

# SUPREME COURT OF CANADA

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## Summary

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**38934**

### **Telecon Inc. v. International Brotherhood of Electrical Workers, Local Union No. 213**

**(Federal Court) (Civil) (By Leave)**

#### **Keywords**

Constitutional law - Division of powers, Labour relations, Unions, Certification - Constitutional Law — Division of powers — Derivative Jurisdiction — Labour Relations — Unions — Certification — Company designs, builds, installs, services and maintains telecommunications infrastructure — Whether its activities are vital and integral to a federal undertaking — What is the proper analytical framework for assessing whether the presumption of provincial jurisdiction over labour relations is displaced? — Constitution Act, 1867 ss. 91, 92, and 92(13) — Canada Labour Code, R.S.C. 1985, c. L 2, ss. 2 and 4.

#### **Summary**

**Case summaries are prepared by the Office of the Registrar of the Supreme Court of Canada (Law Branch). Please note that summaries are not provided to the Judges of the Court. They are placed on the Court file and website for information purposes only.**

The applicant, Telecon Inc. ("Telecon"), is a telecommunications network infrastructure service provider engaged in the construction, installation and inspection of telecommunications infrastructure. Telecon also provides materials and installs wireline services in addition to building, testing and maintaining wireless towers, small cells and Wi Fi networks for third parties. The respondent, the International Brotherhood of Electrical Workers, Local Union No. 213, filed an application with the Canada Industrial Relations Board ("the Board") to represent a unit of Telecon's employees in British Columbia. Telecon unsuccessfully opposed the certification application before the Board on jurisdictional grounds, arguing that the labour relations questions at issue were subject to provincial regulation. The Board found that Telecon was in fact a federal undertaking subject to federal regulation. The Federal Court of Appeal dismissed Telecon's application for judicial review, having concluded that the employees of the proposed bargaining unit perform work that is vital and integral to a federal undertaking.

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