



MANITOBA LABOUR BOARD
402-258 Portage Avenue
Winnipeg MB R3C 0B6
T 204 945-2089 F 204 945-1296
www.manitoba.ca/labour/labbrd

CERTIFICATE NO. MLB- 5805
Case No. 427/07/LRA

IN THE MATTER OF: *THE LABOUR RELATIONS ACT*

- and -

IN THE MATTER OF: An application by:

**Local Union No. 669 of the International Alliance of Theatrical
Stage Employees, Moving Picture Technicians, Artists and
Allied Crafts of the United States, its Territories and Canada,**

Applicant,

- and -

GRK PICS LTD.,

Employer.

WHEREAS the Applicant has filed with the Board on the 21st day of August, 2007, an application, requesting certification as bargaining agent for certain employees of the Employer, pursuant to Section 34(1) of *The Labour Relations Act*.

AND WHEREAS the Manitoba Labour Board, upon consideration of material filed, and noting the agreement reached between the parties with respect to the composition and description of the bargaining unit, and upon further consideration of the results of the Representation Vote held on August 29, 2007, with ballots being counted on August 29, 2007, being:

Total Number of Affected Employees	9	
Ballots Cast FOR the Applicant	4	
Ballots Cast AGAINST the Applicant	1	
Spoiled Ballots	2	
Number of Employees who did not vote	<u>2</u>	<u> </u>
TOTALS	<u>9</u>	<u>9</u>

and, noting that a Fair Vote Certificate was signed by the parties, has **DETERMINED** to its satisfaction that:

- a. the Applicant is a union within the meaning of the "*Act*";
- b. no allegations of impropriety pursuant to Section 45 of the *Act* have been raised;

- c. the majority of eligible employees in the bargaining unit who voted in the Representation Vote wished to have the Union represent them as their bargaining agent; and,
- d. the unit hereinafter described is appropriate for collective bargaining.

Accordingly, the Board **HEREBY ORDERS** certification to issue pursuant to Section 40(3)(a) of *The Labour Relations Act*.

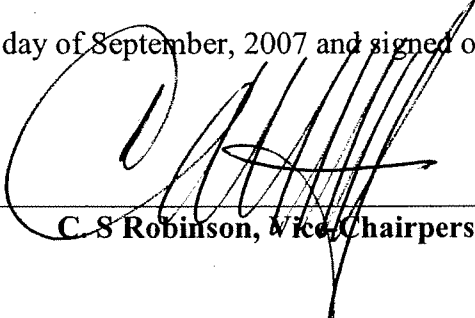
T H E R E F O R E

The Manitoba Labour Board does **HEREBY CERTIFY** to all parties concerned that the Local Union No. 669 of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada is the properly chosen Bargaining Agent for a unit described as:

"All persons employed by GRK Pics Ltd. as director of photography, camera operator, first assistant camera operator, second assistant camera operator, stills photographer, motion picture video coordinator, motion picture video assistant, electronic camera operator, electronic camera assistant, digital technician, camera utility, digital utility, loader and camera trainee"

and such bargaining agent and Employer are entitled to exercise the rights conferred upon them and are subject to the provisions of the *Act*.

DATED at WINNPEG, Manitoba this ^{4th} day of September, 2007 and signed on behalf of the Manitoba Labour Board by


C. S. Robinson, Vice Chairperson

GN/dlm

N O T E S

REQUEST FOR REVIEW BY MANITOBA LABOUR BOARD OF A DECISION, ORDER, ETC. OF THE BOARD

- (a) Subsection 143(3) of *The Labour Relations Act* of Manitoba, C.C.S.M. Chapter L10 provides:

Board Review

143(3) the board or any panel of the board may review, rescind, amend, alter or vary any decision, order, direction, declaration or ruling made by it, and may rehear any matter if it considers it advisable to do so.

- (b) Request for review by the board of its decision, order etc. must be made by application to the board, within ten days of the making of the board decision, order, etc.

Section 17 of the *Manitoba Labour Board Rules of Procedure* (being *Manitoba Regulation 184/87R*, published in the *Manitoba Gazette* Part II) provides:

Application for Review of Board Decision

17(1) Where an application is made to the board under subsection 143(3) of the *Act*, to review, rescind, amend, alter or vary any decision, order, direction, declaration or ruling made by it, the applicant, in addition to the material required to be filed under section 2, shall

- (a) file a concise statement of any new evidence with such evidence being verified by statutory declaration;
- (b) file a statement explaining when and how the new evidence became available and the applicant's reasons for believing that the new evidence so changes the situation as to call for a different decision, order, direction, declaration or ruling; and
- (c) in the absence of any new evidence, file a concise statement showing cause why the board should review or reconsider the original decision, order, direction, declaration or ruling.

Time Limit for Review

17(2) Except by leave of the board, no application under subsection 143(3) of the *Act* for a review of any decision, order, direction, declaration or ruling made by the board shall be reviewed by the board after more than 10 days have elapsed following the date of the making of the decision, order, direction, declaration or ruling.

JUDICIAL REVIEW OF FINAL DECISION OF THE MANITOBA LABOUR BOARD

Subsection 143(6) of *The Labour Relations Act* of Manitoba provides:

Judicial Review of Final Decision

143(6) Notwithstanding any other Act, a final decision, order, direction, declaration or ruling, but not a procedural, interim or any other decision, order, direction, declaration or ruling, of the board or a panel of the board may be reviewed by a court of competent jurisdiction solely by reason that the board or the panel failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction, if

- (a) the applicant for review has first requested the board or the panel, as the case may be, to review its decision under subsection (3), and the board or the panel has decided not to undertake a review, or has undertaken a review and rendered a decision thereon, or has failed to dispose finally of the request to review within 90 days after the date on which it was made;

- (b) the board has been served with notice of the application and has been made a party to the proceeding; and
- (c) no more than 30 days have elapsed from, as the case may be, the decision by the board or panel not to undertake a review, or the date of the decision rendered by the board or panel on the review, or the expiration of the 90 day period referred to in clause (a).

REASONS FOR DECISION

It is the policy of the Manitoba Labour Board that where a party to the proceedings is adversely affected by an Order or by a decision of the Board, within ten (10) calendar days of the date on which the Board's Order or decision was signed, that party may request the Board in writing to furnish written reasons for its Order or decision. The Board then may consider such request for reasons for its Order or decision and shall notify the requesting party as to whether reasons will be provided.

Xpresspost to:

- Mr. Donald K. Ramsden, Local Union No. 669 of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, Unit 217 – 3823 Henning Drive, Burnaby BC V5C 6P3

Courier to:

- Ms. K. Linnebach, Myers Weinberg LLP, 724-240 Graham Avenue, Winnipeg MB R3C 0J7
- Ms. J. Hagopian, GRK Pics Ltd., B3-1984 Grant Avenue, Winnipeg MB R3N 2C2
- Mr. K. Dolinski, Taylor McCaffrey LLP, 9th Floor, 400 St. Mary Avenue, Winnipeg MB R3C 0B6