



Barrie Chivers, Q.C.†
John R. Carpenter*
David T. Williams
Ritu Khullar
Vanessa Cosco

Kara O'Halloran
Kristan A. McLeod†
Andrew S. Buchanan
Michelle L. Westgeest

Our File No.: 205-12-033RK

VIA COURIER

January 3, 2013

Alberta Labour Relations Board
#501, 10808 – 99 Avenue
Edmonton, AB T5K 0G5

Attention: Tannis Brown, Director of Settlement

Dear Madam:

**Re: An unfair labour practice complaint brought by United Nurses of Alberta
affecting Devonshire Care Centre Partnership**

We are counsel for the United Nurses of Alberta. Please find enclosed the above-referenced Unfair Labour Practice Complaint. As you know, the parties are currently in the midst of a labour dispute. Given the strike's impact on the parties, patients and the public, it is crucial this matter be addressed as quickly as possible. The Union asks that a hearing be scheduled immediately.

Yours truly,

CHIVERS CARPENTER

A handwritten signature in black ink, appearing to read "Kara O'Halloran", is written over the printed name.

Per:

KARA O'HALLORAN

(Email: kohalloran@chiverslaw.com)

KO/lms

Encls.

cc: United Nurses of Alberta, Attn. Carolyn Olson/David Harrigan (via email)
Ian West, Vice-President Operations Devonshire Care Centre (via fax: 604-266-1446)

Suite 101 P. 780.439.3611
10426-81 Avenue F. 780.439.8543
Edmonton, Alberta www.chiverslaw.com
T6E 1X5

{205-12-033;00058954;1}

* Denotes lawyer whose professional corporation is a member of the partnership. † Also a member of Nunavut Bar
† Also a member of Northwest Territories Bar



LABOUR RELATIONS BOARD

UNFAIR LABOUR PRACTICE COMPLAINT

Pursuant to Sections 12(2) (a)(e), 16 and 60 of the *Labour Relations Code*, RSA 2000, c. L-1

I. COMPLAINANT:

**United Nurses of Alberta
("the Union")**

MAILING ADDRESS:
700, 11150 Jasper Avenue NW
Edmonton, AB T5K 0L1

CONTACT PERSON:
Carolyn Olson/David Harrigan

PHONE: 780-425-1025
FAX: 780-426-2093

LEGAL COUNSEL:
Ritu Khullar/Kara O'Halloran
Chivers Carpenter
Suite #101, 10426 - 81 Avenue
Edmonton, AB T6E 1X5

PHONE: 780-439-3611
FAX: 780-439-8543

II. NAME OF EMPLOYER AGAINST WHOM THE COMPLAINT IS BEING MADE (RESPONDENT):

Devonshire Care Centre Partnership

CONTACT PERSON:
Ian West
Vice-President Operations
Park Place Seniors Living
1656 West 75th avenue
Vancouver, BC
V6P 6G2
PHONE: 604-266-1436
FAX: 604-266-1446

LEGAL COUNSEL:

III. SECTION AND SUB-SECTION WHICH ARE ALLEGED TO HAVE BEEN VIOLATED:

The Union alleges that the Employer has violated sections 60(1) (a) and (b) of the *Code*.

IV. PARTICULARS

1. The Union was certified as the bargaining agent for "All employees when employed in direct nursing care or nursing instruction" by certificate 121-2011 issued by the Alberta Labour Relations Board on September 28, 2011.
2. The Notice to Bargain was served by the Union on the Employer on October 12, 2011.
3. Collective bargaining occurred on December 8 and 9, 2011, February 13 and 14, 2012, April 23 and 24, 2012.
4. The parties agreed to commence mediation on August 22 and 23, 2012. During the mediation, the Employer asked the mediator to "book out" as it wished to end negotiations. However, subsequently, the Employer indicated a willingness to continue mediation with a different mediator.
5. On November 16 and 17, 2012, the parties met with a different mediator. At the conclusion of the mediation, this mediator "booked out". UNA indicated it would be applying for a strike vote. However, all parties and the mediator agreed to keep a previously arranged date of January 10, 2013 for further negotiations. UNA made it clear that it could be on strike at that time.
6. On December 14, 2012, UNA held a strike vote, and the members endorsed going on strike.
7. On December 17, 2012, UNA met with its members regarding the strike vote. The Employer had requested that UNA provide its members with an open letter asking the members not to strike over the Christmas period out of concern for the residents and their families during the holiday season. UNA agreed to provide the Employer's open letter to its members and reiterated that the Employer could avoid job action by returning to the bargaining table with an amended proposal "in line with industry standards" or to agree to refer the dispute to voluntary interest arbitration.
8. On December 18, 2012, UNA advised the Employer via email that it would not take any job action prior to December 26, 2012 (TAB 1)
9. On December 18, 2012, the Employer sent UNA an email (TAB 2) acknowledging the delay in the job action until after the "holiday season" and addressing "the separate issue of future bargaining" and the Employer's intention to bring forward another proposal for the January 10, 2013 bargaining date with the mediator.

10. On December 27, 2012, the Union served the Employer with notice that it would be commencing a lawful strike on December 31, 2012 at 3:00 pm (TAB 3).
11. On December 28, 2012, the Employer issued a Media Release which said, among other things, "Although the employer had offered to meet with the union and mediator on January 10th to present a final offer, the union has now served strike notice so that meeting is cancelled" (TAB 4)
12. On December 29, 2012, the Union contacted the Employer seeking clarification as to whether the Employer is refusing to meet with the Union on January 10, 2013 (TAB 5).
13. The Employer did not reply to the Union's inquiry, but on December 31, 2012 wrote to the mediator, with a copy to the Union, requesting the January 10th session be cancelled. The Employer stated:

Please advise Mr. Harrigan that the employer will meet with the union at anytime, before on or after January 10th, 2013, if his committee is willing to temper their demands or is willing to put forward a written counter offer to our last proposal.

Until we have an assurance that the union is willing to negotiate we ask that you cancel the meeting schedule for January 10th, 2013. (TAB 6)
14. On December 31, 2012, the Union immediately responded to the Employer, reminding them that they had committed to providing an amended proposal. (TAB 7)
15. On December 31, 2012, the Union also wrote the employer indicating that the Union was prepared to negotiate and proposed a number of meeting dates, utilizing the services of the Director of Mediation Services. (TAB 8)
16. The Employer did not respond to the Union's emails.
17. On January 2, 2013, the mediator wrote the parties, encouraging them to meet with the Director, as UNA had suggested. The mediator also invited both parties to meet with her on January 11, 2013. (TAB 9)
18. On January 2, 2013, the Union indicated agreement that resolution would more likely be reached if the parties met, rather than simply exchanging emails. (TAB 10). As the Employer had ceased responding to the Union at all, the Union contacted the Director of Mediation Services and asked her to contact the Employer and arrange further meetings for the purpose of attempting to reach a collective agreement. The Director contacted the Union and said it was not completely clear if the Employer was prepared to meet or not, but the Employer had committed to respond in writing within a couple of hours.

19. On January 2, 2013, the Employer responded to the mediator (TAB 11). Despite having previously indicated that the Employer was prepared to amend its position and despite receiving an email that clearly stated the Union was prepared to negotiate, the Employer reiterated that it believed that both parties were fixed in their positions. Despite stating after the strike had commenced that it was prepared to meet “at anytime, before on or after January 10th”, the Employer now claims that neither the 10th nor the 11th “will work.” The Employer continues to ignore the dates proposed by the Union.

V. SUMMARY AND BASIS OF THE APPLICATION

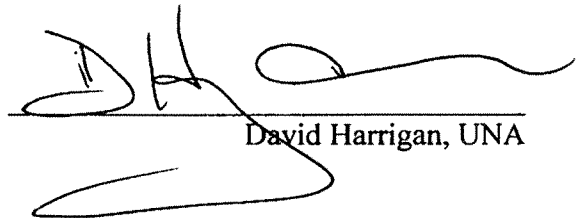
20. The duty to bargain in good faith is an ongoing responsibility of the parties throughout the negotiation process including once a strike or lockout begins. Commencing a strike under the *Code* does not change the duty, though the character of bargaining may change (*UNA v PHAA* [2003] Alta LRBR 276 (Asbell) at para 6).
21. The Employer has known about the January 10, 2013 bargaining date since mid-November 2012. Since the same time, the Employer has known that UNA might be on strike in January 2013. Since the last meeting in November, the Employer has consistently committed to providing the Union with an amended proposal and only resiled from that plan when the Union exercised its right to serve strike notice and take strike action.
22. On December 18, 2012, the Employer (TAB 2) properly acknowledged that potential job action was a separate issue from future bargaining.
23. However, on December 28, 2012, the Employer cancelled bargaining on January 10, 2013 because UNA served strike notice on December 27, 2012. Although the Employer had previously indicated it would amend its position, once a strike commenced, the Employer claimed to be fixed in its position. In addition, the Employer claimed it would only meet again if it had assurances the Union was prepared to negotiate. Upon receipt of those very assurances, the Employer again refused to meet to continue negotiations.
24. As a result, the Employer’s refusal to bargain with the Union on or before January 10, 2013 because of the Union’s serving strike notice and going on strike constitutes bad faith bargaining under section 60(1) of the *Code*.
25. There is some urgency in concluding this dispute. The dispute is affecting elderly, frail residents of the Centre, and the Union has heard reports that resident care is suffering.

VI. SPECIFIC REMEDIES REQUESTED:

26. On the basis of the above, the Union seeks the following remedies:

- a) A declaration that the Employer has violated the *Code*;
- b) An order that the Employer cease and desist violating the *Code*;
- c) An order directing the Employer to engage in good faith bargaining and to make every reasonable effort to enter into a collective agreement;
- d) An order directing the parties to meet forthwith with the assistance of mediation services;
- e) An order that the Employer post notices for employees setting out the Board's orders in this matter;
- f) Such further and other remedies as are just and reasonable in the circumstances.

DATED at the city of Edmonton, in the province of Alberta, this 3rd day of January, 2013.



David Harrigan, UNA

TAB 1

Ritu Khullar

From: David Harrigan [harrigan@una.ab.ca]
Sent: Monday, December 31, 2012 11:22 AM
To: Ritu Khullar
Subject: Fwd: UNA negotiations
Attachments: Ltr from Fred Horne copy.pdf

David Harrigan
Director of Labour Relations
United Nurses of Alberta

sent Dec 18, 2012 9:55 AM

----- Original Message -----

Further to our correspondence, UNA nurses employed at Devonshire met yesterday to consider further action.

As indicated we care about the residents of the centre.

As a show of good faith we are prepared to advise you that we will not take any job action prior to December 26.

We ask that you reciprocate with a show of good faith by agreeing you will provide us with a proposal equivalent to industry standards when we meet in January.

If you can confirm this, we would be able to provide you with assurances that no job action will be taken prior to our next scheduled meeting.

I would appreciate a yes or no answer at your earliest convenience.

On a separate matter, it has come to our attention that on night shift, December 15, and 16, Devonshire operated the Centre without any Registered Nurses on site. As you are no doubt aware, this is a violation of the Nursing Home Regulations. In accordance with instructions from Minister Horne (see attached) we will be reporting this violation to Alberta Health Services.

David Harrigan
Director of Labour Relations
United Nurses of Alberta

To: tkhullar@chivershaw.com
From: hamman@una.ab.ca

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TAB 2

From: "Karen Fitzgerald" <kfitzgerald@parkplaceseniorsliving.com>

Dec 18, 2012

Subject: Devonshire Care Centre Response

To: David Harrigan colson@una.ab.ca

Cc: "Ian West" <iwest@parkplaceseniorsliving.com>
"Mary-Ann Nadeau" <mnadeau@parkplaceseniorsliving.com>
"Bertha Greenstein" <Bertha.Greenstein@gov.ab.ca>
"HCI Admin" <hciadmin@telus.net>

Hi David,

Thank you, on behalf of the residents and families for responding positively to my open letter to the Devonshire nurses requesting any job action be delayed until after the holiday season. On behalf of myself and all of the staff at Devonshire we appreciate this display of caring by our nurses.

On the separate issue of future bargaining, it is still our intention to work hard to put our final and best offer forward at the January 10th meeting. As I indicated yesterday we will be communicating with Alberta Health Services between now and the January meeting on matters of funding and the new accountability model. We will be focusing on AHS's admission that Devonshire is in a group of operators that are funded at the lowest job rate for all employee categories. It was surprising to hear that 90 operators, out of 186, are funded at a higher job rate than the Devonshire's group. Obviously, both these items are pertinent to our discussions and the outcome will help inform us as to how best to respond to your demand for an 'industry standard' agreement.

However, I am confident that our new proposal will move you closer to where others nurses are in the province; how close we are able to come to the Hardisty agreement will, to some degree, be dependent upon the response we get back from Alberta Health Services. It is in everyone's best interest that we find a negotiated settlement. For my part I will do everything possible to put forward a fair and sustainable proposal in January.

Merry Christmas,

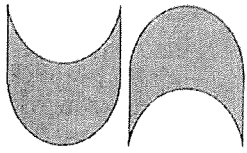
Karen



image001.jpg

Karen Fitzgerald
Adminstrator/Site Leader
Devonshire Care Centre
Park Place Seniors Living
1808 Rabbit Hill Road
Edmonton, Alberta T6R 3H2
780-665-8045
kfitzgerald@parkplaceseniorsliving.com

TAB 3



United Nurses of Alberta

Provincial Office:

700-11150 Jasper Avenue NW
Edmonton Alberta T5K 0L1
(780) 425-1025
1-800-252-9394
Fax: (780) 425-2093

Southern Alberta
Regional Office:

370-1422 Kensington Road NW
Calgary Alberta T2N 3P9
(403) 237-2377
1-800-661-1802
Fax: (403) 263-2908

www.una.ab.ca
nurses@una.ab.ca

December 27, 2012

Ms. Karen Fitzgerald
Site Leader
Devonshire Care Centre
1808 142 Street
Edmonton AB T6R 3H2

Dear Ms. Fitzgerald:

As you are aware, we have been in negotiations for a first agreement for well over a year. As a result of your final offer which would have nurses at Devonshire earning up to \$9.00/hour less than most other nurses, we held a strike vote and achieved a very strong strike mandate. At your request, and out of concern for the residents we chose not to exercise that strike mandate over Christmas.

We did so as a show of good faith and requested that you reciprocate by assuring us that you would be proposing a contract equivalent to industry standard. You have chosen to refuse to do so.

As a result, please be advised that pursuant to Section 78(1) this letter is written notice that a strike will commence December 31, 2012 at 1500 hours at the Devonshire Care Centre, 1808 Rabbit Hill Road, Edmonton, Alberta.

Yours truly,

David Harrigan
Director of Labour Relations

c.c.: Deborah Howes, President, High Clouds
Bertha Greenstein, Director of Mediation Services
Mary-Ann Nadeau, Park Place Seniors Living
Honourable Dave Hancock, MLA Edmonton-Whitemud
Honourable Fred Horne, Minister of Health
Jan West, Park Place Seniors Living
Stephen Lockwood, Board Chair, Alberta Health Services
Heather Smith, President, UNA
Bev Dick, 1st Vice-President, UNA
Jane Sustrik, 2nd Vice-President, UNA
Karen Craik, Secretary/Treasurer, UNA

TAB 4

DEVONSHIRE CARE HOME
EDMONTON, ALBERTA



Media Release

Contact: Ian West
Phone: 604-250-9506

FOR IMMEDIATE RELEASE

United Nurses of Alberta fail to secure first agreement at Devonshire Care Home: asks nurses to walk the picket line to bolster union demands for all nurses to be paid provincial rate regardless of funding!

EDMONTON, DECEMBER 28: Seventy-two hours strike notice was served Friday by the United Nurses of Alberta on the Devonshire Care Centre in Edmonton. The care centre is home to 132 elderly residents, many of them frail and in need of round-the-clock care.

The 72-hour notice allows the nurses to walk out as of 3:00 p.m. New Year's Eve, in support of union demands for a first contract which matches the top rates currently paid at government run long term care facilities.

"The union has made this demand since day one of negotiations, even though United Nurses of Alberta is aware that the Devonshire Care Centre is not funded to pay equivalent rates," said Vice President of Operations Ian West, who has been negotiating on behalf of the employer. "United Nurses of Alberta

~ MORE ~

is also aware that the new funding model implemented province-wide by Alberta Health Services will take a minimum of seven years before all care sites will be funded at the same job rate. "Since this is a first contract, we anticipated gradual increases over several contracts as funding moves into province-wide parity - not an immediate jump of \$9 an hour in a first contract," West added.

"Despite knowing the limits on our current funding, UNA is insisting on parity in this first contract - and holding residents hostage to their demands simply because they can." West pointed out there has been no increase in work or responsibility for Devonshire's nurses, who all originally agreed to the wages paid at the Devonshire when they accepted their jobs.

"Nor was the employer begrudging an increase. We were ready to return to mediation on January 10 with our best possible offer, as we advised UNA earlier this month. But we have also advised UNA that we cannot undertake an immediate \$9 an hour wage jump for all Devonshire nurses without detrimental cuts elsewhere."

"This strike action - called without even putting our most recent offer to the nurses and in advance of our next scheduled mediation session - is caused solely by UNA's failure to responsibly negotiate a first agreement on behalf of its members."

When UNA conducted a strike vote at Devonshire on December 14, the union bused in at least 60 union members from other

locations to set up an information picket line and give the Devonshire nurses encouragement to support the strike. The resulting vote was 14 to 1 in favor of strike action. However, the nurses agreed to defer job action until December 26, in response to a December 17 letter from Devonshire management asking the union to respect the Christmas celebration for the residents and their families, some of whom may be celebrating together for the last time.

Initially, UNA leadership was less cooperative, saying the union would only allow Christmas to continue without disruption if management agreed in advance to capitulate to all their demands. Fortunately, the Devonshire nurses had more compassion, and Devonshire residents and their families were able to enjoy the Christmas holiday without crossing picket lines.

"Devonshire is merely the current battleground in an UNA demand for a single wage grid for Registered Nurses in all care homes province-wide regardless of who the employer is or what the current job funding is or what the resulting impact might be on other employees or on the care of our residents," West said. "If the care home - like Devonshire Care Centre - is not currently funded to match this wage grid, UNA alleges the employer must then determine where to find the funding, even if it means short-changing other employee groups; reducing care and services to residents; or risking the long-term sustainability of the care home."

While UNA maintains its sole mandate is to get the best terms and conditions for its members, West pointed out the employer has a much broader mandate to meet the needs of all employees and all residents of the care home. Devonshire Care Centre management's mandate includes many competing priorities.

"Resident care and safety are paramount as is building maintenance, supplies for personal care, food services, and training, leadership and support for the team that cares for the residents. Devonshire has earned full accreditation from Accreditation Canada, which is proof of our commitment to excellent care."

Devonshire management has tried for over a year to negotiate a settlement that recognizes the contribution of the nursing staff to care while still remaining within the current budget.

"Over the past year management has presented two comprehensive offers to the Registered Nurses," West said. "Both of these offers significantly improved the wage rates and enhanced the benefits of the nurses. These offers took into account the funding, the valuable contribution the professional nurses bring to the care team, and Alberta Health Services' required hours of care."

United Nurses of Alberta leadership responded by asking the mediator to book-out and calling a strike vote, without presenting either of the employer's offers to members. Instead of negotiating, the union clearly wanted nurses to withdraw

their services in the hope that job action would pressure the employer to give in to their demands.

Although the employer had offered to meet with the union and mediator on January 10th to present a final offer, the union has now served strike notice so that meeting is cancelled.

The employer has now requested a meeting with the union to draw up a responsible picket-line protocol. This protocol will enable UNA members to exercise their right to strike while protecting the rights of other staff to come to work without harassment and the rights of families to visit their loved ones.

It is also important that there be no disruption of people moving freely into and out of the adjoining Devonshire Retirement Residence, which is adjacent to the care home and shares a common entrance but is a separate and unconnected business.

The Devonshire Care Centre is also initiating its emergency contingency plan to ensure residents are provided with alternative safe and professional care.

TAB 5

Ritu Khullar

From: David Harrigan [harrigan@una.ab.ca]
Sent: Saturday, December 29, 2012 9:23 AM
To: iwest@parkplaceseniorsliving.com
Cc: kfitzgerald@parkplaceseniorsliving.com; Carolyn Olson;
mnadeau@parkplaceseniorsliving.com; Bertha.Greenstein@gov.ab.ca; hciadmin@telus.net;
Ritu Khullar
Subject: Devonshire

Dear Mr West.

I have read the media release posted on your website.

Your habit of publicly making untrue statements is not helpful, and once again I request that you attempt to be truthful in your statements.

Amongst the fictions you publish is the following:

Although the employer had offered to meet with the union and mediator on January 10th to present a final offer, the union has now served strike notice so that meeting is cancelled.

At our last meeting with Mediator Howes, all parties agreed to meet on January 10 - we indicated that we may well be on strike at that time, but we agreed to meet. My understanding is that Mediator Howes also has confirmed that date. Please confirm whether or not the employer is now refusing to meet as agreed.

I look forward your response.

David Harrigan
Director of Labour Relations
United Nurses of Alberta

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To: rkhullar@chiverslaw.com
From: harrigan@una.ab.ca

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TAB 6

December 31st, 2012

Dear Ms. Howe:

Given that David Harrigan of the United Nurses of Alberta has made it clear that his negotiating committee will accept nothing less than the agreement signed at the Hardisty Care Centre and given that the employer at the Devonshire Care Centre has no intention of doing so, it seems pointless to meet on January 10th, 2013 as scheduled. Both parties are fixed in their positions and each party clearly understands the position of the other. Until there is some change in position, a meeting appears to be a waste of everyone's time..

And given that the UNA intends to strike at 3:00 pm today, the employer will be focusing its time and efforts to ensuring residents in its care are provided with the professional care through other willing and professionally capable people.

We fully respect the right of our Registered Nurses to engage UNA to negotiate an agreement with the employer. We further respect their right to reject an offer they are not satisfied with and to exercise their right to strike. We trust UNA will respect our right and obligation to protect their right to strike by activating a contingency plan that ensures residents have access to professional care and service they medically need.

Please advise Mr. Harrigan that the employer will meet with the union at anytime, before on or after January 10th, 2013, if his committee is willing to temper their demands or is willing to put forward a written counter offer to our last proposal.

Until we have an assurance that the union is willing to negotiate we ask that you cancel the meeting schedule for January 10th, 2013.

Respectfully,

Ian West

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SQUAMISH ~ SALMON ARM ~ KELOWNA ~ PENTICTON ~ NELSON ~ CALGARY ~ EDMONTON ~ MEDICINE HAT





TAB 7

Kara O'Halloran

From: Ritu Khullar
Sent: January-01-13 8:33 PM
To: Kara O'Halloran
Subject: Fw: Devonshire

From: David Harrigan <harrigan@una.ab.ca>
To: iwest@parkplaceseniorsliving.com <iwest@parkplaceseniorsliving.com>
Cc: hciadmin@telus.net <hciadmin@telus.net>; kfitzgerald@parkplaceseniorsliving.com <kfitzgerald@parkplaceseniorsliving.com>; colson@una.ab.ca <colson@una.ab.ca>; mnadeau@parkplaceseniorsliving.com <mnadeau@parkplaceseniorsliving.com>; Bertha.Greenstein@gov.ab.ca <Bertha.Greenstein@gov.ab.ca>; hciadmin@telus.net <hciadmin@telus.net>; Ritu Khullar
Sent: Mon Dec 31 15:34:27 2012
Subject: Re: Devonshire

Ian - I am most surprised you say both sides are fixed.

Are you suggesting that you and Karen were being untruthful when you said you would have a new proposal for us?

dh
Sent from my iPhone

"Ian West" <iwest@parkplaceseniorsliving.com> writes:

Dear Ms. Howe: Given that David Harrigan of the United Nurses of Alberta has made it clear that his negotiating committee will accept nothing less than the agreement signed at the Hardisty Care Centre and given that the employer at the Devonshire Care Centre has no intention of doing so, it seems pointless to meet on January 10th, 2013 as scheduled. Both parties are fixed in their positions and each party clearly understands the position of the other. Until there is some change in position, a meeting appears to be a waste of everyone's time. And given that the UNA intends to strike at 3:00 pm today, the employer will be focusing its time and efforts to ensuring residents in its care are provided with the professional care through other willing and professionally capable people. We fully respect the right of our Registered Nurses to engage UNA to negotiate an agreement with the employer. We further respect their right to reject an offer they are not satisfied with and to exercise their right to strike. We trust UNA will respect our right and obligation to protect their right to strike by activating a contingency plan that ensures residents have access to professional care and service they medically need. Please advise Mr. Harrigan that the employer will meet with the union at anytime, before, on or after January 10th, 2013, if his committee is willing to temper their demands or is willing to put forward a written counter offer to our last proposal. Until we have an assurance that the union is willing to negotiate we ask that you cancel the meeting schedule for January 10th, 2013. Respectfully, Ian West
From: David Harrigan
[<mailto:harrigan@una.ab.ca>]

Sent: Saturday, December 29, 2012 8:23 AM

To: iwest@parkplaceseniorsliving.com

Cc: kfitzgerald@parkplaceseniorsliving.com; Carolyn Olson;
mnadeau@parkplaceseniorsliving.com; Bertha.Greenstein@gov.ab.ca; hciadmin@telus.net;
rkhullar@chiverslaw.com

Subject: DevonshireDear Mr West.I have read the media release posted on your website. Your habit of publicly making untrue statements is not helpful, and once again I request that you attempt to be truthful in your statements. Amongst the fictions you publish is the following:Although the employer had offered to meet with the union and mediator on January 10th to present a final offer, the union has now served strike notice so that meeting is cancelled.At our last meeting with Mediator Howes, all parties agreed to meet on January 10 - we indicated that we may well be on strike at that time, but we agreed to meet. My understanding is that Mediator Howes also has confirmed that date. Please confirm wether or not the employer is now refusing to meet as agreed. I look forward your response.

David HarriganDirector of Labour RelationsUnited Nurses of Alberta

i

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To: rkhullar@chiverslaw.com

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From: harrigan@una.ab.ca

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TAB 8

Lisa Schovanek

From: Ritu Khullar
Sent: Tuesday, January 01, 2013 8:39 PM
To: Kara O'Halloran
Subject: Fw: Devonshire

Importance: High

From: David Harrigan <harrigan@una.ab.ca>
To: iwest@parkplaceseniorsliving.com <iwest@parkplaceseniorsliving.com>; Bertha.Greenstein@gov.ab.ca <Bertha.Greenstein@gov.ab.ca>
Cc: hciadmin@telus.net <hciadmin@telus.net>; kfitzgerald@parkplaceseniorsliving.com <kfitzgerald@parkplaceseniorsliving.com>; colson@una.ab.ca <colson@una.ab.ca>; mnadeau@parkplaceseniorsliving.com <mnadeau@parkplaceseniorsliving.com>; hciadmin@telus.net <hciadmin@telus.net>; Ritu Khullar
Sent: Mon Dec 31 17:57:10 2012
Subject: Re: Devonshire

Ian - regardless of the answer to my last question, please be advised that UNA is certainly prepared to negotiate. It was the employer, not the union that used the phrase "final offer."

We are very pleased that you say you are prepared to meet anytime before or on January 10 provided that the union is willing to negotiate.

We are.

I suggest we meet January 3, 4, 5, and 6.

My understanding is that Ms. Howes is away. I suggest we ask Ms. Greenstein to assist and act as a mediator. As we are not permitted on your property, we would be happy to host you at our office.

I ask that you and Ms. Greenstein advise as to your willingness to proceed.

David Harrigan
Director of Labour Relations
United Nurses of Alberta

"Ian West" <iwest@parkplaceseniorsliving.com> on December 31, 2012 at 3:10 PM -0700 wrote:
Dear Ms. Howe:

Given that David Harrigan of the United Nurses of Alberta has made it clear that his negotiating committee will accept nothing less that the agreement signed at the Hardisty Care Centre and given that the employer at the Devonshire Care Centre has no intention of doing so, it seems pointless to meet on January 10th, 2013 as

scheduled. Both parties are fixed in their positions and each party clearly understands the position of the other. Until there is some change in position, a meeting appears to be a waste of everyone's time..

And given that the UNA intends to strike at 3:00 pm today, the employer will be focusing its time and efforts to ensuring residents in its care are provided with the professional care through other willing and professionally capable people.

We fully respect the right of our Registered Nurses to engage UNA to negotiate an agreement with the employer. We further respect their right to reject an offer they are not satisfied with and to exercise their right to strike. We trust UNA will respect our right and obligation to protect their right to strike by activating a contingency plan that ensures residents have access to professional care and service they medically need.

Please advise Mr. Harrigan that the employer will meet with the union at anytime, before, on or after January 10th, 2013, if his committee is willing to temper their demands or is willing to put forward a written counter offer to our last proposal.

Until we have an assurance that the union is willing to negotiate we ask that you cancel the meeting schedule for January 10th, 2013.

Respectfully,

Ian West

From: David Harrigan [<mailto:harrigan@una.ab.ca>]
Sent: Saturday, December 29, 2012 8:23 AM
To: iwest@parkplaceseniorsliving.com
Cc: kfitzgerald@parkplaceseniorsliving.com; Carolyn Olson; mnadeau@parkplaceseniorsliving.com; Bertha.Greenstein@gov.ab.ca; hciadmin@telus.net; rkhullar@chiverslaw.com
Subject: Devonshire

Dear Mr West.

I have read the media release posted on your website.

Your habit of publicly making untrue statements is not helpful, and once again I request that you attempt to be truthful in your statements.

Amongst the fictions you publish is the following:

Although the employer had offered to meet with the union and mediator on January 10th to present a final offer, the union has now served strike notice so that meeting is cancelled.

At our last meeting with Mediator Howes, all parties agreed to meet on January 10 - we indicated that we may well be on strike at that time, but we agreed to meet. My understanding is that Mediator Howes also has confirmed that date. Please confirm whether or not the employer is now refusing to meet as agreed.

I look forward your response.

David Harrigan
Director of Labour Relations
United Nurses of Alberta

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To: rkhullar@chiverslaw.com

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From: harrigan@una.ab.ca

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TAB 9

Kara O'Halloran

From: Ritu Khullar
Sent: January-02-13 1:54 PM
To: Kara O'Halloran
Subject: FW: Mediation Devonshire and UNA

Ritu Khullar
Chivers Carpenter
Lawyers

p: 780.439.3611

Service of court documents by email is not accepted unless we have provided specific consent to accept service in that manner.

This e-mail and any attachments may contain information that is confidential or legally privileged. If you have received this transmission in error, please immediately notify the sender by return e-mail and delete the original transmission and its attachments without reading, printing, or saving in any manner. Thank you.

From: D Howes [<mailto:dhowes@highclouds.ca>]
Sent: Wednesday, January 02, 2013 11:21 AM
To: iwest@parkplaceseniorsliving.com; David Harrigan; Karen Fitzgerald; Bertha Greenstein; Ritu Khullar
Subject: Mediation Devonshire and UNA

Ian and David

Even though I am away I am monitoring emails. I encourage you to meet as UNA has suggested with Bertha's assistance so you can keep the door to settlement open. As we all know, no contact or email blasts are less likely to create opportunities for the resolution I know you both prefer.

We originally had held Jan 10 and 11 for mediation. I invite you to both join me on Jan 11th, if you do not have a TA by then so we can explore ways to end the strike/lockout.

Pls respond using dhowes@highclouds.ca

Deborah Howes, President
High Clouds Incorporated
780-466-8250
dhowes@highclouds.ca
Sent from my windows phone

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From: dhowes@highclouds.ca

Message Score: 30
My Spam Blocking Level: Medium

High (60): Pass
Medium (75): Pass
Low (90): Pass

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TAB 10

Kara O'Halloran

From: Ritu Khullar
Sent: January-02-13 1:54 PM
To: Kara O'Halloran
Subject: FW: Mediation Devonshire and UNA

Ritu Khullar
Chivers Carpenter
Lawyers

p: 780.439.3611

Service of court documents by email is not accepted unless we have provided specific consent to accept service in that manner.

This e-mail and any attachments may contain information that is confidential or legally privileged.. If you have received this transmission in error, please immediately notify the sender by return e-mail and delete the original transmission and its attachments without reading, printing, or saving in any manner. Thank you.

From: David Harrigan [<mailto:harrigan@una.ab.ca>]
Sent: Wednesday, January 02, 2013 11:34 AM
To: dhowes@highclouds.ca
Cc: iwest@parkplaceseniorsliving.com; kfitzgerald@parkplaceseniorsliving.com; bertha.greenstein@gov.ab.ca; Ritu Khullar
Subject: Re: Mediation Devonshire and UNA

I agree - most resolutions are achieved at meetings, not via emails.

Why do you suggest the 11th, rather than the 10th?

David Harrigan
Director of Labour Relations
United Nurses of Alberta

D Howes <dhowes@highclouds.ca> on January 2, 2013 at 11:20 AM -0700 wrote:

Ian and David

Even though I am away I am monitoring emails. I encourage you to meet as UNA has suggested with Bertha's assistance so you can keep the door to settlement open. As we all know, no contact or email blasts are less likely to create opportunities for the resolution I know you both prefer.

We originally had held Jan 10 and 11 for mediation. I invite you to both join me on Jan 11th, if you do not have a TA by then so we can explore ways to end the strike/lockout.

Pls respond using dhowes@highclouds.ca

Deborah Howes, President
High Clouds Incorporated
780-466-8250
dhowes@highclouds.ca
Sent from my windows phone





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From: harrigan@una.ab.ca

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TAB 11

From:  ian west <spectrumgpcompanies@yahoo.ca> 01/02/...  
 ian west <spectrumgpcompanies@yahoo.ca>

Subject: Future meeting

To:  "dhowes@highclouds.ca" <dhowes@highclouds.ca>
 "bertha.greenstein@gov.ab.ca" <bertha.greenstein@gov.ab.ca>
 **David Harrigan**  r hullar <rkhullar@chiverslaw.com>
 "mnadeau@parkplaceseniorsliving.com" <mnadeau@park...>
 Karen Fitzgerald <kfitzgerald@parkplaceseniorsliving.com>

Deborah
Thank you for your follow up.

I agree with David that most resolutions are achieved at meetings and not by emails. I don't need to remind you that it was David that called an end to meetings when he asked you to book-out. Since the commencement of the strike I have received numerous emails from David yet the only email I have sent was to you. In my communication to you I stated that *'Both parties are fixed in their positions and each party clearly understands the position of the other'*.

My understanding from Mr. Harrigan is that the union will only accept an agreement that is the same as Hardisty or some similar provincial standard. He reiterated his position both prior to the strike notice and since.

The employer's position is that it will not offer, in the life of a first agreement, a wage grid that is similar or the same as Hardisty. The employer did offer, prior to the strike notice, to come to the next meeting with an 'improved offer'. Mr. Harrigan assured me that this would be a waste of time unless it met 'his provincial standard test'. As the employer is not prepared to do so we took David at his word and cancelled the January 10th, meeting.

If UNA is willing to give clear indication to you and the employer that they will step away from their 'Hardisty/provincial standard in the life of a first agreement' position then we will seriously consider making the time to attend a meeting. May we suggest you ask UNA to draft a counter-proposal to our last offer so that all parties are assured of a productive meeting?

Unfortunately, due to schedule changes caused by the strike action, neither the 10th or 11th work. However, if both parties agree a meeting would be productive the employer is in agreement to work through Bertha Greenstein in your absence.

Thank you,

Ian West