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

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LABOUR RELATIONS BOARD NOVA SCOTIA

CONSTRUCTION INDUSTRY PANEL

IN THE MATTER	of the Trade Union Act of Nova Scotia, and	
IN THE MATTER	of International Union of Elevator Constructors, Local 125, 6074 Lady Hammond Road, Halifax, Nova Scotia	Complainant
	- and -	
	Otis Elevator Company Limited, 6100 Young Street, Halifax, Nova Scotia	Respondent

A COMPLAINT having been referred by the Minister of Labour to the Construction Industry Panel of the Labour Relations Board, pursuant to Section 34 of the Trade Union Act, in which the Complainant alleged that Otis Elevator Company Limited has violated Section 33 (b) of the Trade Union Act by decreasing rates of wages or terms or conditions of employment of employees to whom notice to bargain had been given;

AND the Complaint having been contested by the Respondent;

AND the Panel having considered the Complaint and the documents filed by the Complainant and the Respondent, and representations made on behalf of the parties at a Hearing held on June 9, 1977;

AND the Panel for the reasons set out below, having been satisfied that Otis Elevator Company Limited has changed terms or conditions of employment of two of its employees, namely J. Savidant and R. White, contrary to Section 33 (b) of the Trade Union Act;

THEREFORE, the Panel does hereby order Otis Elevator Company Limited to reimburse J. Savidant and R. White by paying them the mechanic's rate for all hours they worked at the helper's rate, since May 16, 1977.

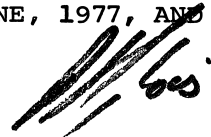
Before: I. Christie, Chairman and Board Members Messrs. J. G. MacDonald and E. M. MacNeil.

For the Panel:

The Panel is of the opinion that Otis Elevator Company Limited reclassified mechanics to helpers which the Collective Agreement does not permit them to do. By so doing they changed terms and conditions of employment, contrary to the express language of Section 33 (b) of the Trade Union Act. In arriving at its decision, the Panel adopts the general principle enunciated by the Labour Relations Board in L.R.B. Order No. 2372.

It is the Panel's opinion that when pre-existing terms and conditions of employment are contained in a Collective Agreement, in order to determine whether there has been a change in terms and conditions of employment and a violation of Section 33 (b), the Panel must interpret the Agreement.

MADE BY THE CONSTRUCTION INDUSTRY PANEL OF THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX THIS FOURTEENTH DAY OF JUNE, 1977, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.


P. F. Langlois
Chief Executive Officer