

Canada Industrial Relations Board



Conseil canadien des relations industrielles

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Our Files: 30382-C, 30383-C

Document No.: 524834

September 10, 2014

BY FAX

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Dear Sirs/Mesdames:

In the matter of the *Canada Labour Code (Part I-Industrial Relations)* and an application filed pursuant to sections 18.1, 35 and 44 thereof by the Canadian Merchant Service Guild, applicant; Seaspan ULC and Seaspan Ferries Corporation, employers; the Seafarers' International Union of Canada, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers) and the International Longshore and Warehouse Union, Local 400, intervenors. (30382-C)

In the matter of the *Canada Labour Code (Part I-Industrial Relations)* and a complaint of unfair labour practice filed pursuant to section 97(1) thereof by the Canadian Merchant Service Guild, complainant, alleging violation of sections 94(1)(a), 94(3)(a)(i), 94(3)(a)(iii), 94(3)(b), 94(3)(d) and 94(3)(e) of the *Code* by Seaspan ULC and Seaspan Ferries Corporation, respondents. (30383-C)

The Canada Industrial Relations Board (the Board), composed of Ms. Elizabeth MacPherson, Chairperson, and Messrs. André Lecavalier and Gaétan Ménard, Members, has considered the parties' respective submissions in the above-referenced single employer/sale of business application filed by the Canadian Merchant Service Guild (Board file no. 30382-C).

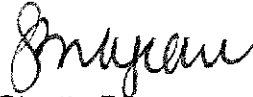
The Board has asked me to advise you that the application is dismissed for lack of jurisdiction. The Board will issue written reasons for this decision shortly.

With respect to the unfair labour practice complaint filed by the Canadian Merchant Service Guild (Board file no. 30383-C), please be advised that, following a review of the parties' submissions in this matter, the Board has determined that a case management teleconference would be of assistance. The purpose of the case management teleconference will be to discuss the scheduling of a hearing in this matter. The topics to be discussed may include, among others, the number of hearing days required and the number of anticipated witnesses. Accordingly, the parties are requested to consult one another and to provide by **September 17, 2014**, the Board's Case Management Officer, **Ms. Sherry Courchaine**, at the address indicated above in our letterhead, with their mutual availability for a case management teleconference to be held sometime before October 1, 2014 or after October 14, 2014.

The parties are also requested to consult one another and to be prepared to provide the Board with their mutual availability for a hearing to be conducted in possibly December 2014, early February 2015 or March 2015.

Your attention to these matters is appreciated.

Sincerely,



Ginette Brazeau
Executive Director and Senior Registrar

c.c.: Ms. Lindsay Foley (CIRB-Vancouver)