BRITISH COLUMBIA LABOUR RELATIONS BOARD

DESIGN GROUP STAFFING INC.

("Design Group Staffing")

-and-

LOCAL 213 OF THE INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS

(the "Union")

PANEL:	Allison Matacheskie, Vice-Chair and Registrar
APPEARANCES:	Michael Prokosh, for the Union
CASE NO.:	62314
DATE OF HEARING:	August 3, 2011
DATE OF DECISION:	August 24, 2011

DECISION OF THE BOARD

I.   NATURE OF THE APPLICATION

1   On July 27, 2011, the Union applied for certification of a bargaining unit described as "employees at and from Anixter Warehouse at 18371 Blundell Road, Richmond, B.C." employed by Design Group Staffing. Design Group Staffing was notified of the certification hearing which took place on August 3, 2011. It did not attend. Based on the uncontested submissions made by the Union at the certification hearing, the Board ordered the representation vote to proceed.

2   On its own motion, the Board ordered the ballot box to be sealed pending adjudication or further investigation by the Board as the report of the Industrial Relations Officer raised an issue that Anixter Canada Inc. ("Anixter") appeared to be the employer of the employee in the proposed bargaining unit rather than Design Group Staffing. The Union is already certified to represent warehousemen employed by Anixter. This certification application is for employees at and from Anixter warehouse employed by Design Group Staffing.

3   On August 3, 2011, after Design Group Staffing did not attend the certification hearing, the Board notified it of the date and time of the representation vote and provided it with a further opportunity to file a written submission if it intended to object to the application for certification. In the written notice, the Board identified the possible issue concerning the true employer for the purpose of the certification application. Design Group Staffing did not file a written submission in response to this further notice.

4   On August 17, 2011, on its own motion, the Board notified Anixter of the application for certification. The Union was provided with an opportunity to make submissions concerning the notification of Anixter. It submitted that Anixter had no standing in the application as Anixter denies that it is the employer of the employees in the proposed bargaining unit. Despite the objection, the Board notified Anixter and provided it with an opportunity to file a written submission to seek standing in this matter and make any objections to the application for certification. Anixter did not file a submission.

II.   SUBMISSIONS

5   At the certification hearing, the Board questioned the Union on the appropriateness of the application as it appears that the application may be triggered by a labour relations issue between Anixter and the Union. The Union submits that Design Group Staffing is the employer of the employees in the proposed bargaining unit. It submits that it is only seeking a certification of employees at and from Anixter warehouse employed by Design Group Staffing. It is not seeking a certification for a bargaining unit including other employees of Design Group Staffing employed at different locations. The Union says it has the requisite support of the bargaining unit it

has applied for, a rational and defensible line can be drawn around this bargaining unit, and the application should proceed.

III.   ANALYSIS AND DECISION

6   Neither Design Group Staffing nor Anixter have made any objections to this application despite being provided with notice of the application for certification and an opportunity to make submissions to the Board. Based on the submissions made by the Union, I find that Design Group Staffing is the employer of the employees in the proposed bargaining unit, the bargaining unit applied for is an appropriate bargaining unit and the application has the requisite support.

7   I order that the representation vote be counted and if it is in favour of union representation, the certification applied for be issued.

LABOUR RELATIONS BOARD

"ALLISON MATACHESKIE"

ALLISON MATACHESKIE
VICE-CHAIR AND REGISTRAR