

**The Labour Relations Board
Saskatchewan**

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 529,
Applicant and SUN ELECTRIC (1975) LTD., ALLIANCE ENERGY LIMITED and
MANCON HOLDINGS LTD, Respondents**

LRB File No. 216-01; July 22, 2003

Chairperson, Gwen Gray, Q.C.; Members: Brenda Cuthbert and Gerry Caudle

For the Applicant: Drew Plaxton
For the Respondents: Larry Seiferling, Q.C.

REASONS FOR DECISION

[1] The Board held a further hearing on this matter on July 17, 2003. Mr. Plaxton complains that the Respondents have not complied with the Board's earlier Orders and Reasons, issued on August 21, 2002 and December 23, 2002 by not providing the Applicant with lists of the names of employees and key personnel. Mr. Seiferling argues that the issue is whether the Respondents are required to prepare such lists if there are no documents in existence containing such information.

[2] The Board finds that this matter has already been addressed in its August 21, 2002 Reasons and its December 23, 2002 Reasons in paragraphs 6 and 7 and paragraphs 13, 14, 15 and 16 respectively. As expressed in the December 23, 2002 Reasons for Decision, the Board does not permit re-litigation of these issues. This is the third time the Board has been asked to deal with the Applicant's request for the information in question.

[3] The Respondents have already been directed to provide the information in question and are reminded of their obligation to do so.

[4] Mr. Seiferling argues that the Respondents have not had access to the process in s. 18.1 of *The Construction Industry Labour Relations Act, 1992*, S.S. 1992, c. C-29.11. We note, however, that the Respondents have not requested information from the Applicant. The Respondents' requests have been made in the form of requests for production of documents. If further information is required, the Respondents must

request the information from the Applicant and, if needed, obtain a Board order directing the provision of such information. Such requests should be made in a timely fashion.

[5] The Applicant requests particulars of a claim made by the Respondents relating to an alleged refusal of the Applicant to provide unionized workers to the Respondents. The Applicant wants to know when a request for workers was made, when it was refused and by whom. The Respondents argue that their general claim is that the Applicant did not offer “enabling agreements” to the Respondents on certain projects. If the Respondents intend to rely on this assertion in this case, then the Respondents should provide, to the Applicant, particulars of the projects in question, the dates of any such requests, the name(s) of the person(s) who made the requests, and the name(s) of the person(s) who denied the requests on the part of the Applicant.

DATED at Regina, Saskatchewan, this **22nd** day of **July, 2003**.

LABOUR RELATIONS BOARD

Gwen Gray, Q.C.
Chairperson