



BC FERRY & MARINE WORKERS' UNION

SPECIAL BULLETIN #31

DECISION OF THE BOARD REGARDING COMPLAINT BC FERRIES VIOLATED CONSENT ORDER

NATURE OF COMPLAINT

Our Union filed a complaint at the BC Labour Relations Board that BC Ferries breached the April 12, 2020 Consent Order of the Board on two counts:

1. Failure to provide notice of significant management actions arising from the COVID-19 Pandemic; and
2. Failure to meaningfully consult with the Union.

BACKGROUND

On April 7th, our Union filed an Unfair Labour Practices Complaint against BC Ferries. On April 12th, the Labour Relations Board issued a Consent Order to resolve that complaint. The Consent Order provides an expedited mechanism for our Grievance and Section 54 complaint re. BC Ferries illegal layoffs heard on an expedited timeline, and for a Committee to facilitate consultation and notice "with respect to any significant management actions that it may take to address issues arising from the pandemic..."- in other words, a Committee to provide meaningful consultation on decisions and avoid blindsides surprises.

ANALYSIS AND DECISION

In response to our Complaint, the Labour Relations Board has issued a decision confirming our concerns and our position:

"Consultation means more than merely being told at the latest possible minute what is going to be done. Meaningful consultation requires management to allow the Union a real opportunity to express their views and, most importantly, to have those views considered before the decision is announced to employees and/or put into effect. Of course, that does not mean that the Union has a veto over management's operation of the business; nor has the Union in this case suggested that it does.

In order for the Committee to function effectively, the Employer must provide the Union with notice of its decisions and allow a reasonable period of time for the parties to engage in meaningful dialogue, raise concerns, exchange ideas and have time to review and consider alternatives raised related to the potential impact on employees. By doing so, the Union can then be in a position to explain to its members that it attempted to influence, on their behalf, the effects of decisions or actions."

With the Labour Relations Board providing a clear confirmation of our position to BC Ferries, we expect BC Ferries to live up to their obligations under the Consent Order.

You can find the initial Consent Order and subsequent Decision of the Board on our website:

[Consent Order](#)

[May 8 2020 Board Decision](#)

Stay Safe, Healthy, and Solid.

In Solidarity,
Graeme Johnston

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