

# UNASTAT

UNITED NURSES OF ALBERTA NEWS UPDATE FOR MEMBERS

## Alberta Labour Relations Board refuses to order LTC employer to negotiate

### UNA will challenge decision in court

■ “It’s unbelievable,” UNA Director of Labour Relations David Harrigan says about the Alberta Labour Relations Board (LRB) refusal to make a ruling on Monday, December 11.

“We have an Employer that has been deliberately violating the Labour Relations Code for months and the LRB adjourned a hearing rather than make a ruling.”

The Board was hearing several separate challenges around Shepherd’s Care Kensington, including complaints from UNA and the Alberta Union of Provincial Employees that the Employer was stalling and refusing to negotiate. For months the long-term care employer had refused to negotiate first contracts with both AUPE and UNA. At the end of the hearing Monday the LRB simply gave them a license to stall even longer.

“In May 100% of the nurses signed cards saying they wanted to be represented by UNA and in June 100% of the nurses voted to be represented by UNA. The other employees voted to join AUPE. Now it’s almost Christmas and the Employer has yet to meet even once with us,” David Harrigan told the LRB hearing.

“If there ever was any doubt that this Board is biased, this seals it,” said an exasperated David Harrigan. He represented UNA at the hearing where he asked the Shepherd’s Care representative if they had appointed people to negotiate. The response was that they had provided some names but they had not actually expected them to negotiate, he says.

Shepherd’s Care Kensington had essentially admitted they had violated the province’s Labour Relations Code during the daylong hearing, Harrigan said. But the Board refused to rule on the union’s complaint. Instead they adjourned the hearing and said that if Shepherd’s Care refused to meet by January 31, 2007, the unions can ask the Board to reconvene.

Shepherd’s Care had also applied to the Board to reconsider the ruling granting the unions bargaining certificates and the right to represent the employees.

“They are just blatantly stalling,” David Harrigan said. “The LRB should have refused to hear this frivolous delaying complaint. There were clearly no grounds whatsoever to challenge the certificate. But what did the Board do? They decided to hear Shepherd’s Care’s application first and we spent almost an entire day on it.”

The LRB then asked AUPE and UNA if they still wanted to proceed with the failing to negotiate in good faith complaint.

“Of course, we wanted the Board to hear our complaint,” David Harrigan says. “Shepherd’s Care had stalled for months and the reconsideration was just a stall, too. The Board needs to send the message that it’s unacceptable to ignore the Labour Code and treat employees with so much disrespect.”

In his view the Board needed to make a ruling on whether the employer had violated the Labour Relations Code and order them to begin negotiations immediately.

The LRB panel suggested they did not want to issue a decision that would “harm the relationship” between the employer and the unions. Instead they suggested the parties meet by January 31 and then adjourned.

“But,” David Harrigan said, “we have no relationship. Shepherd’s Care has been looking for any way possible to avoid even meeting with us.”

David Harrigan says UNA will be challenging the LRB’s refusal to make a ruling in court.

“The Labour Code is clear,” he says. “Shepherd’s Care was legally obligated to begin negotiations by September and they refused. This Labour Relations Board simply refuses to make any ruling against an Employer when UNA is involved.”

UNA has legally challenged Board decisions in the past and took the LRB to court over Bill 27. UNA charged that there was a “reasonable apprehension of bias” in the LRB’s administration of Bill 27 after it was discovered that LRB members had consulted with the government in drafting the law. Bill 27 was the law passed in 2003 that unilaterally forced massive changes in the health sector.

The LRB panel that considered the Kensington Shepherd’s Care complaints on Monday was chaired by Les Wallace. Wallace also chaired most of the Bill 27 hearings.