen and Apprentices of the Plumbing  
and Pipe Fitting Industry of the United States and Canada, Local 325

Applicant

- and -

Mechanical Contractors Association of N.B. Inc.  
Moncton, New Brunswick

Respondent /Accredited  
Employers' Organization

- and -

United Association of Journeymen and Apprentices of the  
Plumbing and Pipe Fitting Industry of the United States and  
Canada, Locals 772, 694, 799 and 512

Predecessor Trade Unions

**ORDER**

**WHEREAS** by Application filed August 18, 2008 pursuant to section 58 of the  
*Industrial Relations Act*, the Applicant, United Association of Journeymen and Apprentices of  
the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 325 claims that by

reason of a merger, it is the successor of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Locals 772, 694, 799 and 512, and does seek a declaration accordingly;

**AND WHEREAS** at the time of the merger, the Predecessor Trade Unions were the bargaining agents for units of employees of employers on whose behalf the Predecessor Trade Unions had obtained bargaining rights, whether by way of certification or voluntary recognition;

**AND WHEREAS** by letter to the Board dated October 9, 2008, Local 772 did request that the within Application be held in abeyance pending a contemporaneous civil action relating to its property rights, Local 325 consenting to same but reserving the right to ask the Board to determine the within Application at any time;

**AND WHEREAS** the Board did meet with the parties on October 27, 2009 at the Board's offices in Fredericton, New Brunswick to hear the parties on whether the Board should stay its proceeding pending the decision of the court or whether it should proceed to determine the within Application;

**AND WHEREAS** for the reasons outlined in the attached decision, and pursuant to subsection 58(2) of the *Act*, the Board is satisfied that this matter may be determined on the basis of the examination of documentary evidence, without the necessity of an oral hearing or a representation vote;

**AND WHEREAS** on the basis of its examination of the records, the Board is satisfied that the Predecessor Trade Unions were the bargaining agents for units of employees of those employers on whose behalf it had obtained bargaining rights whether by way of certification or voluntary recognition, including such employers that Mechanical Contractors Association of N.B. Inc. has been accredited as bargaining agent pursuant to the following Accreditation Orders

- a) I.R.B. 18-3 dated May 24, 1973 (amended on June 19, 1989) for UA, Local 772;
- b) I.R.B. 18-5 dated June 27, 1974 for UA, Local 694; and
- c) I.R.B. 18-1-77 dated November 25, 1977 (amended on December 15, 1989) for UA, Locals 512 and 799.

**NOW, THEREFORE**, the Labour and Employment Board does hereby **DECLARE** that:

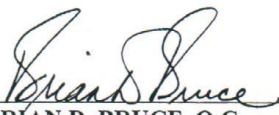
- a) pursuant to paragraph 128(2)(b) of the *Act*, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 325 is a trade union within the meaning of subsection 1(1) and 38 of the *Act*; and
- b) pursuant to subsection 58(1) of the *Act*, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 325 is, by reason of a merger, the successor trade union to and has acquired the rights, privileges and duties under this *Act* of the Predecessor Trade Unions, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Locals, 772, 694, 799 and 512 for such units of employees of employers on whose behalf the said Predecessor Trade Unions have heretofore obtained bargaining rights as bargaining agent whether by way of certification or voluntary recognition.

**AND FURTHER**, the Labour and Employment Board does **DECLARE** that: the Applicant, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 325, is bound by any collective agreement in effect between Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the

United States and Canada, Locals 772, 694, 799, 512, the Predecessor Trade Unions herein, and Mechanical Contractors Association of N.B. Inc., the Respondent/Accredited Employers' Organization herein.

*The Board's Reasons for Decision are enclosed.*

Dated at Fredericton, New Brunswick, this 2nd day of December 2009.

  
\_\_\_\_\_  
**BRIAN D. BRUCE, Q.C.**  
**VICE-CHAIRPERSON**  
**LABOUR AND EMPLOYMENT BOARD**