

*Cited as:*  
**Moving Picture Studio Production Technicians, Local 873**

**Steve Mahun, Applicant v. Moving Picture Studio Production  
Technicians, Local 873 of the International Alliance of  
Theatrical Stage Employees, Moving Picture Technicians,  
Artists and Allied Crafts of the United States and Canada,  
Responding Party**

[1998] O.L.R.D. No. 1849

File No. 4433-97-U

Ontario Labour Relations Board

**BEFORE: D.L. Gee, Vice-Chair**

May 20, 1998

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**DECISION OF THE BOARD**

1 The style of cause is hereby amended to refer to the responding party as "Moving Picture Studio Production Technicians, Local 873 of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States and Canada".

2 This is an application in which Steve Mahun alleges that the responding party, ("IATSE") has violated sections 74 and 75 of the LABOUR RELATIONS ACT, 1995 (the "Act").

3 Sections 74 and 75 of the Act provide as follows:

74. A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any

constituent union of the council of trade unions, as the case may be.

75. Where, pursuant to a collective agreement, a trade union is engaged in the selection, referral, assignment, designation or scheduling of persons to employment, it shall not act in a manner that is arbitrary, discriminatory or in bad faith.

4 Mr. Mahun asserts that IATSE has violated sections 74 and 75 by:

- (i) refusing to provide him with written information regarding the applicable process for the admission of individuals into membership of IATSE and the criteria on which such membership is based;
- (ii) refusing to give him an opportunity to apply for membership;
- (iii) refusing to provide him with a reason as to why he has not been admitted to membership when members of Association of Canadian Film Craftspeople ("ACFC"), who have worked in the industry for a shorter period of time than Mr. Mahun, have been admitted into membership; and
- (iv) refusing to grant him membership.

5 In its response, IATSE has set out a description of the process for gaining admittance to the union and the reasons why the process is in place. IATSE has further explained that a term of the recent merger between IATSE and ACFC was that members of ACFC as of April 13, 1997 would be eligible for consideration for membership in IATSE and that, following the screening of the eligible ACFC members, 84 of 117 were admitted to membership. IATSE asserts that Mr. Mahun has not been admitted into membership because IATSE maintains a limited number of members, has recently taken on a large number of new members as a term of its merger with ACFC, accepts individuals into membership based on qualifications and not length of service in the industry and that anyone who has been accepted into membership was considered more qualified than Mr. Mahun. IATSE requests that Mr. Mahun's application be dismissed on the basis that it contains absolutely no allegations of fact that constitute a violation of sections 74 and 75 of the Act.

6 It appears to the Board that Mr. Mahun's application arose as a result of his lack of information concerning the union's process for admitting individuals to membership and frustration when he saw others, who had less experience in the industry, being admitted to membership. By virtue of the response filed by IATSE in this matter, Mr. Mahun has now been provided with an explanation of how the union admits individuals to membership and why individuals with less experience in the industry than Mr. Mahun have been admitted when he has not.

7 As IATSE states in its response, Mr. Mahun has set out no facts which, if proved, would establish that IATSE has acted in a manner that is arbitrary, discriminatory or in bad faith. There is nothing improper with IATSE admitting members of ACFC into membership over Mr. Mahun. If this is the sole basis for Mr. Mahun's complaint, this matter is without merit and cannot proceed.

8 Accordingly, Mr. Mahun is hereby directed to file submissions with the Board no later than Friday, June 5, 1998 setting out the facts upon which he relies in order to assert that LATSE has acted in a manner which is arbitrary, discriminatory or in bad faith. Given that Mr. Mahun has now been provided with much of the information he was seeking by way of his application, he may be satisfied and no longer wish to pursue this application. If such is the case he is to advise the Board accordingly, again, no later than June 5, 1998.

9 I am seized.

cp/d/das