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**International Union of Elevator Constructors, Local 125 v Otis
Elevator Company Limited**

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CONSTRUCTION INDUSTRY PANEL

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

IN THE MATTER of Otis Elevator Company Limited,
6100 Young Street,
Halifax, Nova Scotia

Complainant

- and -

International Union of Elevator
Constructors,
Local 125,
6074 Lady Hammond Road,
Halifax, Nova Scotia

Respondent

- and -

Thomas Orman, Business Agent,
International Union of Elevator
Constructors,
Local 125,
22 Donaldson Avenue,
Halifax, Nova Scotia

Respondent

- and -

J. Arsenault, Box 8, Site 1, R.R. #3,
Cranberry Lake, Armdale, Halifax, Nova Scotia;
T. Corra, 24 Day Avenue, Dartmouth, N. S.;
E. Daoud, 3678 Robie Street, Halifax, N. S.;
B. Davis, R.R. #1, Timberlea, Halifax Co., N. S.;
J. Flinn, 32 Woodcrest Avenue, Spryfield,
Halifax, N. S.;
J. Foley, 19 Lewis Avenue, Spryfield, N. S.;
W. Foster, 126B Adelaide Avenue, Fairview,
Halifax, N. S.;
G. Gardiner, 8 Laurie Drive, Lower Sackville,
Halifax Co., N. S.;
P. Giles, 61A Hastings Drive, Dartmouth, N. S.;
G. Gray, 22 Evans Avenue, Fairview, Halifax, N. S.;
G. Giffin, 55 Crestfield Drive, Bedford, N. S.;
B. Hills, R.R. #3, Armdale, Head of St. Margaret's Bay,
Box 19, Site 19, Halifax Co., N. S.;
P. Hoyer, 50 (B) Mansion Avenue, Herring Cove Road,
Halifax, N. S.;
G. Ingraham, 11 Oaks Drive, Waverley, N. S.;
G. Jewkes, 3619 Acadia Street, Halifax, N. S.;
L. Letarte, 5670 Morris Street, Halifax, N. S.;
J. MacLean, 60 Main Avenue, Fairview, Halifax, N. S.;
H. MacAusland, Phils Traylor Court, Box 12, R.R. #3,
Lower Sackville, Halifax Co., N. S.;
D. Miller, 1237 Edward Street, Apt. 2, Halifax, N. S.;
Gilford Moore, 2 Greenhead Road, General Delivery,
Lakeside, Halifax Co., N. S.;
L. Morrissey, R.R. #3, Armdale Post Office, Halifax, N. S.;
L. Norton, 35 Jayden Drive, Dartmouth, N. S.;
T. Parker, Lower Sackville, Halifax Co., N. S.;
H. Poole, 6522 Berlin Street, Halifax, N. S.;
J. Reid, 6559 Berlin Street, Halifax, N. S.;
D. Rutledge, B-18 Westphal Traylor Court,
Dartmouth, N. S.;
J. Savidant, Box 18, Site 3, R.R. #1, Windsor Junction, N. S.;
G. Shanks, c/o Lakeside Post Office, Halifax Co., N. S. ; and
G. Smith, 7 Laurie Drive, Lower Sackville, N. S.

Respondents

A COMPLAINT of activity intended to restrict or limit production contrary to the Trade Union Act having been filed with the Labour Relations Board (Nova Scotia) on June 27, 1972;

AND the Complaint having been contested by the Respondents;

AND A HEARING having been held on July 13, 1972, at which the documents filed by the Complainant and the Respondents were considered, evidence under oath presented, and representations made;

AND THE BOARD HAVING FOUND THAT the Respondent Union, the Respondent Thomas Orman, the Respondent J. Arsenault, the Respondent T. Corra, the Respondent J. Foley, the Respondent W. Foster, the Respondent G. Jewkes, the Respondent J. Reid and the Respondent D. Rutledge, supported, encouraged, condoned, or engaged in the withdrawal of the use of the Bell Boy Pager with the intention to restrict or limit production;

AND THE BOARD HAVING FOUND THAT the Respondents D. Rutledge, and W. Foster had at the time of the hearing ceased to support, encourage, condone, or engage in the withdrawal of the use of the Bell Boy Pager;

AND THE BOARD HAVING FOUND THAT the Respondent Union, the Respondent Thomas Orman, the Respondent J. Arsenault, the Respondent T. Corra, the Respondent J. Foley, the Respondent W. Foster, the Respondent G. Jewkes, the Respondent J. Reid and the Respondent D. Rutledge, supported, encouraged, condoned, or engaged in the withdrawal of overtime callbacks with the intention of restricting or limiting production;

AND THE BOARD HAVING ALSO FOUND THAT the Respondent Union and the Respondent Thomas Orman supported, encouraged, and condoned the withdrawal of overtime by the Complainant's employees engaged in maintenance, service and construction work;

AND THE COMPLAINANT having requested that the Board make an Order directing the Respondents to cease doing these acts and at the hearing in this matter having made no other request;

IT IS THEREFORE ORDERED THAT the Respondent Union, the Respondent Thomas Orman, the Respondent J. Arsenault, the Respondent T. Corra, the Respondent J. Foley, the Respondent G. Jewkes and the Respondent J. Reid forthwith and until the Respondent Union is in a legal strike position desist from and cease to support, encourage, condone, or engage in the withdrawal of the use of the Bell Boy Pager, as provided for by an Agreement dated April 30, 1969, signed by Thomas Orman and another on behalf of Local 125, International Union of Elevator Constructors, and L. MacPhee and another on behalf of the Elevator Manufacturers' Area Labour Committee;

AND IT IS ORDERED THAT the Respondent Union, the Respondent Thomas Orman, the Respondent J. Arsenault, the Respondent T. Corra, the Respondent J. Foley, the Respondent W. Foster, the Respondent G. Jewkes, the Respondent J. Reid, and the Respondent D. Rutledge, forthwith and until the Respondent Union is in a legal strike position desist from and cease to support, encourage, condone, or engage in the withdrawal of overtime callbacks intended to restrict or limit production;

AND IT IS FURTHER ORDERED THAT the Respondent Union and the Respondent Thomas Orman forthwith and until the Respondent Union is in a legal strike position desist from and cease to support, encourage or condone the withdrawal of overtime intended to restrict or limit production.

MADE BY THE CONSTRUCTION INDUSTRY PANEL OF THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS NINETEENTH DAY OF JULY, 1972, AND SIGNED ON ITS BEHALF BY THE CHAIRMAN.

Innis Christie
Chairman
Construction Industry Panel