



31 January 2013

File No. 12-012

Pink Larkin Lawyers  
400 - 1583 Hollis St  
P.O. Box 160,  
Halifax, NS B3J 2M4

Attention: Andrew R. Nielsen

Dear Mr. Nielsen:

**Re: Application for Certification - International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, Local 906 - Regional Cultural / Event Centre Inc carrying on business as Harbourfront Theatre and carrying on business as Atlantic Integrated Systems**

With regard to the above, and as was set out in my notice to you of January 25, 2013, the Prince Edward Island Labour Relations Board held a three (3) member Panel hearing for the above captioned Application for Certification on January 30, 2013. The Panel members reviewed all evidence submitted by the parties and applied the Prince Edward Island *Labour Act* and its *Regulations*. Accordingly, please find enclosed a copy of the Order issued by the Prince Edward Island Labour Relations Board in this matter.

We also wish to acknowledge that the Board did receive correspondence on January 29, 2013 from employee(s) of the respondent, attempting to file an intervention to the Application.

With regard to the filing of an intervention to an Application for Certification, the Prince Edward Island *Labour Act Regulations* states:

*Section 4. (1) The chief executive officer, upon receipt of an application for certification, shall forthwith **fix the terminal date for the application** and shall serve notice in Form 2 upon the applicant. (2) The chief executive officer shall serve the respondent with (a) a notice of application in Form 3 with a copy of the application attached; (b) an appropriate number of copies of the **notice to employees in Form 4 for posting.***

Andrew Nielsen, Pink Larkin Lawyers  
Re: Application for Certification - Local 906 - Harbourfront Theatre  
Date: 31 January 2013  
Page 2

*Section 5. An employer upon whom copies of the notice to employees is served shall immediately upon receipt thereof (a) **post** all copies of the notice in **conspicuous places** where they are most likely to come to the **attention of all employees** who may be affected by the application; and (b) report in writing to the chief executive officer the date and time at which, and the places in which the postings have been made by the employer.*

*Section 9. Any employer, **employee, or group of employees**, affected by an application by a trade union for certification **desiring to oppose** such application **shall file** with the Board an intervention in writing **not later than the terminal date** for the application and **shall state therein the grounds for opposing the application.*** (emphasis added)

There was no statement of intent received by the Board on or before the terminal date from any employer, employee, or group of employees affected by this Application. The letter from the employee(s) with intent for filing an intervention was received by the Board more than two months after the terminal date.

In accordance with the statutory requirements, the Board issued its decision based upon the evidence before it prior to the terminal date.

Should you have any questions, please advise.

Yours truly,



Shawn M. Shea  
Chief Executive Officer



**ORDER**

**IN THE MATTER OF AN APPLICATION FOR CERTIFICATION**

**BETWEEN:**

**INTERNATIONAL ALLIANCE OF THEATRICAL STAGE  
EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS  
AND ALLIED CRAFTS OF THE UNITED STATES, ITS  
TERRITORIES AND CANADA, LOCAL 906**

**APPLICANT**

**AND:**

**REGIONAL CULTURAL / EVENT CENTRE INC CARRYING  
ON BUSINESS AS HARBOURFRONT THEATRE AND  
CARRYING ON BUSINESS AS ATLANTIC INTEGRATED  
SYSTEMS**

**RESPONDENT**

WHEREAS an Application for Certification as bargaining agent of a unit of employees of the Regional Cultural / Event Centre Inc carrying on business as Harbourfront Theatre and carrying on business as Atlantic Integrated Systems (Employer) has been received by the Prince Edward Island Labour Relations Board under the *Prince Edward Island Labour Act*, R.S.P.E.I. 1988, Cap. L-1, on 31 October 2012;

AND WHEREAS the Prince Edward Island Labour Relations Board, in accordance with the *Prince Edward Island Labour Act and Regulations*, fixed a terminal date of 22 November 2012;


AND WHEREAS the Reply, without objection, was received from the Employer on 22 November 2012;

AND WHEREAS, as permitted pursuant to section 9 of the *Prince Edward Island Labour Act Regulations*, no interventions were received prior to the terminal date of 22 November 2012;

AND WHEREAS, following investigation and consideration of the Application and submissions of the parties concerned, the Board has found the Applicant to be a trade union within the meaning of the *Prince Edward Island Labour Act* and has determined the unit described hereunder to be appropriate for collective bargaining and has satisfied itself that a majority of employees wish the applicant trade union to be certified as bargaining agent on their behalf;

NOW THEREFORE, it is hereby ordered by the Prince Edward Island Labour Relations Board that the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, Local 906, be, and it is hereby certified to be the bargaining agent for the unit of employees described as *all employees of the Respondent employed as stage technicians in the supply, erection, set up, maintenance, operation and dismantling of stage and production equipment, and related serves for the presentation of concerts, stage productions, meetings and/or other theatrical, musical or community events, except for the technical director, supervisors and those above the rank of supervisor and those excluded by section 2(b) of the Labour Act.*

ISSUED at Charlottetown, Queens County, Prince Edward Island, this 30<sup>th</sup> day of January, 2013, by the Prince Edward Island Labour Relations Board and issued under the hand of its Chief Executive Officer.

  
Shawn M. Shea  
Chief Executive Officer

**PANEL:**

Nancy Birt (Chair)  
Judy Hughes (Member)  
Blair James (Member)