

BRITISH COLUMBIA LABOUR RELATIONS BOARD

**IN THE MATTER OF AN APPLICATION PURSUANT TO THE LABOUR RELATIONS
CODE, R.S.B.C. 1996, c.244**

BETWEEN:

B.C. FERRY AND MARINE WORKERS' UNION

(the "Union")

AND:

BC FERRY SERVICES INC.

(the Employer")

BEFORE THE LABOUR
RELATIONS BOARD

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SUNDAY, THE 12TH DAY OF
APRIL 2020

J. NAJEEB HASSAN VICE-CHAIR

CONSENT ORDER

WHEREAS the Labour Relations Board (the "Board") received an unfair labour practice complaint, filed by the Union on April 7, 2020, alleging breaches of Sections 6, 11, and 27 of the *Labour Relations Code* (Case No. 2020-000315) (the "Complaint");

AND WHEREAS the undersigned was established as a Panel of the Board pursuant to Section 117 of the Code to deal with this matter;

AND WHEREAS the Union and the Employer have agreed to resolve the Complaint.

NOW THEREFORE, PURSUANT TO SECTION 133(3) OF THE *LABOUR RELATIONS CODE*, THE LABOUR RELATIONS BOARD MAKES THE FOLLOWING ORDER BY CONSENT:

1. This Consent Order is issued without prejudice to the Union's pursuit of its grievance filed on April 5, 2020 (the "Article 12 Grievance"), its s.54 application to the Board, nor the right of the Union to pursue any other grievances directly related to or flowing from the COVID-19 pandemic. For clarity, the notice provisions in this Consent Order do not replace or supersede any provision of the Collective Agreement or section of the *Code*.
2. The parties agree to expedite the grievance process to Regular Arbitration pursuant to Article 5.03 of the Collective Agreement so that every effort will be made for the Article 12 Grievance, together with the Union's allegation of a breach of s. 54 of the *Code*, to be heard and decided by a single arbitrator no later than August 31, 2020.
3. The parties will form a Joint Labour Management COVID-19 Committee (the "Committee"). The Committee will meet and discuss pandemic-related labour relations issues and attempt to resolve any alleged breaches of the Collective Agreement. Meetings shall occur as required or forthwith if requested by either party.
4. Through the Committee, the parties agree to a consultation process on matters directly related to or flowing from the COVID-19 Pandemic, with the following terms:
 - a. The Committee will be comprised of Colin Harris and Aggie Peel for the Employer and Kevin Hall and Lori Horvat for the Union;
 - b. Through the Committee, the Employer will consult with the Union with respect to any significant management actions that it may take to address issues arising from the Pandemic, including, but not limited to:
 - i. changes to service levels;
 - ii. changes required due to legislative enactments or policies related to the COVID-19 Pandemic which may have a significant impact on the Employer or its employees; or
 - iii. Any other changes of a significant nature related to the COVID-19 Pandemic that may impact the Employer or its employees.
 - c. The Employer will provide notice as soon as practicable to the Union of any significant managerial actions that it expects to take as a result of the Pandemic, such as those set out in paragraph 4(b) to this Consent Order.
 - d. With any matter addressed through the Committee, including notice set out in paragraph 4(c) of this Consent Order, the Employer will disclose to the Union information relevant to the impact of the managerial decisions on the BC Ferries employees, as soon as practicable, and prior to communicating that information directly to employees.
 - e. The Union will agree to keep all information received through the Committee confidential and limited to the executives of the Union and members of the

Committee.

5. Both parties agree that communication of the resolution of the Union's complaint shall be limited to this Consent order and an information bulletin to members, attaching the Consent Order, with only the following text:

"Ferry Workers brought forward complaint against BC Ferries. Through mediation, it is clear other significant disputes remain between the parties, which will be addressed through the grievance process. To resolve the Complaint only, the Labour Relations Board issued this Consent Order."

6. The Complaint is hereby resolved and the Union's s. 54 application is deferred to arbitration as set out above.
7. This Panel of the Board will remain seized of any dispute arising from the application, interpretation or implementation of this Consent Order.

DATED AND EFFECTIVE at Vancouver, British Columbia, this 12th day of April, 2020.

LABOUR RELATIONS BOARD



J. NAJEEB HASSAN
VICE-CHAIR AND REGISTRAR