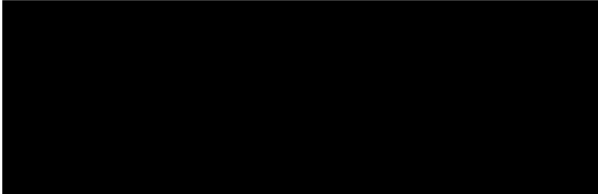


June 6, 2018



Dear [REDACTED]:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: AESL/013/2018]

On May 18, 2018 the Department of Advanced Education, Skills and Labour received your request for access to the following records/information:

“Any and all information from the Labour Board and Labour Standards divisions related to John Flaherty”

Per the Department’s acknowledgement letter on May 28, 2018 you were advised that the Labour Relations Board (LRB) is its’ own entity, separate from the Department of Advanced Education, Skills and Labour (AESL) and as such their records are in the custody and under the control of the LRB. This part of your request was transferred to the LRB on May 28, 2018 under authority of section 14 of the *Access to Information and Protection of Privacy Act, 2015* (the act).

As was also noted, AESL will address the remaining part of your request however an initial search indicates that these records are in fact held by Labour Relations Division as opposed to the Labour Standards Division as is referenced in your request.

I am pleased to inform you that your request for access to this information has been granted in part and the responsive records are attached. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act, 2015* (the act):

Section 29.(1) The head of a public body may refuse to disclose to an applicant information that would reveal:

- a. advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.

Section 40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by subsection 8.(2) of the act, we have severed information that is excepted from disclosure and have provided you with as much information as possible.

Section 42 of the act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event you wish to appeal to the Supreme Court, you must do so within 15 business days of the date of this letter. Section 52 of the act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information requests website within one day following the applicable period of time.

If you have any further questions, please feel free to contact the undersigned at (709) 729-4135 or SharonSeaward@gov.nl.ca.

Sincerely,



SHARON SEAWARD
ATIPP Coordinator

Attachment

Seaward, Sharon M.

From: Scott, Yvonne
Sent: Tuesday, May 29, 2018 2:58 PM
To: Seaward, Sharon M.
Subject: FW: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier

Yvonne Scott
Director
Labour Relations Division
Department of Advanced Education, Skills and Labour
709 729-0707

From: John Flaherty [<mailto:johnnyflaherty@gmail.com>]
Sent: Friday, November 24, 2017 12:42 PM
To: Scott, Yvonne
Subject: Re: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier

Ms. Scott,

Thank you so much I will see you then.

Kindest Regards,
John

On Fri, Nov 24, 2017 at 12:32 PM, Scott, Yvonne <yscott@gov.nl.ca> wrote:

Mr. Flaherty,

I am available at 2:00p.m. on November 29th. I am located on the 3rd Floor of the Beothuck Bldg, 20 Crosbie Place.

Please confirm.

Yvonne Scott
Director
Labour Relations Division

Department of Advanced Education, Skills and Labour

709 729-0707

From: John Flaherty [mailto:johnnyflaherty@gmail.com]
Sent: Friday, November 24, 2017 10:56 AM
To: Scott, Yvonne
Subject: Fwd: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier

Good Day Ms. Scott,

I would like to schedule an appointment, at your earliest convenience, to discuss the attached letter. Just reply with the date and time.

Kindest Regards,

John

----- Forwarded message -----

From: Hunt, Pam <PamHunt@gov.nl.ca>
Date: Mon, Nov 20, 2017 at 4:50 PM
Subject: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier
To: "johnnyflaherty@gmail.com" <johnnyflaherty@gmail.com>
Cc: "Langor, Fiona" <FLangor@gov.nl.ca>

Good Afternoon Mr. Flaherty,

Please find attached a response from the Honourable Al Hawkins, Minister of the Department of Advanced Education, Skills and Labour to your correspondence to the Honourable Dwight Ball, Premier.

Regards,

Pam

Pam Hunt

Secretary to Minister

Department of Advanced Education, Skills and Labour

3rd Floor, Confederation Bldg. West Block

3

Telephone: (709) 729-3580

Fax: (709) 729-6996

e-mail: pamhunt@gov.nl.ca

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

Seaward, Sharon M.

From: Scott, Yvonne
Sent: Tuesday, May 29, 2018 2:58 PM
To: Seaward, Sharon M.
Subject: FW: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier
Attachments: Response to Mr John Flaherty1.PDF

Yvonne Scott
 Director
 Labour Relations Division
 Department of Advanced Education, Skills and Labour
 709 729-0707

From: John Flaherty [<mailto:johnnyflaherty@gmail.com>]
Sent: Friday, November 24, 2017 10:56 AM
To: Scott, Yvonne
Subject: Fwd: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier

Good Day Ms. Scott,

I would like to schedule an appointment, at your earliest convenience, to discuss the attached letter. Just reply with the date and time.

Kindest Regards,
 John

----- Forwarded message -----

From: Hunt, Pam <PamHunt@gov.nl.ca>
Date: Mon, Nov 20, 2017 at 4:50 PM
Subject: Ministerial Response to your Correspondence to the Hon. Dwight Ball, Premier
To: "johnnyflaherty@gmail.com" <johnnyflaherty@gmail.com>
Cc: "Langor, Fiona" <FLangor@gov.nl.ca>

Good Afternoon Mr. Flaherty,

Please find attached a response from the Honourable Al Hawkins, Minister of the Department of Advanced Education, Skills and Labour to your correspondence to the Honourable Dwight Ball, Premier.

Regards,

Pam

Pam Hunt

Secretary to Minister

5

Department of Advanced Education, Skills and Labour

3rd Floor, Confederation Bldg. West Block

Telephone: (709) 729-3580

Fax: (709) 729-6996

e-mail: pamhunt@gov.nl.ca

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

NOV 20 2017

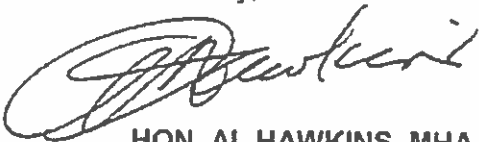
Mr. John Flaherty
johnnyflaherty@gmail.com

Dear Mr. Flaherty:

I am writing in response to your recent correspondence to the Honourable Dwight Ball, Premier of Newfoundland and Labrador, regarding your request for amendments to the *Labour Relations Act*. In that correspondence you requested a meeting and the results of a jurisdictional review that was conducted. The Premier has asked that I respond on his behalf.

I would be happy to provide you with the information you have requested. I suggest you contact the Director of Labour Relations, Ms. Yvonne Scott, to arrange a meeting to discuss same. Ms. Scott can be reached at (709) 729-0707 or yscott@gov.nl.ca.

Sincerely,



HON. AL HAWKINS, MHA
District of Grand Falls-Windsor-Buchans
Minister

cc: Hon. Dwight Ball, Premier
Ms. Fiona Langor, Assistant Deputy Minister

Seaward, Sharon M.

From: Scott, Yvonne
Sent: Tuesday, May 29, 2018 2:58 PM
To: Seaward, Sharon M.
Subject: FW: Response to Mr. John Flaherty
Attachments: Response Mr. John Flaherty1.PDF

Yvonne Scott
Director
Labour Relations Division
Department of Advanced Education, Skills and Labour
709 729-0707

From: Langor, Fiona
Sent: Tuesday, October 17, 2017 9:52 PM
To: Scott, Yvonne
Subject: FW: Response to Mr. John Flaherty

From: Hunt, Pam
Sent: Tuesday, October 17, 2017 5:10 PM
To: 'johnnyflaherty@gmail.com' <johnnyflaherty@gmail.com>
Cc: Langor, Fiona <FLangor@gov.nl.ca>
Subject: Response to Mr. John Flaherty

Good afternoon Mr. Flaherty,

Please find attached response from the Honourable Al Hawkins, Minister of the Department of Advanced Education, Skills and Labour to your correspondence.

Kind regards,
Pam

Pam Hunt
Secretary to Minister
Department of Advanced Education, Skills and Labour
3rd Floor, Confederation Bldg. West Block
Telephone: (709) 729-3580
Fax: (709) 729-6996
e-mail: pamhunt@gov.nl.ca



Government of Newfoundland and Labrador
Department of Advanced Education, Skills and Labour
Office of the Minister

OCT 17 2017

Mr. John Flaherty
[REDACTED]
[REDACTED]

Dear Mr. Flaherty:

I am writing in follow up to my August 24, 2017 correspondence to you wherein I indicated that your request for amendments to the *Labour Relations Act* to ensure union locals would have access to a hearing before its International Union could seize control of the local's assets would be reviewed and a response forthcoming.

Upon receipt of your correspondence, I took the opportunity to personally review the information you provided and requested my officials to conduct a jurisdictional review. Upon completion of the review, I was briefed on the results. I have given careful consideration to the information you provided, and the results of the jurisdictional analysis, and wish to advise that I am satisfied with the current legislation and will not be seeking amendments to the *Labour Relations Act*.

Thank you for taking the time to write to me on this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Hawkins".

HON. AL HAWKINS, MHA
District of Grand Falls-Windsor-Buchans
Minister

cc: Hon. Dwight Ball, Premier
Ms. Fiona Langor, Assistant Deputy Minister

Information Note
Department of Advanced Education, Skills and Labour

Title: Request to amend the *Labour Relations Act*

Issue: The former President and Business Manager of the International Union of Operating Engineers Local 904, Mr. John Flaherty, is requesting an amendment to the *Labour Relations Act* that would provide the Labour Relations Board with authority to determine if a parent union has just cause to assume control of one of its local unions.

Background and Current Status:

- The International Union of Operating Engineers, Local 904 represents approximately 2300 members that work in the construction and commercial industry. These members include heavy equipment operators, mobile and tower crane operators, mechanics and clerical workers.
- Local 904 is an affiliate union of the International Union of Operating Engineers which is located in Washington, D.C. The International Union represents over 400,000 members across Canada and the United States.
- John Flaherty was elected President and Business Manager of Local 904 in July 2016.
- In October, 2016, following concerns raised by the Executive Board of Local 904 about how the local was being run, the International Union placed the local under monitorship in an effort to assist them and determine if any additional steps were necessary to address the concerns that had been raised.
- As a result of what the International Union perceived as the failure of Local 904 to cooperate with the monitor, and their refusal to abide by the direct and repeated directives of the General President, the International Union placed the local under the emergency supervision of the Canadian Regional Director on March 20, 2017. Mr. Flaherty was subsequently removed from the elected position of President and Business Manager.
- In April 2017, Mr. Flaherty sought a Supreme Court injunction to have the emergency supervision lifted. The request was denied by the court and the decision to place Local 904 under emergency supervision remained intact.
- Mr. Flaherty is seeking an amendment to the *Labour Relations Act* requiring that prior to an international union placing one of its locals under emergency supervision, it must first prove just cause before the Labour Relations Board.

Analysis:

- The *Labour Relations Act* is silent with respect to providing the Labour Relations Board with authority over the internal workings of a union, and specifically the relationship between a local and its parent union.
- Only two provinces have legislation that addresses such circumstances.
- Labour legislation in Ontario requires that a statement be filed with the Labour Relations Board within 60 days after a parent union assumes control over a local union, detailing the



terms under which the supervision or control is being exercised. It also prohibits the continuation of trusteeship for longer than 12 months without the consent of the Labour Relations Board. Ontario does not have a requirement to prove just cause either before or after seizing control of a local union. In the case of the construction industry, a parent union is prohibited from altering jurisdiction, assuming supervision or control and from removing from office and/or changing duties of an elected official or appointed official without just cause. In the event that a local union has concerns that there has been an alteration of its jurisdiction by a parent union, they may make a complaint to the Labour Relations Board.

- British Columbia's labour legislation requires that a parent union which assumes supervision or control of a subordinate union, must, within 60 days, file with the Labour Relations Board a signed statement of its principle officers and set out the terms under which the supervision and control is being exercised. This supervision and control must not continue for more than 12 months without the consent of the Board.
- While the *Labour Relations Act* does not address such matters, the option to seek a court injunction is available should a local union believe the international union is engaging in unnecessary interference.
- An international union seizing control of a local union is a rare occurrence. Generally it is perceived as an internal union matter which is determined by internal mechanisms and processes.

Action Being Taken:

- No action is currently being taken

Prepared/Approved by: N. Chislet/Y. Scott/F. Langor

Ministerial Approval:

October 2, 2017

Yvonne Joking
