



L.R.B. No. 2478
(Sec. 22)

LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of Dalhousie Faculty Association,
Dalhousie University,
Halifax, Nova Scotia Applicant

- and -

The Governors of Dalhousie College
and University,
Dalhousie University,
Halifax, Nova Scotia Respondent

- and -

H. P. Aikens; et al Interveners

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on April 7, 1978, for Certification of the Applicant as Bargaining Agent pursuant to the Trade Union Act;

AND the Board having conducted a vote on April 14, 1978, in accordance with Section 24 (1) of the Trade Union Act, R.S.N.S. 1972, c.19, s.24, as am. by S.N.S. 1977, c.70;

AND the Application having been contested by the Respondent and opposed by the Interveners;


AND the Board having considered the Application and the documents filed by the Applicant and Respondent, and Interveners, and representations made and evidence presented on behalf of the parties at Hearings held on July 4, 5 and 6, 1978;

AND the Board having been satisfied that more than forty percent of the employees of the Respondent in an appropriate Bargaining Unit are members in good standing of the Applicant in accordance with Regulation 10 Governing Procedure of the Board;

AND the Board having been satisfied that the majority of those employees voting in the Unit determined by the Board to be appropriate, cast ballots in favour of the Applicant;

THEREFORE, the Labour Relations Board (Nova Scotia) in consideration of the agreement of the parties as to the description of the bargaining unit, does hereby certify the Dalhousie Faculty Association, Dalhousie University, Halifax, Nova Scotia, as the Bargaining Agent for a Bargaining Unit consisting of all full-time and regular part-time employees of Dalhousie University who hold positions as academic staff with the rank of lecturer and above, professional librarians, and artists and musicians in residence but excluding those classifications as described in Appendix "A" and all those employees whose duties and responsibilities include fifty percent or more non-academic administration, and those employees excluded by Paragraphs (a) and (b) of Subsection (2) of Section 1 of the Trade Union Act.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS TWENTY-FOURTH DAY OF NOVEMBER, 1978, AND SIGNED ON ITS BEHALF BY THE CHAIRMAN.


P. F. Langlois
Acting Chairman



L.R.B. No. 2478
(Sec. 22)

LABOUR RELATIONS BOARD
NOVA SCOTIA

Halifax, Nova Scotia
November 24, 1978

REGISTERED

Dr. R. S. Rodger
President of Dalhousie
Faculty Association
Dalhousie University
Halifax, Nova Scotia

Dear Dr. Rodger:

Re: Dalhousie Faculty Association, Dalhousie University, Halifax, Nova Scotia	Applicant
- and -	
The Governors of Dalhousie College and University, Dalhousie University, Halifax, Nova Scotia	Respondent
- and -	
H. F. Aikens; et al	Interveners

I am enclosing for your information copy of L.R.B. No. 2478 issued by the Labour Relations Board (Nova Scotia) in connection with the above-noted Application for Certification.

The Board wishes to note the agreement of the parties on the following issues:

The phrase "regular part-time" means an employee whose duties and responsibilities are fifty percent or more of those of full-time employees in the same classification in the same faculty.

Employees who are seconded from or to Government or other institutions and fifty percent or more of whose salaries and benefits are determined by Government or other institutions are out of the unit.

Associate and Assistant Deans in the Faculty of Medicine are out of the bargaining unit until a date five years from the date of their appointment, except that the Associate Dean responsible for post-graduate medical education will be out of the unit until June 30, 1981. From those dates forward these Associate and Assistant Deans will be in the unit unless they are appointed in a manner similar to, and following the same procedure as Deans, or unless they fall within any of the other categories of exclusion.

The presently existing clinical-medical departments are:

Preventive Medicine	Anaesthesia
Family Medicine	Radiology
Psychiatry	Pathology
Urology	Otolaryngology
Neurosurgery	Obstetrics and Gynecology
Pediatrics	Surgery
Continuing Medical Education	Medicine
Ophthalmology	

. . . /2



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LABOUR RELATIONS BOARD
NOVA SCOTIA

The Board has considered the special involvement in labour relations in Nova Scotia of Innis Christie and Peter Darby, faculty members of law at Dalhousie University, as Chairman and Vice-Chairman of the Labour Relations Board (Nova Scotia), and finds no basis under the provisions of the Trade Union Act of Nova Scotia for excluding them from the bargaining unit.

Sincerely

K. H. Horne

K. H. Horne
Acting Chief Executive Officer

KHH/dls
Encl.

c.c. Mr. Gerald J. McConnell
Kitz, Matheson, Green & MacIsaac
P.O. Box 247
Halifax, Nova Scotia
B3J 2N9

c.c. Dr. W. A. MacKay
Vice-President
Dalhousie University
Halifax, Nova Scotia
B3H 4H6

c.c. Mr. Hector McInnes, Q.C.
McInnes, Cooper & Robertson
P.O. Box 730
Halifax, Nova Scotia
B3J 2V1

c.c. Mr. Gregory I. North
Cox, Downie, Nunn & Goodfellow
P.O. Box 2380
Halifax, Nova Scotia
B3J 3E5

c.c. Mr. Donald H. McDougall
Stewart, MacKeen & Covert
P.O. Box 997
Halifax, Nova Scotia
B3J 2X2

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APPENDIX "A"

EXCLUSIONS

The President
Vice Presidents
Assistant to the President
Registrar
Secretary of the Senate
Members of the Board of Governors
Deans of Faculties
Associate and Assistant Deans
 appointed in the same manner
 and following the same procedure
 as Deans of Faculties
University Librarian
Health Sciences Librarian
Law Librarian
Associate University Librarian
Directors of the following schools,
 institutes and centres:
 School of Business Administration
 School of Library Service
 School of Public Administration
 Maritime School of Social Work
 School of Human Communication
 Disorders
 School of Nursing
 College of Pharmacy
 School of Physical Education
 School of Physiotherapy
 Institute for Resource and
 Environmental Studies
 Institute of Public Affairs
 The Canadian Centre for Marine
 Transportation
 Trace Analysis Research Centre
 Centre for Regional and International
 Development Projects
 Government Studies Program
 Part-time Studies and Extension
Director of Athletic & Recreation Services
Dean of Student Services
Academic Staff in the Faculty of Dentistry
 and the School of Dental Hygiene
Employees with primary appointments in
 clinical-medical departments
Director and Assistant Director of
 Dalhousie Legal Aid



L.R.B. No. 2885
(Sec. 26)

LABOUR RELATIONS BOARD NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of The Board of Governors of Dalhousie
College & University,
Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Applicant

- and -

Dalhousie Faculty Association,
c/o Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Respondent

- and -

Dalhousie Faculty Association,
c/o Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Applicant

- and -

The Board of Governors of Dalhousie
College & University,
Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Respondent

- and -

Ms. Linda L. Zambolin,
114 Regal Road,
Dartmouth, Nova Scotia
B2W 4H8

Intervener

APPLICATIONS having been made to the Labour Relations Board (Nova Scotia) on September 25, 1981 and October 22, 1981, pursuant to Section 26 of the Trade Union Act to combine L.R.B. No. 2478 and L.R.B. No. 2486 into one order and to amend certain classifications in the Bargaining Unit;

AND the Application having been contested by the Respondents and opposed by the Intervener;

AND the Board having considered the Applications and documents filed by the Applicants, Respondents and Intervener and representations made and evidence presented on behalf of the parties at Hearings held on January 25, 1982, January 26, 1982 and April 13, 1982;

AND the Board having been satisfied that a community of interest exists between those employees covered by L.R.B. No. 2478 and those covered by L.R.B. No. 2486;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby declare pursuant to its jurisdiction under Section 26(1) of the Trade Union Act that effective July 1, 1982, the Bargaining Units contained in L.R.B. No. 2478 and L.R.B. No. 2486 are combined into one Bargaining Unit under the jurisdiction of the Dalhousie Faculty Association;



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NOVA SCOTIA

AND THEREFORE, the Labour Relations Board (Nova Scotia) does hereby amend L.R.B. No. 2478 dated November 24, 1978 by adding in the 7th paragraph and after the words "professional librarian" the following words; instructors, demonstrators, counsellors in the Students' Counselling and Psychological Services Centre;

AND FURTHER, the Board amends the description of the Bargaining Unit as contained in L.R.B. No. 2478, noting the agreement of the parties to the classification amendments;

THEREFORE, the Labour Relations Board (Nova Scotia) in consideration of the agreement of the parties as to the description of the Bargaining Unit does hereby amend Appendix "A" to its Certification L.R.B. No. 2478 dated November 24, 1978, as follows:

After the words "Assistant to the President" add "Executive Director, Policy and Planning," "Advisor, Office of the President," "Legal Advisor, Office of the President," and "Assistant to the Executive Director, Policy and Planning";

After the words "School of Physiotherapy" as those appear immediately following the phrase "Directors of the following schools, institutes and centres" add "School of Dental Hygiene" and "School of Occupational Therapy".

After the words "Dean of Student Services" add "Dean of Freshmen" and after the words "Faculty of Dentistry" delete the word "and" and substitute therefor the word "excepting".

AND the Board having been satisfied that the Intervener, Ms. Linda Zambolin, Assistant Professor, School of Dental Hygiene has a community of interest with those employees in the Bargaining Unit;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby dismiss the Intervention of Ms. Linda Zambolin.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS NINETEENTH DAY OF AUGUST, 1982, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

K. H. Horne
Chief Executive Officer



L.R.B. No. 2885
(Sec. 26)

LABOUR RELATIONS BOARD
NOVA SCOTIA

Halifax, Nova Scotia
August 19, 1982

CERTIFIED

Mr. Gerald J. McConnell
Kitz, Matheson, Green & MacIsaac
P.O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Mr. McConnell:

Re: The Board of Governors of Dalhousie
College & University,
Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Applicant

- and -

Dalhousie Faculty Association,
c/o Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Respondent

- and -

Dalhousie Faculty Association,
c/o Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Applicant

- and -

The Board of Governors of Dalhousie
College & University,
Dalhousie University,
Halifax, Nova Scotia
B3H 4H6

Respondent

- and -

Ms. Linda L. Zambolin,
114 Regal Road,
Dartmouth, Nova Scotia
B2W 4H8

Intervener

I am enclosing for your information copy of L.R.B. Order No. 2885 issued by the Labour Relations Board (Nova Scotia) in connection with the above noted case.

For purposes of clarity, the Board wishes to note that in accordance with the evidence presented at the Hearings, the persons while holding the positions of Chairman of Senate, Vice-Chairman of Senate and Secretary of Senate are found not to be employees within the meaning of Section 1(2)(a) of the Trade Union Act and that there is not sufficient community of interest between these aforementioned positions and those employees contained in L.R.B. No. 2478 dated November 24, 1978, to warrant the inclusion of these positions into the Bargaining Unit.

Sincerely,

K. H. Horne
Chief Executive Officer

Encl.
/cmo

c.c. Dr. R. Roger
Dalhousie Faculty Association

c.c. Mr. Harvey Morrison
McInnes, Cooper & Robertson

Mr. David Cameron

Ms. Linda L. Zambolin



L.R.B. NO. 4173
(Sec. 28)

LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of Board of Governors of Dalhousie College
and University
Dalhousie University
Halifax, Nova Scotia B3H 4H9

Applicant

-and-

Dalhousie Faculty Association
Dalhousie University
University Ave.
Halifax, Nova Scotia B3H 4H9

Respondent

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on July 6, 1990, to amend L.R.B. No. 2478 dated November 24, 1978 as amended by 2885 dated August 19, 1982;

AND the Application having been contested by the Respondent;

AND the parties subsequently agreeing to the following inclusions/exclusions;

1. Amend Appendix "A" of L.R.B. No. 2478 by adding to the list of exclusions from the bargaining unit in Appendix "A" the following classifications:

Director of the School of Education
Dean - Henson College
Associate Dean - Henson College
2. Amend Appendix "A" of L.R.B. No. 2478 by deleting from the exclusions to the bargaining unit the following classifications:

Director, Institute of Public Affairs
Director, Canadian Centre for Marine Transportation
Director, Centre for Regional and International Development Projects
Director, Government Studies Program
Director, Part-time Studies Extension
3. Amend L.R.B. No. 2478 by adding to L.R.B. No. 2478, after the words "Lecturer and above" the following classifications:

Lecturer (Continuing Education)
Assistant Professor (Continuing Education)
Associate Professor (Continuing Education)
Professor (Continuing Education)
Special Instructor (Continuing Education)

.../2



L.R.B. NO. 4173
(Sec. 28)

LABOUR RELATIONS BOARD
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4. Amend L.R.B. No. 2885 by deleting from the exclusions to the bargaining unit set out there, the following classifications:

Executive Director, Policy and Planning
Assistant to the Executive Director, Policy and Planning
Dean of Freshmen

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby amend L.R.B. No. 2478 dated November 24, 1978 and L.R.B. No. 2885 dated August 19, 1982 to reflect the preceding agreement of the parties.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS TWENTY-FIRST DAY OF APRIL, 1993, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

A handwritten signature in dark ink, appearing to read 'K.H. Horne'.

K.H. Horne
Chief Executive Officer



LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of	The Governors of Dalhousie College and University ("Dalhousie") University Avenue Halifax, Nova Scotia B3H 4H6	Applicant
	-and-	
	Nova Scotia Government Employees' Union, Local 77 & Local 53A 100 Eileen Stubbs Avenue Dartmouth, NS B3B 1Y6	Respondents
	-and-	
	Canadian Union of Public Employees, Local 1392 & Local 3912 7071 Bayers road Halifax, Nova Scotia B3L 2C2	
	-and-	
	International Union of Operating Engineers, Local 968 & 968B 1379 Sackville Dr. Box 419 Lower Sackville, Nova Scotia B4C 2T2	
	-and-	
	The Governors of Dalhousie College and University ("Dalhousie") University Avenue Halifax, Nova Scotia B3H 4H6	Employers
	-and-	
	Technical University of Nova Scotia ("TUNS") P.O. Box 1000 1340 Barrington Street Halifax, Nova Scotia B3J 2X4	

AN APPLICATION having been made to the Labour Relations Board (Nova Scotia) on January 6, 1997 pursuant to Section 31 of the Trade Union Act requesting a determination of certain bargaining agents as a result of an amalgamation by statute of the Governors of Dalhousie College and University and the Technical University of Nova Scotia to form Dalhousie University which took place on or about April 1, 1997, which statute provided further that the Applicant is bound by the Collective Agreements entered into between the Respondents and the Employers;

AND the Application having been contested by the Respondent Unions;

AND the Board having considered the documents filed and representations made by the parties;

AND the Board having been satisfied that the parties have reached an agreement that there will be a Faculty Bargaining Unit to be represented by the Dalhousie Faculty Association, the designation of which is to occur without the requirement for a representational vote;

AND the Board having been satisfied that the parties have reached an agreement that there will be a Part-time Faculty and Teaching Assistant Bargaining Unit to be represented by the Canadian Union of Public Employees, Local 3912, the designation of which is to occur without the requirement for a representational vote;



L.R.B. No. 4544
Interim Order I
(Sec. 31)

LABOUR RELATIONS BOARD
NOVA SCOTIA

AND the Board having been satisfied that the parties have reached an agreement that there will be a Staff Bargaining Unit to be represented by the Nova Scotia Government Employees Union, the designation of which is to occur without the requirement for a representational vote;

AND the Board having been satisfied that the parties have reached an agreement that there will be an Operational Support Bargaining Unit, the designation of which is to occur in accordance with a representational vote conducted by the Board;

AND the Board by agreement of the parties having conducted a representational vote of certain of the employees of the Applicant in the Operational Support Bargaining Unit on April 24, 1997;

AND the Board having been satisfied that the majority of the employees in the Operational Support Bargaining Unit who voted, voted to be represented by the International Union of Operating Engineers, Local 968 at a vote count on May 8, 1997

AND the Board having been satisfied that there is no dispute as to the Applicants' successorship to the business and/or activities of the predecessor Employers;

AND the Board having been satisfied that the Applicant should be the successor employer to the predecessor Employers, that the Applicant should be bound by the Collective Agreements entered into between the Respondent Unions and Respondent Employers and that the designation of the Bargaining Agents in relation to the Bargaining Units has now been established by agreement of the parties and/or results of representational votes conducted on April 24, 1997;

THEREFORE the Labour Relations Board (Nova Scotia) hereby declares and orders that:

1. Dalhousie University is the successor employer to the Governors of Dalhousie College and University and the Technical University of Nova Scotia;
2. Dalhousie University is bound by the Collective Agreements between the Respondent Trade Unions and the Respondent Employers;
3. There shall be four bargaining units as described below, with the designated bargaining agents as successor unions:
 - (a) The Dalhousie Faculty Association shall be the bargaining agent for a bargaining unit to be known as the Faculty Bargaining Unit which shall consist of those employees of Dalhousie University formerly represented by the Dalhousie Faculty Association at Dalhousie College and University and by the Technical University of Nova Scotia Faculty Association at the Technical University of Nova Scotia;
 - (b) The Canadian Union of Public Employees, Local 3912 shall be the bargaining agent for a bargaining unit to be known as the Part-time Faculty and Teaching Assistant Unit which shall consist of those employees of Dalhousie University formerly represented by the Canadian Union of Public Employees, Local 3912 at Dalhousie College and University;
 - (c) The Nova Scotia Government Employees Union shall be the bargaining agent for a bargaining unit to be known as the Staff Bargaining Unit which shall consist of those employees of Dalhousie University formerly represented by the Nova Scotia Government Employees Union, Local 77 at Dalhousie College and University and by the Nova Scotia Government Employees Union, Local 53A at the Technical University of Nova Scotia (save and except for those employees in positions which form part of the Operational Support Bargaining Unit); and



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Interim Order I
(Sec. 31)

LABOUR RELATIONS BOARD
NOVA SCOTIA

- (d) The International Union of Operating Engineers, Local 968 shall be the bargaining agent for a bargaining unit to be known as the Operational Support Bargaining Unit which shall consist of those employees of Dalhousie University formerly represented by the Canadian Union of Public Employees, Local 1392, the International Union of Operating Engineers, Local 968 and by the International Union of Operating Engineers, Local 968B, all at Dalhousie College and University together with the employees in the comparable positions formerly included in the bargaining unit formerly represented by the Nova Scotia Government Employees Union, Local 53A at the Technical University of Nova Scotia.

The Board does hereby retain jurisdiction in this matter to resolve all outstanding issues in this successorship application, including questions of appropriate inclusion/exclusion from the bargaining unit and whether the Canadian Union of Public Employees, Local 3912 should represent part-time faculty and/or teaching assistants at the former Technical University of Nova Scotia.

The effective date of this Order is May 8, 1997.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX ON THIS ELEVENTH (11th) DAY OF DECEMBER, 1997, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

Gary D. Ross
Chief Executive Officer



L.R.B. No. 4544
Interim Order II
(Sec. 31)

LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of Dalhousie Faculty Association ("DFA") Applicant
1229 LeMarchant St.
Halifax, Nova Scotia
B3H 3J5

-and-

Dalhousie University Respondent
University Avenue
Halifax, Nova Scotia
B3H 4H6

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on May 15, 1997, pursuant to section 31 of the Trade Union Act, for a determination whether it was appropriate to include in the bargaining unit the position of "Industrial Liaison Officer", currently held by Kenneth F. Sadler.

AND the Application having been contested by the Respondent;

AND the Board having considered the Application and the documents filed by the Applicant and the Respondent, and representations made and evidence presented on behalf of the parties at Hearings held on September 18, 1997 and December 19, 1997;

AND the Board having reserved decision thereto;

THEREFORE the Labour Relations Board has determined that the position of "Industrial Liaison Officer" is included within the bargaining unit;

The Reasons of the Board (Chairman William H. Kydd, Q.C., and Members Brian Matheson, and Donna VanBuskirk) are as follows:

This application asks for a direction on the effect of an agreement made between Kenneth F. Sadler and the Technical University of Nova Scotia (TUNS), prior to TUNS amalgamation with Dalhousie University, whereby Mr. Sadler agreed to give up his position as a professor with eligibility to apply for tenure, in exchange for being given a non-bargaining unit position with the title of "Industrial Liaison Officer".

The collective agreement between TUNS and the Technical University of Nova Scotia Faculty Association (TUNSEFA) provided that university faculty would have 5 years to obtain tenure, failing which they would lose their position after one more year. Mr. Sadler was a member of the teaching faculty, but initially had been hired for his ability to work within the university's cooperative program, rather than for his academic credentials. He was also told to concentrate on teaching rather than research. Mr. Sadler had neither a Ph.D. nor a Masters degree, and was due to have his application for tenure considered. Dr. Bell, who was the Dean of Engineering at TUNS, testified that because of concerns that Mr. Sadler would probably not be granted tenure, and the University's desire to continue to employ him without breaching the collective agreement, he negotiated an agreement with Mr. Sadler to withdraw from the bargaining unit. The agreement was concluded on March 30, 1996, pursuant to which Mr. Sadler waived his entitlement to tenure, and accepted an "appointment without term" as an Industrial Liaison Officer in the Department of Engineering. This is a new position in the employee group known as "Administrators without academic appointment". This position is not within the bargaining unit of TUNSEFA and no dues are required. In reality however Mr. Sadler continued to work with the same responsibilities and duties as before, except that he had lost his entitlement to tenure. The evidence is that prior to coming to this agreement, Mr. Sadler was assured that he would be protected during the impending amalgamation with Dalhousie University by being treated as if he were faculty rather than holding an administrative position.



L.R.B. No. 4544
Interim Order II
(Sec. 31)

LABOUR RELATIONS BOARD
NOVA SCOTIA

The effective date of amalgamation was April 1, 1997. On March 26, 1997 Mr. Sadler was given a letter advising that the position of Industrial Liaison Officer had been assessed as no longer necessary and that it should be eliminated. The letter further advised that his employment at TUNS was "hereby terminated effective immediately". However Mr Sadler was asked to continue his teaching duties until the end of term, beyond April 1st, and continued to receive his salary.

During the initial stages of his negotiations with Mr. Sadler, Dr. Bell met with the Executive Committee of the TUNSFA, and advised them of his concerns about Mr. Sadler's status and of his plan to establish a position for Mr. Sadler outside the bargaining unit. Beyond that, the TUNSFA were never involved in the negotiations and they were not parties to the agreement. The evidence however satisfies this Board that TUNS acquiesced in the concept of establishing the new position outside the bargaining unit.

In determining the appropriateness of including a position in the bargaining unit, the Board has encouraged unions and employers to agree on what is appropriate, and has usually been ready to endorse any such agreement. It is fundamental however that Employers cannot separately bargain with individual members of a bargaining unit. Any such agreement has to be between the Union and the Employer. There was no such agreement in this case. There was however acquiescence to the extent mentioned, and this Board, in the past, has acknowledged that it is prepared to apply estoppel in an appropriate case, where there has been acquiescence. In this case, the inaction of the TUNSFA amounted to a representation that it concurred with Dr. Bell's efforts, and TUNS relied on that representation, in that it continued to employ Mr. Sadler without requiring him to obtain tenure. Estoppel however is an equitable doctrine, and as such is subject to the maxim that "he who seeks equity must do equity". In this case the evidence is that the private agreement that Mr. Sadler made with TUNS, was induced significantly by the representation that the change in his position would not be affected by the amalgamation. What happened breached this representation, and it is therefore the Board's view that it would be inequitable to apply estoppel in this case.

In the absence of an agreement between the Employer and the Union, there is no reason to exclude the position from the bargaining unit as the evidence is that the work done by Mr. Sadler in the position of Industrial Liaison Officer, was the same as before.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX ON THIS TWENTY-SECOND (22nd) DAY OF DECEMBER, 1997, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

Gary D. Ross
Chief Executive Officer

ORDER

2014 NSLB 142

**LABOUR BOARD
Nova Scotia**

BETWEEN

Dalhousie University

- Applicant

-and-

Dalhousie Faculty Association

- Respondents

-and-

Nova Scotia Government & General Employees Union

NATURE OF MATTERApplication for Successor Rights under Section 31 of the
*Trade Union Act*DATE OF FILING

June 19, 2013

BEFORESusan Ashley, Vice-Chair
George Fox, Member
Kenneth Estabrooks, MemberREPRESENTATIVESMalcolm D. Boyle, for the Applicant
Raymond F. Larkin, for the RespondentsCASE MANAGEMENT DATESDecember 3, 2013
April 22, 2014
May 6, 2014DATES AND PLACE OF HEARINGJune 3, 2014 in Halifax, Nova Scotia
June 4 and 18, 2014, scheduled but not heldORDER

An application was made to the Labour Board on June 19, 2013 pursuant to Section 31 of the *Trade Union Act* requesting that the Board declare that the Educational Classification bargaining unit (the EDC) at the Nova Scotia Agricultural College established under the *Civil Service Collective Bargaining Act* be merged with, and continued as, the Dalhousie Faculty Association (the DFA) forming a

single bargaining unit consisting of every employee currently in the DFA and in the EDC bargaining units which will be governed by the Collective Agreement between the Board of Governors of Dalhousie University and the DFA.

For the following reasons, the Labour Board declares that the application is granted and finds that the disputed six employees do not fall under the DFA collective agreement. The Labour Board retains jurisdiction in the event that the parties are unable to resolve other issues that may relate to this application.

[reasons redacted for confidentiality]

MADE BY THE LABOUR BOARD AT HALIFAX, NOVA SCOTIA ON THE NINTH (9TH) DAY OF JULY, 2014 AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

A handwritten signature in black ink, appearing to read 'M Stewart', is written over the printed name.

MARY-LOU STEWART
CHIEF EXECUTIVE OFFICER

AMENDED ORDER

2014 NSLB 255

LABOUR BOARD
Nova Scotia

BETWEEN

Dalhousie University

- Applicant

-and-

Dalhousie Faculty Association

- Respondents

-and-

Nova Scotia Government & General Employees Union

NATURE OF MATTER

Application for Successor Rights under Section 31 of the
Trade Union Act

DATE OF FILING

June 19, 2013

BEFORE

Susan Ashley, Vice-Chair
George Fox, Member
Kenneth Estabrooks, Member

REPRESENTATIVES

Malcolm D. Boyle, for the Applicant
Raymond F. Larkin, for the Respondents

CASE MANAGEMENT DATES

December 3, 2013
April 22, 2014
May 6, 2014

DATES AND PLACE OF HEARING

June 3, 2014 in Halifax, Nova Scotia
June 4 and 18, 2014, scheduled but not held

PREVIOUS RELATED ORDERS

LB-2478; LB-0582

ORDER

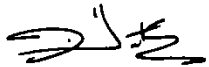
The Labour Board amends LRB-2478 dated November 24, 1978 as amended by LB-0582 and amends the bargaining unit description to include all full-time and regular part-time employees of Dalhousie University in Halifax and Truro, Nova Scotia. This order is effective September 1, 2012.

For clarification the Boards notes that the following employees are included in the Dalhousie Facility Association:

[names redacted for confidentiality]

By correspondence dated October 30, 2014 the Board was notified that the parties have an agreed upon transition agreement therefore the Board will no longer retain jurisdiction over this application.

MADE BY THE LABOUR BOARD AT HALIFAX, NOVA SCOTIA ON THE NINETEENTH (19TH) DAY OF NOVEMBER, 2014 AND SIGNED ON ITS BEHALF BY THE ACTING CHIEF EXECUTIVE OFFICER.



DIANA HARTLEY
ACTING CHIEF EXECUTIVE OFFICER