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June 10, 2009

Bulletin

Freedom of choice in union affiliation missing from labour organizations' open letter to BCNU members

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May 14, 2009

Bulletin

BCNU has not been charged or "found guilty of raiding"

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

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Facilities Bargaining Association unions launch legal action to defend contract rights of LPNs

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5000 North Fraser Way, Burnaby, BC V5J 5M3 • TEL: 604-438-5000 • FAX: 604-739-1510 • WEB: www.heu.org
The BC Health Services Division of the Canadian Union of Public Employees

BCNU raid on licensed practical nurses should draw sanctions, says BCGEU president

B.C. Government and Service Employees' Union
Thursday, July 30, 2009
Page
By BCGEU

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

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BCNU actions constitute a raid – CLC

Congress president Georgetti imposes sanctions on nurses' union

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July 31, 2009

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

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National nurses' federation directs BCNU to stop raiding other health unions

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August 7, 2009

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What's *really* behind BCNU's Associate Membership drive?

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

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Special Bulletin to HEU members and stewards

BCNU activity in the workplace

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September 9, 2009

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September 11, 2009

Bulletin

BCNU welcomes LPNs as full members to have bargaining rights

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

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LPNs to stay united in HEU

Without the support of a majority of LPNs, BCNU makes a late bid to withdraw its raid applications

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HEU asks Labour Relations Board to finalize raid report

February 17, 2012

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LPNs to vote. We're ready. And we're confident.

29 Feb '12

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NEWSLETTER

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LRB issues report on BCNU raid

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February 28, 2012

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March 20, 2012

Bulletin

Update on Labour Board proceedings

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Labour board will soon make decision about LPNs' democratic rights to join nurses' union

HEU, BCGEU insist LPNs are support workers, ask the Board to deny LPNs' right to vote

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BCNU corrects false information in HEU May 4 bulletin

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Labour Relations Board prepares decision on BCNU raid applications

May 4, 2012

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LRB corrects false information on pro-raid website

May 4, 2012

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Page 036 to/à Page 037

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Some BCGEU LPNs to vote on union representation

9 May '12

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May 9, 2012

Bulletin

Labour Board orders vote so LPNs can cast ballots to join the BC Nurses' Union

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NEWSLETTER

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Labour Relations Board orders LPN representation vote

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May 9, 2012

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Health Date: May 10, 2012, Update May 11 Minister Responsible: Michael de Jong	LRB Dismisses Objections to BCNU Application (Raid on LPNs)

ADVICE AND RECOMMENDED RESPONSE:

- **We value the work of Licensed Practical Nurse (LPNs) in our health care system and view them as critical components of the health care team.**
- **The recent decision made by the Labour Relations Board will allow LPNs to vote on which union they would like to represent them.**
- **This is an-inter-union issue and the ministry and health employers remain neutral in this matter.**

If asked about negotiations

- **There are a number of steps that must occur before any final decision on what union represents LPNs is made including the vote.**
- **We are currently at the table with all health sector unions to negotiate new agreements which benefit health care workers, the health care system and most importantly patients.**

BACKGROUND REGARDING THE ISSUE:

- In late 2011 the BC Nurses Union (BCNU) made an application to the Labour Relations Board (LRB) for certification to represent Licensed Practical Nurses (LPNs) in the Facilities Subsector. The application covered approximately 7,000 LPNs at more than 150 health care facilities across B.C.
- On May 9, 2012 the Labour Relations Board (LRB) has dismissed objections to the BCNU's applications to represent LPN's employed by all health authorities except the Provincial Health Services Authority (PHSA).

Next steps

- The LRB has ordered a vote to proceed. The vote will allow LPNs covered by the application to vote on whether they wish to be represented by the BCNU.
- The Industrial Relations Officer (IRO) is now in the process of preparing for a vote.
- The exact timing of the vote is not known at this time, however, HEABC expects that it will occur in the next couple of weeks and may take up to 10 weeks to complete.
- While the vote is proceeding it is anticipated that HEU will appeal for leave and reconsideration of the decision. HEU has 15 calendar days from the decision date to make this application.
- The ballots will likely be sealed pending the outcome of any appeals.
- The vote will determine union representation on a health authority by health authority basis. This means LPNs may be represented by different unions at different health authorities.
- The current application would see LPNs represented by BCNU but still covered by the Facilities Collective Agreement/Facilities Bargaining Association (there are 5 bargaining

subsectors within health of which the Facilities and Nurse Bargaining Associations are two). However if the vote is successful, BCNU could next be expected to seek government action to move LPNs to the nurses bargaining unit by amending the definition of "nurse" in Section 19.1 of the Health Authorities Act to include LPNs.

- If the vote is unsuccessful LPNs who do not want to be represented by HEU may consider ~~joining the~~applying to the LRB for a determination that they should properly be part of the Health Sciences Professionals Bargaining Association rather than the FBA.

Raid Background

- The BCNU has been conducting an organizing campaign (a "raid") to lure LPNs away from the unions which currently represent them (predominantly the Hospital Employees Union (HEU) under the Facilities Bargaining Association (FBA) agreement).
- The BCNU were unsuccessful in a previous raid attempt in 2009/2010, which resulted in rebuke from organized labour at the provincial and national levels (i.e., BC Federation of Labour, Canadian Federation of Nurses Unions, and Canadian Labour Congress).
- Under the current campaign, "Nurse+Nurse: one province, one profession, one union," the BCNU is promising LPNs they will secure stronger contracts by negotiating as a bloc with registered nurses. In addition, the BCNU has previously offered to suspend union dues for LPNs for a period as an incentive for joining the BCNU.

DISCUSSION/ADVICE:

- A successful vote would be a substantive win for BCNU, which has invested significant financial resources on the raid over 3 years. BCNU would also gain significant membership revenue for signing up LPNs.
- Having LPNs move into the NBA is the ultimate goal for BCNU making BCNU the sole voice of nurses, increasing their influence and power at the bargaining table, and simplifying bargaining and collective agreement administration.

s.13,s.17

Communications Contact: Kristy Anderson
Program Area Contact: Jodi Jensen

ADVICE TO MINISTER

File Created: May 10, 2012
File Updated:
File Location: G:\PABGroups\Medstrat 2012\Operations\Issues Notes\Labour

Minister's Office	Program Area	Deputy	Media Manager
			Ryan Jabs

History in the making!

By Cynthia
Saturday, May 12th, 2012

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Let’s get this straight!

By michelle
Wednesday, May 16th, 2012

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CHECK the RECORD



HEU's record of achievement for LPNs

HEU has always championed LPNs' best interests. And since 2006, most LPNs have seen wage adjustments of up to 22 per cent – meeting or exceeding RN wage increases.

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CHECK the RECORD



BCNU's record of opposition to LPNs

In the late 80s and early 90s, BCNU's position on LPNs was very clear when they supported policies that almost eliminated LPNs from health care

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find out more at **www.lpnsvoteheu.org**

A Strong LPNs *INDEPENDENT* Profession



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LRB finalizes vote details

Hospital Employees' Union

May 17, 2012

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LPN Profile: Lee-Ann Seidler

By michelle
Wednesday, May 23rd, 2012

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The LRB was clear. BCNU's "no risk guarantee" isn't just puffery. It's also "inaccurate."

May 27, 2012

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While LPN vote proceeds, HEU, BCGEU & IUOE prepare to appeal Labour Board decision

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Discrepancy in Labour Board instructions / addressed envelope

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HEU appeals LPNs' right to vote/change unions, but Labour Board vote will continue

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Discrepancy in Labour Board instructions / addressed envelope

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HEU & LRB: Protecting LPN unity and strength

June 1, 2012

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BEWARE of the wolf in sheep's clothing!

By Cynthia
Saturday, June 2nd, 2012

June1st-2012

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After a successful vote, LPNs will immediately elect six representatives to their Bargaining Committee and to have a voice on BCNU Council

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The power of a single vote, or in this case 0.1% of LPNs

By Sandra
Wednesday, June 6th, 2012

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Statement from B.C. Federation of Labour President Jim Sinclair on LPN's and the Importance of a Unified Labour Movement

By BC Federation of Labour

June 7, 2012

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BRITISH COLUMBIA NURSES' UNION

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June 8, 2012

Bulletin

Health authority LPNs now voting to join BCNU

Balloting culminates a long campaign for democratic choice, follows Labour Board ruling that LPNs are an appropriate unit for bargaining

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BCGEU reviewing LRB decision on raid of LPN's in the facilities subsector

16 Jun '12

By BCGEU

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BRITISH COLUMBIA Nurses' Union



An open letter to LPNs from Gary Fane, BCNU's chief negotiator

June 2012

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An open letter to LPNs from Gary Fane, BCNU's chief negotiator con't . . .

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BCGEU

top

CHNL, Tuesday, June 19, 2012 07:33
By CHNL

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Bargaining - BCGEU

top

Walker: BCGEU against LRB union decision CHNL, Tuesday, June 19, 2012 07:01
By CHNL

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HEU finally admits that LPNs will keep their seniority, benefits, pension and all contractual rights when they move to BCNU

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BCNU agrees: LPNs will continue to be covered by Facilities collective agreement

By HEU

June 19, 2012

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Eligible LPNs who have not received a ballot can vote at Employment Standards Branch offices across B.C. starting June 21

By HEU

Newsletter

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HEU's majority in FBA means strong representation for LPNs

By HEU

June 22, 2012

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BCNU acts to protect LPNs from further rollbacks at the facilities bargaining table

Nurses' union seeks 10 seats in facilities negotiation for BCNU's elected LPN bargaining committee

posted June 21, 2012

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

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LPN representation vote wraps up today

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June 25, 2012

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June 29, 2012

Bulletin

LPN ballots have been cast

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LPN vote moving forward at the BC Labour Relations Board

BCNU planning a successful integration of LPNs into the nurses' union

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BRITISH COLUMBIA NURSES' UNION

August 10, 2012

Bulletin

BCNU moves to protect nurses' democratic rights to change unions, asks Labour Board to move forward the counting of LPN ballots

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Ballot update | Just RNs? | Judicial review

August 10, 2012

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BRITISH COLUMBIA NURSES' UNION

August 14, 2012

Bulletin

HEU admits they have asked courts to strip LPNs of their democratic right to vote

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LPN voters' list produced by Employment Standards Branch

By HEU
August 16, 2012

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BRITISH COLUMBIA NURSES' UNION

August 17, 2012

Bulletin

Ministry of Labour releases list of LPNs who cast ballots

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LPN voter list should be finalized by Thursday, September 27

Counting of LPN ballots will be scheduled after amendments to voter list are finished.

Copyright

Completion of voter verification process clears way for LPN ballot count

September 28, 2012

By HEU

Labour Relations Board may begin counting ballots in the LPN raid on Oct. 4.

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LPN vote count tentatively scheduled for Thursday October 4, Friday October 5

BCNU, HEABC, HEU have finalized LPN voter list through Labour Relations Board adjudication process

By BCNU

posted September 28, 2012

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LPN balloting results to be announced Friday, Oct. 5

Newsletter

By HEU

October 4, 2012

LRB will conduct ballot counting process over two days

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HOSPITAL EMPLOYEES' UNION
NEWSLETTER

PLEASE POST

LRB releases results of LPN raid votes

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...more

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A message to LPNs about raid vote results

Newsletter
October 5, 2012
Message from HEU secretary-business manager Bonnie Pearson

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BRITISH COLUMBIA NURSES' UNION

Please Post

October 5, 2012

Bulletin

Licensed Practical Nurses vote decisively to change unions and join the BC Nurses' Union

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LPNs Join the BC Nurses Union

By michelle
Saturday, October 6th, 2012

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Current LPN stewards are invited to join the BCNU steward team

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LPN Transition Bulletin 1

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BC Labour Relations Board certifies BCNU as LPNs' new union

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BRITISH COLUMBIA NURSES' UNION

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October 17, 2012

Bulletin

LPN Election Reminder: Deadline for Nominations is October 19

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Page 121 to/à Page 133

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s.14;s.17

Budwal, Kiran K HLTH:EX

From: Carroll, Sandra HLTH:EX
Sent: Monday, December 3, 2012 11:20 AM
To: s.22
Cc: Sheikh, Umar HLTH:EX
Subject: Re: Call from Gary

And bcnu is calling staff at all health authorities to tell them to ignore the policy.

Sent from my iPhone

On 2012-12-03, at 11:11 AM, "s.22 " <s.22 > wrote:

> No. I'll find the transcript.
> Sent from my BlackBerry® smartphone
>
> ---
>
> **From:** "Carroll, Sandra HLTH:EX" <Sandra.Carroll@gov.bc.ca>
> **Date:** Mon, 3 Dec 2012 10:54:48 -0800
> **To:** 'Peter Burton'<s.22 >
> **Cc:** Sheikh, Umar HLTH:EX<Umar.Sheikh@gov.bc.ca>
> **Subject:** RE: Call from Gary
>
> Did you hear CBC today with Debra???? Clearing Gary's comments did not work. It confirms that we do not want these groups together.
>
> ---
>
> **From:** Peter Burton [mailto:s.22]
> **Sent:** Monday, December 3, 2012 12:30 AM
> **To:** Carroll, Sandra HLTH:EX
> **Cc:** Sheikh, Umar HLTH:EX
> **Subject:** Call from Gary
>
> I meant to send this note yesterday. Gary called me yesterday afternoon. He said that he had made the point to his people that what they had done in their release was stupid and self-serving, I suggested that he call you, Sandy, around Tuesday to canvas your views on next steps if any re LPNs.
>
> Peter

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, December 10, 2012 9:39 AM
To: Sheikh, Umar HLTH:EX
Subject: FW: BCNU Post Card Campaign

From: Anderson, Kristy GCPE:EX
Sent: Monday, December 10, 2012 9:36 AM
To: Hagerman, Shannon GCPE:EX; Jabs, Ryan GCPE:EX; Hazeldine, Luba HLTH:EX; Feraru, Loredana HLTH:EX; 'Jodie Warren'
Subject: BCNU Post Card Campaign

FYI.

Tis the Season...to Take Action **PDF Format: [29 Kb]**

December 7, 2012

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Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: (250)952-3552 | c: (250)516-4130 | f: (250)952-1883 | kristy.anderson@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, December 10, 2012 9:29 AM
To: Sheikh, Umar HLTH:EX
Cc: Feraru, Loredana HLTH:EX
Subject: Outstanding items that need to be reviewed / discussed

Good morning Umar,

s.13,s.17

Thanks!

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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Budwal, Kiran K HLTH:EX

From: Carroll, Sandra HLTH:EX
Sent: Friday, November 30, 2012 7:36 PM
To: Peter Burton
Cc: Sheikh, Umar HLTH:EX
Subject: Re: LPN issue

s.14,s.17

On 2012-11-30, at 8:22 AM, "Peter Burton" <s.22 wrote:

s.14,s.17

> Peter

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 29, 2012 11:50 AM
To: Sheikh, Umar HLTH:EX
Subject: FW: LPN Consult Email

Note that I updated the LPN consultation list. Please view the attached as the most current.

From: Hazeldine, Luba HLTH:EX
Sent: Wednesday, November 28, 2012 4:49 PM
To: Sheikh, Umar HLTH:EX
Subject: LPN Consult Email

For your/Sandy's review.

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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2012-11-15_LPN Consult Email.d...


2012-11-29_LPN Regulation Cons...

Good morning/afternoon,

As you are aware, the *Health Authorities Act outlines the* five bargaining units within the health sector. Three of these units are the Facilities Bargaining Association, the Community Bargaining Association, and the Nurses Bargaining Association. The Labour Relations Board determines inclusion within the Facilities Bargaining Association and the Community Bargaining Association. The stature defines membership in the nurses' bargaining unit to include Registered Nurses and Registered Psychiatric Nurses only.

Licensed Practical Nurses (LPNs) are included within both the Facilities Bargaining Association and the Community Bargaining Association, although the great majority are members of the Facilities Bargaining Association. In November 2011, the BC Nurses Union (BCNU) applied to be certified to represent LPNs employed by the five regional health authorities and Providence Health Care. The Labour Board of BC found that the units applied for were appropriate and directed a vote to determine whether LPNs employed by each of the six organizations wished to be represented by the applicant, the BCNU, or by the incumbent bargaining representative.

On October 5, 2012, the LRB announced that LPNs in each of the six groups had voted to leave their incumbent unions to be represented by the applicant union, the BCNU. As a result, the majority of LPNs are now represented by the BCNU but remain within the Facilities Bargaining Association. A minority of LPNs within that bargaining unit employed by other health employers continue to be members of other unions and another minority of all LPNs remain employed within the Community Bargaining Association and as members of unions other than of the BCNU.

The BCNU has written to the Ministry of Health requesting that the government move LPNs from the facilities and community subsector bargaining units to the nurses' bargaining unit created under s.19.4(b) of the *Health Authorities Act*. In response, the Ministry of Health has initiated a process of consultation with interested and affected parties. I have designated the Director, Labour Relations and Strategic Initiatives, Umar Sheikh to undertake this consultation process.

We are requesting your participation in this process which will result in a recommendation to the Ministry on whether to support one of two options:

1. To leave LPNs within their current bargaining units, or
2. To relocate LPNs to the nurses' bargaining unit.

Our objective is to hear and understand your views/position on the health service delivery and labour relations implications of leaving LPNs within their current bargaining units or transferring LPNs from the Facilities and Community Bargaining Associations to the Nurses Bargaining Association. Your expertise and insight is critical.

In order to ensure consultation is productive as possible, we have developed the following questions to help better guide the process:

- Question 1 What are the implications of each option for the delivery of nursing and patient care services?
- Question 2 What are the labour relations and collective bargaining implications of each option?

- Question 3 What other factors, if any, do you believe that the Ministry should consider in formulating its recommendation to government?

Ministry staff will be in contact to set up individual consultations beginning early next week.

We thank you in advance and look forward to meeting with you and your staff in the weeks ahead.

If you have any questions or concerns please do not hesitate to contact Umar Sheikh, Director of Labour Relations and Strategic Initiatives at 250 952-1026.

Sandra Carroll
Chief Operating Officer
Ministry of Health

LPN Regulation Consultation Tracking Sheet:

Stakeholder Group	Key Contacts	Status	Consultation Date	Notes
Health Employers Association Of BC (HEABC)	**Michael Marchbank, President & CEO** Office: 604-714-2277 Cell: 604-219-2927 Email: MichaelM@heabc.bc.ca **Marno McInnes, VP Strategic Negotiations & Contract Administration** Office: 604-742-2581 Email: MarnoM@heabc.bc.ca **Tony Collins, VP Knowledge Management and Education Services** Office: 604-714-2280 Cell: 778-389-9280 Email: TonyC@heabc.bc.ca **Paul Lim, Industry Lead, Health Authority Services** Phone: 604-714-2287 Email: paull@heabc.bc.ca **Adrienne Hook, Executive Director, Health Authority Services** Phone: 604-742-2582 Email: adrienneh@heabc.bc.ca **Mark Slobin, Executive Director, Legal and Affiliate Services** Phone: 604-714-2283 Email: marks@heabc.bc.ca **Alan Francis, Legal Counsel** Phone: 604-742-2751			

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	Email: alanf@heabc.bc.ca **Gary Poon, Director, Research and Knowledge Management** Phone: 604-714-6370 Email: garyp@heabc.bc.ca			
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Vancouver Island Health Authority (VIHA)	**Howard Waldner, President & CEO** Phone: 250-370-8692 Email: howard.waldner@viha.ca **Dr Lynn Stevenson, VP, People, Organizational Development Practice and CNO** Phone: 250-370-8944 Email: lynn.stevenson@viha.ca **Barb Severyn, Executive Director, People & Organizational Development** Phone: 250-370-8688 Email: Barbara.Severyn@viha.ca			

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Providence Health Care	**Dianne Doyle, President & CEO** Office: 1-604-806-8020 Email: ddoyle@providencehealth.bc.ca **Zulie Sachedina, Vice President, Human Resources and General Counsel** Email: zsachedina@providencehealth.bc.ca **David Byres, Vice President, Acute Clinical Programs & Chief Professional Practice and Nursing** Email: dbyres@providencehealth.bc.ca			
BC Care Providers Association	**Ed Helfrich, Chief Executive Officer** Phone: 604.736.4233 x 229 Email: ehelfrich@bccare.ca			

	Maria Capostinsky, Administrative Services Coordinator Phone: 604.736.4233 x 226 Email: mcapostinsky@bccare.ca			
BC Nurses' Union (BCNU)	**Debra McPherson, President** Office: 604- 433-2268 local 2144 Cell: 604-209-4253 Email: dmcpherson@bcnu.org **Gary Fane, Executive Director, Negotiations and Strategic Development** Office: 604-433-2268, ext 2153 Cell: 604-786-6224 Email: gfane@bcnu.org			
Hospital Employees Union (HEU)	**Victor Elkins , President** Direct Phone: ? Email: ? **Bonnie Pearson, Secretary-Business Manager** Direct Phone: 604-456-7001 Cell: 604-802-9775 Email: bpearson@heu.org **Jacquie De Aguayo** **Assistant Secretary-Business Manager** Direct Phone: 604-456-7002 Cell: 778-233-7175 Email: jdeaguayo@heu.org **Chris Kinkaid, Director of Research** Phone: 604-456-7060 Email: ckinkaid@heu.org			
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	Cell: 604-828-7848 Email: rjohnson@hsabc.org **Jeanne Meyers, Executive Director, Legal & Labour Relations** Office: 604-439-0994 ext 518 Cell: 778-877-6857 Email: jmeyers@hsabc.org			
BC Government & Service Employees' Union (BCGEU)	**Darryl Walker, President** Office: 604-291-9611 Cell: 604-312-8364 Email: Darryl.Walker@bcgeu.ca **David Vipond, Director of Negotiations and Human Resources** Email: david.vipond@bcgeu.ca **David Streb, Coordinator-Negotiations** Office: 604-291-9611 Cell: 604-619-0304 Email: david.streb@bcgeu.ca			
Union of Psychiatric Nurses	**Doug McLaren, Director, Operations and Member Services** Office: 604-530-9253 Email: dmclaren@telus.net **Dan Murphy, President** Office: 604-530-9253 Email: pres.upn@telus.net			
CUPE BC Vancouver Coastal Health (CUPE Local 15) Canadian Mental Health – Port Alberni (CUPE Local 3403-01) Positive Living BC (CUPE Local 3495)	**Barry O'Neill, CUPE BC President** Office: 604-291-9119 Email: boneill@cupe.ca			

Fraser Health Authority (CUPE Local 4816).				
College of Registered Nurses of BC	**Cynthia Johansen, Registrar/CEO** Phone: 604.736.7331 ext. 322 General Inquiries: ceo@crnbc.ca **Katherine Graham, Director, Human Resources & Organization Development** Phone: 604.736.7331 ext. 116 Department inquiries: humanresources@crnbc.ca **Christine Penney, Director, Policy, Practice & Quality Assurance** Phone: 604.736.7331 ext. 335 Department inquiries: policy@crnbc.ca			
College of Registered Psychiatric Nurses of BC	**Kyong-ae Kim, Executive Director/Registrar** Office: 1.604.931.5200 Email: kkim@crpnbc.ca **Mary Ann Machado, Manager of Regulatory Services** Office: 1.604.931.5200 Email: mmachado@crpnbc.ca			
College of Licensed Practical Nurses	**Carina Herman, Executive Director/Registrar** Phone: 778.373.3311 Office: 778-373-3100 Email: cherman@clpnbc.org			

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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Wednesday, November 28, 2012 4:49 PM
To: Sheikh, Umar HLTH:EX
Subject: LPN Consult Email

For your/Sandy's review.

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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2012-11-15_LPN Consult Email.d...


2012-11-15_LPN Regulation Cons...

Good morning/afternoon,

As you are aware, the *Health Authorities Act outlines the* five bargaining units within the health sector. Three of these units are the Facilities Bargaining Association, the Community Bargaining Association, and the Nurses Bargaining Association. The Labour Relations Board determines inclusion within the Facilities Bargaining Association and the Community Bargaining Association. The stature defines membership in the nurses' bargaining unit to include Registered Nurses and Registered Psychiatric Nurses only.

Licensed Practical Nurses (LPNs) are included within both the Facilities Bargaining Association and the Community Bargaining Association, although the great majority are members of the Facilities Bargaining Association. In November 2011, the BC Nurses Union (BCNU) applied to be certified to represent LPNs employed by the five regional health authorities and Providence Health Care. The Labour Board of BC found that the units applied for were appropriate and directed a vote to determine whether LPNs employed by each of the six organizations wished to be represented by the applicant, the BCNU, or by the incumbent bargaining representative.

On October 5, 2012, the LRB announced that LPNs in each of the six groups had voted to leave their incumbent unions to be represented by the applicant union, the BCNU. As a result, the majority of LPNs are now represented by the BCNU but remain within the Facilities Bargaining Association. A minority of LPNs within that bargaining unit employed by other health employers continue to be members of other unions and another minority of all LPNs remain employed within the Community Bargaining Association and as members of unions other than of the BCNU.

The BCNU has written to the Ministry of Health requesting that the government move LPNs from the facilities and community subsector bargaining units to the nurses' bargaining unit created under s.19.4(b) of the *Health Authorities Act*. In response, the Ministry of Health has initiated a process of consultation with interested and affected parties. I have designated the Director, Labour Relations and Strategic Initiatives, Umar Sheikh to undertake this consultation process.

We are requesting your participation in this process which will result in a recommendation to the Ministry on whether to support one of two options:

1. To leave LPNs within their current bargaining units, or
2. To relocate LPNs to the nurses' bargaining unit.

Our objective is to hear and understand your views/position on the health service delivery and labour relations implications of leaving LPNs within their current bargaining units or transferring LPNs from the Facilities and Community Bargaining Associations to the Nurses Bargaining Association. Your expertise and insight is critical.

In order to ensure consultation is productive as possible, we have developed the following questions to help better guide the process:

- Question 1 What are the implications of each option for the delivery of nursing and patient care services?
- Question 2 What are the labour relations and collective bargaining implications of each option?

- Question 3 What other factors, if any, do you believe that the Ministry should consider in formulating its recommendation to government?

Ministry staff will be in contact to set up individual consultations beginning early next week.

We thank you in advance and look forward to meeting with you and your staff in the weeks ahead.

If you have any questions or concerns please do not hesitate to contact Umar Sheikh, Director of Labour Relations and Strategic Initiatives at 250 952-1026.

Sandra Carroll
Chief Operating Officer
Ministry of Health

LPN Regulation Consultation Tracking Sheet:

Stakeholder Group	Key Contacts	Status	Consultation Date	Notes
Health Employers Association Of BC (HEABC)	**Michael Marchbank, President & CEO** Office: 604-714-2277 Cell: 604-219-2927 Email: MichaelM@heabc.bc.ca **Marno McInnes, VP Strategic Negotiations & Contract Administration** Office: 604-742-2581 Email: MarnoM@heabc.bc.ca **Tony Collins, VP Knowledge Management** Office: 604-714-2280 Cell: 778-389-9280 Email: TonyC@heabc.bc.ca **Paul Lim, Industry Lead, Health Authority Services** Phone: 604-714-2287 Email: paull@heabc.bc.ca **Adrienne Hook, Executive Director, Health Authority Services** Phone: 604-742-2582 Email: adrienneh@heabc.bc.ca **Mark Slobin, Executive Director, Legal and Affiliate Services** Phone: 604-714-2283 Email: marks@heabc.bc.ca **Alan Francis, Legal Counsel** Phone: 604-742-2751 Email: alanf@heabc.bc.ca			

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Northern Health Authority (NHA)	**Cathy Ulrich, President & CEO** Phone: 250-565-2155 Email: Cathy.Ulrich@northernhealth.ca **Jane Lindstrom, VP, Human Resources & Corporate Services** Phone: 250-565-2116			
	Email: Jane.Lindstrom@northernhealth.ca **Mark de Croos, VP, Finance and CFO** Phone: 250-565-2840 Email: mark.decroos@northernhealth.ca **Fred Cummings, Regional Director, Strategic**			

	Labour Relations Phone: 250-649-7040 Email: Fred.Cummings@northernhealth.ca			
Interior Health Authority (IHA)	**Dr. Robert Halpenny, President & CEO** Phone: 250-862-4264 Email: Robert.halpenny@interiorhealth.ca **John G. Johnston, MBA, CHRP, VP, People/Clinical Services** Phone: 250-862-4301 Email: John.Johnston@interiorhealth.ca **Donna Lommer, VP, Residential Services and CFO** Phone: 250-862-4025 Email: Donna.Lommer@interiorhealth.ca **John Bevanda, Corporate Director, Labour & Employee Relations** Phone: 250-870-5859 Email: John.Bevanda@interiorhealth.ca			
Vancouver Island Health Authority (VIHA)	**Howard Waldner, President & CEO** Phone: 250-370-8692 Email: howard.waldner@viha.ca **Dr Lynn Stevenson, VP, People, Organizational Development Practice and CNO** Phone: 250-370-8944 Email: lynn.stevenson@viha.ca **Barb Severyn, Executive Director, People & Organizational Development** Phone: 250-370-8688 Email: Barbara.Severyn@viha.ca **Bill Boomer, VP and CFO**			

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Provincial Health Services Authority (PHSA)	**Lynda Cranston, President & CEO** Phone: 604-675-7497 Email: lcranston@phsa.ca **Carl Roy, Senior VP** Phone: 604-675-7489 Email: Croy@phsa.ca			

Page 155 of 906 HTH-2017-72255 S2

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Providence Health Care	**Dianne Doyle, President & CEO** Office: 1-604-806-8020 Email: ddoyle@providencehealth.bc.ca **Zulie Sachedina, Vice President, Human Resources and General Counsel** Email: zsachedina@providencehealth.bc.ca **David Byres, Vice President, Acute Clinical Programs & Chief Professional Practice and Nursing** Email: dbyres@providencehealth.bc.ca			
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Hospital Employees Union (HEU)	**Victor Elkins , President** Direct Phone: ? Email: ? **Bonnie Pearson, Secretary-Business Manager** Direct Phone: 604-456-7001 Cell: 604-802-9775 Email: bpearson@heu.org **Jacquie De Aguayo** **Assistant Secretary-Business Manager** Direct Phone: 604-456-7002 Cell: 778-233-7175 Email: jdeaguayo@heu.org			
	Chris Kinkaid, Director of Research Phone: 604-456-7060 Email: ckinkaid@heu.org			
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Union of Psychiatric Nurses	**Doug McLaren, Director, Operations and Member Services** Office: 604-530-9253 Email: dmclaren@telus.net **Dan Murphy, President** Office: 604-530-9253 Email: pres.upn@telus.net			
CUPE BC Vancouver Coastal Health (CUPE Local 15) Canadian Mental Health – Port Alberni (CUPE Local 3403-01) Positive Living BC (CUPE Local 3495) Fraser Health Authority (CUPE Local 4816)	**Barry O'Neill, CUPE BC President** Office: 604-291-9119 Email: boneill@cupe.ca			

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Page 159 of 906 HTH-2017-72255 S2

Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Wednesday, November 28, 2012 3:53 PM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: RE: BCNU's take on FBA deal

Hahaha – no rush - s.22 so early next week is fine.

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: (250)952-3552 | c: (250)516-4130 | f: (250)952-1883 | kristy.anderson@gov.bc.ca

---

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, November 28, 2012 3:49 PM
To: Anderson, Kristy GCPE:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: RE: BCNU's take on FBA deal

No. LUBA will write one tonight- she will be working all night in the Ministry- thanks to you.

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Anderson, Kristy GCPE:EX
Sent: Wednesday, November 28, 2012 2:22 PM
To: Sheikh, Umar HLTH:EX
Subject: FW: BCNU's take on FBA deal

Do we have a BN on BCNU's application to the ministry to have FBA LPNs transferred to NBA?

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Jodie Warren [mailto:JodieW@heabc.bc.ca]
Sent: Tuesday, November 27, 2012 9:38 AM
To: Draper, Kindree PSEC:EX; Anderson, Kristy GCPE:EX
Subject: BCNU's take on FBA deal

Facilities deal provides modest improvements for a diverse bargaining unit, but leaves nursing issues largely unresolved
BCNU. November 26. 2012
Copyright

Page 161

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Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Monday, November 19, 2012 11:36 AM
To: Sheikh, Umar HLTH:EX
Subject: Lpns

I have contacted someone at HEABC in the data department to provide me the information requested.
Is there anything or anyone else you would like me to follow up with regarding this issue?

Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health
5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.0998 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

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Page 163 to/à Page 171

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Carroll, Sandra HLTH:EX
Sent: Wednesday, September 19, 2012 9:35 AM
To: Sheikh, Umar HLTH:EX
Subject: Fwd: WGLB - Nurses - Sept 21 2012 - D1.pptx

Sent from my iPhone

Begin forwarded message:

> **From:** "Carroll, Sandra HLTH:EX" <Sandra.Carroll@gov.bc.ca>
> **Date:** 19 September, 2012 9:30:45 AM PDT
> **To:** "Corwin, Lucas A PSEC:EX" <Lucas.Corwin@gov.bc.ca>
> **Cc:** 'RLD Doneys' s.22 "Wilson, Barbara A PSEC:EX" <Barbara.Wilson@gov.bc.ca>
> **Subject: RE: WGLB - Nurses - Sept 21 2012 - D1.pptx**

s.13,s.17

From: Corwin, Lucas A PSEC:EX
Sent: Wednesday, September 19, 2012 7:38 AM
To: Carroll, Sandra HLTH:EX
Cc: 'RLD Doneys'; Wilson, Barbara A PSEC:EX
Subject: WGLB - Nurses - Sept 21 2012 - D1.pptx

Sandy,

Here are the slides that Ted & Umar have been working on. First draft only.

lac.

Page 173 to/à Page 186

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: White, Robyn S HLTH:EX
Sent: Friday, November 2, 2012 8:48 AM
To: Sheikh, Umar HLTH:EX
Cc: Burton, Peter R HLTH:EX; Campbell, Corrie L HLTH:EX
Subject: RE: URGENT - HAA speaking notes for LRC

Thanks Umar – I have incorporated your comment in the speaking points. Any issues please let me know ASAP. Thanks!

s.12,s.13,s.17

Robyn White | Manager, Special Legislative Projects | Legislation Unit | Planning and Innovation Division | Ministry of Health | Ph: 250-952-2246/250-508-3005; Fx: 250-952-2205 | 5-1 1515 Blanshard St, Victoria BC V8W 3C8 | Please consider the environment before printing this e-mail.

From: Sheikh, Umar HLTH:EX
Sent: Thursday, November 1, 2012 4:45 PM
To: White, Robyn S HLTH:EX
Cc: Burton, Peter R HLTH:EX; Campbell, Corrie L HLTH:EX
Subject: Re: URGENT - HAA speaking notes for LRC

s.12,s.17

From: White, Robyn S HLTH:EX
Sent: Thursday, November 01, 2012 04:40 PM
To: Sheikh, Umar HLTH:EX
Cc: Burton, Peter R HLTH:EX; Campbell, Corrie L HLTH:EX
Subject: URGENT - HAA speaking notes for LRC

Hi Umar,

I have reworked the Minister's speaking notes for LRC based on our phone call earlier today and the new information you provided. Unfortunately I was not able to make the correction you requested to the Briefing Note s.12,s.17 because the Minister has already signed off on that document. If it is raised we will most certainly make the correction verbally at the committee meeting.

Can you please review the speaking notes below (particularly the highlighted pieces) and let me know if this accurately reflects the situation?

Peter – I would appreciate your feedback as well if possible.

Materials are due tomorrow – Thank you in advance for your help.

s.12,s.13,s.17

Cheers,
R.

Robyn White | Manager, Special Legislative Projects | Legislation Unit | Planning and Innovation Division | Ministry of Health | Ph: 250-952-2246/250-508-3005; Fx: 250-952-2205 | 5-1 1515 Blanshard St. Victoria BC V8W 3C8 | Please consider the environment before printing this e-mail.

Budwal, Kiran K HLTH:EX

From: White, Robyn S HLTH:EX
Sent: Thursday, November 1, 2012 3:11 PM
To: Sheikh, Umar HLTH:EX
Subject: RUSH URGENT - HAA amendment

Importance: High

s.12,s.13,s.17

Thank you
Robyn

Robyn White | Manager, Special Legislative Projects | Legislation Unit | Planning and Innovation Division | Ministry of Health | Ph: 250-952-2246/250-508-3005; Fx: 250-952-2205 | 5-1 1515 Blanshard St. Victoria BC V8W 3C8 | Please consider the environment before printing this e-mail.

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 1, 2012 12:55 PM
To: Hillebrandt, Kathie A HLTH:EX
Cc: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: FW: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations

Hi Kathie,

Please find attached the Issue Doc. with our LR update ready for Sandy's approval.
Below is Umar's approval.

Thanks!

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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Jan-Feb-Mar 2013
- Issue Table...

From: Sheikh, Umar HLTH:EX
Sent: Thursday, November 1, 2012 12:47 PM
To: Hazeldine, Luba HLTH:EX
Subject: RE: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations

k

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 1, 2012 12:46 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations

K, done. I copied the three table info from January into February and March, but left the LPN issue in January only.

From: Sheikh, Umar HLTH:EX
Sent: Thursday, November 1, 2012 12:41 PM

To: Hazeldine, Luba HLTH:EX
Subject: RE: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations

That looks good

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 1, 2012 12:38 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations

Got your other email, I was already on it.
s.13,s.17

Thanks!
Luba

From: Sheikh, Umar HLTH:EX
Sent: Thursday, November 1, 2012 12:24 PM
To: Hazeldine, Luba HLTH:EX
Subject: RE: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations

Good – send to Kathie

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 1, 2012 9:01 AM
To: Sheikh, Umar HLTH:EX
Subject: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations
Importance: High

Hey Umar,

Did you have a chance to review this doc? It is due today.

Thanks!

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596

<< OLE Object: Picture (Device Independent Bitmap) >>

Warning: This email is intended only for the use of the individual or organization to whom it is addressed. It may contain information that is privileged or confidential. Any distribution, disclosure, copying, or other use by anyone

else is strictly prohibited. If you have received this in error, please telephone or e-mail the sender immediately and delete the message.

<< File: Jan-Feb-Mar 2013 - Issue Table_With Labour Relations.docx >>

Ministry of Health

JANUARY/FEBRUARY/MARCH 2013

ISSUES

As of November 6, 2012

IMPORTANT:

s.13,s.17

Ministry of Health

JANUARY/FEBRUARY/MARCH 2013

ISSUES

As of November 6, 2012

JANUARY 2013 ISSUES		
ISSUE *Be Brief/Concise*	**KEY FACTS/IMPLICATIONS** *Be Brief/Concise-avoid exhaustive list of facts/implications.*	**ACTION/DECISION REQUIRED** *Be Specific-by whom/when/date (if know).*
EVENTS AND REPORTS		
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BUDGET		
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CAPITAL		
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LABOUR		
The Community Bargaining Association	• The current agreement expired March 31, 2012. • Members have voted in favour of job action. • As of November 1, 2012, the Community Bargaining Association has decided to action their strike mandate. Limited job action is expected to commence on November 7th.	s.13,s.17
The Facilities Bargaining Association	• The current agreement expired March 31, 2012. • The Facilities Bargaining Association is proceeding with a strike vote – which results are anticipated at the beginning of November.	
The Health Science Professionals Bargaining Association	• The current agreement expired March 31, 2012. • No strike vote has been initiated.	

Ministry of Health

JANUARY/FEBRUARY/MARCH 2013

ISSUES

As of November 6, 2012

JANUARY 2013 ISSUES		
ISSUE *Be Brief/Concise*	**KEY FACTS/IMPLICATIONS** *Be Brief/Concise-avoid exhaustive list of facts/implications.*	**ACTION/DECISION REQUIRED** *Be Specific-by whom/when/date (if know).*
Licensed Practical Nurse	• The BC Nurses' Union represents approximately 80% of the Licensed Practical Nurses employed by health care employers. • The BC Nurses' Union has requested that the government relocate Licensed Practical Nurses from the Facilities and Community subsector bargaining units to the Nurses' bargaining unit. • Preliminary consultations, research and recommendations are expected to be complete by the end of the year.	s.13,s.17
LEGISLATION		
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Ministry of Health

JANUARY/FEBRUARY/MARCH 2013

ISSUES

As of November 6, 2012

FEBRUARY 2013 ISSUES		
ISSUE *Be Brief/Concise*	**KEY FACTS/IMPLICATIONS** *Be Brief/Concise-avoid exhaustive list of facts/implications.*	**ACTION/DECISION REQUIRED** *Be Specific-by whom/when/date (if know).*
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LEGISLATION		
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PROGRAM ISSUE OR CHANGE		

Ministry of Health

JANUARY/FEBRUARY/MARCH 2013

ISSUES

As of November 6, 2012

FEBRUARY 2013 ISSUES		
ISSUE *Be Brief/Concise*	**KEY FACTS/IMPLICATIONS** *Be Brief/Concise-avoid exhaustive list of facts/implications.*	**ACTION/DECISION REQUIRED** *Be Specific-by whom/when/date (if know).*
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Ministry of Health

JANUARY/FEBRUARY/MARCH 2013

ISSUES

As of November 6, 2012

MARCH 2013 ISSUES		
ISSUE *Be Brief/Concise*	**KEY FACTS/IMPLICATIONS** *Be Brief/Concise-avoid exhaustive list of facts/implications.*	**ACTION/DECISION REQUIRED** *Be Specific-by whom/when/date (if know).*
EVENTS AND REPORTS		
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The Health Science Professionals Bargaining Association	• The current agreement expired March 31, 2012. • No strike vote has been initiated.	
PROGRAM ISSUE OR CHANGE		
	•	•
	•	•
	•	•

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Wednesday, October 31, 2012 11:23 AM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: Consult Email/ Contact List
Attachments: 2012-10-12 Consult Email.docx; 2012-10-30_LPN Regulation Consultation Tracking Sheet.docx

Hello Umar,

Please see attached a draft copy of the consult email .
Let me know if this is what you are looking for- or if it requires any necessary changes.
The only clarification I am needing is if Peter and yourself are planning to come up with the ***questions*** to guide the process or if you would like us to formulate them.

Also attached is the list of contacts to whom the consultation will be going out to.
Please advise if we have missed anyone that needs to be canvassed or if we need to eliminate anyone from the list.
Please note we have added more than one contact per party. Again, advise if we require all or just a selected few.

Hope your having a good day.

Loredana and Luba (L)
Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health
5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.1762 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

Please ase consider the environment before printing this e-mail

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Withheld pursuant to/removed as

s.13;s.17

LPN Regulation Consultation Tracking Sheet:

Stakeholder Group	Key Contacts	Status	Consultation Date	Notes
Health Employers Association Of BC (HEABC)	**Michael Marchbank, President & CEO** Office: 604-714-2277 Cell: 604-219-2927 Email: MichaelM@heabc.bc.ca **Marno McInnes, VP Strategic Negotiations & Contract Administration** Office: 604-742-2581 Email: MarnoM@heabc.bc.ca **Tony Collins, VP Knowledge Management** Office: 604-714-2280 Cell: 778-389-9280 Email: TonyC@heabc.bc.ca **Paul Lim, Industry Lead, Health Authority Services** Phone: 604-714-2287 Email: paull@heabc.bc.ca **Adrienne Hook, Executive Director, Health Authority Services** Phone: 604-742-2582 Email: adrienneh@heabc.bc.ca **Mark Slobin, Executive Director, Legal and Affiliate Services** Phone: 604-714-2283 Email: marks@heabc.bc.ca **Alan Francis, Legal Counsel** Phone: 604-742-2751 Email: alanf@heabc.bc.ca			

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	Gary Poon, Interim Director, Research and Knowledge Management Phone: 604-714-6370 Email: garyp@heabc.bc.ca			
Fraser Health Authority (FHA)	**Dr. Nigel Murray, President & CEO** Phone: 604-587-4625 Email: Nigel.Murray@fraserhealth.ca **Geoffrey Crampton, VP, People and Organization Development** Phone: 604-587-4670 Email: Geoffrey.Crampton@fraserhealth.ca **Brian Woods, VP, Corporate Services Integration & CFO** Phone: 604-587-4651 Email: Brian.Woods@fraserhealth.ca **Judith Hockney, Director, Surgical Services** Phone: 604-851-4700 ext. 646883 Email: judith.hockney@fraserhealth.ca			
Northern Health Authority (NHA)	**Cathy Ulrich, President & CEO** Phone: 250-565-2155 Email: Cathy.Ulrich@northernhealth.ca **Jane Lindstrom, VP, Human Resources & Corporate Services** Phone: 250-565-2116 Email: Jane.Lindstrom@northernhealth.ca **Mark de Croos, VP, Finance and CFO** Phone: 250-565-2840 Email: mark.decroos@northernhealth.ca **Fred Cummings, Regional Director, Strategic**			

	Labour Relations Phone: 250-649-7040 Email: Fred.Cummings@northernhealth.ca			
Interior Health Authority (IHA)	**Dr. Robert Halpenny, President & CEO** Phone: 250-862-4264 Email: Robert.halpenny@interiorhealth.ca **John G. Johnston, MBA, CHRP, VP, People/Clinical Services** Phone: 250-862-4301 Email: John.Johnston@interiorhealth.ca **Donna Lommer, VP, Residential Services and CFO** Phone: 250-862-4025 Email: Donna.Lommer@interiorhealth.ca **John Bevanda, Corporate Director, Labour & Employee Relations** Phone: 250-870-5859 Email: John.Bevanda@interiorhealth.ca			
Vancouver Island Health Authority (VIHA)	**Howard Waldner, President & CEO** Phone: 250-370-8692 Email: howard.waldner@viha.ca **Dr Lynn Stevenson, VP, People, Organizational Development Practice and CNO** Phone: 250-370-8944 Email: lynn.stevenson@viha.ca **Barb Severyn, Executive Director, People & Organizational Development** Phone: 250-370-8688 Email: Barbara.Severyn@viha.ca **Bill Boomer, VP and CFO**			

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	Phone: 250-370-8906 Email: bill.boomer@viha.ca			
Vancouver Coastal Health Authority (VCHA)	**Dr. David Ostrow, President & CEO** Phone: 604-875-4721 Email: david.ostrow@vch.ca **Duncan Campbell, CFO & VP, Systems Development and Performance** Phone: 604-875-4454 Email: DuncanJ.Campbell@vch.ca **Anne Harvey, VP, Employee Engagement** Phone: 604-875-5302 Email: Anne.Harvey@vch.ca **Wayne Balshin, Executive Director, Employee Relations** Phone: 604-889-6194 (blackberry) Email: wayne.balshin@vch.ca **Susan Wannamaker, Chief Operating Officer (Richmond)** Phone: 604-244-5537 Email: Susan.Wannamaker@vch.ca **Mary Ackenhusen, Chief Operating Officer (Vancouver)** Phone: 604-875-4285 Email: mary.achenhusen@vch.ca			
Provincial Health Services Authority (PHSA)	**Lynda Cranston, President & CEO** Phone: 604-675-7497 Email: lcranston@phsa.ca **Michael MacDougall, Executive VP & President, EHSC** Phone:			

	Email: **Carl Roy, Senior VP** Phone: 604-675-7489 Email: Croy@phsa.ca **Sherry Hamilton, CNO, Government Liaison & Patient Focused Funding** Phone: 604-675-7445 Email: shamilton@phsa.ca **Thomas Chan, CFO** Phone: 604-875-7117 Email: thomaschan@phsa.ca **Tony Arimar, Executive Director of HR for BC Ambulance Service** Phone: 604-660-6008 Email: Tony.Arimare@gov.bc.ca **Les Fisher, Chief Operating Officer, EHSC** Phone: 250-387-1512 Email: Les.Fisher@gov.bc.ca **Mark Allen, Chief Human Resources Officer** Phone: 604-675-7403 Email: mallen@phsa.ca **Marion Olynyck, Strategic HR & HR Consulting Services** Phone: 604-524-7512 Email: molynyk@phsa.ca			
Providence Health Care	**Dianne Doyle, President & CEO** Office: 1-604-806-8020 Email: ddoyle@providencehealth.bc.ca			

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	David Byres, *Vice President, Acute Clinical Programs & Chief Professional Practice and Nursing* E-mail: dbyres@providencehealth.bc.ca			
BC Care Providers Association	**Ed Helfrich, Chief Executive Officer** Phone: 604.736.4233 x 229 Email: ehelfrich@bccare.ca **Maria Capostinsky, Administrative Services Coordinator** Phone: 604.736.4233 x 226 Email: mcapostinsky@bccare.ca			
BC Nurses' Union (BCNU)	**Debra McPherson, President** Office: 604- 433-2268 local 2144 Cell: 604-209-4253 Email: dmcpherson@bcnu.org **Gary Fane, Executive Director, Negotiations and Strategic Development** Office: 604-433-2268, ext 2153 Cell: 604-786-6224 Email: gfane@bcnu.org			
Hospital Employees Union (HEU)	**Ken Robinson, President** Direct Phone: 604-456-7003 Email: Krobinson@heu.org **Bonnie Pearson, Secretary-Business Manager** Direct Phone: 604-456-7001 Cell: 604-802-9775 Email: bpearson@heu.org **Chris Kinkaid, Director of Research** Phone: 604-456-7060 Email: ckinkaid@heu.org			

Health Sciences Association Of BC (HSA)	**Reid Johnson, President** Office: 604-439-0994 ext. 522 Cell: 604-828-7848 Email: rjohnson@hsabc.org **Jeanne Meyers, Executive Director, Legal & Labour Relations** Office: 604-439-0994 ext 518 Cell: 778-877-6857 Email: jmeyers@hsabc.org			
BC Government & Service Employees' Union (BCGEU)	**Darryl Walker, President** Office: 604-291-9611 Cell: 604-312-8364 Email: Darryl.Walker@bcgeu.ca			
Union of Psychiatric Nurses	**Doug McLaren, Director, Operations and Member Services** Office: 604-530-9253 Email: dmclaren@telus.net **Dan Murphy, President** Office: 604-530-9253 Email: pres.upn@telus.net			
College of Registered Nurses of BC	**Cynthia Johansen, Registrar/CEO** Phone: 604.736.7331 ext. 322 General Inquiries: ceo@crnbc.ca **Katherine Graham, Director, Human Resources & Organization Development** Phone: 604.736.7331 ext. 116 Department inquiries: humanresources@crnbc.ca **Christine Penney, Director, Policy, Practice & Quality Assurance** Phone: 604.736.7331 ext. 335 Department inquiries: policy@crnbc.ca			

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College of Registered Psychiatric Nurses of BC	**Kyong-ae Kim, Executive Director/Registrar** Office: 1.604.931.5200 Email: kkim@crpnbc.ca **Mary Ann Machado, Manager of Regulatory Services** Office: 1.604.931.5200 Email: mmachado@crpnbc.ca			
College of Licensed Practical Nurses	**Carina Herman, Executive Director/Registrar** Phone: 778.373.3311 Office: 778-373-3100 Email: cherman@clpnbc.org			

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Budwal, Kiran K HLTH:EX

From: Carroll, Sandra HLTH:EX
Sent: Wednesday, October 31, 2012 8:36 AM
To: Campbell, Corrie L HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: LRC BN HAA @ Oct 30 2012
Attachments: LRC BN HAA @ Oct 30 2012.docx

With track changes -

s.12

Page 212 to/à Page 214

Withheld pursuant to/removed as

s.12

Budwal, Kiran K HLTH:EX

From:	Peter Burton < s.22 >
Sent:	Wednesday, October 31, 2012 2:23 AM
To:	Carroll, Sandra HLTH:EX
Cc:	Sheikh, Umar HLTH:EX
Subject:	FBA BN
Attachments:	2012 Oct 30 - NBA Tentative Agreement BN_Final (2).doc; ATT00001.txt

MINISTRY OF HEALTH SERVICES
INFORMATION BRIEFING DOCUMENT

Cliff #TBD

PREPARED FOR: The Honourable Dr. Margaret MacDiarmid, Minister -**FOR INFORMATION**

TITLE: Facilities Bargaining Association Update

PURPOSE: Update on Facilities Bargaining Association Negotiations

BACKGROUND:

- The health services support – facilities subsector includes approximately 46,000 health services and support workers represented by the Facilities Bargaining Association (FBA). The Hospital Employees Union (HEU) is the largest union in the FBA. The largest employee groups are Care Aides followed by LPNs (the majority now represented by BCNU) and ambulance paramedics (3500) represented by CUPE 873. Other significant groups are clerks, trades and technician assistants.
- Facilities bargaining unit members provide services in hospitals, extended and long-term care facilities, diagnostic and treatment centres and ambulance services. They are an integral part of BC's health care system.
- In 2010, ambulance paramedics and dispatchers represented by CUPE 873 were included within the FBA. This inclusion has created an obstacle in bargaining as the parties have struggled to address the differences in operational conditions between most site-based FBA members and ambulance paramedics and dispatchers.
- The current collective agreement with the FBA expired on March 31, 2012.
- The Health Employers Association of British Columbia (HEABC) and the FBA entered into the current round of negotiations on February 8th 2012.
- Wage increase have been a primary focus of the FBA in its bargaining agenda with employment security a second priority because of the history of contracting out that principally affected FBA members.
- On October 17th, HEABC presented the FBA with a framework document outlining a proposed two-year agreement aligned with the cooperative gains mandate which included some benefit reform and a limit on contracting out services. .
- On October 19th, the FBA informed HEABC that it did not wish to pursue discussions related to the tabled offer and did not wish to continue negotiations until the results of a strike vote it planned to undertake.
- On October 20th, the FBA announced in a bulletin that it was seeking a strike mandate from its 46,000 members. Strike votes began October 22, 2012 and are expected to conclude on November 4, 2012. This followed approximately 63 days of negotiations and 26 agreed upon proposals.
- The FBA advised HEABC that "health employers have failed to move on members' priorities, and continue to demand that individual union members take on hundreds of dollars in costs for their benefit plans as a pre-condition for any wage increase."

DISCUSSION:
s.13,s.17

Implications of Strike Action by the FBA

An FBA dispute has significant implications for the delivery of health care services that is much more serious than a strike by the CBA unions. In 1992 and 2004, limited strike action by the FBA forced the system to essential service levels. One dispute was resolved by significant concessions by government, the other by legislation followed by an illegal strike. Any dispute which forces the system to essential service levels results in significant cancellations of services and significant increases in health care costs for government. In the past, the approach forced government to impose a settlement. Primary impacts of an FBA strike are, reduction in overtime within acute care services, reduction in non-direct patient care positions (administrative), reduction in overtime/additional management scheduling in the ambulance service.

Contracting out of mitigates the effect of an FBA strike because some ancillary functions such as dietary, housekeeping and laundry in urban health authorities are currently performed b health authority contractors.. Some reductions in mental health and addiction services, and public health

services will result from a strike under the essential service orders with the understanding that some of these might be reversed if the impact is too great. Child development and to a lesser extent adult day care services would also be curtailed or closed for at least the short term.

Essential service orders will be established in accordance with the provisions of the *Labour Relations Code* and established policies of the Labour Relations Board (LRB) (likely November 2nd, 2012). It is understood by all parties and the LRB that union-staffing levels may need to be increased as a result of patient experience during a strike or changing patient needs with the passage of time. The reality though is that a full strike is likely to force cancellation of elective and other surgeries, an effect that in past strikes has resulted in government intervention.

FINANCIAL IMPLICATIONS:
Awaiting costing summary from HEABC

CONCLUSION:
s.13,s.17

Program ADM/Division: Sandra Carroll, Chief Operating Officer
Telephone: 250- 952-1556
Program Contact (for content): Umar Sheikh, Labour Relations and Special Initiatives
Drafter: Umar Sheikh and Peter Burton.
Date: October 20, 2012
File Name with Path:

Budwal, Kiran K HLTH:EX

From: Carroll, Sandra HLTH:EX
Sent: Tuesday, October 30, 2012 10:29 PM
To: Sheikh, Umar HLTH:EX
Subject: Fwd: Rush -please approve materials for LRC for HAA and FPA amendments.
Attachments: s.12,s.13,s.14,s.17

Had you seen these?

Sent from my iPhone

Begin forwarded message:

> **From:** "Campbell, Corrie L HLTH:EX" <Corrie.Campbell@gov.bc.ca>
> **Date:** 30 October, 2012 2:55:46 PM PDT
> **To:** "Carroll, Sandra HLTH:EX" <Sandra.Carroll@gov.bc.ca>
> **Cc:** "Zilkie, Linda HLTH:EX" <Linda.Zilkie@gov.bc.ca>, "Sheikh, Umar HLTH:EX" <Umar.Sheikh@gov.bc.ca>, "Burton, Peter R HLTH:EX" <Peter.Burton@gov.bc.ca>, "Grant, Nick HLTH:EX" <Nick.Grant@gov.bc.ca>
> **Subject: Rush -please approve materials for LRC for HAA and FPA amendments.**

s.12,s.13,s.17

s.12,s.13,s.17

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

Page 221 to/à Page 227

Withheld pursuant to/removed as

s.12

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Monday, October 29, 2012 10:53 AM
To: Sheikh, Umar HLTH:EX; Hazeldine, Luba HLTH:EX
Subject: lpn consult

Draft LPN regulation could negatively impact staffing mix and utilization
Hospital Employees' Union
Thursday, October 25, 2012

By Hospital Employees' Union

Copyright

Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health
5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.1762 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

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Page 230 to/à Page 234

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Campbell, Corrie L HLTH:EX
Sent: Tuesday, October 16, 2012 11:35 AM
To: 'Peter Burton'
Cc: Sheikh, Umar HLTH:EX
Subject: RE: FW: please check out speaking points re your RFLS

Thanks Peter – background is very helpful. And thanks again for looking at the speaking points.

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

---

From: Peter Burton [mailto:s.22]
Sent: Tuesday, October 16, 2012 11:21 AM
To: Campbell, Corrie L HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: Re: FW: please check out speaking points re your RFLS

Before the creation of HEABC and the Dorsey Commission, health sector bargaining was considerably centralized although there were multiple unions. The largest were HEU, primarily in the hospital sector, nurses and HSA. Community-based services had multiple unions. The first HAA introduced in 1992 created a bunch of new organizations and purported to transfer employees from their current employers to the new employers (health boards and regional health councils) but with no mechanism to address either employment or labour relations challenges. HEABC was created as a result of the Korbin Commission and the introduction of the Public Sector Employers Act. The challenges of restructuring bargaining went on multiple applications to the LRB which lacked the capacity legally and in terms of resources t address the complexity of the challenges. The government introduced legislation allowing for creation of a commission to review the issues and giving itself authority to impose the recommendations of the commission by regulation. Jim Dorsey was appointed as commssioner.

The result was the five statutory bargaining units. This substantially reified the previous structure by preserving the smaller unions within multi-union bargaining associations. It did not attempt anything new.

LPNs were included in the pre-existing hospital-based and residential care based certifications held by HEU (primarily) which also included trades, admin support workers, care aides, etc. Putting them in with nurses would have changed that pre-existing order. It was a question never asked and therefore never answered

On Tue, Oct 16, 2012 at 10:30 AM, Campbell, Corrie L HLTH:EX <Corrie.Campbell@gov.bc.ca> wrote:

Thanks very much for this. In case someone wants to know, why were LPNs not included in the definition of nurse under the HAA from the outset?

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

From: Peter Burton [mailto:s.22]
Sent: Tuesday, October 16, 2012 12:54 AM
To: Campbell, Corrie L HLTH:EX
Cc: Sheikh, Umar HLTH:EX; Burton, Peter R HLTH:EX
Subject: Re: FW: please check out speaking points re your RFLS

Hi - second document with suggested changes attached

On Tue, Oct 16, 2012 at 12:30 AM, Peter Burton <s.22 > wrote:

Hi - I have made a number of suggested changes which are red-lined. Let's chat tomorrow.

I assume if is for LRC.

On Mon, Oct 15, 2012 at 5:53 PM, Campbell, Corrie L HLTH:EX <Corrie.Campbell@gov.bc.ca> wrote:

HI Peter

Thanks for the call today. Please take a look over night. I would like to provide these to the minister tomorrow (in the 9 am pouch if possible.)

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

---

From: Campbell, Corrie L HLTH:EX
Sent: Friday, October 12, 2012 12:44 PM
To: Sheikh, Umar HLTH:EX
Cc: White, Robyn S HLTH:EX
Subject: please check out speaking points re your RFLS

Please let us know if you are OK with these by Monday noon, so we can provide binders to the minister Monday afternoon.

Thanks!

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Campbell, Corrie L HLTH:EX
Sent: Friday, October 12, 2012 12:44 PM
To: Sheikh, Umar HLTH:EX
Cc: White, Robyn S HLTH:EX
Subject: please check out speaking points re your RFLS
Attachments: s.12,s.13,s.14

Please let us know if you are OK with these by Monday noon, so we can provide binders to the minister Monday afternoon.

Thanks!

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

Page 239 to/à Page 245

Withheld pursuant to/removed as

s.12;s.14;s.13

Budwal, Kiran K HLTH:EX

From: Peter Burton < s.22 >
Sent: Thursday, October 11, 2012 8:32 AM
To: Carroll, Sandra HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: Inching towards strategy >>>

s.13,s.17

Peter

Page 247 to/à Page 252

Withheld pursuant to/removed as

s.14

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, October 9, 2012 11:18 AM
To: Sheikh, Umar HLTH:EX
Cc: Moir, Lindsay HLTH:EX
Subject: RE: LPN vote letters were not sent

According to Lindsay....we still need to respond. I have updated the others and gave the folders back to Lindsay so Sandra can sign.

Luba

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 9, 2012 9:56 AM
To: Hazeldine, Luba HLTH:EX
Cc: Moir, Lindsay HLTH:EX
Subject: RE: LPN vote letters were not sent

fine. Please double check that we still need to respond.

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, October 09, 2012 9:45 AM
To: Sheikh, Umar HLTH:EX
Subject: LPN vote letters were not sent

Hi Umar,

The LPN letters did not get signed by Sandy or sent out before Friday's vote results.
I have redrafted one in order to reflect the results of the vote, see below. What do you think?

If you are comfortable with the example below, I will redraft the rest and give the folders back to Sandy.

Thanks,

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives | Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596

<http://www.thinkhealthbc.ca/>
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EMAIL RESPONSE

940806

s.22

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote was announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca<mailto:Information@lrb.bc.ca> .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

Budwal, Kiran K HLTH:EX

From: s.22
Sent: Tuesday, October 9, 2012 9:26 AM
To: Corwin, Lucas A PSEC:EX; Sheikh, Umar HLTH:EX; Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX
Subject: Re: BCNU - LPNs

s.22

Sent from my BlackBerry® smartphone

-----Original Message-----
From: "Corwin, Lucas A PSEC:EX" <Lucas.Corwin@gov.bc.ca>
Date: Tue, 9 Oct 2012 09:20:04
To: Sheikh, Umar HLTH:EX<Umar.Sheikh@gov.bc.ca>; Hughes, Trevor LBR:EX<Trevor.Hughes@gov.bc.ca>; Patterson, Ted PSEC:EX<Ted.Patterson@gov.bc.ca>;s.22
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 9, 2012 9:19 AM
To: Corwin, Lucas A PSEC:EX; Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX; s.22
Subject: RE: BCNU - LPNs

s.22

From: Corwin, Lucas A PSEC:EX
Sent: Tuesday, October 09, 2012 9:17 AM
To: Hughes, Trevor LBR:EX; Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Hughes, Trevor LBR:EX
Sent: Tuesday, October 9, 2012 9:17 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 9, 2012 9:14 AM
To: Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX

Subject: RE: BCNU - LPNs

s.22

From: Hughes, Trevor LBR:EX
Sent: Tuesday, October 09, 2012 9:13 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 09, 2012 08:50 AM
To: Patterson, Ted PSEC:EX; Hughes, Trevor LBR:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

From: Patterson, Ted PSEC:EX
Sent: Tuesday, October 09, 2012 08:47 AM
To: Hughes, Trevor LBR:EX; 'Peter Burton's.22 Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX
Subject: BCNU - LPNs

s.14,s.17

T
Ted Patterson
Executive Director, Public Sector Bargaining and Compensation Public Sector Employers' Council Secretariat | Ministry of Finance PO Box 9400 Stn Prov Govt | Victoria, BC | V8W 2B7
w: 250.356.5978 | m: 250.514.5455

Budwal, Kiran K HLTH:EX

From: Patterson, Ted PSEC:EX
Sent: Tuesday, October 9, 2012 9:24 AM
To: Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX; Hughes, Trevor LBR:EX; s.22
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 9, 2012 9:19 AM
To: Corwin, Lucas A PSEC:EX; Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX; s.22
Subject: RE: BCNU - LPNs

s.22

From: Corwin, Lucas A PSEC:EX
Sent: Tuesday, October 09, 2012 9:17 AM
To: Hughes, Trevor LBR:EX; Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Hughes, Trevor LBR:EX
Sent: Tuesday, October 9, 2012 9:17 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 9, 2012 9:14 AM
To: Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: RE: BCNU - LPNs

s.22

From: Hughes, Trevor LBR:EX
Sent: Tuesday, October 09, 2012 9:13 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 09, 2012 08:50 AM
To: Patterson, Ted PSEC:EX; Hughes, Trevor LBR:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

From: Patterson, Ted PSEC:EX
Sent: Tuesday, October 09, 2012 08:47 AM
To: Hughes, Trevor LBR:EX; 'Peter Burton' s.22 ; Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX
Subject: BCNU - LPNs

s.14,s.17

T
Ted Patterson
Executive Director, Public Sector Bargaining and Compensation Public Sector Employers' Council Secretariat | Ministry of Finance PO Box 9400 Stn Prov Govt | Victoria, BC | V8W 2B7
w: 250.356.5978 | m: 250.514.5455

Budwal, Kiran K HLTH:EX

From: s.22
Sent: Tuesday, October 9, 2012 9:23 AM
To: Sheikh, Umar HLTH:EX; Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX; Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

But let us acknowledge that the comments from a person representing what used to be a ministry and is now a section of another vast ministry are correct - except that the articles are a decision of the Board so that is the last resort.
Sent from my BlackBerry® smartphone

-----Original Message-----
From: "Sheikh, Umar HLTH:EX" <Umar.Sheikh@gov.bc.ca>
Date: Tue, 9 Oct 2012 09:17:16
To: Hughes, Trevor LBR:EX<Trevor.Hughes@gov.bc.ca>; Patterson, Ted PSEC:EX<Ted.Patterson@gov.bc.ca>;
s.22 Corwin, Lucas A PSEC:EX<Lucas.Corwin@gov.bc.ca>
Subject: RE: BCNU - LPNs

s.22

From: Hughes, Trevor LBR:EX
Sent: Tuesday, October 09, 2012 9:16 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22 ; Corwin, Lucas A PSEC:EX
Subject: RE: BCNU - LPNs

s.22

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 9, 2012 9:14 AM
To: Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: RE: BCNU - LPNs

s.22

From: Hughes, Trevor LBR:EX
Sent: Tuesday, October 09, 2012 9:13 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 09, 2012 08:50 AM
To: Patterson, Ted PSEC:EX; Hughes, Trevor LBR:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

s.14,s.17

From: Patterson, Ted PSEC:EX
Sent: Tuesday, October 09, 2012 08:47 AM
To: Hughes, Trevor LBR:EX; 'Peter Burton' <s.22 >; Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX
Subject: BCNU - LPNs

s.14,s.17

T
Ted Patterson
Executive Director, Public Sector Bargaining and Compensation Public Sector Employers' Council Secretariat | Ministry of Finance PO Box 9400 Stn Prov Govt | Victoria, BC | V8W 2B7
w: 250.356.5978 | m: 250.514.5455

Budwal, Kiran K HLTH:EX

From: s.22
Sent: Tuesday, October 9, 2012 9:16 AM
To: Hughes, Trevor LBR:EX; Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

To be clear (that is, interpreting for others the comments coming from what used to be a ministry of government), if theumpire process fails
Sent from my BlackBerry® smartphone

From: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Date: Tue, 9 Oct 2012 09:13:53 -0700
To: Sheikh, Umar HLTH:EX<Umar.Sheikh@gov.bc.ca>; Patterson, Ted PSEC:EX<Ted.Patterson@gov.bc.ca>; s.22 , Corwin, Lucas A PSEC:EX<Lucas.Corwin@gov.bc.ca>
Subject: Re: BCNU - LPNs

s.14,s.17

From: Sheikh, Umar HLTH:EX
Sent: Tuesday, October 09, 2012 08:50 AM
To: Patterson, Ted PSEC:EX; Hughes, Trevor LBR:EX; s.22 Corwin, Lucas A PSEC:EX
Subject: Re: BCNU - LPNs

s.14,s.17

From: Patterson, Ted PSEC:EX
Sent: Tuesday, October 09, 2012 08:47 AM
To: Hughes, Trevor LBR:EX; 'Peter Burton' s.22 ; Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX
Subject: BCNU - LPNs

s.14,s.17

T
Ted Patterson
Executive Director, Public Sector Bargaining and Compensation
Public Sector Employers' Council Secretariat | Ministry of Finance
PO Box 9400 Stn Prov Govt | Victoria, BC | V8W 2B7
w: 250.356.5978 | m: 250.514.5455

Budwal, Kiran K HLTH:EX

From: Peter Burton <s.22 >
Sent: Monday, October 8, 2012 3:10 PM
To: Sheikh, Umar HLTH:EX
Subject: Agenda for the week??

s.14,s.17

Peter

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Monday, December 3, 2012 10:01 AM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: Agenda Items to be Discussed

Good morning Umar,

s.22 Luba and I thought we would put together a few ***outstanding key items that need to be reviewed / discussed***.
Perhaps you could set aside sometime later this afternoon/tomorrow to check in with us on the items below.

s.17

Thanks,
Loredana

Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health
5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.0998 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

Please ase consider the environment before printing this e-mail

Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Friday, October 5, 2012 9:27 AM
To: Sheikh, Umar HLTH:EX; Carroll, Sandra HLTH:EX
Subject: RE: Priority 1 - DL - Friday morning - LPN vote

Sounds good.

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Sheikh, Umar HLTH:EX
Sent: Friday, October 5, 2012 9:27 AM
To: Anderson, Kristy GCPE:EX; Carroll, Sandra HLTH:EX
Subject: Re: Priority 1 - DL - Friday morning - LPN vote

Not at a computer. Can I call u and walk through it?

From: Anderson, Kristy GCPE:EX
Sent: Friday, October 05, 2012 09:17 AM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX
Subject: FW: Priority 1 - DL - Friday morning - LPN vote

Sorry to pester on this one but we are expecting the results of the vote as early as noon and would like to ensure the minister if prepared if asked about this.
If you could please review and provide you input into question 4 that would be much appreciated.

Thanks,

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Anderson, Kristy GCPE:EX
Sent: Thursday, October 4, 2012 1:41 PM
To: Sheikh, Umar HLTH:EX; Carroll, Sandra HLTH:EX
Subject: Priority 1 - DL - Friday morning - LPN vote

Hi Umar and Sandra

s.13,s.14,s.17

Thanks,

(Sorry for the multiple emails on this today Umar).

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Campbell, Corrie L HLTH:EX
Sent: Friday, October 5, 2012 7:43 AM
To: Sheikh, Umar HLTH:EX; White, Robyn S HLTH:EX
Subject: RE: PLEASE respond Friday morning

s.12,s.13

From: Sheikh, Umar HLTH:EX
Sent: Thu, October 4, 2012 8:35 AM
To: Campbell, Corrie L HLTH:EX
Subject: Re: PLEASE respond this morning

Not untill tmrw - we strongly belive BCNU wins

From: Campbell, Corrie L HLTH:EX
Sent: Thursday, October 04, 2012 08:06 AM
To: Sheikh, Umar HLTH:EX
Subject: RE: PLEASE respond this morning

Ok – so we don't know the result?

From: Sheikh, Umar HLTH:EX
Sent: Thu, October 4, 2012 7:43 AM
To: Campbell, Corrie L HLTH:EX
Subject: Re: PLEASE respond this morning

Voting is complete. Counting will be tmrw

From: Campbell, Corrie L HLTH:EX
Sent: Thursday, October 04, 2012 07:37 AM
To: Sheikh, Umar HLTH:EX
Subject: PLEASE respond this morning

s.12,s.13

From: Sheikh, Umar HLTH:EX
Sent: Wed, October 3, 2012 4:24 PM
To: Campbell, Corrie L HLTH:EX
Subject: FW s.12,s.13

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, October 3, 2012 3:35 PM

To: Carroll, Sandra HLTH:EX
Subject: s.12,s.13

Budwal, Kiran K HLTH:EX

From: Campbell, Corrie L HLTH:EX
Sent: Friday, October 5, 2012 5:56 PM
To: Sheikh, Umar HLTH:EX
Subject: Please give me your email approval of these RFLs - for Tuesday
Attachments: s.12,s.13,s.14

Hi Umar – these are essentially the same docs you have already seen. I need to move everything through sign off at warp speed on Tuesday.

Please note my new phone number 250-952-2281

Corrie Campbell | Director, Legislation | Ministry of Health | Office (250) 952-2281 | Cell (250) 744-7844 | Fax (250) 952-2205 | Email Corrie.Campbell@gov.bc.ca

Page 268 to/à Page 275

Withheld pursuant to/removed as

s.12;s.14;s.13

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Friday, October 5, 2012 4:39 PM
To: Sheikh, Umar HLTH:EX
Cc: Feraru, Loredana HLTH:EX
Subject: more union website updates

HEU:

- LRB releases results of LPN raid votes: http://www.heu.org/publications/lrb-releases-results-lpn-raid-votes
- A message to LPNs about raid vote results: http://www.heu.org/publications/lrb-releases-results-lpn-raid-votes-0

BCGEU:

- Meeting Notice - Bargaining Update: Facilities Health Sector: http://www.bcgeu.ca/Meeting_Notice_Bargaining_Update_Facilities_Health_Sector
- Meeting Notice - Bargaining Update: Emergency & Health Services in the Facilities Sector: http://www.bcgeu.ca/Meeting_Notice_Bargaining_Update_Emergency_Health_Services%20

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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Budwal, Kiran K HLTH:EX

From: Burton, Peter R HLTH:EX
Sent: Friday, October 5, 2012 2:28 PM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX
Subject: LPN Vote

Apparently, 5 of 6 counted. BCNU has won them all I am told by margins from 66% to 78%. Only VIHA to be counted and should be done within an hour

Page 278

Withheld pursuant to/removed as

s.14;s.13;s.17

Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Friday, October 5, 2012 9:18 AM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX
Subject: FW: Priority 1 - DL - Friday morning - LPN vote
Attachments: QA LPN Vote_v3_JW_KA.docx

Importance: High

s.13,s.17

Thanks,

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Anderson, Kristy GCPE:EX
Sent: Thursday, October 4, 2012 1:41 PM
To: Sheikh, Umar HLTH:EX; Carroll, Sandra HLTH:EX
Subject: Priority 1 - DL - Friday morning - LPN vote

Hi Umar and Sandra

s.13,s.17

Thanks,

(Sorry for the multiple emails on this today Umar).

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Page 280 to/à Page 282

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Thursday, October 4, 2012 9:39 AM
To: Sheikh, Umar HLTH:EX
Subject: QA on LPN Vote
Attachments: QA LPN Vote_v3_JW.docx

Importance: High

Hey

I have added/made a few changes to this version (please ignore the earlier version I sent you – can you please review and provide any feedback you have).

Thanks!

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Page 284 to/à Page 286

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Thursday, October 4, 2012 8:13 AM
To: Sheikh, Umar HLTH:EX
Subject: LPN vote QA
Attachments: QA LPN Vote_v3_JW.docx

Hi

s.13,s.17

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Page 288 to/à Page 289

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Campbell, Corrie L HLTH:EX
Sent: Thursday, October 4, 2012 7:38 AM
To: Sheikh, Umar HLTH:EX
Subject: PLEASE respond this morning

Importance: High

s.12,s.13,s.14

From: Sheikh, Umar HLTH:EX
Sent: Wed, October 3, 2012 4:24 PM
To: Campbell, Corrie L HLTH:EX
Subject: FW: s.12,s.13,s.14

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, October 3, 2012 3:35 PM
To: Carroll, Sandra HLTH:EX
Subject: s.12,s.13,s.14

Budwal, Kiran K HLTH:EX

From: Peter Burton <s.22 >
Sent: Wednesday, October 3, 2012 3:17 PM
To: Sheikh, Umar HLTH:EX
Subject: RFL
Attachments: s.12,s.13,s.14

Two versions - substantial changes. One is red lined, the other clean. Otherwise the same

Page 292 to/à Page 308

Withheld pursuant to/removed as

s.12;s.14;s.13

Budwal, Kiran K HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Friday, September 28, 2012 10:26 AM
To: Hughes, Trevor LBR:EX; Hull, Deborah PSEC:EX; Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Subject: Re: LPN vote update

Here we go. Thanks for the heads up.

From: Hughes, Trevor LBR:EX
Sent: Friday, September 28, 2012 10:25 AM
To: Corwin, Lucas A PSEC:EX; Hull, Deborah PSEC:EX; Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Cc: Ayers, Jake LBR:EX; Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Subject: LPN vote update

Hi all – quick update for you that the challenges to the LPN ballots are resolved. The LRB has given direction to the ESB to count the ballots. The plan is that is to happen next week (Oct 4 and 5).
T.

Page 310

Withheld pursuant to/removed as

s.14;s.22;s.17

Budwal, Kiran K HLTH:EX

From: Moir, Lindsay HLTH:EX
Sent: Wednesday, September 26, 2012 12:01 PM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX
Subject: FW: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Attachments: LPNABC - Hon. Dr. M. McDiarmid - Sept 10, 2012.pdf; 1459253[1].docx

Further to my previous email, attached is the response that MSD sent in response to the original request.

Looking for Sandy's approval. Docs Processing will send to the MO with just Nichola's approval if Sandy is unable to approve prior to her flight.

Thanks,

- Lindsay Moir
Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556
THINKHEALTHBC.CA
@ThinkHealthBC

From: Docs Processing HLTH:EX
Sent: Wednesday, September 26, 2012 11:58 AM
To: Hillebrandt, Kathie A HLTH:EX; Moir, Lindsay HLTH:EX
Cc: Docs Processing HLTH:EX; Zilkie, Linda HLTH:EX
Subject: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

Would you please resend to Sandra. Sorry, MSD has now forwarded the attached letter (word document) that goes along with their recommendation, as referenced below, the August 29th correspondence to the LPNABC.

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Docs Processing HLTH:EX
Sent: Wednesday, September 26, 2012 11:25 AM
To: Hillebrandt, Kathie A HLTH:EX; Moir, Lindsay HLTH:EX
Cc: Zilkie, Linda HLTH:EX; Docs Processing HLTH:EX

Subject: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

Would it be possible to get Sandra's rush approval on this meeting advice. The MO was expecting it yesterday.

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Murray, Heather HLTH:EX
Sent: Wednesday, September 26, 2012 11:03 AM
To: Docs Processing HLTH:EX
Cc: MSDocs Processing Unit HLTH:EX
Subject: FW: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

Hi Kathy, please find below the response on the Meeting Advice request from the MO. This has been approved by Nichola Manning, ADM. Thanks, Heather.

MSHHRD Response – Meeting Advice – Licensed Practical Nurses Association of BC (LPNABC):

No

The Ministry recently corresponded with LPNABC and responded to all the points they raise in this most current letter.

The draft revised Licensed Practical Nurse regulations will be formally posted sometime within the next few weeks - which will provide opportunity for all stakeholders to provide comments.

Encourage LPNABC to provide input during this upcoming formal notice period process .

From: Docs Processing HLTH:EX
Sent: Wednesday, September 26, 2012 9:11 AM
To: MSDocs Processing Unit HLTH:EX
Cc: Docs Processing HLTH:EX; Murray, Heather HLTH:EX
Subject: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

Please have staff provide rush meeting advice as per request below. The MO is only asking for a "yes or no" response, with a very short explanation statement. Depending on the recommendation of staff, we may assign for material at a later date.

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Nojszewski, Aleksandra HLTH:EX
Sent: Wednesday, September 26, 2012 8:41 AM
To: Docs Processing HLTH:EX
Subject: RE: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

s.13,s.17

From: Docs Processing HLTH:EX
Sent: Tuesday, September 25, 2012 4:29 PM
To: Nojszewski, Aleksandra HLTH:EX; MSDocs Processing Unit HLTH:EX
Cc: Bouchard, Carola HLTH:EX; Murray, Heather HLTH:EX; Docs Processing HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

s.13,s.17

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Docs Processing HLTH:EX
Sent: Friday, September 21, 2012 9:34 AM
To: Moir, Lindsay HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX; Docs Processing HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

Thanks,

Kathy Simonson
Program Coordinator / Documents Processing Unit / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Normand, Nicole HLTH:EX
Sent: Thursday, September 20, 2012 12:11 PM
To: Docs Processing HLTH:EX
Cc: Casanova, Tamara HLTH:EX
Subject: MINISTRY ADVICE: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi,

s.13,s.17

Thanks.

Nicole Normand, Administrative Coordinator
Office of the Honourable Margaret MacDiarmid
Minister of Health
Phone: (250) 387-1243
Email: Nicole.Normand@gov.bc.ca

From: Haak, Bethany HLTH:EX
Sent: Wednesday, September 12, 2012 3:40 PM
To: Normand, Nicole HLTH:EX
Subject: FW: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi Nicole,

I'm forwarding you a meeting request which has been logged under Cliff 943304.

Thanks!

Bethany Haak
Correspondence Coordinator | Minister and Deputy Minister's Correspondence | Ministry of Health | 5-2, 1515 Blanshard Street, Victoria, BC, V8W 3C8
Phone: 250.952.1576 | Fax: 250.952.1014 | bethany.haak@gov.bc.ca Please consider the environment before printing this email

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From: Minister, HLTH HLTH:EX [mailto:HLTH.Minister@gov.bc.ca]
Sent: Tuesday, September 11, 2012 12:47 AM
To: Health, HLTH HLTH:EX
Subject: FW: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

From: Richelle Drinovz [s.22]
Sent: Tuesday, September 11, 2012 12:46:23 AM
To: MacDiarmid.MLA, Margaret LASS:EX; Minister, HLTH HLTH:EX
Cc: PROREGADMIN HLTH:EX; Stewart, Sharon A HLTH:EX; Miniaci, Mario FIN:EX; info@lpnabc.ca
Subject: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High
Auto forwarded by a Rule

Good Morning Honorable Dr. MacDiarmid;

Enclosed please find sincere best wishes to your new appointment as Minister of Health.

The Licensed Practical Nurses Association is looking forward to building a collaborative working relationship with you and the Health Ministry.

Regards,

Richelle Drinovz

Richelle Drinovz LPN
President
Licensed Practical Nurses Association of B.C.
9912 Lougheed Highway
Burnaby, B.C.
V3J 1N3
Phone: 604-434-1972 e-mail: www.president@lpnabc.ca

Information from ESET NOD32 Antivirus, version of virus signature database 7464 (20120910)

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

<LPNABC - Hon. Dr. M. McDiarmid - Sept 10, 2012.pdf>

Licensed Practical Nurses Association of British Columbia
9912 Lougheed Hwy, Burnaby, B.C. V3J 1N3

September 10, 2012

Honorable Dr. Margaret MacDiarmid
Minister of Health
Room 346, Parliament Buildings
Victoria, BC V8V 1X4

Email: hlth.minister@gov.bc.ca
margaret.macdiarmid.mla@leg.bc.ca

Dear Honorable Dr. MacDiarmid;

The Licensed Practical Nurses Association of B.C. would like to first congratulate you on your new appointment as the Minister of Health. The LPN Association has been actively working with the Ministry of Health in promoting and advocating on behalf of the Licensed Practical Nurses in BC to be fully optimized in our professional practice.

The Association would like to a meet with you to introduce ourselves to you and provide a summary of the work we have been doing over the past 61years as the official association for LPNs professional practice.

The LPN Association has presented future human resource planning briefing notes concerning the newly updated PN Curriculum (Practical Nurse Education Project, 2011) to Hon. Mr. de Jong, QC. We would be more than willing to review our mandate and proposals with you at your earliest convenience.

We also have presented concerns regarding the absence of LPN consultations and participation relating to the college's submissions to the Ministry regarding the Nurses (Licensed Practical) Regulation update. The Association understands that CLPNBC is the legislative regulatory body that is accountable for this work; however the Association also would like to participate in this process to ensure that LPN scope of practice aligns with the National Standards for Practical Nurses.

LPNABC would like to support the Ministry, and provide an external consultation to the upcoming regulation proposal. LPNABC is advocating for an acceptable proposal that will fully utilize the LPN workforce currently and a transition plan for the implementation of the new competencies that are now included the 2011 PN curriculum.

We look forward to hearing from you.

Sincerely,

Richelle Drinovz

Richelle Drinovz, President
On Behalf of the LPNABC Executive Board Member

Licensed Practical Nurses Association of British Columbia
9912 Lougheed Hwy, Burnaby, B.C. V3J 1N3

cc:

- LPNABC Board Members; info@LPNABC.ca
- Sharon Stewart, Executive Director, HHRP; Sharon.Stewart@gov.bc.ca
- Mario Miniaci, Executive Assistant to Minister of Health Mario.Miniaci@gov.bc.ca
- Daryl Beckett, Director of Professional Regulations PROREGADMIN@gov.bc.ca

BRITISH COLUMBIA

939153

August 29, 2012

Ms. Richelle Drinovz,
President and Executive Board Member
Licensed Practical Nurses Association of BC (LPNABC)
9912 Lougheed Hwy
Burnaby BC V3J 1N3

Dear Ms. Drinovz:

Thank you for your July 25, 2012, letter regarding your wish to discuss licensed practical nurse (LPN) professional practice. The Honourable Michael de Jong, QC, Minister of Health, has asked me to respond.

Please be assured that Minister de Jong is aware of LPNABC correspondence to date related to LPN practice in BC. We are still in the early stages of regulatory revisions and expect that with important LPNABC input during the upcoming formal notice period this process will be successful in resolving most or all of the issues raised, particularly those related to a more fulsome, formally defined scope of practice, and more accurate, up-to-date understandings of LPN competencies, among employers and other health care providers. I anticipate these regulatory improvements will foster a better understanding of LPN utilization in BC.

During this preliminary phase of regulatory revisions, the Ministry of Health (the Ministry) is working closely with the College of Licensed Practical Nurses of BC (CLPNBC), in the same way it has approached this work for all other professions under the *Health Professions Act*. Established in 1996 as the professional regulatory authority for LPNs, CLPNBC is responsible and accountable to work within legislated provisions and requirements regarding the regulation of LPNs, solely in the public interest for all British Columbians.

I appreciate LPNABC's offer to organize a forum for valuable LPN discussion and input during the upcoming notice period. If you decide to do so, this would provide additional opportunity for frontline LPNs to be directly engaged in their professional regulation process.

The Ministry also continues to work closely with the Ministry of Advanced Education to ensure that the new, recently implemented LPN curriculum prepares graduates to meet the 2012-16 competencies and to write the Canadian Practical Nurse Registration Exam (CPNRE).

... /2

Ministry of Health
Health Human Resources Planning
(Nursing & Allied Health Professions)
1515 Blanshard Street, 2-1
Victoria BC V8W 3C8

I hope this information is helpful to you.

Sincerely,

original signed by
Debbie McLachlan obo

Sharon Stewart, Executive Director
Health Human Resources Planning (Nursing & Allied Health Professions)

pc: Daryl Beckett, Director, Professional Regulation
Mario Miniaci, Executive Assistant, Minister's Office

z:\clinical\admin 100-499\inquiries 320\30 general inquiries (de)\correspondence (responses)\2012\939153 - lpnabc - concerns, lpn utilization in bc, crnbc engagement - dir aprvd.docx

Budwal, Kiran K HLTH:EX

From:	Moir, Lindsay HLTH:EX
Sent:	Wednesday, September 26, 2012 11:30 AM
To:	Carroll, Sandra HLTH:EX
Cc:	Sheikh, Umar HLTH:EX
Subject:	FW: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Attachments:	LPNABC - Hon. Dr. M. McDiarmid - Sept 10, 2012.pdf

Hi guys,

I know you're busy but the MO is looking for approval on this.

Thanks,
Lindsay

s.13,s.17

- *Lindsay Moir*

Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556

THINKHEALTHBC.CA

@ThinkHealthBC

From: Docs Processing HLTH:EX
Sent: Wednesday, September 26, 2012 11:25 AM
To: Hillebrandt, Kathie A HLTH:EX; Moir, Lindsay HLTH:EX
Cc: Zilkie, Linda HLTH:EX; Docs Processing HLTH:EX
Subject: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

s.13,s.17

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Murray, Heather HLTH:EX
Sent: Wednesday, September 26, 2012 11:03 AM
To: Docs Processing HLTH:EX
Cc: MSDocs Processing Unit HLTH:EX
Subject: FW: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

s.13,s.17

From: Docs Processing HLTH:EX
Sent: Wednesday, September 26, 2012 9:11 AM
To: MSDocs Processing Unit HLTH:EX
Cc: Docs Processing HLTH:EX; Murray, Heather HLTH:EX
Subject: RUSH MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

s.13,s.17

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Nojszewski, Aleksandra HLTH:EX
Sent: Wednesday, September 26, 2012 8:41 AM
To: Docs Processing HLTH:EX
Subject: RE: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

Hi there,

Sharon Stewarts area should be answering this one. Thank you

From: Docs Processing HLTH:EX
Sent: Tuesday, September 25, 2012 4:29 PM
To: Nojszewski, Aleksandra HLTH:EX; MSDocs Processing Unit HLTH:EX
Cc: Bouchard, Carola HLTH:EX; Murray, Heather HLTH:EX; Docs Processing HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

As per the advice from the COO, they re-read the letter from the Licensed Practical Nurses Association of BC and are convinced that it would be more appropriate for Sharon Stewart and/or Daryl Beckett to respond to this request as it does not appear to be regarding the LPN vote.

Please confirm if MSHHRD or LPR will provide meeting advice for the MO. **NOTE** The MO is just looking for a quick "yes or no", with a short explanation.

Thanks,

Kathy Simonson
Program Coordinator / Correspondence & Documents Management / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Docs Processing HLTH:EX
Sent: Friday, September 21, 2012 9:34 AM
To: Moir, Lindsay HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX; Docs Processing HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

Please assign to staff to provide meeting advice for the MO regarding the request below, received from the Licensed Practical Nurses Association of BC. At this point the MO is only asking for a "yes or no" response, with a very short explanation statement. Depending on the recommendation of staff, we may assign for material at a later date.

I would appreciate receiving the approved info by Tuesday, September 25th.

Hopefully this request can be completed via email, but if an assignment folder is required, please let us know.

Thanks,

Kathy Simonson
Program Coordinator / Documents Processing Unit / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Normand, Nicole HLTH:EX
Sent: Thursday, September 20, 2012 12:11 PM
To: Docs Processing HLTH:EX
Cc: Casanova, Tamara HLTH:EX
Subject: MINISTRY ADVICE: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi,

For Ministry advice.
*If easier for DM to call John or Lindsay, happy to have that happen. Please let me know either way.

Thanks.

Nicole Normand, Administrative Coordinator
Office of the Honourable Margaret MacDiarmid
Minister of Health
Phone: (250) 387-1243
Email: Nicole.Normand@gov.bc.ca

From: Haak, Bethany HLTH:EX
Sent: Wednesday, September 12, 2012 3:40 PM
To: Normand, Nicole HLTH:EX
Subject: FW: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi Nicole,

I'm forwarding you a meeting request which has been logged under Cliff 943304.

Thanks!

Bethany Haak
Correspondence Coordinator | Minister and Deputy Minister's Correspondence | Ministry of Health | 5-2, 1515 Blanshard Street, Victoria, BC, V8W 3C8
Phone: 250.952.1576 | Fax: 250.952.1014 | bethany.haak@gov.bc.ca Please consider the environment before printing this email

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From: Minister, HLTH HLTH:EX [mailto:HLTH.Minister@gov.bc.ca]
Sent: Tuesday, September 11, 2012 12:47 AM
To: Health, HLTH HLTH:EX
Subject: FW: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

From: Richelle Drinovz[SMTP:MOTHERV@SHAW.CA]
Sent: Tuesday, September 11, 2012 12:46:23 AM
To: MacDiarmid.MLA, Margaret LASS:EX; Minister, HLTH HLTH:EX
Cc: PROREGADMIN HLTH:EX; Stewart, Sharon A HLTH:EX; Miniaci, Mario FIN:EX; info@lpnabc.ca
Subject: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High
Auto forwarded by a Rule

Good Morning Honorable Dr. MacDiarmid;

Enclosed please find sincere best wishes to your new appointment as Minister of Health.

The Licensed Practical Nurses Association is looking forward to building a collaborative working relationship with you and the Health Ministry.

Regards,

Richelle Drinovz

Richelle Drinovz LPN
President
Licensed Practical Nurses Association of B.C.
9912 Lougheed Highway
Burnaby, B.C.
V3J 1N3
Phone: 604-434-1972 e-mail: www.president@lpnabc.ca

_____ Information from ESET NOD32 Antivirus, version of virus signature database 7464 (20120910) _____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

<LPNABC - Hon. Dr. M. McDiarmid - Sept 10, 2012.pdf>

Licensed Practical Nurses Association of British Columbia
9912 Lougheed Hwy, Burnaby, B.C. V3J 1N3

September 10, 2012

Honorable Dr. Margaret MacDiarmid
Minister of Health
Room 346, Parliament Buildings
Victoria, BC V8V 1X4

Email: hlth.minister@gov.bc.ca
margaret.macdiarmid.mla@leg.bc.ca

Dear Honorable Dr. MacDiarmid;

The Licensed Practical Nurses Association of B.C. would like to first congratulate you on your new appointment as the Minister of Health. The LPN Association has been actively working with the Ministry of Health in promoting and advocating on behalf of the Licensed Practical Nurses in BC to be fully optimized in our professional practice.

The Association would like to a meet with you to introduce ourselves to you and provide a summary of the work we have been doing over the past 61years as the official association for LPNs professional practice.

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We also have presented concerns regarding the absence of LPN consultations and participation relating to the college's submissions to the Ministry regarding the Nurses (Licensed Practical) Regulation update. The Association understands that CLPNBC is the legislative regulatory body that is accountable for this work; however the Association also would like to participate in this process to ensure that LPN scope of practice aligns with the National Standards for Practical Nurses.

LPNABC would like to support the Ministry, and provide an external consultation to the upcoming regulation proposal. LPNABC is advocating for an acceptable proposal that will fully utilize the LPN workforce currently and a transition plan for the implementation of the new competencies that are now included the 2011 PN curriculum.

We look forward to hearing from you.

Sincerely,

Richelle Drinovz
Richelle Drinovz, President
On Behalf of the LPNABC Executive Board Member

Licensed Practical Nurses Association of British Columbia
9912 Lougheed Hwy, Burnaby, B.C. V3J 1N3

cc:

- LPNABC Board Members; info@LPNABC.ca
- Sharon Stewart, Executive Director, HHRP; Sharon.Stewart@gov.bc.ca
- Mario Miniaci, Executive Assistant to Minister of Health Mario.Miniaci@gov.bc.ca
- Daryl Beckett, Director of Professional Regulations PROREGADMIN@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, September 25, 2012 3:02 PM
To: Moir, Lindsay HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: RE: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log # 47)

Hey Lindsay,

After re-reading the letter from the Licensed Practical Nurses Association of B.C. I am convinced that it would be more appropriate for Sharon Stewart and/or Daryl Beckett to respond to this request as it does not appear to be regarding the LPN vote, but Umar please confirm.

Thanks!

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | **Ph**: 250.952.3596



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From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, September 25, 2012 2:27 PM
To: Moir, Lindsay HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: RE: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

Hi Lindsay,

Since Sharon Stewart, Executive Director, HHRP and Daryl Beckett, Director of Professional Regulations have been cc'd in the email, I would suggest to run this request by their areas as well.

From our area, as per Umar's recommendation, his advice is to say yes to the meeting request, however the meeting should occur AFTER the LPN representation vote is complete and the results publically released. LPNs have voted on which union they wish to represent.

Again, just to clarify, this should be confirmed with Sandra.

Let me know if you need further assistance.
Thanks!

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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From: Moir, Lindsay HLTH:EX
Sent: Tuesday, September 25, 2012 1:39 PM
To: Hazeldine, Luba HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: FW: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

Hi there,

It looks like this one got lost in the shuffle – I apologize.

Could I please get you to review this request and provide me with a response before end of day – the MO is asking for this.

Again, I'm sorry I didn't get this to you sooner.

- Lindsay Moir

Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556





From: Docs Processing HLTH:EX
Sent: Tuesday, September 25, 2012 1:27 PM
To: Moir, Lindsay HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX; Docs Processing HLTH:EX; Casanova, Tamara HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

The MO is asking about this one. Please follow up with staff as this is now due.

Thanks,

Kathy Simonson
Program Coordinator / Documents Processing Unit / Ministry of Health

5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Docs Processing HLTH:EX
Sent: Friday, September 21, 2012 9:34 AM
To: Moir, Lindsay HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX; Docs Processing HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

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I would appreciate receiving the approved info by Tuesday, September 25th.

Hopefully this request can be completed via email, but if an assignment folder is required, please let us know.

Thanks,

Kathy Simonson
Program Coordinator / Documents Processing Unit / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Normand, Nicole HLTH:EX
Sent: Thursday, September 20, 2012 12:11 PM
To: Docs Processing HLTH:EX
Cc: Casanova, Tamara HLTH:EX
Subject: MINISTRY ADVICE: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi,

For Ministry advice.
*If easier for DM to call John or Lindsay, happy to have that happen. Please let me know either way.

Thanks.

Nicole Normand, Administrative Coordinator
Office of the Honourable Margaret MacDiarmid
Minister of Health

Phone: (250) 387-1243
Email: Nicole.Normand@gov.bc.ca

From: Haak, Bethany HLTH:EX
Sent: Wednesday, September 12, 2012 3:40 PM
To: Normand, Nicole HLTH:EX
Subject: FW: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi Nicole,

I'm forwarding you a meeting request which has been logged under Cliff 943304.

Thanks!

Bethany Haak
Correspondence Coordinator | Minister and Deputy Minister's Correspondence | Ministry of Health | 5-2, 1515 Blanshard Street, Victoria, BC, V8W 3C8
Phone: 250.952.1576 | Fax: 250.952.1014 | bethany.haak@gov.bc.ca Please consider the environment before printing this email

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From: Minister, HLTH HLTH:EX [mailto:HLTH.Minister@gov.bc.ca]
Sent: Tuesday, September 11, 2012 12:47 AM
To: Health, HLTH HLTH:EX
Subject: FW: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

From: Richelle Drinovz s.22
Sent: Tuesday, September 11, 2012 12:46:23 AM
To: MacDiarmid.MLA, Margaret LASS:EX; Minister, HLTH HLTH:EX
Cc: PROREGADMIN HLTH:EX; Stewart, Sharon A HLTH:EX; Miniaci, Mario FIN:EX; info@lpnabc.ca
Subject: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High
Auto forwarded by a Rule

Good Morning Honorable Dr. MacDiarmid;

Enclosed please find sincere best wishes to your new appointment as Minister of Health.

The Licensed Practical Nurses Association is looking forward to building a collaborative working relationship with you and the Health Ministry.

Regards,

Richelle Drinovz

Richelle Drinovz LPN
President
Licensed Practical Nurses Association of B.C.

9912 Lougheed Highway
Burnaby, B.C.
V3J 1N3
Phone: 604-434-1972 e-mail: www.president@lpnabc.ca

_____ Information from ESET NOD32 Antivirus, version of virus signature database 7464 (20120910) _____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

Budwal, Kiran K HLTH:EX

From: Hughes, Trevor LBR:EX
Sent: Friday, September 21, 2012 2:48 PM
To: Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Subject: RE: LPN Vote

s.22

From: Sheikh, Umar HLTH:EX
Sent: Friday, September 21, 2012 2:47 PM
To: Hughes, Trevor LBR:EX; Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Subject: Re: LPN Vote

Pff.. I told u this last week[s.22]

From: Hughes, Trevor LBR:EX
Sent: Friday, September 21, 2012 02:35 PM
To: Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Subject: FW: LPN Vote

FYI information on status of LPN vote:

- LRB anticipates the LPN mail vote will be ordered to count very soon after Sept 27. They have worked through the majority of challenges and issues and the remaining few will be dealt with informally first, then formally if needed on the 27th.

- We can anticipate counting of the ballots most likely the week of Oct 1.

s.22

Budwal, Kiran K HLTH:EX

From: Patterson, Ted PSEC:EX
Sent: Friday, September 21, 2012 2:42 PM
To: Hughes, Trevor LBR:EX; Corwin, Lucas A PSEC:EX; Sheikh, Umar HLTH:EX
Subject: RE: LPN Vote

Thanks Trevor. Beat it, Umar.

From: Hughes, Trevor LBR:EX
Sent: Friday, September 21, 2012 2:35 PM
To: Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Subject: FW: LPN Vote

FYI information on status of LPN vote:

- LRB anticipates the LPN mail vote will be ordered to count very soon after Sept 27. They have worked through the majority of challenges and issues and the remaining few will be dealt with informally first, then formally if needed on the 27th.
- We can anticipate counting of the ballots most likely the week of Oct 1.

s.22

Budwal, Kiran K HLTH:EX

From: Peter Burton <s.22 >
Sent: Friday, September 21, 2012 1:13 PM
To: Carroll, Sandra HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: LPN outline
Attachments: s.14

Page 336 to/à Page 339

Withheld pursuant to/removed as

s.14;s.13;s.17

Budwal, Kiran K HLTH:EX

From: Carroll, Sandra HLTH:EX
Sent: Friday, September 21, 2012 8:43 AM
To: Sheikh, Umar HLTH:EX
Subject: Re: Version 1 (2).pptx

Don't think I could agree to that. It should say nurse....

Sent from my iPhone

On 2012-09-21, at 8:40 AM, "Sheikh, Umar HLTH:EX" <Umar.Sheikh@gov.bc.ca> wrote:

s.13,s.17

Talked to GF

s.13,s.17

From: Carroll, Sandra HLTH:EX
Sent: Friday, September 21, 2012 08:25 AM
To: Sheikh, Umar HLTH:EX
Subject: Fwd: Version 1 (2).pptx

Can u sen me the ss

Sent from my iPhone

Begin forwarded message:

> **From:** "Whitmarsh, Graham HLTH:EX" <Graham.Whitmarsh@gov.bc.ca>
> **Date:** 21 September, 2012 8:19:53 AM PDT
> **To:** "Carroll, Sandra HLTH:EX" <Sandra.Carroll@gov.bc.ca>, "Whitmarsh, Graham HLTH:EX" <Graham.Whitmarsh@gov.bc.ca>
> **Subject: Re: Version 1 (2).pptx**

s.13,s.17

> On 2012-09-20, at 6:49 PM, "Carroll, Sandra HLTH:EX" <Sandra.Carroll@gov.bc.ca> wrote:
>
> > powerepoint - sending from my ipad so let me know if it arrives. It is the same version that Kathie sent earlier.
> >
> > Begin forwarded message:
> >
> > > **From:** "Carroll, Sandra HLTH:EX" <Sandra.Carroll@gov.bc.ca>
> > > **Date:** 20 September, 2012 3:51:17 PM PDT
> > > **To:** "Hillebrandt, Kathie A HLTH:EX" <Kathie.Hillebrandt@gov.bc.ca>
> > > **Subject: Version 1 (2).pptx**

<Version 1 (2).pptx>

Page 342

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Peter Burton < s.22 >
Sent: Wednesday, September 19, 2012 3:42 PM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX
Subject: LPN voter list should be finalized by Thursday, September 27

Hello - I expect that you already know this from HEABC

Subject: LPN voter list should be finalized by Thursday, September 27

Subject: LPN voter list should be finalized by Thursday, September 27

Bulletin

September 19, 2012

LPN voter list should be finalized by Thursday, September 27

Copyright

Page 344

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Copyright

Budwal, Kiran K HLTH:EX

From: Patterson, Ted PSEC:EX
Sent: Wednesday, September 19, 2012 2:56 PM
To: Anderson, Kristy GCPE:EX; Sheikh, Umar HLTH:EX
Subject: RE: BCNU Raid

You're top notch Anderson.

From: Anderson, Kristy GCPE:EX
Sent: Wednesday, September 19, 2012 2:54 PM
To: Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Subject: RE: BCNU Raid

The application to the LRB covers approximately 6,650 LPNs

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Patterson, Ted PSEC:EX
Sent: Wednesday, September 19, 2012 2:52 PM
To: Sheikh, Umar HLTH:EX; Anderson, Kristy GCPE:EX
Subject: BCNU Raid

Either of you know how many LPNs the raid covers? Aprox. 7000? Or was it 5000?

Ted Patterson
Executive Director, Public Sector Bargaining and Compensation
Public Sector Employers' Council Secretariat | Ministry of Finance
PO Box 9400 Stn Prov Govt | Victoria, BC | V8W 2B7
w: 250.356.5978 | m: 250.514.5455

Budwal, Kiran K HLTH:EX

From: Hillebrandt, Kathie A HLTH:EX
Sent: Wednesday, September 19, 2012 1:56 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: LPN background

Many thanks.

Kathie

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, September 19, 2012 1:46 PM
To: Carroll, Sandra HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX
Subject: FW: LPN background

No worries.

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Sheikh, Umar HLTH:EX
Sent: Thursday, July 19, 2012 6:34 PM
To: Carroll, Sandra HLTH:EX
Subject: LPN background

Hi Sandy,

s.13,s.17

Umar

Budwal, Kiran K HLTH:EX

From: Hillebrandt, Kathie A HLTH:EX
Sent: Wednesday, September 19, 2012 1:40 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: URGENT - LPN Note

I think she wants it for her 3:15 meeting with Graham.

Kathie

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, September 19, 2012 1:27 PM
To: Hillebrandt, Kathie A HLTH:EX
Subject: Re: URGENT - LPN Note

Can't search on my BB- need to get to a computer - when do u need this

---

From: Hillebrandt, Kathie A HLTH:EX
Sent: Wednesday, September 19, 2012 01:14 PM
To: Sheikh, Umar HLTH:EX
Subject: URGENT - LPN Note

Umar, can you send me the LPN note you recently did for Sandra.

Kathie Hillebrandt

Executive Coordinator
Office of the Chief Operating Officer
Ministry of Health
5th Floor, 1515 Blanshard Street
Victoria, BC V8W 3C8

Phone: (250) 952-3572 Fax: (250) 952-1390
E-mail: Kathie.Hillebrandt@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Patterson, Ted PSEC:EX
Sent: Tuesday, September 18, 2012 4:30 PM
To: Sheikh, Umar HLTH:EX
Subject: s.12
Attachments:

First cut at a slide deck for Friday - really simple stuff. The "magic" will be in the speaking points. Have a look and let's chat. IO think I'm going to need you to explain some of the moving parts here.

T

Page 349 to/à Page 356

Withheld pursuant to/removed as

s.12;s.13;s.17

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Tuesday, September 18, 2012 12:55 PM
To: Sheikh, Umar HLTH:EX
Subject: Paper

Hey Umar,

s.17

Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health
5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.1762 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

Please ase consider the environment before printing this e-mail

Budwal, Kiran K HLTH:EX

From: Peter Burton <s.22 >
Sent: Monday, September 17, 2012 10:22 PM
To: Sheikh, Umar HLTH:EX
Subject: another
Attachments: s.14,s.17

Page 359 to/à Page 365

Withheld pursuant to/removed as

s.14;s.17

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Friday, September 14, 2012 10:29 AM
To: Sheikh, Umar HLTH:EX
Subject: RE: Labour- Media Highlights

Lol Oopiesssssssssssss!! Oh well. You ARE the expert!

FYI – i am working at Luba's desk today-working on the timeline but I will be checking my emails periodically.

Also would you like me to review the LPN letters at all?? I saw a pile on your desk...

From: Sheikh, Umar HLTH:EX
Sent: Friday, September 14, 2012 10:05 AM
To: Feraru, Loredana HLTH:EX
Subject: RE: Labour- Media Highlights

Opps - I edited the hell out of it!

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Feraru, Loredana HLTH:EX
Sent: Friday, September 14, 2012 10:03 AM
To: Sheikh, Umar HLTH:EX
Subject: RE: Labour- Media Highlights

Im pretty sure if was Sandra C.

From what Kathie has told me.. she's taken the information you provided her and has re-formatted it in a BN with some additional information (which Kathie had requested from Luba and I)

From: Sheikh, Umar HLTH:EX
Sent: Friday, September 14, 2012 9:39 AM
To: Feraru, Loredana HLTH:EX
Subject: Re: Labour- Media Highlights

Who wrote the labour BN for minister

From: Feraru, Loredana HLTH:EX
Sent: Friday, September 14, 2012 08:43 AM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: Labour- Media Highlights

NDP threaten to push B.C. backward if elected - Canada.Com - Sept. 13, 2012

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SFU strike vote set
Burnaby Now
Friday, September 14, 2012
Page 10
By Jennifer Moreau
Copyright

Page 368

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Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Friday, September 14, 2012 9:37 AM
To: Sheikh, Umar HLTH:EX
Subject: Labour ppt
Attachments: Labour_Update_Comm Mtg_Sept 2012_DRAFT.pptx

Hi Umar

All of the health authority communication directors are getting together on Monday with Shannon, Ryan and Rodney to go over upcoming events, protocols, what's working, what's not, etc. As part of this Shannon has asked me to give an update on Labour – funny enough I don't think there is much to update but I have drafted the attached presentation and was hoping you could have a look over it to see if anything should be added. It is still draft and I have a couple holes to fill in yet.

Thanks,

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Labour – Update

Communications

Current Environment

- Finance Quarterly Update
- Cabinet Shuffle
- BCGEU/PEA Master Agreement

Mandate – Explained Clearly

- It is not the same as net zero!
  - Net zero means that that any increase in wages and benefits must be offset with a corresponding reduction in cost in the collective agreement.
- Cooperative gains can be achieved by finding savings outside of the collective agreement
  - For example.....

Status of Health Negotiations

- Active bargaining continues with NBA, FBA, HSPBA
- Bargaining suspended with CBA and PAR-BC
  - mediation may be initiated with CBA
- Major proposals (benefits/workload) tabled at all tables

Looking Forward/Key Dates

- September
  - LPN Vote Results
  - ESO set
  - Additional strike votes
- October
  - Possible ratification votes/agreements
  - Possible labour action
- Nov/Dec/Jan...

Essential Service Levels

- Must be set at ALL tables before legal job action can occur
  - PAR-BC only table left still negotiating these
  - Expect resolution with PAR-BC by end of Sept.
- Expect LRB to issue ESOs by end of Sept.
- Expected to be set lower than in previous years
  - more pressure on health authorities

What Job Action May Look Like

- Work to rule
  - E.g. Overtime ban
- Refusal to do administrative work
- Refusal to do all non-essential work
  - Elective surgeries ....
- Picketing
- Escalation to province-wide (previously site or HA specific)
- Escalation to general health care worker strike
- *Note – picketing at a site by a single union will trigger that site going to essential services levels for ALL health unions*

Communication Roles

- HAs – Internal/External
  - Operational impacts (staff, patients, media, ...)
  - Essential service levels
  - Bargaining updates to excluded staff (as needed)
  - **All HA communication should be approved by/ran by HEABC/MOH (as per normal process)*
- HEABC – External
  - Bargaining updates
    - may ask HAs to direct staff to HEABC website for bargaining updates as strategically appropriate
- MOH/Gov – External
  - High level bargaining
  - High-level system wide contingency planning/impacts messaging
  - Communications coordination with HEABC/Health Authorities/MOH/PSEC
- "Bargaining lines"
  - For HEABC/MOH to deliver

Communications – Essential Services

- HA coordination
  - HA committee – for discussion
- Past experience
  - No need to re-invent the wheel (anesthesiologists, 2004)

Questions

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Withheld pursuant to/removed as

s.14

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Wednesday, September 12, 2012 8:54 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: news highlights

---------- HEU

top

CKNW, Wednesday, September 12, 2012 06:02
By CKNW

Copyright

CKNW, Tuesday, September 11, 2012 20:00
By CKNW

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National Post
Wednesday, September 12, 2012
Page A04
By John Ivison

Copyright

Luba Hazeldine, BSc, MPA
A/Research Analyst | Office of the Chief Operating Officer | Ministry of Health |

5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596 |



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Page 384 to/à Page 389

Withheld pursuant to/removed as

s.14

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, September 10, 2012 3:56 PM
To: Sheikh, Umar HLTH:EX
Subject: for your review: 940948_LPN vote 2nd response_Draft

Hi Umar,

Here is one of the LPN letters we received and the letter I drafted.
Q: Should I say the vote with the LRB or the Employment Standards Branch of the Ministry of Labour, Citizens' Services and Open Government?

Thanks,
Luba


940948_LPN vote 2nd response_D...


940948_LPN vote_Incoming....

EMAIL RESPONSE

940948

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, QC, Minister of Health, have asked me to respond on their behalf.

Let me begin by commending you for your s.22 working as a LPN. Government values the work of LPNs in our health care system and view them as critical members of the health care team.

Respecting your concerns, this is an inter union issue and the Ministry of Health does not have a role in the vote. The Ministry of Health understands that the ballots are currently with the Labour Relations who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid, QC

C00

Cambiazo, Valentina C HLTH:EX

9409458

From: Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]
Sent: Wednesday, August 15, 2012 3:05 PM
To: Health, HLTH HLTH:EX
Subject: FW: LPNs want LRB to count our votes and release the results

---

From: s.22
Sent: Wednesday, August 15, 2012 3:04:34 PM
To: MacDiarmid.MLA, Margaret LASS:EX; Minister, LCTZ LCTZ:EX; OfficeofthePremier, Office PREM:EX; Minister, HLTH HLTH:EX
Subject: LPNs want LRB to count our votes and release the results
Auto forwarded by a Rule

Subject: LPNs want LRB to count our votes and release the results

To Minster Macdiarmid, Madam Premier and Minister of Health

I am writing you today to express my frustration at the lack of speed the Labour Relations Board is taking in getting our ballots counted and results released.

We the LPNs of BC won the right to vote to decide if we wanted to stay with HEU or move to BCNU as our representing union going forward. We won this right with a majority decision.

The voting period ended June 25, 2012 and we have been waiting since then to hear that the ballots have been counted and the results of this vote released.

It is now August 14 and still no results released. There hasn't been any word from LRB about when the ballots will be counted and it is becoming more and more frustrating sitting around waiting when this all could have been over and done with and LPNs of BC would be dealing with the results.

We hear there is a problem with 14 duplicate ballots that is slowing things down. With over 5000 ballots received out of 7182 eligable voters those duplicate ballots shouldn't be stopping the count from occuring. Those duplicate ballots should only come in to play if the results are close enough that they would actually count

So please Minister Macdiarmid please have the ballots counted and results released. Have the LRB do the job they have been charged with and not just sit on over 5000 ballots that will change our lives both professionally and personally.

Sincerely,

s.22

Budwal, Kiran K HLTH:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, September 10, 2012 12:00 PM
To: Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Cc: Sheikh, Umar HLTH:EX
Subject: RE: LPN

Importance: High

Mediation/adjudication continues September 17 and 18.

Budwal, Kiran K HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Friday, September 7, 2012 4:26 PM
To: Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX
Cc: Sheikh, Umar HLTH:EX
Subject: Re: LPN

Thanks.

----- Original Message -----
From: Hughes, Trevor LBR:EX
Sent: Friday, September 07, 2012 04:25 PM
To: Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Cc: Sheikh, Umar HLTH:EX
Subject: RE: LPN

s.17

Budwal, Kiran K HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Friday, September 7, 2012 4:25 PM
To: Hughes, Trevor LBR:EX; Patterson, Ted PSEC:EX
Cc: Sheikh, Umar HLTH:EX
Subject: Re: LPN

s.17

----- Original Message -----
From: Hughes, Trevor LBR:EX
Sent: Friday, September 07, 2012 04:21 PM
To: Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Cc: Sheikh, Umar HLTH:EX
Subject: LPN

s.17

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, September 6, 2012 2:59 PM
To: Sheikh, Umar HLTH:EX
Subject: Need to complete or update CLIFF regarding LPN correspondence

Hi Umar,

I know you mentioned to hold off on these LPN letters, but Lindsay has reminded me that they either:

a. Need to be completed soon - as they are either overdue or almost due, or
b. If you are able to provide some rationale as to why we are not completing them so that Lindsay could update their files on CLIFF.

As Lindsay is away as of tomorrow, could you get back to me ASAP?

Thanks!
Luba

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, August 23, 2012 2:46 PM
To: Sheikh, Umar HLTH:EX
Subject: 940948_LPN vote 2nd response_Draft

Hi Umar,

How have you been stranger?

Remember the LPN letters I mentioned on Tuesday, well, here is one response I drafted for your review/feedback.

Also, note that the response to Gary Fane's letter is due today. I was wondering if you had a chance to look at it.

Thanks,

Luba
<< File: 940948_LPN vote 2nd response_Draft.docx >>

Budwal, Kiran K HLTH:EX

From: Zilkie, Linda HLTH:EX
Sent: Thursday, September 6, 2012 10:23 AM
To: Sheikh, Umar HLTH:EX
Cc: Carroll, Sandra HLTH:EX
Subject: MO query: Nurses and LPNs

Importance: High

Umar – the Minister's office is inquiring how the vote count went? Can you pls advise Sandy by return email. Thank you.

Linda Zilkie | Senior Executive Assistant
Sandra Carroll, Chief Operating Officer | Associate Deputy Minister
Ministry of Health
5-3, 1515 Blanshard Street | Victoria BC V8W 3C8 | Phone: 250-952-2402 | Fax: 250-952-1390
linda.zilkie@gov.bc.ca

From: Foran, Grace E HLTH:EX
Sent: Thursday, September 6, 2012 9:59 AM
To: Carroll, Sandra HLTH:EX
Cc: Zilkie, Linda HLTH:EX
Subject: MO query: Nurses and LPNs
Importance: High

Sandy – pls. advise.

From: Coburn, Lindsay HLTH:EX
Sent: Thursday, September 6, 2012 9:44 AM
To: Foran, Grace E HLTH:EX
Subject: Nurses and LPNs

Do we know how the vote count went?

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, October 1, 2012 10:20 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: more media highlights

---------- BCNU

top

CKNW, Monday, October 01, 2012 06:33
By CKNW

Copyright

Votes by Licensed Practical Nurses still yet to be counted in union battle
CKNW Online
Monday, October 01, 2012

By CKNW Online

Copyright

Copyright

Pull over for ambulance lights and sirens
Clearwater Times
Monday, October 01, 2012
Page 11
By Contributed

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Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



THINKHEALTHBC.CA

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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, August 30, 2012 12:31 PM
To: Sheikh, Umar HLTH:EX
Subject: For your review: HLTH 30-60-90 Day Issue Table - June 12 Final_Updated by LR on Aug 30 2012_Draft

UMAR

I have filled in what I can thus far (see attached), but first I have the following questions:

- Do you have any updates with regards to essential services? Has the LRB issued the orders yet? The meeting was canceled for this evening and I have not received any updates this week.
- I have not highlighted any issues with regarding to the NBA/HSPBA/FBA tables, only CBA and PARBC. Do you have any updates?
- I have not included an update for BCDA, should I or shall I contact Bev?
- As many appear to be communications issues, shall I go over our updates with Kristy Anderson?
- I have not updated the following as I am assuming it is other area's responsibilities:
    - The Health Care Worker Immunization Policy
    - The HA Gain Mandate Saving Plan Initiatives

Once I hear back from you with this I can finalize the doc.

Thx!

Luba Hazeldine, BSc, MPA
A/Research Analyst | Office of the Chief Operating Officer| Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596 |

THINKHEALTHBC.CA

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HLTH 30-60-90 Day Issue Table ...

Ministry of Health
30/60/90 Day Issues
As of June 12, 2012

*IMPORTANT: This table is to include only those MATERIAL issues that may require the attention of, or action or decision by, the Minister or Premier or Communications in the time periods specified (**NB:** regular, day-to-day issues should NOT be captured in this table). It is not intended to capture every milestone event associated with an issue unless those events may attract a high degree of public or media interest.*

30-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
BUDGET		
Health Authority Gain Mandate Savings Plan Initiatives	• Affects all health authorities • Issuance of Section 54 notices • Bill 29 Settlement Agreement pertaining to contracting out – potential staff displacements	• Communications issues approved by GCPE • Timing dependent upon health authority plans, not able to be specific
Issuance of Health Authority 2011/12 Audited Financial Statements	• Health authority audited financial statements will be posted publicly on their web sites to coincide with the release of the Public Accounts • Health authorities are expected to report small surpluses	• GCPE to coordinate posting of statements to coincide with release of Public Accounts
Release of Health Authority Service Plans	• Health Authority Service Plans are due to be published in late June/early July • In the past there has been media interest in the plans – primarily in the out years of the budget section (showing the rate of budget growth), performance measures and sometimes the strategies • Media coverage has been both positive and negative	• The Minister and potentially Premier will need to be prepared to answer questions about the plans. Issues notes will be prepared prior to the plans' release (late June/early July)
CAPITAL		
Interior Heart & Surgical Centre (Kelowna General Hospital) – award Public Private Partnership contract	• Financial Close (contract signing) set for June 20th • Contract includes design, construction, finance & maintenance of a new building for inpatient surgery and establishment of a 5th cardiac surgery centre in BC based in Kelowna • Project is under budget and ahead of schedule	• Announcement of contract signing in June • Potential ground breaking ceremony – dependent on site activity in July

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Ministry of Health
30/60/90 Day Issues
As of June 12, 2012

30-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
Royal Columbian Hospital (New Westminster) – finalize concept plan for redevelopment of the hospital	• Work with Fraser Health to finalize the concept plan for hospital redevelopment • Announcement tentatively set for June 12	• Announcement
St Paul's Hospital Redevelopment – refine the concept plan for redevelopment of major components of the hospital	• Work with Vancouver Coastal Health and Providence Health Care Society to refine the concept plan for hospital redevelopment • Announcement tentatively set for June 13	• Announcement
Royal Inland Hospital (Kamloops) – proceeding with hospital redevelopment	• Announce proceeding with hospital redevelopment • Develop business case to construct a clinical services building and parking along Columbia Street • Likely undertake initial planning for the new surgical tower • Confirm consultation has taken place with the Thompson Regional Hospital District prior to announcement	• Announcement
Fort St John Hospital & Peace Villa (residential care) facility – opening for patients & residents	• Completion and occupancy of the new hospital and residential care buildings • Hospital open for patients on June 21st • Peace Villa care facility open for residents on June 24th	• Announcement and ribbon cutting
PROGRAM ISSUE OR CHANGE		
Issuance of Billing Integrity Program Audit Report on the Specialist Referral Clinic (SRC) and Cambie Surgeries Corporation (CSC)	• Audit identified that significant extra billing had occurred contrary to the Medicare Protection Act and that the extra billing often would overlap with physician claims of the Medical Service Plan. • The President of the above company's , a Physician Dr Day, will likely raise a perceived constitutional issue with the media that the public should have the right to pay for more timely or quality services not available under the public health care system.	• Communications material to be prepared
North-eastern BC Oil and Gas Human Health Risk Assessment	• News Release June 4 announcing the completion of Phase 1 • Phase 2 to begin in June 2012 with an RFP • Project will be approx $1 million and will take 18 months	• Monitor Stakeholder and Media responses

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Ministry of Health
30/60/90 Day Issues
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30-DAY ISSUES		
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Negative drug listing decision for sapropterin (Kuvan) for patients with phenylketouria (PKU)	• The Ministry has completed its review of sapropterin and due to uncertain clinical benefits and high product cost (up to $180,000 per person per year), the Ministry is not going to fund. • Stakeholders have not yet been notified. The key stakeholders include: clinicians, the manufacturer BioMarin, and the patient group (Can PKU) • The communication plan is to advise stakeholders together with a Health Authorities Division funding decision around low-protein foods for some PKU patients.	• The communication plan has not yet been finalized but is expected in the next 30 days. • The Minister should be prepared to answer any questions which may come up in the media or from the patient group.
Pan-Canadian Pricing Alliance: Procurement of Common Drugs & recommendation to include Generic Drugs	• CoF meeting and public media transcripts (Premiers Wall and Ghiz) comment on making some progress on Pan-Canadian procurement with name brand drugs • Health Care Innovation Working Group suggest working together to leverage buying power to lower costs and to also focus on generic drugs	• BC preparing a short proposal for Value Pricing Initiative on Generic Drugs in collaboration with the all jurisdictions • Short proposal to be submitted to PEI by June 8th
Preparing for implementation of BC Services Card Project.	• Working with IM/IT Division, LCTZ, ICBC, and HIBC on development of the BC Services Card project to November 30, 2012; consulting with internal and external stakeholders; MSHHRD responsible for post-implementation program, , and re-enrolment of all eligible BC Residents before November 17, 2017. • Focus Groups with Health Sector including Health Authorities, professional associations, laboratories and other stakeholders that use the current Health Card and will be using the new BC Services Card. • Focus Groups with Patients as Partners to obtain Health Literacy input on all MSHHRD communication materials.	• June 7 – Mid-July 2012 Prepare responses to questions in regards to the BC Services Card.

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Ministry of Health
30/60/90 Day Issues
As of June 12, 2012

30-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
Audit of the Cambie Surgeries Corporation and the Specialist Referral Clinic	• Audit of clinics' billings, following numerous complaints, completed late April 2012 • Report presented to MSC at May 2012 meeting; on the agenda for discussion June 2012 • Two pending court cases on this matter	• Discussion by MSC and final decision for next steps. • There is an expectation that the decision will be made public, if not in June 2012, then by Fall 2012. • Cabinet briefing expected in June.
Approval and implementation of $50M in Health Authority proposals to accelerate integration of primary and community care.	• Health Authority Proposals have been reviewed by Executive; proposals were either approved, approved with further review required, or not approved • Funding Letters prepared and to be distributed by June 12th after DM approval in next few days • IPCC Steering Committee to meet and discuss June 8th	• Minister to announce funding for acceleration. • Portion of funds to be released to initiate integration acceleration proposed activities ASAP • Ministry resources will be designated to support further planning, implementation and monitoring/oversight of initiatives (BN in preparation)
Fraser Health Authority (FHA) directive	• Minister is giving the Board of the FHA a directive on June 12, 2012 to take a number of priority measures to improve infection control and congestion within the acute care hospitals in FHA over the next 30, 60, 90 and 150-days. • The FHA congestion report will be posted publicly following the June 12 announcement.	• Deputy Minister of Health, Graham Whitmarsh, will lead active and regular monitoring of the Board's progress in improving congestion and infection control in FHA; measures being monitored have performance expectations for 30-60-90 -150 days and ongoing.
Phase 1 of the Provincial Radiologist Peer Review Project	• The contract with the selected vendor for Phase 1 (proof of concept at VIHA) will be finalized and signed by all parties. This project is an important part of the Cochrane Action Plan and a News Release should be issued.	• Development and approval of a News Release.

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Dementia Action Plan	• The Dementia Action Plan is intended to support collaborative action over the next two years by individuals, health professionals, health authorities, and community organizations to achieve quality care and support for people with dementia, from prevention through to end of life.	• Dementia Action Plan could be publicly released over the summer.
LEGISLATION		
Bill 48 – *Emergency & Health Services Amendment Act, 2012*	• At the close of the Spring legislative session Bill 48 remained on the Order Paper pending second reading. • MLAs, municipal leaders, and individual citizens continue to raise substantial concerns about ambulance services in their communities. • Completing the passage of Bill 48 is critical to making improvements in service delivery and helping to allay these concerns. • Passage of Bill 48 will also show progress towards government's 2010 commitment, as yet unfulfilled, to transform ambulance services and paramedic employment in BC.	• Complete the passage of Bill 48 at the next available opportunity.
LABOUR		
Health Care Worker Immunization Policy	• New policy being introduced that will require health authority staff, volunteers, students, contractors (e.g. physicians) to either have a flu shot or wear a mask during flu season • Policy focuses on patient/provider safety • Working group has been formed to develop a provincial policy and supporting materials • Health Authorities are responsible for developing local implementation strategies	• Union engagement is required early to build awareness and support –TBD (HEABC working with the Ministry) • Ministry public announcement – TBD, but needs to be aligned with Union discussions • Health Authority communications to begin

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Ministry of Health
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Renewed Physician Master Agreement (PMA)	• Negotiation completed with the BCMA on the renewed PMA • BCMA members informed on June 7, 2012 • Agreement going to members for ratification before June 21, 2012	• Presentations by ADM, MSHHR to Physician Strategic Services Advisory Committee on June 11, Leadership Council on June 18 • Briefing to Medical Services Commission expected in June
Anaesthetists - Physician Specialities within the PMA	• Anaesthesia, may not support the PMA and withdraw services • Previous labour issues required a threat of legal action	• Coordinated approach and messaging will continue • Specialist Recruitment and Retention Fund adjudication under renewed PMA to consider which specialties receive part of $20M • Referral of additional "over priced" fees (e.g. cataract fees) to tariff process
~~Negotiations with the~~ After the employer presented a proposal for a four year collective agreement in June, the Professional Association of Residents of British Columbia informed the employers that it would not be providing a counter offer to the proposal and that it would proceed with essential service negotiations.~~is expected to resume June 14th~~	• ~~The current agreement expired March 31, 2010. The Association took a strike vote in April 2012, but has not announced the results. Informally, the Association is saying it received support for a strike.~~ • The Labour Relations Board mediation process on renewal of 2006-2010 agreement completed and the parties did not reach a settlement. • Essential service levels are being established.	• ~~Create Communications information note for the Minister, if talks fail~~. • Communications issue – potential for Minister to comment
~~Potential collective agreement settlement reached with Community Bargaining Association (CBA) or with Professional Association of Residents of BC (PARBC).~~ Community Bargaining Association (CBA) left the bargaining table on August 24, 2012 and is proceeding with a strike vote.	• ~~Bargaining is currently underway across the health sector.~~ • ~~Potential of tentative settlement being reached between HEABC and CBA and/or PARBC in June.~~ • ~~Would represent first health sector settlement reached under 2012 Cooperative Gains Mandate.~~ • The current agreement expired March 31, 2012. • Essential service plans must be in place across the health sector before any union is able to take job action. • The Labour Relations Board has finalized essential service orders during the week of August 27, 2012.	• Communications issue – potential for Minister to comment

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Comment [LH1]: Need to confirm this happened.

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Ministry of Health
30/60/90 Day Issues
As of June 12, 2012

30-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
Results of the Licensed Practical Nurse (LPN) representation vote are announced by the Labour Relations Board (LRB)	• BCNU has applied to represent (raid) LPNs in the Facilities Bargaining Association (FBA) who are currently members of HEU/BCGEU. • LPNs have voted on which union they wish to represent. • The LRB will determine any objections and announce the outcome of the vote (which takes place on a health authority by health authority basis). • The ministry, HEABC and health employers are neutral. • The vote outcome will impact bargaining at the FBA and Nurses Bargaining Association	• If BCNU is successful, it will want to meet with the ministry to seek legislation to amendment the Health Authorities Act to move LPNs from the FBA into the Nurses Bargaining Association. • Communications issue

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Ministry of Health
30/60/90 Day Issues
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60-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
EVENTS AND REPORTS		
Council of the Federation July 25-27: Health Care Innovation Working Group will report on CPGs, Scope of Practice and HHR Managements as well as future priorities. BC is leading in a new priority area - Value Price Initiative on Generic Drugs.	The Value Price Initiative approach to achieving lowest generic drug prices will attempt to lower the costs for generic drugs through the following process: • Select 5 to 10 generic molecules as targets for reduction. • Develop a competitive tendering framework. • Develop options for a competitive process. • Manage risks. • Review the implementation process and uptake by jurisdictions within a year and report to the Premiers by the end of 2013.	• IGR and Pharmaceuticals Division will prepare materials for the Premier in advance of the COF meeting scheduled for July 25-27 • Actions related to physician supply and demand forecasting at the national level may also result.
Public reporting of paediatric and cancer surgery wait times, and hip fracture fixation rates, on the provincial Surgical Wait Times website	• The Surgical Wait Time website was expanded in a test environment to publically report paediatric surgical wait times. This expanded capacity also includes adult cancer surgical wait times and hip fracture fixation rates. • While some of the available data is positive, there are other areas where service delivery does not meet target benchmarks. Media attention tends to focus on the latter.	• Decision to release this information on the provincial Surgical Wait Time website • A website go live date needs 3-4 weeks notice to the program area.
BUDGET		
Health Authority Gain Mandate Savings Plan Initiatives	• Affects all health authorities • Issuance of Section 54 notices • Bill 29 Settlement Agreement pertaining to contracting out – potential staff displacements	• Communications issues approved by GCPE • Timing dependent upon health authority plans, not able to be specific

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Ministry of Health
30/60/90 Day Issues
As of June 12, 2012

60-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
CAPITAL		
Lakes District Hospital (Burns Lake) – replacement hospital – tender site preparation work	• Tender and award contract for work to prepare the site for the new hospital • Work entails construction of new foundations, relocation of existing building, etc. • Construction of new hospital to begin in 2013	• Announcement of tender • Announcement of contract award • Potential ground breaking ceremony for minor site works
Queen Charlotte/Haida Gwaii Hospital – replacement hospital – tender site preparation work	• Tender and award contract for work to prepare the site for the new hospital (Work entails construction of new foundations, relocation of existing building, etc.) • Construction of new hospital to begin in 2013	• Announcement of tender • Announcement of contract award • Potential ground breaking ceremony for minor site works
Cancer Centre for the North (Prince George) – completion of construction	• Completion of construction phase • Facility being prepared to receive patients	• Announcement & potential ribbon cutting
Hope Centre (new mental health building, Lions Gate Hospital, N. Vancouver – tender of construction contract	• Tender and award contract for construction of the building	• Announcement & potential ground breaking ceremony
LABOUR		
~~Results of the Licensed Practical Nurse (LPN) representation vote are announced by the Labour Relations Board (LRB)~~	~~• BCNU has applied to represent (raid) LPNs in the Facilities Bargaining Association (FBA) who are currently members of HEU/BCGEU.~~ ~~• LPNs are voting on which union they wish to represent them from May 28 to June 25.~~ ~~• The LRB will determine any objections and announce the outcome of the vote (which takes place on a health authority by health authority basis).~~ ~~• The ministry, HEABC and health employers are neutral.~~ ~~• The vote outcome will impact bargaining at the FBA and Nurses Bargaining Association~~	~~• If BCNU is successful, it will want to meet with the ministry to seek legislation to amendment the Health Authorities Act to move LPNs from the FBA into the Nurses Bargaining Association.~~ ~~• Communications issue~~

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Ministry of Health
30/60/90 Day Issues
As of June 12, 2012

90-DAY ISSUES		
ISSUE: *Be brief/concise*	**KEY FACTS/IMPLICATIONS:** *Avoid exhaustive list of facts/implications – only the most salient*	**REQUIRED ACTION/DECISION:** *Be specific: What's the action required, by whom and by when (give date if known)*
EVENTS AND REPORTS		
Assisted Living Registration of Mental Health and Substance Use Residences	• The Assisted Living Registrar(ALR) is working toward implementing registration of all public and private pay MHSU residences that meet the criteria for assisted living (AL) under the Community Care and Assisted Living Act (CCALA)	• Possible announcement when registration gets underway (could be fall)
Fraser Health Authority (FHA) directive	• Minister issues the Board of the FHA a directive on June 12, 2012 to take a number of priority measures to improve infection control and congestion within the acute care hospitals in FHA over the next 30, 60, 90 and 150-days.	• Outcomes of monitoring against directive expectations likely to create significant media and public interest
PT Ministers of Health Meeting in Halifax September 27/28	• Agenda will include discussions on CPGs, Scope of Practice, HHR Managements and Value Price Initiative on Generic Drugs. • PT Ministers of Health may lunch a call to the Federal Minister of Health to establish a new Health Innovation Fund outside the Canada Health Transfer	• IGR will prepare briefing materials on a timely basis and brief the Minister the week of September 17
BC Health Services Purchasing Organization (HSPO) release of Annual Report for 2011/12	• Although not confirmed, the HSPO may consider developing and releasing its annual report	• Approval from Minister • GCPE communications approval • Timeline not determined
Annual Progress Report (Tripartite Committee on First Nations Health)	• The BC Tripartite Framework Agreement on First Nation Health Governance commits the Tripartite Committee on First Nations Health to prepare and make public an annual progress report for the Minister of Health (BC), the Minister of Health (Canada), and the First Nations Health Council on the progress of the integration and the improvement of health services for First Nations in BC. • The first report is targeted for completion to coincide with the first	• This report will require approval by the Minister.

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	anniversary of the signing of the Framework Agreement (October 2012). (section 4.3(2)(e), Framework Agreement, page 13).	
BUDGET		
Health Authority Gain Mandate Savings Plan Initiatives	• Affects all health authorities • Issuance of Section 54 notices • Bill 29 Settlement Agreement pertaining to contracting out – potential staff displacements	• Communications issues approved by GCPE • Timing dependent upon health authority plans, not able to be specific
CAPITAL		
Lakes District Hospital (Burns Lake) – replacement hospital – Shortlist design/build proponents	• Short list created of companies to bid on the design/build contract for the new hospital • Shortlisted firms will receive request for proposal document on which to develop their individual project bids	• Announcement
Queen Charlotte/Haida Gwaii Hospital – replacement hospital – Shortlist design/build proponents	• Short list created of companies to bid on the design/build contract for the new hospital • Shortlisted firms will receive request for proposal document on which to develop their individual project bids	• Announcement
Children's & Women's Hospital – Clinical Support Building – construction completion	• Completion of the construction phase for the new Clinical Support Building – part of the first phase of redevelopment of Children's & Women's Hospital	• Announcement and potential ribbon cutting ceremony

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Ministry of Health
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PROGRAM ISSUE OR CHANGE		
Establishment of the Office of the Seniors' Advocate	• Consultation process underway regarding role of the Office – to be complete July 31, 2012 • Preliminary Progress Report will go to Cabinet mid-July • Anticipating the need for a legislation to be introduced in the Spring of 2013, will require a RFL and full Cabinet Submission in September 2012 leading to draft legislation complete by end of November 2012	• Decision on the mandate, structure and associated budget for the establishment of the new Office
Physician Quality Assurance (PQA) – commitment to public report	• In the fall of 2011 Dr Cochrane submitted a report to the Ministry of Health entitled *Investigation into Medical Imaging, Credentialing and Quality Assurance.* • This Action Team, led by the Ministry and including membership from the health authorities and the College of Physicians and Surgeons of BC, is currently overseeing a series of projects under the umbrella of a Physician Quality Assurance Portfolio. • The portfolio includes a provincial protocol for adverse events, as well as initiatives touching on the full cycle of physician performance management including licensure, credentialing, privileging and performance assessment.	• The Ministry has committed publicly to report back on the Action Team's progress in September 2012.
Tripartite Health Partnership Accord	• In the signing of the BC Tripartite Framework Agreement on First Nation Health Governance (2011), the BC Minister of Health, Federal Minister of Health, First Nations Health Council and the interim First Nations Health Authority, agreed to develop a *Health Partnership Accord* that will capture the vision of the Parties for a better, more responsive and integrated health system for First Nations in British Columbia. The HPA will describe the broad and enduring relationship amongst the Parties and their political commitment to pursue their shared vision. (recital C, Framework Agreement, page 4)	• The HPA will require sign-off by the BC Minister of Health. Target completion date for the document is Sept 2012. (Health Canada will be seeking Cabinet approval on this document in the Fall.)

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Ministry of Health
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Next Wave of Prevention Initiatives	With the implementation of Healthy Families BC underway, the Ministry took a proactive approach to build on this foundation and identify the next key set of prevention priorities for the province. With the support of the Minister, the following interventions were selected based on a combination of evidence, impact on the burden of disease, cost/benefit, infrastructure requirements, implementation requirements and results, and fit with government priorities: • Expanding the childhood obesity programs • Developing prevention campaigns for Fetal Alcohol Spectrum Disorder • Programming to prevent hazardous drinking • Implementing Municipal Alcohol Policy to target districts and events which have high levels of hazardous drinking • Enhancing Tobacco Cessation and Reduction programs • Implementing community-based resources for positive mental health through Communities that Care (CTC) • Expanding the School Fruit & Veggie Program to increase access to BC fresh, local fruit and vegetables for children and families • Implementing a provincial initiative aimed at reducing Elder Abuse • Assisting local governments developing age-friendly communities and supporting the BC Age-friendly initiative • Also included in these decisions were ParticipACTION, Community Action for Seniors Independence (CASI), and First Nations Community Gardens, which have already been announced and are underway.	• Funding was made available to NGO's, and staff are working with them to identify requirements and develop work plans. • Decision required regarding timing of announcements and implementation.

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Ministry of Health
30/60/90 Day Issues
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90-DAY ISSUES		
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Possible decision by BC iFNHA not to transfer $18M to Medical Services Plan (MSP) for First Nations (FN) and Inuit persons MSP premiums.	• Issue currently under negotiation. • Currently, Health Canada is a group plan administrator for status First Nations and Inuit persons. • Under the Health Canada group plan, premiums are paid based on a Memorandum of Understanding between Health Canada and the Medical Services Commission. • There are approximately 134,000 persons covered under Health Canada's group plan • BC iFNHA has signalled that it does not want to continue to transfer $18M for MSP premiums. This will result in FN and Inuit persons being responsible for their own premiums. This is problematic as premiums are determined based on income, often which FN and Inuit people do not file.	• Population and Public Health Division is lead on this issue and negotiation • If outcome does not result in transfer of $18M to MSP, the Ministry will need to: -educate and inform status First Nations and Inuit persons -provide support to the First Nations Health Authority in planning for the transition -media coverage of issue is likely • Education and information for status First Nations and Inuit persons. • Support to the First Nations Health Authority in planning for the transition.
Medical Services Plan premium rate increase effective January 1, 2013.	• Full MSP premium rates will increase. • There will be no changes to the existing Adjusted Net Income levels and all rates except the full premium rate, will remain the same as in 2012.	• Systems changes underway at HIBC to accommodate rate adjustment. • Communications materials to be distributed in October, 2012.
Patient Attachment Initiative: Expansion post-PMA Agreement (working through the General Services Committee) to ensure that by 2015 all British Columbians who want a family physician have one.	• Three prototype sites are currently underway (White Rock/South Surrey, Prince George and Cowichan Valley) • White Rock/ South Surrey: 2500 patients attached through two new doctors and implementation of Primary Care Access Clinic • Prince George: 3771 patients attached through recruitment of physicians will to take more patients onto their caseload, residential care, and an unattached patient clinic. A primary health care clinic is slated for opening, July 2012. • Cowichan: 525 patients have been attached through a maternity clinic, hospital support program, and locum program.	• GP Services Committee decision regarding expansion of the prototypes pending negotiation of a new Physician Master Agreement and completion of evaluation of the current three prototype sites.

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Internationally educated health professionals business case for the development of an integrated assessment service	• Service will focus on offering assessments to internationally educated health professionals in priority health professions such as nurses and physicians. Ministries of Advanced Education and Jobs, Tourism and Innovation, as well as regulatory authorities are involved. Given the stakeholders involved and the recent announcements occurring at the federal level through Citizenship and Immigration Canada, there may be a comment made about the work in the media. Business case is about assessments required to support licensure decisions – the integration of internationally educated health professionals into BC's workforce.	• Create Communications information note for the Minister.

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Budwal, Kiran K HLTH:EX

From: Burton, Peter R HLTH:EX
Sent: Saturday, August 25, 2012 5:07 PM
To: Carroll, Sandra HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: And now ...

s.13,s.17

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, August 23, 2012 2:46 PM
To: Sheikh, Umar HLTH:EX
Subject: 940948_LPN vote 2nd response_Draft

Hi Umar,

How have you been stranger?

Remember the LPN letters I mentioned on Tuesday, well, here is one response I drafted for your review/feedback.

Also, note that the response to Gary Fane's letter is due today. I was wondering if you had a chance to look at it.

Thanks,

Luba



940948_LPN vote 2nd response_D...

EMAIL RESPONSE

940948

s.22

Dear s.22

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Michael de Jong, QC, Minister of Health, have asked me to respond on their behalf.

Let me begin by commending you for your s.22 working as a LPN. Government values the work of LPNs in our health care system and view them as critical members of the health care team.

Respecting your concerns, this is an inter union issue and the Ministry of Health does not have a role in the vote. The Ministry of Health understands that the ballots are currently with the Employment Standards Branch of the Ministry of Labour, Citizens' Services and Open Government who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Employment Standards Branch of the Ministry of Labour, Citizens' Services and Open Government at...

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Michael de Jong, QC

Page 420 to/à Page 424

Withheld pursuant to/removed as

s.14

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, August 21, 2012 3:06 PM
To: Sheikh, Umar HLTH:EX
Subject: FW: Public letters...
Attachments: 940948_LPN vote_Incoming.pdf

s.13,s.17

From: Anderson, Kristy GCPE:EX
Sent: Tuesday, August 21, 2012 12:55 PM
To: Hazeldine, Luba HLTH:EX
Subject: FW: Public letters...

s.13,s.17

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Jodie Warren [mailto:JodieW@heabc.bc.ca]
Sent: Tuesday, August 21, 2012 12:44 PM
To: Anderson, Kristy GCPE:EX
Subject: RE: Public letters...

s.13,s.17

From: Anderson, Kristy GCPE:EX [mailto:Kristy.Anderson@gov.bc.ca]
Sent: August-21-12 12:37 PM
To: Jodie Warren
Subject: Public letters...

Hi Jodie

Thanks,

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Stewart, Sharon A HLTH:EX
Sent: Monday, October 29, 2012 5:16 PM
To: van den Broek, Jude HLTH:EX; Moir, Lindsay HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: FW: Reg Changes LPNs

Hi – would you please coordinate the timing. Umar – I've asked Nichola to confirm the topic; we wouldn't normally got to LRC for the LPN regulation change.

From: Manning, Nichola HLTH:EX
Sent: Monday, October 29, 2012 5:06 PM
To: Sheikh, Umar HLTH:EX; Stewart, Sharon A HLTH:EX
Subject: Reg Changes LPNs

Heads-up to both of you. The reg changes for LPNs are going to LRC next week. Given that Sandy and I are both away, Lindsay is going to attend on our behalf. I will need you to do a quick background briefing with Lindsay please. Can you please have your admin arrange.

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, August 20, 2012 4:46 PM
To: Sheikh, Umar HLTH:EX
Subject: BCNU website highlight

Ministry of Labour releases list of LPNs who cast ballots:
https://www.bcnu.org/News/news.aspx?page=Bulletins_August%2017_1,%202012

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, August 20, 2012 4:42 PM
To: Sheikh, Umar HLTH:EX
Subject: 940232_LPN Representation at Bargaining

Hi Umar,

I believe Loredana sent this to you last week to review. Did you have a chance to look at it? It is due on the 23rd.
I have also attached the original letter fyi.

Luba



940232_LPN Representation ...



940232 - Gary Fane INCOMIN...

BRITISH COLUMBIA

Gary Fane
British Columbia Nurses' Union
4060 Regent Street
Burnaby, BC V5C 6P5

Dear Mr. Fane:

Thank you for your email dated August 2, 2012 in which you raise concerns regarding representation of Licensed Practical Nurses (LPNs) in bargaining.

We recognize and appreciate the importance of LPNs within the healthcare system and anticipate LPNs will be given fair and equitable representation. We value your position and approach to bring LPNs into the Nurses' Bargaining Association to represent their interest.

We recognize however, that the outcome of the LPN vote is currently pending. Once the results are disclosed we would be pleased to discuss this matter further with you.

Thank you again for taking to write and we look forward to our continued communication.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

940232

BRITISH COLUMBIA NURSES' UNION

FILE: No.

August 2, 2012

RECEIVED
AUG 0 9 2012
Ministry of Health Services
COO Office

Sandra Carroll
Chief Operating officer
Ministry of Health
5-3-1515 Blanchard Street
Victoria, BC V8W 3C8

sandra.carroll@gov.bc.ca

Dear Ms. Carroll,

Thank you for our July 26, 2012 meeting. I write to follow up on our discussion about the process for ensuring that Licensed Practical Nurses (LPNs) are effectively represented in bargaining as soon as the results of the vote are announced.

As you are aware LPNs are currently a minority in a bargaining association of support workers. Once the BCNU assumes representation, they will be a minority in a bargaining association where the lead union no longer represents them. In our option this is not an appropriate situation for these nurses. BCNU will work hard to represent LPN interests in the FBA but the parties will lose the opportunity to negotiate comprehensive solutions that include all nurses.

We believe the best approach is to bring LPNs into the Nurses' Bargaining Association through a legislative change to the definition of "nurse" in the *Health Authorities Act*. This would reflect the reality that LPNs are nurses and allow a single set of bargaining on behalf of all nurses. We recognize however, that this legislative change may not be possible in time to include LPNs in this round of NBA bargaining.

Section 19.5 of the *Health Authorities Act* provides a mechanism for an interim solution.

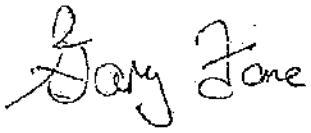
> *The minister charged with administration of the Code, on application or on the minister's own motion, and after the investigation considered necessary or advisable, may direct the labour relations board to*
>
> *(a)* ***add a bargaining unit as an appropriate bargaining unit,*** *or*
> *(b) consolidate 2 or more appropriate bargaining units.*

A separate independent bargaining unit for LPNs, where BCNU is the lead union, would allow all parties to move forward with certainty over the representation and bargaining structure for LPNs and would facilitate the negotiation of provisions that make sense for all nurses. Both health care policy and industrial relations interests are compelling reasons for the Minister to exercise her discretion to add a bargaining unit for LPNs once the vote results are announced.

Thank you for your consideration. I look forward to further constructive discussions.

Have a good holiday.

Sincerely,
BRITISH COLUMBIA NURSES' UNION



Gary Fane
Executive Director of Negotiations & Strategic Development

GF/jab 10475

Page 433

Withheld pursuant to/removed as

s.14;s.13

Budwal, Kiran K HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Friday, August 17, 2012 9:54 AM
To: 'Jodie Warren'
Cc: Jabs, Ryan GCPE:EX; Hagerman, Shannon GCPE:EX; Sheikh, Umar HLTH:EX
Subject: RE: LPN update

Thanks for the update Jodie.

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Jodie Warren [mailto:JodieW@heabc.bc.ca]
Sent: Friday, August 17, 2012 9:55 AM
To: Anderson, Kristy GCPE:EX
Cc: Jabs, Ryan GCPE:EX; Hagerman, Shannon GCPE:EX; Sheikh, Umar HLTH:EX
Subject: LPN update

Hi Kristy:
s.13,s.17

-Jodie

Jodie Warren
Director, Communications
HEALTH EMPLOYERS ASSOCIATION OF BC
200 - 1333 West Broadway
Vancouver, BC V6H 4C6
Phone: 604.714.2285
Cell: 604.764.9813
Web: www.heabc.bc.ca
Follow HEABC on Twitter
Connect with HEABC on Linkedin
Follow Excellence in BC Health Care Awards on Twitter
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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Friday, August 17, 2012 9:00 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: media highlights

---------- Bargaining - Health Sector

top

LPN voters list produced by Employment Standards Branch
Hospital Employees' Union
Thursday, August 16, 2012

By Mike Old

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Hochstein & McPherson debate union due use - CKNW - 16-Aug-2012
By CKNW Simi Sara

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Page 436 to/à Page 438

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Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Friday, October 26, 2012 9:01 AM
To: Sheikh, Umar HLTH:EX; Hazeldine, Luba HLTH:EX
Subject: Media Highlights

---------- Labour Relations & Collective Bargaining

top

CIVI, Thursday, October 25, 2012 17:07
By CTV News Live @ 5

Copyright

CUPE support workers reach deal at UNBC
Canadian Union of Public Employees
Thursday, October 25, 2012

Copyright

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Draft LPN regulation could negatively impact staffing mix and utilization
Hospital Employees' Union
Thursday, October 25, 2012

By Hospital Employees' Union

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CKNW, Thursday, October 25, 2012 06:32
By CKNW

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CHNL, Thursday, October 25, 2012 08:02
By CHNL

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CHNL, Thursday, October 25, 2012 07:32
By CHNL

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Riders shun bus during drivers' action
Times Colonist (Victoria)
Friday, October 26, 2012
Page A04
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Savings short-lived
The Province
Thursday, October 25, 2012

Page A21
By Joe Elworthy

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Stop putting vulnerable families last: striking community social service workers targeting B.C. Liberal convention - BCGEU - Oct. 25, 2012

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Page 444

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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, August 16, 2012 9:16 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: media highlights

---------- Bargaining - Health Sector

top

BCNU publishes false statements
Hospital Employees' Union
Wednesday, August 15, 2012

By Mike Old

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CHNL, Wednesday, August 15, 2012 12:01
By CHNL

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Doctors do not need unions
National Post
Thursday, August 16, 2012
Page A11
By Dr. Warren Hindle

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On health care
Globe and Mail
Thursday, August 16, 2012
Page A14
By Paul Moist

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BCGEU claims off base
100 Mile House Free Press
Wednesday, August 15, 2012
Page 9

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Page 448

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Page 449

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s.14

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 15, 2012 4:13 PM
To: Sheikh, Umar HLTH:EX
Subject: 2012-11-15_LPN Regulation Consultation Tracking Sheet

Hey Umar,

As I mentioned, Peter had recommended that Trevor review this list.

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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2012-11-15_LPN
Regulation Cons...

LPN Regulation Consultation Tracking Sheet:

Stakeholder Group	Key Contacts	Status	Consultation Date	Notes
Health Employers Association Of BC (HEABC)	**Michael Marchbank, President & CEO** Office: 604-714-2277 Cell: 604-219-2927 Email: MichaelM@heabc.bc.ca **Marno McInnes, VP Strategic Negotiations & Contract Administration** Office: 604-742-2581 Email: MarnoM@heabc.bc.ca **Tony Collins, VP Knowledge Management** Office: 604-714-2280 Cell: 778-389-9280 Email: TonyC@heabc.bc.ca **Paul Lim, Industry Lead, Health Authority Services** Phone: 604-714-2287 Email: paull@heabc.bc.ca **Adrienne Hook, Executive Director, Health Authority Services** Phone: 604-742-2582 Email: adrienneh@heabc.bc.ca **Mark Slobin, Executive Director, Legal and Affiliate Services** Phone: 604-714-2283 Email: marks@heabc.bc.ca **Alan Francis, Legal Counsel** Phone: 604-742-2751 Email: alanf@heabc.bc.ca			

	Gary Poon, Interim Director, Research and Knowledge Management Phone: 604-714-6370 Email: garyp@heabc.bc.ca			
Fraser Health Authority (FHA)	**Dr. Nigel Murray, President & CEO** Phone: 604-587-4625 Email: Nigel.Murray@fraserhealth.ca **Geoffrey Crampton, VP, People and Organization Development** Phone: 604-587-4670 Email: Geoffrey.Crampton@fraserhealth.ca **Brian Woods, VP, Corporate Services Integration & CFO** Phone: 604-587-4651 Email: Brian.Woods@fraserhealth.ca **Judith Hockney, Director, Surgical Services** Phone: 604-851-4700 ext. 646883 Email: Judith.hockney@fraserhealth.ca			
Northern Health Authority (NHA)	**Cathy Ulrich, President & CEO** Phone: 250-565-2155 Email: Cathy.Ulrich@northernhealth.ca **Jane Lindstrom, VP, Human Resources & Corporate Services** Phone: 250-565-2116 Email: Jane.Lindstrom@northernhealth.ca **Mark de Croos, VP, Finance and CFO** Phone: 250-565-2840 Email: mark.decroos@northernhealth.ca **Fred Cummings, Regional Director, Strategic**			

	Labour Relations Phone: 250-649-7040 Email: Fred.Cummings@northernhealth.ca			
Interior Health Authority (IHA)	**Dr. Robert Halpenny, President & CEO** Phone: 250-862-4264 Email: Robert.halpenny@interiorhealth.ca **John G. Johnston, MBA, CHRP, VP, People/Clinical Services** Phone: 250-862-4301 Email: John.Johnston@interiorhealth.ca **Donna Lommer, VP, Residential Services and CFO** Phone: 250-862-4025 Email: Donna.Lommer@interiorhealth.ca **John Bevanda, Corporate Director, Labour & Employee Relations** Phone: 250-870-5859 Email: John.Bevanda@interiorhealth.ca			
Vancouver Island Health Authority (VIHA)	**Howard Waldner, President & CEO** Phone: 250-370-8692 Email: howard.waldner@viha.ca **Dr Lynn Stevenson, VP, People, Organizational Development Practice and CNO** Phone: 250-370-8944 Email: lynn.stevenson@viha.ca **Barb Severyn, Executive Director, People & Organizational Development** Phone: 250-370-8688 Email: Barbara.Severyn@viha.ca **Bill Boomer, VP and CFO**			

	Phone: 250-370-8906 Email: bill.boomer@viha.ca			
Vancouver Coastal Health Authority (VCHA)	**Dr. David Ostrow, President & CEO** Phone: 604-875-4721 Email: david.ostrow@vch.ca **Duncan Campbell, CFO & VP, Systems Development and Performance** Phone: 604-875-4454 Email: DuncanJ.Campbell@vch.ca **Anne Harvey, VP, Employee Engagement** Phone: 604-875-5302 Email: Anne.Harvey@vch.ca **Wayne Balshin, Executive Director, Employee Relations** Phone: 604-889-6194 (blackberry) Email: wayne.balshin@vch.ca **Susan Wannamaker, Chief Operating Officer (Richmond)** Phone: 604-244-5537 Email: Susan.Wannamaker@vch.ca **Mary Ackenhusen, Chief Operating Officer (Vancouver)** Phone: 604-875-4285 Email: mary.achenhusen@vch.ca			
Provincial Health Services Authority (PHSA)	**Lynda Cranston, President & CEO** Phone: 604-675-7497 Email: lcranston@phsa.ca **Carl Roy, Senior VP** Phone: 604-675-7489 Email: Croy@phsa.ca			

	Sherry Hamilton, CNO, Government Liaison & Patient Focused Funding Phone: 604-675-7445 Email: shamilton@phsa.ca **Thomas Chan, CFO** Phone: 604-875-7117 Email: thomaschan@phsa.ca **Tony Arimare, Interim Chief Human Resources Officer** Email: Tony.Arimare@gov.bc.ca **Marion Olynyck, Strategic HR & HR Consulting Services** Phone: 604-524-7512 Email: molynyk@phsa.ca			
Providence Health Care	**Dianne Doyle, President & CEO** Office: 1-604-806-8020 Email: ddoyle@providencehealth.bc.ca **Zulie Sachedina, Vice President, Human Resources and General Counsel** Email: zsachedina@providencehealth.bc.ca **David Byres, Vice President, Acute Clinical Programs & Chief Professional Practice and Nursing** Email: dbyres@providencehealth.bc.ca			
BC Care Providers Association	**Ed Helfrich, Chief Executive Officer** Phone: 604.736.4233 x 229 Email: ehelfrich@bccare.ca **Maria Capostinsky, Administrative Services**			

	Coordinator Phone: 604.736.4233 x 226 Email: mcapostinsky@bccare.ca			
BC Nurses' Union (BCNU)	**Debra McPherson, President** Office: 604- 433-2268 local 2144 Cell: 604-209-4253 Email: dmcpherson@bcnu.org **Gary Fane, Executive Director, Negotiations and Strategic Development** Office: 604-433-2268, ext 2153 Cell: 604-786-6224 Email: gfane@bcnu.org			
Hospital Employees Union (HEU)	**Victor Elkins , President** Direct Phone: ? Email: ? **Bonnie Pearson, Secretary-Business Manager** Direct Phone: 604-456-7001 Cell: 604-802-9775 Email: bpearson@heu.org **Jacquie De Aguayo** **Assistant Secretary-Business Manager** Direct Phone: 604-456-7002 Cell: 778-233-7175 Email: jdeaguayo@heu.org **Chris Kinkaid, Director of Research** Phone: 604-456-7060 Email: ckinkaid@heu.org			
Health Sciences Association Of BC (HSA)	**Reid Johnson, President** Office: 604-439-0994 ext. 522 Cell: 604-828-7848 Email: rjohnson@hsabc.org			

	Jeanne Meyers, Executive Director, Legal & Labour Relations Office: 604-439-0994 ext 518 Cell: 778-877-6857 Email: jmeyers@hsabc.org			
BC Government & Service Employees' Union (BCGEU)	**Darryl Walker, President** Office: 604-291-9611 Cell: 604-312-8364 Email: Darryl.Walker@bcgeu.ca **David Vipond, Director of Negotiations and Human Resources** Email: david.vipond@bcgeu.ca **David Streb, Coordinator-Negotiations** Office: 604-291-9611 Cell: 604-619-0304 Email: david.streb@bcgeu.ca			
Union of Psychiatric Nurses	**Doug McLaren, Director, Operations and Member Services** Office: 604-530-9253 Email: dmclaren@telus.net **Dan Murphy, President** Office: 604-530-9253 Email: pres.upn@telus.net			
CUPE BC Vancouver Coastal Health (CUPE Local 15) Canadian Mental Health – Port Alberni (CUPE Local 3403-01) Positive Living BC (CUPE Local 3495) Fraser Health Authority (CUPE Local 4816).	**Barry O'Neill, CUPE BC President** Office: 604-291-9119 Email: boneill@cupe.ca			

College of Registered Nurses of BC	**Cynthia Johansen, Registrar/CEO** Phone: 604.736.7331 ext. 322 General Inquiries: ceo@crnbc.ca **Katherine Graham, Director, Human Resources & Organization Development** Phone: 604.736.7331 ext. 116 Department inquiries: humanresources@crnbc.ca **Christine Penney, Director, Policy, Practice & Quality Assurance** Phone: 604.736.7331 ext. 335 Department inquiries: policy@crnbc.ca			
College of Registered Psychiatric Nurses of BC	**Kyong-ae Kim, Executive Director/Registrar** Office: 1.604.931.5200 Email: kkim@crpnbc.ca **Mary Ann Machado, Manager of Regulatory Services** Office: 1.604.931.5200 Email: mmachado@crpnbc.ca			
College of Licensed Practical Nurses	**Carina Herman, Executive Director/Registrar** Phone: 778.373.3311 Office: 778-373-3100 Email: cherman@clpnbc.org			

Budwal, Kiran K HLTH:EX

From:	Hughes, Trevor LBR:EX
Sent:	Wednesday, August 15, 2012 7:07 PM
To:	Sheikh, Umar HLTH:EX
Subject:	Re: Challenge to LRB decision on Nurses' raid of LPN

Interesting - thanks for sharing. s.13
s.13

T.

Page 460

Withheld pursuant to/removed as

s.22

Page 461 to/à Page 463

Withheld pursuant to/removed as

s.14

Budwal, Kiran K HLTH:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, August 13, 2012 3:46 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: BCNU

Ya. I sense frustration is more about the progress of bargaining. s.13 s.13 I did commit to getting back to him with a status report. I take it Health is not pushing me/Labour to get in the middle of the LPN vote either? Please confirm.
T.

From: Sheikh, Umar HLTH:EX
Sent: Mon, August 13, 2012 3:43 PM
To: Hughes, Trevor LBR:EX
Subject: RE: BCNU

s.22

Joy.

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Hughes, Trevor LBR:EX
Sent: Monday, August 13, 2012 3:39 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: BCNU

s.13

T.

From: Sheikh, Umar HLTH:EX
Sent: Mon, August 13, 2012 3:06 PM
To: Hughes, Trevor LBR:EX
Subject: BCNU

Hey Trevor,

Gary mentioned that you and him connected today- any new information?

Umar Sheikh

Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Monday, August 13, 2012 2:04 PM
To: Sheikh, Umar HLTH:EX
Subject: RE: 940232 - Letter from Gary Fane RE: LPN representation in bargaining
Attachments: 940232_LPN Representation at Bargaining.docx

Hi Umar,

I have drafted a letter to Gary Fane for the above Cliff. Please see attached.
Let me know if you would like any changes made.

Thanks
Loredana

From: Hazeldine, Luba HLTH:EX
Sent: Monday, August 13, 2012 8:51 AM
To: Feraru, Loredana HLTH:EX
Subject: FW: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

---

From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 9, 2012 2:21 PM
To: Moir, Lindsay HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: RE: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

Brief reply- acknowledge receipt- indicate that we are awaiting the outcome of the LPN vote. Once the results are released we will revert back. Make it sound nicer

LUBA!

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Moir, Lindsay HLTH:EX
Sent: Thursday, August 9, 2012 2:19 PM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

Hey there,

We received this incoming letter today in the mail. I've cliffed it and attached; Let me know how you'd like to proceed.

Luba, I have the letter here on my desk once Umar gives instructions.

Thanks,

- *Lindsay Moir*

Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556



THINKHEALTHBC.CA



@ThinkHealthBC

BRITISH COLUMBIA

Gary Fane
British Columbia Nurses' Union
4060 Regent Street
Burnaby, BC V5C 6P5

Dear Mr. Fane:

Thank you for your email dated August 2, 2012 in which you raise concerns regarding representation of Licensed Practical Nurses (LPNs) in bargaining.

We recognize and appreciate the importance of LPNs within the healthcare system and anticipate LPNs will be given fair and equitable representation. We value your position and approach to bring LPNs into the Nurses' Bargaining Association to represent their interest.

We recognize however, that the outcome of the LPN vote is currently pending. Once the results are disclosed we would be pleased to discuss this matter further with you.

Thank you again for taking to write and we look forward to our continued communication.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

Ministry of Health Office of the Chief Operating Officer 5-3, 1515 Blanshard Street Victoria BC V8W 3C8

Budwal, Kiran K HLTH:EX

From: Moir, Lindsay HLTH:EX
Sent: Thursday, August 9, 2012 2:28 PM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: RE: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

10 4

- Lindsay

From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 9, 2012 2:21 PM
To: Moir, Lindsay HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: RE: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

Brief reply- acknowledge receipt- indicate that we are awaiting the outcome of the LPN vote. Once the results are released we will revert back. Make it sound nicer

LUBA!

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Moir, Lindsay HLTH:EX
Sent: Thursday, August 9, 2012 2:19 PM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

Hey there,

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Luba, I have the letter here on my desk once Umar gives instructions.

Thanks,

- Lindsay Moir

Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556





Budwal, Kiran K HLTH:EX

From:	Moir, Lindsay HLTH:EX
Sent:	Thursday, August 9, 2012 2:19 PM
To:	Sheikh, Umar HLTH:EX
Cc:	Hazeldine, Luba HLTH:EX
Subject:	940232 - Letter from Gary Fane RE: LPN representation in bargaining
Attachments:	940232 - Gary Fane INCOMING.pdf

Hey there,

We received this incoming letter today in the mail. I've cliffed it and attached; Let me know how you'd like to proceed.

Luba, I have the letter here on my desk once Umar gives instructions.

Thanks,

- *Lindsay Moir*
Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556
THINKHEALTHBC.CA
@ThinkHealthBC

940232

BRITISH COLUMBIA NURSES' UNION

FILE: No.

August 2, 2012

RECEIVED
AUG 0 9 2012
Ministry of Health Services
COO Office

Sandra Carroll
Chief Operating officer
Ministry of Health
5-3-1515 Blanchard Street
Victoria, BC V8W 3C8

sandra.carroll@gov.bc.ca

Dear Ms. Carroll,

Thank you for our July 26, 2012 meeting. I write to follow up on our discussion about the process for ensuring that Licensed Practical Nurses (LPNs) are effectively represented in bargaining as soon as the results of the vote are announced.

As you are aware LPNs are currently a minority in a bargaining association of support workers. Once the BCNU assumes representation, they will be a minority in a bargaining association where the lead union no longer represents them. In our option this is not an appropriate situation for these nurses. BCNU will work hard to represent LPN interests in the FBA but the parties will lose the opportunity to negotiate comprehensive solutions that include all nurses.

We believe the best approach is to bring LPNs into the Nurses' Bargaining Association through a legislative change to the definition of "nurse" in the *Health Authorities Act.* This would reflect the reality that LPNs are nurses and allow a single set of bargaining on behalf of all nurses. We recognize however, that this legislative change may not be possible in time to include LPNs in this round of NBA bargaining.

Section 19.5 of the *Health Authorities Act* provides a mechanism for an interim solution.

> *The minister charged with administration of the Code, on application or on the minister's own motion, and after the investigation considered necessary or advisable, may direct the labour relations board to*
>
> *(a)* ***add a bargaining unit as an appropriate bargaining unit****, or*
> *(b) consolidate 2 or more appropriate bargaining units.*

4060 REGENT STREET, BURNABY, B.C. V5C 6P5 / 604-433-2268 / FAX 604-433-7945 / TOLL FREE 1-800-663-9991

A separate independent bargaining unit for LPNs, where BCNU is the lead union, would allow all parties to move forward with certainty over the representation and bargaining structure for LPNs and would facilitate the negotiation of provisions that make sense for all nurses. Both health care policy and industrial relations interests are compelling reasons for the Minister to exercise her discretion to add a bargaining unit for LPNs once the vote results are announced.

Thank you for your consideration. I look forward to further constructive discussions.

Have a good holiday.

Sincerely,
BRITISH COLUMBIA NURSES' UNION

Gary Fane

Gary Fane
Executive Director of Negotiations & Strategic Development

GF/jab 10475

Budwal, Kiran K HLTH:EX

From: Hughes, Trevor LBR:EX
Sent: Thursday, August 9, 2012 9:23 AM
To: Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Subject: RE: LPN Raid

Thanks for this. This is not unexpected in my view. HEU has no choice, particularly if the rumours being spread are true that BCNU is going to win all or most.
FYI, BCNU has written to HEU seeking 10 seats at the FBA bargaining table in anticipation of winning the vote.

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 9, 2012 9:21 AM
To: Hughes, Trevor LBR:EX; Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Subject: RE: LPN Raid

Trevor, you are correct that the original decision was voluminous, the JR application will seek review of both the original decision and the recon decision. Ultimately the recon decision is the one which they will challenge on procedural fairness grounds.

Umar Sheikh
Director, Labour Relations and Special Initiatives Office of the Chief Operating Officer | Ministry of Health 5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

-----Original Message-----
From: Hughes, Trevor LBR:EX
Sent: Thursday, August 9, 2012 9:15 AM
To: Sheikh, Umar HLTH:EX; Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Subject: RE: LPN Raid

With respect, that is not quite right. Elena Miller issued the original decision which was about 30 pages in length. Her decision was reviewed by a 3-person reconsideration panel. It is that panel that issued the one-line decision denying HEU's appeal. My point is that that is a hard decision to appeal - but may fit the criteria noted in Umar's 2nd point (no reasons thus procedural fairness violated). I think Umar is right the court can't order ballots sealed, but the union could seek a stay if they can establish prejudice in going ahead. Key caveat here is that I'm not a lawyer so there may be some procedural issues (e.g., I don't know how they can appeal Elena's decision instead of just the recon decision).
T.

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 9, 2012 9:10 AM
To: Hughes, Trevor LBR:EX; Corwin, Lucas A PSEC:EX; Patterson, Ted PSEC:EX
Subject: RE: LPN Raid

Ok so here is the what is out there and possible:

HEU can seek Judicial review with an argument that (1) The decision issued on the recon by Elaine Miller was wrong in law and (2) Because Elaine Miller's decision did not provide reasons HEU was denied procedural fairness. In theory the crux of the argument would that Elaine departed from existing LRB decisions and allowed herself to

deviate (toward the one-liner) because she felt these were "exceptional circumstances" (1. Volume of LPN's and 2. Cost implication). If the court does find that Elaine erred all they can do is issue an order that the LRB provide the rationale. The court does not have the power to order the ballots sealed. All the court can do is refer the case back to the LRB for reconsideration. So the vote may still be counted and released in the interim (although this is unlikely if Judicial review is proceeding.

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

-----Original Message-----
From: Hughes, Trevor LBR:EX
Sent: Thursday, August 9, 2012 8:22 AM
To: Corwin, Lucas A PSEC:EX; Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX
Subject: Re: LPN Raid

First issue is what do they appeal. The LRB recon decision was almost a one-liner. Second issue is what does HEU ask for in terms of relief. Do they ask for stay of vote? Sealing of ballot boxes before counting? I think the answer depends on these issues.

----- Original Message -----
From: Corwin, Lucas A PSEC:EX
Sent: Thursday, August 09, 2012 08:19 AM
To: Sheikh, Umar HLTH:EX; Patterson, Ted PSEC:EX; Hughes, Trevor LBR:EX
Subject: RE: LPN Raid

Thanks Umar.

Trevor, any idea of what this will do to the LRB's timelines for counting the ballots?

Lucas Corwin | A/Assistant Deputy Minister, Labour Relations
PSEC Secretariat | Province of British Columbia
telephone | 250 356 6983
mobile | 250 882 6929

-----Original Message-----
From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 9, 2012 6:13 AM
To: Patterson, Ted PSEC:EX; Corwin, Lucas A PSEC:EX; Hughes, Trevor LBR:EX
Subject: LPN Raid

I hear that HEU council will be receiving instruction to file for judicial review. The deadline to file is Monday.

Budwal, Kiran K HLTH:EX

From: Melissa Mueller <MelissaM@heabc.bc.ca>
Sent: Thursday, August 9, 2012 9:20 AM
To: Sheikh, Umar HLTH:EX
Subject: CKNW: McPherson/Old: LPN union vote complicated

Here's what CKNW has on their webpage – a bit more detail

Melissa

Two battling unions and Licensed Practical Nurses still waiting for vote result
VANCOUVER/CKNW (AM980)
Shane Woodford | Email news tips to shane.woodford@corusent.com
8/8/2012

Copyright

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, August 9, 2012 9:07 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: media highlight

---------- Bargaining - Health Sector

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BCNU waiting on latest LPN's union vote CKNW, Wednesday, August 08, 2012 20:05
By CKNW

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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, October 9, 2012 8:53 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: media highlights

---------- Labour Relations & Collective Bargaining

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B.C. nurses join forces
The Province
Sunday, October 07, 2012
Page A14

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Licensed practical nurses vote to switch unions; More than 7,200 part of change splitting the labour movement
Vancouver Sun
Saturday, October 06, 2012
Page A04
By Jonathan Fowlie

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CKNW, Friday, October 05, 2012 17:01
By CKNW

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EI clawback legal, not fair, prof says
Vancouver Sun
Tuesday, October 09, 2012
Page A02
By Katherine Dedyna

Copyright

Bus strike threat looms
Times Colonist (Victoria)
Tuesday, October 09, 2012
Page A03
By Derek Spalding

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VANCOUVER

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CHNL, Monday, October 08, 2012 08:06

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BC Assessment workers vote for job action

--CUPE 1767--

Friday, October 07, 2012

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Page 486

Withheld pursuant to/removed as

s.14;s.17

Page 487 to/à Page 547

Withheld pursuant to/removed as

s.14

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, August 7, 2012 3:05 PM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: BCNU website update

BCNU:
LPN vote moving forward at the BC Labour Relations Board-BCNU planning a successful integration of LPNs into the nurses' union (posted August 3, 2012): http://www.bcnulpn.org/news/2012-08-03.html

Page 549 to/à Page 550

Withheld pursuant to/removed as

s.14

Howatson, Evan HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Friday, June 8, 2012 12:42 PM
To: Jensen, Jodi HLTH:EX
Subject: s.13,s.14,s.17

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Jodie Warren [mailto:JodieW@heabc.bc.ca]
Sent: Friday, June 8, 2012 9:53 AM
To: Anderson, Kristy GCPE:EX; Draper, Kindree PSEC:EX
Subject: s.13,s.14,s.17

FYI - progress report on LPN vote

From: Jennifer Lamont
Sent: Friday, June 08, 2012 9:42 AM
To: Michael Marchbank; Marno McInnes; Adrienne Hook; Mark Slobin; Matt Prescott; Jodie Warren
Subject: s.13,s.17

s.13,s.14,s.17

Jennifer Lamont
Legal Counsel, Health Employers Association of BC
email: JenniferL@heabc.bc.ca office: 604.714.2275 fax: 604.736.2715

Web: www.heabc.bc.ca Follow HEABC on Twitter Connect with HEABC on Linkedin

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Howatson, Evan HLTH:EX

From: Jensen, Jodi HLTH:EX
Sent: Wednesday, June 6, 2012 8:44 AM
To: Anderson, Kristy GCPE:EX
Subject: Re: LPN vote

Hard to say - there will be challenges to the voter's list to be sorted and the ballots could also be sealed pending the outcome of the applications for reconsideration. I'd guess late june/early July at the earliest.

From: Anderson, Kristy GCPE:EX
Sent: Wednesday, June 06, 2012 07:56 AM
To: Jensen, Jodi HLTH:EX; 'Jodie Warren' <JodieW@heabc.bc.ca>
Subject: LPN vote

Do we know when we will have the results of the LPN vote?

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Howatson, Evan HLTH:EX

From: Jensen, Jodi HLTH:EX
Sent: Tuesday, June 5, 2012 5:07 PM
To: Anderson, Kristy GCPE:EX
Subject: RE: Updated LPN briefing note

Yup. Thanks.

From: Anderson, Kristy GCPE:EX
Sent: Tuesday, June 5, 2012 3:08 PM
To: Jensen, Jodi HLTH:EX
Subject: FW: Updated LPN briefing note
Importance: High

Are you fine with this – looks ok to me.

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Jodie Warren [mailto:JodieW@heabc.bc.ca]
Sent: Tuesday, June 5, 2012 3:06 PM
To: Anderson, Kristy GCPE:EX
Subject: FW: Updated LPN briefing note
Importance: High

Hi Kristy,

Just checking in - are you okay with us proceeding with distributing the attached? Thank you.

From: Jodie Warren
Sent: June-05-12 10:32 AM
To: 'Anderson, Kristy GCPE:EX'
Cc: Jodi Jensen
Subject: Updated LPN briefing note
Importance: High

As requested attached is the updated note - updated areas highlighted. FYI Michael will be sending this out to HA CEOs and VPs of HR and I'll cc the HA Communications people as well.

Are you still okay to have a chat now? I am at home so can call you.

Thank you,

-Jodie

Jodie Warren
Director, Communications
HEALTH EMPLOYERS ASSOCIATION OF BC

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Vancouver, BC V6H 4C6
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s.13;s.17

Page 559

Withheld pursuant to/removed as

s.14;s.13;s.17

HASTINGS
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TEL: 604.632.9644
FAX: 604.632.9611

Chris Buchanan
Emily Luther
John MacTavish
Brett Matthews
Brandon Quinn
Morgan Rea
David Tarasoff

FACSIMILE

DATE: **June 1, 2012**

FROM: **David Tarasoff**

FILE:

PAGES: 3(including this one)

TO:	ATTENTION:	FAX:
Labour Relations Board	**Allison Matacheskie**	**604-660-1892**
HEU	**Bonnie Pearson / Jacquie de Aguayo / Susan Fisher**	**604-739-1510**
BCGEU	**Ken Curry**	**604-291-7514**
Moore Edgar Lyster	**Richard Edgar**	**604-689-4467**
Roper Greyell	**Delayne Satison, QC**	**604-806-0933**
Laughton & Co.	**Bruce Laughton, QC**	**604-683-6622**

COMMENTS:
Please see attached.

The original of this facsimile will NOT be sent

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HASTINGS
LABOUR LAW OFFICE

June 1, 2012

BY FACSIMILE

Labour Relations Board
Suite 600 - Oceanic Plaza
1066 West Hastings Street
Vancouver, British Columbia
V6E 3X1

Attention: Allison Matacheskie, Registrar

Dear Sirs/Mesdames:

Re: Interior Health Authority et al. ("the Employers") -and-British Columbia Nurses Union (the "BCNU")-and-Hospital Employees' Union ("HEU")-and-B.C. Government and Service Employees Union ("BCGEU")
(Applications for Certification-Case Nos. 62899/11R, 62900/11R, 62901/11R, 62903/11R, 62904/11R & 62905/11R)
(Section 141, *Labour Relations Code* (the "Code") - Application for Reconsideration – BCLRB No. B97/2012)

NATURE OF THE APPLICATION

We are counsel to the HEU and have as such been instructed to file this application pursuant to section 141 of the Code for leave and reconsideration of BCLRB No. B97/2012 (the "Original Decision").

We thank the Board and the other parties for consenting to extend the filing deadline to the close of business on June 1, 2012.

With respect to the nature of this application, HEU states at the outset that the vote by mail ballot should continue as scheduled pending a decision on reconsideration and nothing in this application should be construed as an application for a stay of any aspect of the Original Panel's order(s) in the Original Decision.

At paragraph 36 of the Original Decision, the Original Panel summarized certain of her conclusions as follows:

- There were not material misrepresentations which rendered the signing of the BCNU membership cards conditional or equivocal.

- The particular factual circumstances of this case give rise to a compelling reason to make an exception to the Board's general policies, and the unit applied for is therefore appropriate for collective bargaining.

HEU submits that these conclusions are contrary to principles expressed or implied in the *Code*; Section 141(2)(b).

More specifically, HEU's application for leave and reconsideration is based on the following grounds or propositions.

Membership Evidence

1. The Original Panel's conclusion that misrepresentations made by BCNU regarding the "no risk guarantee" did not undermine the validity of a substantial majority of the membership cards was in error in that:

    a. objectively considered, any "reasonable LPN" would conclude that to sign a membership card is to do no more than accept an invitation to embark upon a "guaranteed no risk" trial period such that her signed card is rendered conditional and unequivocal; and/or

    b. the test for validity of the membership evidence is whether or not BCNU's misrepresentations made the signing of the cards "conditional and equivocal" and not merely whether or not the falsehoods were "fundamental" and "go to the heart of the meaning of the cards".

2. The Original Panel's conclusion that misrepresentations made by BCNU regarding the authority of the LPN Committee did not undermine the validity of a substantial majority of the membership cards was in error in that:

    a. objectively considered, any "reasonable LPN" would conclude that to sign a membership card is to secure a specified measure of power and influence in the collective bargaining process such that his signed card is rendered conditional and equivocal; and

    b. the test for validity of the membership evidence is whether or not BCNU's misrepresentations made the signing of the cards "conditional and equivocal" and not merely whether or not the falsehoods were "fundamental" and "go to the heart of the meaning of the cards".

Bargaining Unit Appropriateness

3. The Original Panel's conclusion that the bargaining units proposed by BCNU are appropriate bargaining units was in error in that:

a. the "exception" to the Board's policy against the proliferation of bargaining agents at a single site in the health sector recognized by the Original Panel is in substance an outright *repudiation* of that policy; and/or

b. the "exception" to the Board's policy against the proliferation of bargaining agents at a single site in the health sector recognized by the Original Panel is based upon a vague and ill-defined phantom species of "industrial stability" arising from "employee dissatisfaction" that was not supported by *any* evidence; and/or

c. the "exception" to the Board's policy against the certification of a unit comprised of a single classification is based upon a misapprehension of current law and policy regarding the role and influence of the Facilities Subsector Bargaining Association.

RELIEF SOUGHT BY HEU

4. HEU submits that on reconsideration, the Board must set aside the Original Decision and dismiss the Raid Applications; Section 141(7).

5. In addition, HEU seeks a declaration under Section 19(2) that further applications by BCNU are time barred for a period of 22 months, or in the alternative, an order remitting the issue of a 22 month time bar to the Original Panel to receive submissions on that issue.

PARTIES

Applicant

Hospital Employees' Union
5000 North Fraser Way
Burnaby, B.C. V5J 5M3
Telephone: 604-438-5000
Facsimile: 604-739-1510
Attention: Bonnie Pearson/Jacquie de Aguayo/Susan Fisher

Counsel for the Applicant

Hastings Labour Law Office
1100 – 675 West Hastings Street
Vancouver, B.C. V6B 1N2
Telephone: 604-632-9644
Facsimile: 604-632-9611
Attention: David Tarasoff

Respondent

British Columbia Nurses' Union
4060 Regent Street
Burnaby, BC V5C 6P5
Telephone: (604) 433-2268
Facsimile: (604) 433-7945
Attention: Frank Morgan

Counsel for the Respondent BCNU

Laughton & Company
Barristers and Solicitors
Suite 1090 – 1090 West Georgia Street
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Telephone: 604-683-6665
Facsimile: 604-683-6622
Attention: Bruce Laughton, QC
Respondent

The Employers c/o Health Employers Association of British Columbia
#200 - 1333 West Broadway
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Telephone: (604) 736-5909
Facsimile: 604-736-2715
Attention: Jennifer Lamont

Counsel for the Respondent HEABC

Roper Greyell LLP
800 Park Place – 666 Burrard Street
Vancouver, BC
V6C 3P3
Telephone: 604-806-0922
Facsimile: 604-806-0933
Attention: Delayne Sartison, QC

Respondent

BC Government and Service Employees Union
4911 Canada Way
Burnaby, BC V5G 3W3
Telephone: 604-291-9611
Facsimile: 604-291-7514
Attention: Ken Curry

Respondent

International Union of Operating Engineers, Local 882
304 - 4333 Ledger Avenue
Burnaby, B.C. V5G 3T3
Telephone: (604) 294-5266
Facsimile: 604-294-0694
Attention: Saundra Taylor

Counsel for the Respondent IUOE 882

Moore Edgar Lyster
Third Floor – 195 Alexander Street
Vancouver, BC V6A 1N8
Telephone: 604-689-4457
Facsimile: 604-689-4467
Attn: Richard Edgar

DISCUSSION

Membership Evidence

6. Under this heading, HEU relies upon *Royal City Taxi*, BCLRB No. B266/94 (upheld on reconsideration in B447/94).

Objective Test: What is "Reasonable"?

General

7. HEU submits that although the Original Panel correctly concluded that the test for validity of membership evidence is an objective test (paragraph 66), she erred in her assessment of what is "reasonable" and thus committed a reviewable error. Where an objective test is applied, a determination of what a "reasonable person" would conclude must necessarily be reasonable. "Reasonableness" is obviously inherent in this exercise.

8. The Original Panel also concluded that the BCNU's "no risk guarantee" was "inaccurate" (paragraphs 71, 74) and "puffery" (paragraph 74) and so too were the claims about the authority of the LPN Committee (paragraphs 72, 74). HEU agrees that the statements are inaccurate (indeed they are pure nonsense) but submits too that they are insidious misrepresentations that make the cards equivocal and conditional and are beyond mere campaign puffery.

9. As said in *Ainsworth Lumber*, BCLRB No. B143/2009, 168 CLRBR (2d) 137, the Board allows latitude for puffery in a raid with respect to issues regarding the

effectiveness of the rival union, its dues structure and so on but will be much more vigilant about policing representations made about the certification process, "internal votes" and the purpose of membership evidence; see paragraphs 117 and 118. The Original Panel did not make this distinction here and was, with respect, far too quick to dismiss BCNU's misrepresentations about the process itself as mere "puffery".

10. The Original Panel also finds that a reasonable LPN would expect a certain amount of puffery in the circumstances and would take steps to investigate any statements of concern (paragraph 74). While this may be the law with respect to mere puffery, the fact that reasonable employees may "investigate" does not excuse misrepresentations that make membership cards equivocal or conditional.

No Risk Guarantee

11. The extraordinary "no risk guarantee" is set out at paragraph 54 of the Original Decision.

12. The Original Panel erred in her assessment of what is "reasonable". She failed to discern that a reasonable LPN would conclude that to sign a membership card is to do no more than embark upon a no risk trial period. In fact, objectively considered, that is inevitably and precisely the effect of the no risk guarantee. This misrepresentation makes the signing of the membership cards equivocal and conditional.

13. That is, the signing of the cards is conditional and equivocal in the sense that cards were obtained on the basis of an assurance that that joining the BCNU is conditional upon enjoying a no risk trial period before any final decision is made.

14. HEU submits that it is difficult to conceive of a statement aimed at obtaining signed cards that could more effectively and entirely make them conditional and equivocal. BCNU promises a "no risk guarantee" and that "LPNs will be able to change their minds". No commitment whatsoever is required or sought. To the contrary, in substance, BCNU (falsely) promises that LPNs may enjoy, without risk, a trial period before making a decision to join BCNU for real.

15. HEU submits with respect that the Original Panel's assessment of the nature and effect of the misrepresentation is not reasonable and since the test is an objective one, her conclusions must be reversed. In addition, or in the alternative, HEU submits that since any reasonable person would conclude that the cards signify nothing more than a no risk trial period, the Original Panel must have erroneously applied a subjective test.

LPN Committee

16. The statements made about the alleged authority of the LPN Bargaining Committee are at paragraph 55.

17. In her assessment of the false statements about the LPN Committee, the Original Panel again erred in her assessment of what is "reasonable". She failed to discern that a reasonable LPN would conclude that to sign a membership card is secure a specified measure of power and influence in the collective bargaining process. This misrepresentation makes the signing of the membership cards equivocal and conditional.

18. That is, the signing of the cards is conditional in the sense that cards were obtained on the basis of a (false) assurance that that joining the BCNU brings with it an unprecedented measure of authority. The cards were signed on the condition that this power and influence were attached to them, so to speak.

19. HEU submits with respect that the Original Panel's assessment of the nature and effect of the misrepresentation is not reasonable and since the test is an objective one, her conclusions must be reversed. In addition, or in the alternative, HEU submits that since any reasonable person would conclude that the cards were signed on the condition that the power of LPNs would greatly increase, the Original Panel must have erroneously applied a subjective test.

Test For Validity of Membership Evidence

20. HEU submits that the Original Panel applied the wrong test in her assessment as to the validity of the membership evidence.

21. In paragraph 74, the Original Panel concluded as follows:

> Although I find the BCNU statements to which HEU objects are inaccurate, I further find they do not go to the heart of the meaning of the cards. The nature and effect of the impugned representations in the present case, considered in context, are not fundamental.

22. The terms "conditional" and "equivocal" do not appear in this key passage.

23. The test for validity of membership evidence is whether or not BCNU's misrepresentations made the signing of the cards conditional and equivocal and were therefore of a fundamental nature that strike at the heart of the meaning of the cards. The test applied by the Original Panel is simply whether or not BCNU's misrepresentations were "fundamental" and go to the heart of the meaning of the cards. The Original Panel does not assess whether or not the misrepresentations made the signing of the cards conditional and equivocal.

24. We acknowledge that from time to time, the Original Panel does invoke the phrase "conditional or equivocal". But there is simply no analysis at all of the content of BCNU's "no risk guarantee" or the content of the promise about the power of the LPN Committee in that light. There is no conclusion drawn at all about what a reasonable LPN would conclude when offered the "no risk guarantee" or a new measure of power and influence. There is simply a very general conclusion drawn that the misrepresentation does not "go to the heart of the meaning of the cards" and is "not fundamental". "Fundamental" and "the heart of the meaning of the cards" are words and phrases that are descriptive of cards that are equivocal and conditional. By themselves, they have no real meaning or substance and by themselves cannot form the basis of a finding that cards are, or are not, valid.

Appropriateness

Introduction

25. It must be made clear at the outset that in this case, the Original Panel purports to recognize "exceptions" to two fundamental policies that apply to bargaining unit appropriateness determinations:

    a) the policy against proliferating bargaining agents at a single site within a health authority; and

    b) the policy against certifying a single classification.

26. HEU submits that the "exceptions" recognized by the Original Panel have seriously compromised well-established law and policy and amount to serious reviewable errors and her findings must therefore be set aside.

Proliferation of Bargaining Agents

"Exception" Amounts to "Repudiation"

27. The Original Panel and the parties to these proceedings all acknowledge that the Board has developed a policy against the proliferation of bargaining agents at a single site within a health authority; see paragraph 138 of the Original Decision. On reconsideration, HEU relies on this policy and the cases cited in the Original Decision in which it is developed and discussed.

28. In this case, the Original Panel recognized an "exception" to the policy on the basis that large numbers of LPNs are covered by the Raid Applications; see paragraph 144. Clearly, the Original Panel would have reached a different conclusion if only a

few dozen LPNs were covered by the Raid Applications. The exception is recognized because of the large numbers of LPNs involved[1].

29. HEU submits, therefore, that the "exception" to the Board's policy against the proliferation of bargaining agents at a single site in the health sector recognized by the Original Panel is in substance an outright *repudiation* of that policy.

30. "Proliferate" is defined as follows in the Shorter Oxford English Dictionary (5th Ed.) as follows:

> Increase greatly, multiply; become rife

31. HEU submits with respect that the "exception" to the policy against proliferation recognized by the Original Panel is, in fact, based upon rampant proliferation and that this reasoning is therefore unsound and effectively repudiates the policy and is not truly an exception to it.

32. To admit of an exception of the type recognized by the Original Panel is to embrace a scenario that the Board has said is not acceptable or tolerable. "Proliferation" simply cannot be the basis for an exception to a policy against proliferation. The very thing that the policy aims to suppress cannot be an exception to it. If such an exception is recognized, the policy has been repudiated.

33. In this same context, the Board's decision in *HEABC (FHA)*, BCLRB No. B132/2010, 182 CLRBR (2d) 277 (upheld on reconsideration in B155/2010, 185 CLRBR (2d) 318) (the "*ERAs* case") provides some insight as to when a true exception to the policy might validly be recognized. In dismissing the BCNU's applications in that case, the Board said this:

> An important factual distinction between the present case and *Certain Biomeds* is in that case, it was clear the employees in question would be represented by another union, HSA. Here, if BCNU's applications for certification are dismissed, the ERAs at RCH and SMH will, temporarily at least, remain unrepresented. *If HEU had not expressed a willingness to represent the ERAs then access to bargaining may have been a concern.* However, HEU has indicated a willingness to represent the ERAs, and no party has disputed that, if certified, the ERAs would be included in the Facilities Subsector. Accordingly, access to collective bargaining is not an issue in this case (paragraph 32) (emphasis added).

34. Therefore, a valid exception to the policy might arise where employees are seemingly unable to secure bargaining rights otherwise. But that is not the case here.

35. That the Original Panel has in substance effectively repudiated the policy and marginalized it is demonstrated by her remarks in paragraph 148 of the Original Decision:

[1] The Original Panel's findings as to the significance or implications of a "large number" is addressed below as a separate ground for reconsideration.

> At the second tier level of collective agreement administration, there would be an additional bargaining administering the collective agreement for LPNs only, if BCNU's applications succeed. However, the terms being administered will be the same, whether they are administered by a bargaining agent representing one classification or many.

36. With respect, the Original Panel minimizes the industrial instability concerns that form the basis of the policy. She suggests that the addition of a bargaining agent at worksites within the facilities subsector may not be terribly de-stabilizing after all because "...the [collective agreement] terms being administered will be the same". This apparent lack of commitment to the policy may account for her decision to recognize an "exception" to the policy which effectively negates it.

37. HEU submits that this approach is not appropriate. As was said in *British Columbia Automobile Association,* BCLRB No. B94/99 at paragraph 42:

> The immediate question is whether we should adopt an interpretation of Section 68 which is at odds with previous panels. We do not believe that would be appropriate. The doctrine of stare decisis does not apply to administrative tribunals. Nonetheless, the Board has recognized that uniform and consistent decision-making is a valued objective under its statutory mandate. The labour relations community is entitled to organize its affairs based on past decisions, particularly where those decisions have been rendered on reconsideration; see JJM Construction Ltd., BCLRB No. B16/96, at paras. 139 and 141; and Weyerhauser Canada Ltd., BCLRB No. B296/96, at para. 120. An original panel should have a persuasive reason for adopting a different interpretation of the statute.

38. HEU submits that the Original Panel's conclusion that the large number of LPNs covered by the Raid Applications forms the basis for an exception to the Board's general policy such that the units sought are appropriate bargaining units must be set aside.

Industrial Instability Arising from Employee Dissatisfaction

39. In addition, HEU submits that the "exception" to the Board's policy against the proliferation of bargaining agents at a single site in the health sector recognized by the Original Panel is based upon a vague and ill-defined phantom species of "industrial stability" arising from "employee dissatisfaction" that was not supported by *any* evidence. All parties, including HEABC, were afforded an opportunity to call evidence but the invitation was declined.

40. This conclusion is contrary to established law and policy. In addition, HEU was denied a fair hearing because the species of industrial stability identified by the Original Panel is not based on any evidence at all in spite of the objection by HEU and the other unions that there was no factual foundation put forward in support of this assertion; see paragraph 145. "Principles expressed or implied in the Code" include the rules of natural justice and a breach of those rules constitutes a basis for reconsideration; see *Brinco Coal Mining Corp.*, BCLRB No. B74/93, 20 CLRBR (2d) 44 at page 52.

41. The Original Panel's conclusions with respect to industrial instability are as follows:

> ...I am not persuaded that HEABC's concern is fanciful or speculative. I find it reasonable to assume that where, as here, a majority of almost 7,000 LPNs have expressed an interest in changing union representation, and BCNU has achieved threshold support by gathering membership evidence (signed membership cards) from thousands of them within the Code's 90 day time limit, in part on the basis of a promise to include them in a nurses bargaining unit, there may be "industrial instability", broadly speaking, if votes are not permitted on the applications. I therefore accept that there is a counterbalancing industrial instability concern that arises on the particular facts of this case (paragraph 145)

42. And at paragraph 146:

> ...I find industrial instability concerns, as submitted by HEABC, arise whether the applications are granted or denied. If they are granted, the concern arises from the addition of a bargaining agent at single sites within the Health Authorities. If they are denied, the concern arises from the dissatisfaction of LPNs in not being given an opportunity to vote on a change in representation and, potentially, an opportunity to seek united representation with other nurses in a nurses bargaining unit.

43. And finally, the Original Panel concluded as follows at paragraph 147:

> Thus, it cannot be said in this case, as it could in previous cases, that the interest of employee choice is outweighed by industrial instability concerns. I find the industrial stability concerns in this case neither favour nor outweigh the applications; they are evenly balanced and therefore neutral with respect to with respect to granting or denying the applications. As industrial stability concerns are the reason under the Board's "non-proliferation" policy why employee wishes would not be given effect by giving them a chance to vote under Section 19 as to their choice of bargaining agent, I find this is a compelling reason which justifies making an exception to the Board's general policy in this case.

44. As far as we know, the Board has never recognized a species of industrial instability known as employee "dissatisfaction" which informs an appropriateness determination. More specifically, the Board has never recognized "employee dissatisfaction" as a form of industrial instability which decisively transforms an inappropriate bargaining unit into one that is appropriate for collective bargaining. To the contrary, the Board held in *IML*, BCLRB No. B308/93, 19 CLRBR (2d) 161, that it's discretion in this area is restricted or constrained by the fact that employee wishes are not determinative of the nature or extent of a bargaining unit; see pages 183-184. The Original Decision is at odds with the law and policy of the Code in this respect.

45. In addition, the nature of this new form of industrial instability recognized by the Original Panel is not defined or explained at all. What is "industrial instability, *broadly speaking*"? What will happen to labour relations in the health sector as a

result of this alleged employee "dissatisfaction"? The Original Decision says these concerns are not fanciful but does not describe what kind of impact they will have in the workplace.

46. On the one hand, then, the Original Panel's deliberations were informed by recognition of a species of industrial instability which is new to an appropriateness determination that is based upon a vague sense of disquiet about employee "dissatisfaction".

47. On the other hand, her appropriateness deliberations were based upon well-established Board policy against the proliferation of bargaining agents at worksites in the health sector. In the *BCNU* case, BCLRB No. B44/2011, 192 CLRBR (2d) 302, the panel noted that the BC Supreme Court has observed that the Board has developed this policy "in a logical and careful manner"; see paragraph 13.

48. Also, the Board has explained how the addition of a bargaining agent at a worksite foments industrial instability; see, for example, the *ERAs* case, BCLRB B132/2010, 182 CLRBR (2d) 277 at paragraph 13.

49. HEU submits that this policy against proliferation is rooted in the following principle expressed in *IML* at page 187:

> It is axiomatic in labour relations that a proliferation of bargaining units increases the potential for industrial instability. Multiple bargaining units per se raise a serious question about industrial instability.

50. According to the Shorter Oxford English Dictionary (5th Ed.), "axiomatic" means "self-evident; indisputably true; of the nature of a maxim."

51. On the one hand, then, the Original Panel's deliberations were informed by recognition of a new species of industrial stability which was not based on any evidence. On the other hand, she considered a policy against proliferation which is judicially recognized at having been arrived at logically and carefully and is rooted in a principle so entrenched in labour law in British Columbia that is in the nature of maxim.

52. HEU submits that the Original Panel erred in concluding that these two forms of industrial instability "counterbalance" one another (paragraph 145) and are "evenly balanced" (paragraph 147. As discussed above, they are not even comparable, let alone evenly balanced. The new species of industrial stability recognized by the Original Panel is vague and frankly not worthy of consideration alongside the well understood and recognized instability that arises from a proliferation of bargaining agents at a worksite in the facilities subsector. As discussed above, the Original Panel has not ascribed due weight and consideration to the policy against proliferation.

53. Therefore, industrial instability is not "neutral" in this case at all and established policy should prevail.

54. We might add that the Original Panel's conclusion that "employee dissatisfaction" should inform her appropriateness deliberations is troubling in its implications because it is based on the large numbers of LPNs covered by the Raid Applications; see paragraph 144. Are we to conclude, then, that the bargaining aspirations of 75 or 750 workers in British Columbia are less worthy of consideration? Or, are we to conclude that 100 workers who vote 100% in favour of strike action should be able to withdraw their services notwithstanding a flawed voting procedure because they will be "dissatisfied" if their vote is declared invalid?

55. HEU submits that the Original Panel clearly erred in her reasoning. The Raid Applications are in fact the same as the applications considered in previous decisions. They are not unique.

Single Classification Unit

56. HEU submits that the "exception" recognized by the Original Panel to the Board's policy against the certification of a unit comprised of a single classification is based upon a misapprehension of current law and policy regarding the role and influence of the Facilities Subsector Bargaining Association (the "FBA").

57. The Original Panel's findings are at paragraph 148:

> With respect to the argument that the Board will not certify a single classification, I again find this case to involve unique circumstances which justify an exception to the Board's general policy. Because of the two-tiered structure of bargaining in the health sector, the primary bargaining unit for collective agreement negotiation purposes remains the FBA. It is essentially unaffected by the number and nature of the sub-units within it. Whether LPNs are represented within a broad-based sub-unit or a sub-unit based on a single classification, their bargaining agent for purposes of collective agreement negotiation, strikes, lockouts etc. remains the FBA. At the second tier level of collective agreement administration, there would be an additional bargaining administering the collective agreement for LPNs only, if BCNU's applications succeed. However, the terms being administered will be the same, whether they are administered by a bargaining agent representing one classification or many.

58. In other words, the Original Panel decides that a unit comprised of a single classification in the health sector will not result in industrial instability because the FBA will remain solid and unaffected no matter how many "sub-units" are included in it. In our respectful view, the Board should not take an approach which might result in an FBA that includes dozens of unions which represent a single classification.

59. We acknowledge that in *Grouseview Home Care Inc.*, BCLRB No. B403/97 (upheld on reconsideration in B49/98), the Board held that the Act contemplated multi-bargaining units contrary to the Board's usual policy against proliferation:

> Multiple bargaining agents in each of the appropriate bargaining units is problematic in light of the Board's policy in respect of the presumption against multiple bargaining units and raises practical labour relations concerns. Yet, that is not the result because of the provisions contained within the Act. Technically there is not a proliferation of bargaining units. In fact the Act leaves intact the five bargaining unit structure in the Regulation, which contemplated a rationalization of bargaining units and agents. There thus still remains only five appropriate bargaining units for collective bargaining. What there is however is a potential for a multiplicity of bargaining agents within each of the five appropriate bargaining units. (paragraph 41)

60. In other words, in *Grouseview*, the Board did conclude that the bargaining associations fostered stability in a multiple unit or bargaining agent environment.

61. We submit, however, that the view expressed by the Original Panel as to the role and influence of the FBA with respect to industrial stability is an extreme one not contemplated in *Grouseview*. Indeed, *Grouseview* does *not* sanction the certification of a single classification and certainly not by multiple bargaining agents in the facilities subsector.

62. Moreover, HEU submits that in recent jurisprudence, including *Certain Biomeds* and the *ERAs* case, the Board has clearly moved away from *Grouseview* and developed an approach that emphasizes the Code objective of maintaining order and stability in the health sector. The Board is not content to simply rely upon the Articles of Association to maintain industrial stability. Rather, the Board will intervene and not permit additional agents and units at a worksite to jeopardize stability.

63. Indeed, the Original Panel's conclusions are utterly at odds with the finding in the *BCNU* case, BCLRB No. B44/2011, 192 CLRBR (2d) 302 at paragraph 13:

> The Articles of Association allowing for multiple agents at a worksite represent a compromise. They do not provide a sound basis to permit the additional proliferation of bargaining agents within a subsector at a worksite (emphasis added)

64. HEU also maintains that the Original Decision effectively introduces a new "craft" unit into the facilities subsector. This too is contrary to established law and policy; see *Canadian Kenworth*, BCLRB No. 22/79, [1979] 2 Can LRBR 64 as cited in *BC Place*, BCLRB No. 44/87 (reconsideration of 346/84).

65. The Original Panel's reasoning is thus at odds with the established law and policy of the Code with respect to certifying a single classification. The Board has clearly said that it will not certify a single classification e.g. *IML*, BCLRB No. B308/93, 19 CLRBR (2d) 161 at page 184.

CONCLUSION

66. For all of these reasons, HEU submits that on reconsideration, the Board must set aside the Original Decision and dismiss the Raid Applications and declare that further Raid Applications are time barred for a period of 22 months (or remit the time bar issue to the Original Panel to receive submissions on that issue).

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Yours truly,

David Tarasoff

David Tarasoff

Cc: HEU Attn: Bonnie Pearson/Jacquie de Aguayo/Susan Fisher
BCGEU Attn: Ken Curry
Moore Edgar Lyster Attn: Richard Edgar
Roper Greyell Attn: Delayne Sartison, QC
Laughton & Co. Attn: Bruce Laughton, QC

bcgeu
B.C. Government and Service Employees' Union
A component of NUPGE (CLC)

Via Facsimile (604-660-1892)

BY MAIL OR FACSIMILE TO THOSE NOTED No. of Pages – 10

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June 1, 2012

Alison Matacheskie, Registrar
Labour Relations Board
Suite 600 – Oceanic Plaza
1066 West Hastings Street
Vancouver BC V6E 3X1

Dear Ms. Matacheskie

Re Interior Health Authority BCLRB No B97/2012 (Section 141 application)

This is an application pursuant to section 141 of the *Code* seeking leave and reconsideration of the above decision. The grounds for reconsideration are that Original Decision is contrary to principles of procedural fairness and natural justice and that the decision is inconsistent with *Code* principles. Attached to this application is the statutory declaration of Jaye Skazlic that contains the submissions of the parties concerning the appropriateness of the unit.

Thank you for agreeing to extend the time for filing to June 1, 2012.

Parties

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Introduction

1. As recently as 2010, in a reconsideration application, the Board confirmed the principle that there are industrial stability concerns if there is a proliferation of bargaining agents in the health sector. See *HEABC* B155/2010. The Original Decision is inconsistent with that principle. Although the Original Decision set out that a proliferation of bargaining agents gives rise to industrial instability, the Original Panel also found that there were exceptional circumstances here.

2. It is respectfully submitted that this case does not present any exceptional circumstances. The single fact that the Original Panel relied on to base their conclusion of exceptional circumstances is that a majority of employees in a particular classification signed union membership cards. The Board reasoned the industrial instability that would arise from ignoring the employee wishes counter-balances any employer concerns arising out of a proliferation of bargaining agents.

3. The Original Decision is a dramatic break from well-established principles concerning appropriateness of bargaining units as there is nothing exceptional about a raiding union applying for certification based on majority support of employees in a particular classification. The only basis for the conclusion that industrial instability would arise if the employee wishes were ignored is the fact that a majority of LPNs for each of the six employers have signed membership cards for the BCNU. (See paragraph 145 Original Decision). There is no reason to find that to be an exceptional circumstance.

4. Thus, considering there is nothing exceptional about a raiding union claiming majority support of employees in a certain classification, the Original Decision is a reversal of the principle that industrial instability results from a proliferation of bargaining agents. If the policy of the Board is that employee wishes do not trump employer concerns of industrial

instability the Original Decision should be overturned as the unit applied for would be inappropriate.

5. The Original Decision is contrary to principles of procedural fairness and natural justice as the Board ignored non-contradicted asserted facts.

Review of Original Decision

6. The Board found, consistent with the jurisprudence, that increasing the number of bargaining agents within a statutorily mandated bargaining agent such as the FBA gives rise to industrial stability concerns at the level of day-to-day collective agreement administration. (para 137)

7. The Board held: "Multiple bargaining agents at a single site affect not only the employer but also other unions and employees when issues to do with the administration of the collective agreement arise". (para 138)

8. The Original Panel then reasoned that considering that a majority of LPNs had signed BCNU cards in each of the six units applied for that "....there may be "industrial instability", broadly speaking, if votes are not permitted on the applications. I therefore accept that there is a counterbalancing industrial instability concern that arises on the particular facts of this case". (para 145)

9. The Board commented further on this new notion of industrial instability that would arise if the raid application was denied: "If they are denied, the concern arises from the dissatisfaction of LPNs in not being given an opportunity to vote on a change of representation and, potentially, an opportunity to seek united representation with other nurses in a nurses bargaining unit". (para 146)

10. The Original Panel noted that the incumbent unions all pointed out that there was no factual basis for the assertion that industrial instability would arise if the applications were dismissed. (para 145)

Decision Is Inconsistent With the *Code* Principle that Cogent Evidence Required to Rebut Presumption that Industrial Instability Increases With the Proliferation of Bargaining Agents

11. A core *Code* principle is that a proliferation of bargaining agents causes industrial instability. A unit is inappropriate for collective bargaining if the industrial instability concerns arising from this presumption are not rebutted by cogent evidence to the contrary.

12. Here, there was no such cogent evidence. The BCNU did not lead any such evidence. Rather, they argued that there were not true industrial stability concerns but rather that administrative inconvenience concerns would arise from the proposed bargaining unit.

The Board rejected that argument and found, consistent with the jurisprudence, that industrial stability concerns arose from the proposed unit.

13. A core *Code* principle is that a second bargaining unit that causes industrial instability is inappropriate for collective bargaining. The Original Decision is inconsistent with that core *Code* principle as the Panel found the unit to be appropriate for collective bargaining despite the failure of the raiding union to rebut the conclusion that the proposed unit would cause industrial instability.

14. Although the Original Panel found that the proposed bargaining unit would cause industrial instability it was permitted on the basis that a majority of employees in the proposed unit had signed membership cards for the raiding union.

15. The Board found that the evidence of the membership cards was sufficient evidence to conclude that "...there may be "industrial instability", broadly speaking, if votes are not permitted on the applications. I therefore accept that there is a counterbalancing industrial stability concern that arises on the particular facts of the case." (para 145) It is noteworthy that industrial stability concerns arose despite the Board finding that the BCNU membership cards were obtained, at least in part, on the basis of inaccurate statements made by the BCNU. (paras. 71,72)

16. The Original Panel noted that the incumbent unions had argued that there was no factual basis for the assertion that industrial instability would arise if the applications were dismissed without a vote but nevertheless concluded that evidence of the membership cards was a sufficient basis for such a conclusion.

17. We can only guess at what kind of instability the Board concluded may exist if the application was dismissed on the basis that the unit applied for was inappropriate for collective bargaining. Could it be the possibility of an illegal work stoppage by dissatisfied LPNs? Or could it be a concern that an LPN would not properly perform her duties because the raiding union applied for an inappropriate unit? It is unknown. There were no asserted facts of any kind along these lines. The only assertion made by a party concerning this issue was made by HEABC on March 15, 2012 where they claimed that employers would face instability or disruption in the workplace if the applications were dismissed as inappropriate. (para 3)

18. The Board has required cogent evidence to rebut the presumption that instability arises with a proliferation of bargaining agents. The evidence the Original Panel relied on here (the membership cards) is not cogent evidence that rebuts the presumption. Indeed the Original Panel did not find that the presumption of instability was rebutted but rather that it was counterbalanced by the instability that would arise if the vote did not proceed.

19. Although the Original Panel considered the circumstances before it to be exceptional, it is respectfully submitted that there is nothing exceptional about a notion that employee unrest could occur if an application for an inappropriate bargaining unit is dismissed.

Here there was no evidence other than the membership cards that the Panel relied on to conclude there may be instability if the employee wishes were ignored.

20. The Original Decision at paragraph 149 refers to LPNs having an opportunity to seek united representation with registered nurses in the Nurses Bargaining Association. As we pointed out in our submission of March 28, 2012, this is an entirely irrelevant consideration as LPNs can only be united with registered nurses by an amendment to the definition of "nurse" in the *Health Authorities Act*. The Legislature can make such an amendment regardless of the outcome of the raid application.

21. The Original Decision seems to put much emphasis on the number of LPNs involved in the application. For example, at paragraph 145 the Panel refers to unit as "almost 7,000 LPNs". First, for accuracy, the decision sets out at paragraph 4 that the applications cover 6,650 LPNs. Secondly, the decision refers to 6 separate applications: The Northern Health Authority, Interior Health Authority, Fraser Health Authority, Vancouver Coastal Health Authority, Vancouver Island Health Authority and Providence Health Care Society. Thus, if the size of the proposed unit has any relevance, the number of LPNs per Health Authority should have been considered. The "almost 7,000 LPNs" is, in fact, a substantially lower number. Furthermore, the LPNs in each health authority work at disperse worksites.

22. An example of one of the worksites is Bulkely Lodge, a long-term-care facility in the Northern Health Authority. At that worksite there are a number of different classifications in the facilities subsector with 161 employees in total of which 27 are LPNs. LPNs comprise approximately 15% of that worksite. Generally, in the Northern Health Authority LPNs work at 16 different long-term-care facilities and 17 acute-care hospitals. There are 624 LPNs on the voters list for the Northern Health Authority. There are 3,874 employees in the facilities sub-sector of the Northern Health Authority. Thus LPNs comprise approximately 16% of the workforce.

23. It is respectfully submitted that the fact that a raiding union has membership support of 16% of the bargaining unit is unexceptional.

24. The Board has in the past held that employee wishes on certification applications do not determine the appropriateness of a bargaining unit. See, for example, *ICBC* [1974] I Can LRBR 403 at 406. Core principles ought to be consistently applied. Either employee wishes have a role in determining the appropriateness of a unit or they do not. It is respectfully submitted that the Board should not vary core policies without solid reasons and should not claim exceptions to core policies in the absence of cogent reasons for an exception.

25. In *White Spot* B16/2001 the Board reasoned:

> "This is not to say that original panels must apply Board policy in rote fashion. In any case where an argument is made that Board policy should not be followed, a panel is independently able to decide whether to

> consider the argument. For the sake of consistency and expediency, however, original panels generally follow and apply existing Board policy, unless there are persuasive reasons for not doing so.

As stated in *British Columbia Automobile Association*, BCLRB No. B94/99:

> The immediate question is whether we should adopt an interpretation of Section 68 which is at odds with previous panels. We do not believe that would be appropriate. The doctrine of *stare decisis* does not apply to administrative tribunals. Nonetheless, the Board has recognized that uniform and consistent decision-making is a valued objective under its statutory mandate. The labour relations community is entitled to organize its affairs based on past decisions, particularly where those decisions have been rendered on reconsideration: see *JJM Construction Ltd.*, BCLRB No. B16/96, at paras. 139 and 141; and *Weyerhaeuser Canada Ltd.*, BCLRB No. B296/96, at para. 120. An original panel should have a persuasive reason for adopting a different interpretation of the statute. (para. 42)
>
> We believe this approach accords with the purposes of the *Code* and, particularly, the purpose in Section 2(1)(d) of promoting conditions "favourable to the orderly, constructive and expeditious settlement of disputes between employers and trade unions". If original panels follow policies found in prior reconsideration decisions, then unions, employers and employees can be relatively certain how the Board will adjudicate particular disputes. This predictability of outcome in turn allows parties to order their relationships and, more importantly, settle their disputes in a constructive and expeditious fashion. (Paras 57, 58)

26. The decision should be overturned as it is clearly inconsistent with core principles of the *Code* and there are no exceptional circumstances here requiring an exception to the core *Code* principle.

27. A claim of exceptional circumstances here is without any foundation. Therefore to claim that only in this circumstance will employee wishes have an impact on appropriateness considerations is unwarranted. If the Board has a new policy that makes employee choice of a union a dominant consideration we respectfully say that the policy should not be applied unevenly. It should not appear that the Board is singling out a particular union for special treatment. Such an approach would be inconsistent with the Board's section 2(1)(d) duty.

28. It is respectfully submitted that this new approach is a significant new development in the law on appropriateness of bargaining units. An example of how a past case would have been decided differently if this reasoning was applied is *Sterling Health* B281/2005. In that case a majority of LPNs signed BCGEU membership cards. There, LPNs comprised approximately 25% of the workforce. (see para 8). Like the case before you

the LPNs were functionally integrated with care aides. The BCGEU application was dismissed due to the functional integration. The reason functional integration has been an important factor in determining the appropriateness of a bargaining unit is concerns of industrial instability if a classification is certified that is functionally integrated with another classification. But now, according to the new policy of the Board, any concerns of instability are counterbalanced by instability arising out of ignoring the wishes of employees who have signed union membership cards. *Sterling Health* would have been decided differently based on this new policy.

29. Furthermore, long-standing Board decisions are overtaken by this new policy. For example, in *ICBC*, [1974] 1 Can LRBR 403 the Board reasoned:

> "Under section 43(1) of the *Code* [now section 18] it is the Board which is told to determine whether a unit of employees is appropriate for collective bargaining. Section 34(i) [now 139(i)] reinforces that directive when it says that it is the Board which has the *exclusive* jurisdiction over that decision. We would not be exercising the functions delegated to us by statute if we simply ratified decisions already made by groups of employees (especially in the somewhat haphazard way which occurred here)." (italics in original). (page 406)

30. It is respectfully submitted that in light of the significant departure from past jurisprudence the Board on reconsideration ought to take this opportunity to clarify the new policy. The Board ought to clearly state that there is a new presumption that if a majority of employees in a classification have signed a union's membership card there is a presumption that instability will result if the wishes of the employees are ignored. It may be helpful to give examples of the nature of the instability that would arise if the wishes of the employees are ignored.

31. If the Board agrees with the Original Decision that exceptional circumstances exist the Board ought to clarify the nature of those exceptional circumstances. For example, here, LPNs comprise 15% of the total workforce. Is that the cut-off point where the employer concerns out balance the instability that might arise if the wishes of the employees are ignored? Or, are the raw numbers more important that the percent of the workforce? For example must there be more than 400 employees in a particular classification of an employer before the instability concerns are counterbalanced?

32. If the Board has abandoned their long-existing policy on proliferation of bargaining agents, the Board ought to take this opportunity to clarify the new policy to allow for consistent application in the future.

Inconsistent with Principles of Procedural Fairness and Natural Justice

33. The BCGEU asserted the following facts concerning functional integration:

> "The LPN's work closely with and are functionally integrated with the nursing assistants/care aides.
>
> LPN's and care aides work together as a team, to provide the necessary care for the residents. They work together on a daily basis. LPN's can and do perform the duties of a care aide as required." (BCGEU submission December 19, 2011 page 2)

34. This asserted fact was not contradicted by either the HEABC nor the BCNU. But, the Original Panel mistakenly held:

> "However, in the absence of any factual assertions or particulars of actual instances of functional integration, I am not prepared to infer, merely from the decision in Sterling, that there is functional integration between LPNs and care aides in this case, such that BCNU's applications should be found inappropriate on this basis." (para 125)

35. Simply put, it was incorrect to say that there was an absence of factual assertions. If the employer or the BCNU has challenged the assertion of functional integration the BCGEU would have led evidence to establish the fact of functional integration.

36. It is respectfully submitted that in the absence of any party challenging the asserted fact the Board was obliged to accept the fact and consider what conclusions to draw from it or require formal proof of the asserted fact. To simply ignore a key asserted fact and claim it was not made is inconsistent with the requirements of natural justice.

Remedy Sought

37. If the Board policy is that a proliferation of bargaining agents causes industrial instability the application in this case should be dismissed as the unit applied for is inappropriate. The Board should also consider the fact that the classification applied for is functionally integrated with another classification.

38. However, if the Board has adopted a new policy that in sectoral settings employee wishes trump employer concerns of instability the Board ought to clarify the new approach to allow for predictability of outcome.

Conclusion

39. The entire basis of the Board's conclusion that there are counterbalancing industrial instability concerns is the fact that a majority of employees in a particular classification signed membership cards of the raiding union. We disagree that this is an exceptional

circumstance. Either the fact that a majority of employees in a particular classification (that is functionally integrated with another classification) have signed a union's membership cards "counterbalance" the employer's concerns of instability or it does not. This raid has nothing to do with whether the legislature will amend the definition of "nurse" in the *Health Authorities Act*. Neither does the reference to the inflated number of "almost 7,000 LPNs". A minority of employees in the facilities subsector in a particular classification in each of the six employers signed the raiding union's cards. That does not make for an exceptional circumstance.

40. It is respectfully submitted that a good and arguable case exists that the decision is inconsistent with *Code* principles and thus leave for reconsideration should be granted and the raid application ought to be dismissed as the unit applied for is inappropriate or the Board should clarify that employee wishes in sectoral settings trump employer concerns of instability arising out of a proliferation of bargaining agents.

All of which is respectfully submitted.

A copy of this submission has been e-mailed to the parties listed below.

Yours truly

Ken Curry
Staff Counsel

KRC/jas cope 3/8 ltr to Matacheskie LPN s99 June 1, 2012

cc Bruce Laughton, Q.C./Lea Terai, BCNU
cc David Tarasoff, HEU
cc Delayne M Sartison, Q.C, HEABC
cc Richard L. Edgar/Jessica L. Derynck, IUOE

EMAIL RESPONSE

941180

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote were announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

941180

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

Regarding your concerns, the ballots are currently with the Labour Relations Board who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

Cambiazo, Valentina C HLTH:EX

C00

940955

From: Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]
Sent: Thursday, August 16, 2012 9:37 AM
To: Health, HLTH HLTH:EX
Subject: FW: vote results for Licensed Practical Nurses

From: s.22
Sent: Thursday, August 16, 2012 9:36:43 AM
To: Minister, HLTH HLTH:EX
Subject: vote results for Licensed Practical Nurses
Auto forwarded by a Rule

To Hon. Michael De Jong,

In November of 2011 the BC Labour Relations Board was given several thousand cards by the BC Nurses Union that showed the majority of Licensed Practical Nurses in BC supported having a vote to decide which union they wanted to represent them. The LRB was then to issue a vote and publish the results. I am told this process normally takes 10 days from start to finish. In this case we have been waiting for 10 months!

The vote was finally issued in May of this year and I understand the Labour Standards Branch has not counted the ballots. I understand that there are processes to follow but I feel this is an unreasonable delay for Licensed Practical Nurses and in order to preserve workplace stability we need to have the ballots counted and the results published immediately.

Your assistance with moving this process along would be very appreciated.

Sincerely,

s.22

Vancouver

EMAIL RESPONSE

940955

s.22

Dear s.22 :

Thank you for your letter dated August 16, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Dr. Margaret MacDiarmid, Minister of Health, asked me to respond on her behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote were announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

940955

s.22

Dear s.22 :

Thank you for your letter dated August 16, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Dr. Margaret MacDiarmid, Minister of Health, asked me to respond on her behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

Regarding your concerns, the ballots are currently with the Labour Relations Board who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Dr. Margaret MacDiarmid

Cambiazo, Valentina C HLTH:EX

COO

940951

From: Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]
Sent: Wednesday, August 15, 2012 11:20 PM
To: Health, HLTH HLTH:EX
Subject: FW:

From: s.22
Sent: Wednesday, August 15, 2012 11:19:50 PM
To: MacDiarmid.MLA, Margaret LASS:EX
Cc: Minister, HLTH HLTH:EX; OfficeofthePremier, Office PREM:EX
Auto forwarded by a Rule

To Hon. Dr. Margaret MacDiarmid,

s.22

s.22

EMAIL RESPONSE

940951

s.22

Dear s.22

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote were announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

940951

s.22

Dear s.22

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

Regarding your concerns, the ballots are currently with the Labour Relations Board who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

940948

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote were announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

940948

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

Regarding your concerns, the ballots are currently with the Labour Relations Board who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

I thank you in advance for taking the time to read our concerns and looking forward to getting this issue solved once and for all. For the good of nursing here in BC.

Respectfully,

s.22

and policies that HEU uphold for all other classifications in their union?

This is infringing on our human rights!!

I am writing to you and requesting your support and understanding, and to ask that something be done about this. It takes but a few days to two weeks to count the capacity of even the provincial political votes, yet it has been months since we voted and we are still waiting to hear the final count. HEU is attempting to stop the ballots from being counted which would force the majority of LPN's who wish to and have already voted to leave HEU and be represented as "nurses" in the union of our choice, which is BCNU. We are not support workers which HEU union is made up of mainly and at this time also involves us.

"Nurse's"! aka "Licensed Practical Nurse's"!

Once again I plead for us all to have our rights be up held in this process. The labor code states that we all have the right to the union of our choice for representation. It states in our human rights that we all have the right to vote and the majority will choose, and our union rules state the very same. Yet HEU is bent on denying us our rights. It has been a 10 year process of getting LPN's organized and approach BCNU to assist us to change unions and to be represented by them. A professional nursing union. We would like to see an end to this so that we all can get on with life in nursing and giving the best care to our patients as we do every day, but with the support of all of our nursing co workers as well, all in one union.

Cambiazo, Valentina C HLTH:EX 240237-C00

From: Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]
Sent: Tuesday, August 14, 2012 6:27 PM
To: Health, HLTH HLTH:EX
Subject: FW: Styfiled LPN's of BC
Attachments: nurse in pink.gif; nurse in pink.gif; nurse in pink.gif

---

From: s.22
Sent: Tuesday, August 14, 2012 6:26:30 PM
To: Minister, HLTH HLTH:EX
Subject: Styfiled LPN's of BC
Auto forwarded by a Rule

To: Honorable M. DeJong
Minister of Health of BC

I am an LPN of s.22 I have over the past several months, watched as HEU has pulled many delay tactics at the LRB office. Both HEU, BCNU and our employer's have scrutinized the eligibility lists of LPN's from the 6 health authorities. What I am so disgruntled about, is that HEU is attempting once again to deny our democratic rights as Canadian citizens and as well per the labor code here in BC. They are attempting to now address the issue at the supreme court, and to strip our rights, that we shouldn't be allowed to vote. Also, to overturn the Labor Boards recent ruling that the vote will proceed. Are we really not Canadian? Are we really not deserving of the rights handed out to every Canadian and new immigrant entering Canada's borders? Are we not eligible for the rights as per the labor code and the union laws

EMAIL RESPONSE

940937

s.22

Dear s.22 :

Thank you for your letter dated August 14, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Dr. Margaret MacDiarmid, Minister of Health, asked me to respond on her behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

Regarding your concerns, the ballots are currently with the Labour Relations Board who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

940937

s.22

Dear s.22 :

Thank you for your letter dated August 14, 2012 in which you raise concerns regarding the outcome of the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Dr. Margaret MacDiarmid, Minister of Health, asked me to respond on her behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote were announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Dr. Margaret MacDiarmid

COO - LRS

Cambiazo, Valentina C HLTH:EX

9410806

From: Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]
Sent: Wednesday, August 15, 2012 11:21 AM
To: Health, HLTH HLTH:EX
Subject: FW: HEU/LPN voting Rights!

From: s.22
Sent: Wednesday, August 15, 2012 11:20:43 AM
To: Minister, LCTZ LCTZ:EX; Minister, HLTH HLTH:EX; OfficeofthePremier, Office PREM:EX
Subject: HEU/LPN voting Rights!
Auto forwarded by a Rule

--- On **Tue, 8/14/12,** s.22 wrote:

From: s.22
Subject: Fw: HEU/LPN voting Rights!
To: margaret.macdiarmid.mla@leg.bc.ca
Received: Tuesday, August 14, 2012, 7:52 PM

--- On **Tue, 8/14/12,** s.22 wrote:

From: s.22
Subject: HEU/LPN voting Rights!
To: "LCTZ.Minister@gov.bc.ca" <LCTZ.Minister@gov.bc.ca>
Received: Tuesday, August 14, 2012, 7:49 PM

I must say that I am appalled that such a audience would even be allowed!
I am referring to the Hospital Employees Union, taking a petition to court in an attempt to veto the rights of Licensed Practical Nurses to vote ourselves into a new union!
I do believe it is 2012! not 1812!!!
I would not usually involve myself in such drama, but I have an opinion on this.
I need to support all LPN's who have conscientiously put our cards on the table and raised our voices to proclaim the need for new union philosophies and leadership.
Thanks for listening...I truly hope you have.
s.22
LPN

EMAIL RESPONSE

940806

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

Government values the work of LPNs in our health care system and views them as critical members of our health care team.

As you may already know, the results of the LPN representation vote were announced on Friday, October 5, 2012. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

EMAIL RESPONSE

940806

s.22

Dear s.22 :

Thank you for your letter dated August 15, 2012 in which you raise concerns regarding the vote to determine union representation of Licensed Practical Nurses (LPNs). The Honourable Christy Clark, Premier, and the Honourable Dr. Margaret MacDiarmid, Minister of Health, have asked me to respond on their behalf.

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Regarding your concerns, the ballots are currently with the Labour Relations Board who must ensure that the voting process is fair and accurate. If you have questions or concerns, we encourage you to contact the Labour Relations Board at (604) 660-1300 or at Information@lrb.bc.ca .

Thank you again for taking the time to write.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Dr. Margaret MacDiarmid

BRITISH COLUMBIA

Gary Fane
British Columbia Nurses' Union
4060 Regent Street
Burnaby, BC V5C 6P5

Dear Mr. Fane:

Thank you for your email dated August 2, 2012 in which you raise concerns regarding representation of Licensed Practical Nurses (LPNs) in bargaining.

We recognize and appreciate the importance of LPNs within the healthcare system and anticipate LPNs will be given fair and equitable representation. We value your position and approach to bring LPNs into the Nurses' Bargaining Association to represent their interest.

We recognize however, that the outcome of the LPN vote is currently pending. Once the results are disclosed we would be pleased to discuss this matter further with you.

Thank you again for taking to write and we look forward to our continued communication.

Sincerely,

Sandra Carroll
Chief Operating Officer, Ministry of Health

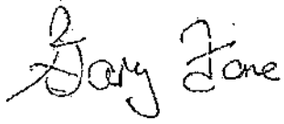
Ministry of Health Office of the Chief Operating Officer 5-3, 1515 Blanshard Street Victoria BC V8W 3C8

A separate independent bargaining unit for LPNs, where BCNU is the lead union, would allow all parties to move forward with certainty over the representation and bargaining structure for LPNs and would facilitate the negotiation of provisions that make sense for all nurses. Both health care policy and industrial relations interests are compelling reasons for the Minister to exercise her discretion to add a bargaining unit for LPNs once the vote results are announced.

Thank you for your consideration. I look forward to further constructive discussions.

Have a good holiday.

Sincerely,
BRITISH COLUMBIA NURSES' UNION



Gary Fane
Executive Director of Negotiations & Strategic Development

GF/jab 10475

940232

BRITISH COLUMBIA NURSES' UNION

FILE: No.

August 2, 2012

RECEIVED
AUG 0 9 2012
Ministry of Health Services
COO Office

Sandra Carroll
Chief Operating officer
Ministry of Health
5-3-1515 Blanchard Street
Victoria, BC V8W 3C8

sandra.carroll@gov.bc.ca

Dear Ms. Carroll,

Thank you for our July 26, 2012 meeting. I write to follow up on our discussion about the process for ensuring that Licensed Practical Nurses (LPNs) are effectively represented in bargaining as soon as the results of the vote are announced.

As you are aware LPNs are currently a minority in a bargaining association of support workers. Once the BCNU assumes representation, they will be a minority in a bargaining association where the lead union no longer represents them. In our option this is not an appropriate situation for these nurses. BCNU will work hard to represent LPN interests in the FBA but the parties will lose the opportunity to negotiate comprehensive solutions that include all nurses.

We believe the best approach is to bring LPNs into the Nurses' Bargaining Association through a legislative change to the definition of "nurse" in the *Health Authorities Act.* This would reflect the reality that LPNs are nurses and allow a single set of bargaining on behalf of all nurses. We recognize however, that this legislative change may not be possible in time to include LPNs in this round of NBA bargaining.

Section 19.5 of the *Health Authorities Act* provides a mechanism for an interim solution.

> *The minister charged with administration of the Code, on application or on the minister's own motion, and after the investigation considered necessary or advisable, may direct the labour relations board to*
>
> *(a)* ***add a bargaining unit as an appropriate bargaining unit****, or*
> *(b) consolidate 2 or more appropriate bargaining units.*

TELEPHONE RESPONSE

Cliff #: 928750 **Assignment Due Date:**

Date / Time of Call: July 23, 2012 at 1:00pm

Name of Person Contacted:
s.22

ISSUE:

- The individual originally indicated that there may be fraudulent wages being paid to RNs which would benefit the employer side in negotiations rather than the union. In order to better understand her concern, the COO invited her to participate in a teleconference with two Ministry of Health employees: Luba Hazeldine with the Labour Relations and Special Initiatives Unit and David Fairbotham with the Billing Audit and Investigation area.
- In scheduling the teleconference, s.22 clarified in an email that she did not necessarily mean 'fraudulent' in that people are stealing from the system, rather her concern pertains to saving money through re-thinking how overtime is applied to RN work schedules.
- It was then mutually determined that it was no longer appropriate for David Fairbotham with the Billing Audit and Investigation to join the conversation, but rather to have someone from Health Human Resources.

Details of Conversation:

- s.22 explained how she thought the overtime system within healthcare is unsustainable when applied to RN work schedules. In closing, it was stated to s.22 s.22 that the Labour Relations team would forward this idea to the Director of Labour Relations and Special Initiative.
- The tone of the conversation was friendly and s.22 seemed satisfied with the call.

Follow up correspondence requested? No

Name of Staff Member who Contacted the Individual: Luba Hazeldine, Loredana Feraru, and Debbie McLachlan

Telephone: Teleconference

Program Area: Labour Relations and Special Initiative, and Health Human Resources Planning (Nursing)

Cambiazo, Valentina C HLTH:EX 92750 COO

From: Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]
Sent: Sunday, May 13, 2012 9:36 AM
To: Health, HLTH HLTH:EX
Subject: FW: RN negotiations contract idea

From: s.22
Sent: Sunday, May 13, 2012 9:36:11 AM
To: Minister, HLTH HLTH:EX
Subject: RN negotiations contract idea
Auto forwarded by a Rule

Dear Ministry of Health,

I am a Registered Nurse in British Columbia and I understand we are in the midst of contract negotiations. I have an idea that will save the BC government hundreds of thousands of dollars a year in fraudulent wages paid to nurses. As a tax payer, my interest is in creating a sustainable healthcare system. Unfortunately, right now we have a flaw in the system that permits abuse. I want to help fix this flaw and save hard earned tax payers dollars.

Who can I suggest this idea too? Or who can I have a phone conversation with? I think this idea would be moreso a negotiation opportunity for the government side verses the union side hence I am emailing you.

Sincerely,
s.22

EMAIL RESPONSE

928010

s.22

Dear s.22 :

Thank you for your email dated May 4, 2012 in which you raise concerns regarding union representation of Licensed Practical Nurses (LPNs). The Honourable Michael de Jong, QC, Minister of Health, has asked me to respond on his behalf.

Let me begin by commending you for your 32 years working as a LPN. Government values the work of LPNs in our health care system and view them as critical members of the health care team.

Regarding your concerns, as you may know, a process to determine union representation of LPNs is presently underway. As government is not a party to this process it would not be appropriate for me to comment directly. However, I understand that the Labour Relations Board has recently issued a decision to allow LPNs to vote on whether they wish to be represented by the BC Nurses' Union. This vote affects LPNs employed by all health authorities except the Provincial Health Services Authority. If you are eligible, I encourage you to participate in this democratic process.

Thank you for taking the time to write.

Sincerely,

John Bethel
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Michael de Jong, QC

EMAIL RESPONSE

927753

s.22

Dear s.22 :

Thank you for your letter dated May 3, 2012 in which you raise concerns regarding BC Nurses' Union (BCNU) intentions to have Licensed Practical Nurses (LPNs) join their union. The Honourable Christy Clark, Premier and the Honourable Michael de Jong, QC, Minister of Health, have asked me to respond on their behalf.

LPNs and Registered Nurses (RNs) make valuable contributions every day in providing high quality and cost effective patient care. Evidence of this is the fact that since 2001 the number of LPNs and RNs practicing in BC has increased by 145 percent and 23 percent, respectively. Indeed, government recognizes that LPNs, along with RNs will continue to play an important role in implementing new and innovative ways of delivering services to ensure the sustainability of the health system for all British Columbians.

With respect to your concerns regarding the union representation of LPNs, I understand that a process regarding representation is presently underway at the Labour Relations Board under the Labour Relations Code. The government is not a party to this process it would not be appropriate for me to comment directly on the matter.

Thank you for taking the time to write.

Sincerely,

John Bethel
Chief Operating Officer, Ministry of Health

pc: Honourable Christy Clark
Honourable Michael de Jong, QC

919312

s.22

Dear s.22 :

Thank you for your letter dated February 9, 2012 in which you raise a number of concerns in reference to a letter sent to Licensed Practical Nurses from the BC Federation of Labour President Jim Sinclair. The Honourable Christy Clark, Premier and the Honourable Michael de Jong, QC, Minister of Health, have asked me to respond on their behalf.

First, let me begin by acknowledging the valuable contribution Licensed Practical Nurses (LPNs) make every day throughout this province in providing high quality and cost effective patient care. Evidence of this is the fact that since 2001 the number of LPNs practicing in British Columbia has increased by 145 percent, with approximately 11,300 LPNs practicing in BC today. Indeed, government recognizes that LPNs will continue to play an important role in implementing new and innovative ways of delivering services to ensure the sustainability of the health system for all British Columbians.

With respect to your concerns regarding the union representation of LPNs, I understand that a process regarding representation is presently underway at the Labour Relations Board under the Labour Relations Code. The government is not a party to this process it would not be appropriate for me to comment directly on the matter.

Thank you for taking the time to write.

Sincerely,

John Bethel
Chief Operational Officer

pc: Hounourable Christy Clark
Honourable Michael de Jong

919310

s.22

Dear s.22 :

Thank you for your letter dated February 8, 2012 in which you raise a number of concerns in reference to a letter sent to Licensed Practical Nurses from the BC Federation of Labour President Jim Sinclair. The Honourable Christy Clark, Premier and the Honourable Michael de Jong, QC, Minister of Health, have asked me to respond on their behalf.

First, let me begin by acknowledging the valuable contribution Licensed Practical Nurses (LPNs) make every day throughout this province in providing high quality and cost effective patient care. Evidence of this is the fact that since 2001 the number of LPNs practicing in British Columbia has increased by 145 percent, with approximately 11,300 LPNs practicing in BC today. Indeed, government recognizes that LPNs will continue to play an important role in implementing new and innovative ways of delivering services to ensure the sustainability of the health system for all British Columbians.

With respect to your concerns regarding the union representation of LPNs, I understand that a process regarding representation is presently underway at the Labour Relations Board under the Labour Relations Code. The government is not a party to this process it would not be appropriate for me to comment directly on the matter.

Thank you for taking the time to write.

Sincerely,

John Bethel
Chief Operational Officer

pc: Hounourable Christy Clark
Honourable Michael de Jong

919305

s.22

Dear s.22 :

Thank you for your letter dated February 9, 2012 in which you raise a number of concerns in reference to a letter sent to Licensed Practical Nurses from the BC Federation of Labour President Jim Sinclair. The Honourable Christy Clark, Premier and the Honourable Michael de Jong, QC, Minister of Health, have asked me to respond on their behalf.

First, let me begin by acknowledging the valuable contribution Licensed Practical Nurses (LPNs) make every day throughout this province in providing high quality and cost effective patient care. Evidence of this is the fact that since 2001 the number of LPNs practicing in British Columbia has increased by 145 percent, with approximately 11,300 LPNs practicing in BC today. Indeed, government recognizes that LPNs will continue to play an important role in implementing new and innovative ways of delivering services to ensure the sustainability of the health system for all British Columbians.

With respect to your concerns regarding the union representation of LPNs, I understand that a process regarding representation is presently underway at the Labour Relations Board under the Labout Relations Code. The government is not a party to this process it would not be appropriate for me to comment directly on the matter.

Thank you for taking the time to write.

Sincerely,

John Bethel
Chief Operational Officer

pc: Hounourable Christy Clark
Honourable Michael de Jong

919157

s.22

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John Bethel
Chief Operational Officer

pc: Hounourable Christy Clark
Honourable Michael de Jong

CLIFF

Name Address
Etc
Etc
Etc

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With respect to your concerns regarding the union representation of LPNs, I understand that a process is presently underway at the Labour Relations Board, AS government is not a party to this process it would not be appropriate for me to comment directly on the matter. As such I would recommend that you contact the BC Federation of Labour directly to discuss your concerns further.

Thank you for taking the time to write.

Sincerely,

John Bethel
Chief Operational Officer

pc: Hounourable Christy Clark
Honourable Michael de Jong

BRITISH COLUMBIA NURSES' UNION

Please Post

Bulletin

April 8, 2009

Copyright

Case 2:17-cv-00906-JTH-2017-72255 S3

Howatson, Evan HLTH:EX

Subject:	BCNU and LPNs - Lucas, Ted, Peter, Jodi
Location:	PSEC Boardroom, 210 - 880 Douglas Street
Start:	Wed 2012-05-30 8:30 AM
End:	Wed 2012-05-30 9:30 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Corwin, Lucas A PSEC:EX
Required Attendees:	Ted; Peter Burton; Jensen, Jodi HLTH:EX

When: Wednesday, May 30, 2012 8:30 AM-9:30 AM (GMT-08:00) Pacific Time (US & Canada).
Where: PSEC Boardroom, 210 - 880 Douglas Street

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*~*

Page 617

Withheld pursuant to/removed as

s.14;s.17

Howatson, Evan HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Monday, May 14, 2012 11:37 AM
To: Jensen, Jodi HLTH:EX; Feraru, Loredana HLTH:EX
Subject: Union/media updates - LPNs

BCNU:
Labour Board moves quickly to set dates for mail-in vote for LPNs to join BC Nurses' Union Board will mail ballots to LPNs on May 28, must receive returned ballots by June 25: http://www.bcnulpn.org/news/2012-05-11.html

LPN Cafe:
History in the making! Finally after much deliberation, waiting, and anticipation, we have heard the verdict from the LBR that all of our voices and cards sent in have earned us the democratic right to have a mail in ballot and that will lead us into the fold of BCNU as "Nurses"!: http://lpncafe.ca/

Howatson, Evan HLTH:EX

From: Jensen, Jodi HLTH:EX
Sent: Friday, May 11, 2012 2:59 PM
To: Patterson, Ted PSEC:EX
Subject: FW: Updated briefing note re. LRB BCNU/LPN decision

fyi

-----Original Message-----
From: Burton, Peter R HLTH:EX
Sent: Friday, May 11, 2012 2:42 PM
To: Jensen, Jodi HLTH:EX; Whitmarsh, Graham HLTH:EX; Bethel, John HLTH:EX
Subject: RE: Updated briefing note re. LRB BCNU/LPN decision

Thanks for sending this along. s.13,s.14,s.17
s.13,s.14,s.17

Cheers
Peter

From: Jensen, Jodi HLTH:EX
Sent: Friday, May 11, 2012 1:10 PM
To: Whitmarsh, Graham HLTH:EX; Bethel, John HLTH:EX
Cc: Burton, Peter R HLTH:EX
Subject: FW: Updated briefing note re. LRB BCNU/LPN decision

FYI

Jodi Jensen
Director, Labour Relations and Special Initiatives Office of the Chief Operating Officer | Ministry of Health 5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026

From: Michael Marchbank [mailto:MichaelM@heabc.bc.ca]
Sent: Friday, May 11, 2012 12:20 PM
To: Stewart, Michelle GCPE:EX; 'Rob Mingay'; Draper, Kindree PSEC:EX; Corwin, Lucas A PSEC:EX; Jensen, Jodi HLTH:EX; Patterson, Ted PSEC:EX; Anderson, Kristy GCPE:EX
Cc: Jodie Warren; Jennifer Lamont; Marno McInnes
Subject: Updated briefing note re. LRB BCNU/LPN decision

Importance: High

As discussed, please find attached an updated briefing note which provides additional information on anticipated next steps and potential bargaining impacts.

Regards,

Michael

Michael Marchbank
President & CEO
HEALTH EMPLOYERS ASSOCIATION OF BC
Phone: 604.714.2277
www.heabc.bc.ca<http://www.heabc.bc.ca>
[cid:image001.png@01CD2F6E.F185D3C0]<http://twitter.com/heabcnews> Follow HEABC on Twitter
[cid:image002.png@01CD2F6E.F185D3C0]<http://www.linkedin.com/company/623622?trk=pro_other_cmpy> Connect with HEABC on Linkedin www.BCHealthCareAwards.ca<http://www.BCHealthCareAwards.ca>
[cid:image001.png@01CD2F6E.F185D3C0]<http://twitter.com/#!/BCHealthAwards> Follow Excellence in BC Health Care Awards on Twitter [cid:image003.png@01CD2F6E.F185D3C0]<http://www.facebook.com/pages/Excellence-in-BC-Health-Care-Awards/326171954091762#!/pages/Excellence-in-BC-Health-Care-Awards/326171954091762?sk=wall>Like Excellence in BC Health Care Awards on Facebook

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Howatson, Evan HLTH:EX

From: Jensen, Jodi HLTH:EX
Sent: Friday, May 11, 2012 2:30 PM
To: Anderson, Kristy GCPE:EX
Cc: Feraru, Loredana HLTH:EX; Hazeldine, Luba HLTH:EX
Subject: RE: For your approval - BCNU Raid Update
Attachments: IN_LRB Dismisses Objections to BCNU Application_UPDATE_May 11_12_DRAFT.docx

Thanks, a couple of changes attached.

Jodi Jensen
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026

From: Anderson, Kristy GCPE:EX
Sent: Friday, May 11, 2012 1:47 PM
To: Jensen, Jodi HLTH:EX
Subject: For your approval - BCNU Raid Update

Updated the BCNU Raid note based on HEABC's latest briefing not – no changes to messages just some high level background – see tracked changes.

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Health Date: May 10, 2012, Update May 11 Minister Responsible: Michael de Jong	**LRB Dismisses Objections to BCNU Application (Raid on LPNs)**

ADVICE AND RECOMMENDED RESPONSE:

- **We value the work of Licensed Practical Nurse (LPNs) in our health care system and view them as critical components of the health care team.**
- **The recent decision made by the Labour Relations Board will allow LPNs to vote on which union they would like to represent them.**
- **This is an-inter-union issue and the ministry and health employers remain neutral in this matter.**

If asked about negotiations

- **There are a number of steps that must occur before any final decision on what union represents LPNs is made including the vote.**
- **We are currently at the table with all health sector unions to negotiate new agreements which benefit health care workers, the health care system and most importantly patients.**

BACKGROUND REGARDING THE ISSUE:

- In late 2011 the BC Nurses Union (BCNU) made an application to the Labour Relations Board (LRB) for certification to represent Licensed Practical Nurses (LPNs) in the Facilities Subsector. The application covered approximately 7,000 LPNs at more than 150 health care facilities across B.C.
- On May 9, 2012 the Labour Relations Board (LRB) has dismissed objections to the BCNU's applications to represent LPN's employed by all health authorities except the Provincial Health Services Authority (PHSA).

Next steps

- The LRB has ordered a vote to proceed. The vote will allow LPNs covered by the application to vote on whether they wish to be represented by the BCNU.
- The Industrial Relations Officer (IRO) is now in the process of preparing for a vote.
- The exact timing of the vote is not known at this time, however, HEABC expects that it will occur in the next couple of weeks and may take up to 10 weeks to complete.
- While the vote is proceeding it is anticipated that HEU will appeal for leave and reconsideration of the decision. HEU has 15 calendar days from the decision date to make this application.
- ~~T~~The ballots will likely be sealed pending the outcome of any appeals.
- The vote will determine union representation on a health authority by health authority basis. This means LPNs may be represented by different unions at different health authorities.
- The current application would see LPNs represented by BCNU but still covered by the Facilities Collective Agreement/Facilities Bargaining Association (there are 5 bargaining

subsectors within health of which the Facilities and Nurse Bargaining Associations are two). However if the vote is successful, BCNU could next be expected to seek government action to move LPNs to the nurses bargaining unit by amending the definition of "nurse" in Section 19.1 of the Health Authorities Act to include LPNs.

- If the vote is unsuccessful LPNs who do not want to be represented by HEU may consider ~~joining the~~applying to the LRB for a determination that they should properly be part of the Health Sciences Professionals Bargaining Association rather than the FBA.

Raid Background

- The BCNU has been conducting an organizing campaign (a "raid") to lure LPNs away from the unions which currently represent them (predominantly the Hospital Employees Union (HEU) under the Facilities Bargaining Association (FBA) agreement).
- The BCNU were unsuccessful in a previous raid attempt in 2009/2010, which resulted in rebuke from organized labour at the provincial and national levels (i.e., BC Federation of Labour, Canadian Federation of Nurses Unions, and Canadian Labour Congress).
- Under the current campaign, "Nurse+Nurse: one province, one profession, one union," the BCNU is promising LPNs they will secure stronger contracts by negotiating as a bloc with registered nurses. In addition, the BCNU has previously offered to suspend union dues for LPNs for a period as an incentive for joining the BCNU.

DISCUSSION/ADVICE:

- A successful vote would be a substantive win for BCNU, which has invested significant financial resources on the raid over 3 years. BCNU would also gain significant membership revenue for signing up LPNs.
- Having LPNs move into the NBA is the ultimate goal for BCNU making BCNU the sole voice of nurses, increasing their influence and power at the bargaining table, and simplifying bargaining and collective agreement administration.

s.13,s.17

Communications Contact: Kristy Anderson
Program Area Contact: Jodi Jensen

ADVICE TO MINISTER

File Created: May 10, 2012
File Updated:
File Location: G:\PABGroups\Medstrat 2012\Operations\Issues Notes\Labour

Minister's Office	Program Area	Deputy	Media Manager
			Ryan Jabs

Howatson, Evan HLTH:EX

From: Jensen, Jodi HLTH:EX
Sent: Friday, May 11, 2012 2:06 PM
To: Whitmarsh, Graham HLTH:EX
Subject: RE: Updated briefing note re. LRB BCNU/LPN decision

The deadline to appeal is 15 calendar days from May 9, the date of publication of the decision.

From: Whitmarsh, Graham HLTH:EX
Sent: Friday, May 11, 2012 1:50 PM
To: Jensen, Jodi HLTH:EX
Subject: Re: Updated briefing note re. LRB BCNU/LPN decision

Did the decision get appealed, deadline was yesterday

On 2012-05-11, at 1:10 PM, "Jensen, Jodi HLTH:EX" <Jodi.Jensen@gov.bc.ca> wrote:

> FYI
>
> Jodi Jensen
> Director, Labour Relations and Special Initiatives
> Office of the Chief Operating Officer | Ministry of Health
> 5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026
>
> ---
>
> **From:** Michael Marchbank [mailto:MichaelM@heabc.bc.ca]
> **Sent:** Friday, May 11, 2012 12:20 PM
> **To:** Stewart, Michelle GCPE:EX; 'Rob Mingay'; Draper, Kindree PSEC:EX; Corwin, Lucas A PSEC:EX; Jensen, Jodi HLTH:EX; Patterson, Ted PSEC:EX; Anderson, Kristy GCPE:EX
> **Cc:** Jodie Warren; Jennifer Lamont; Marno McInnes
> **Subject:** Updated briefing note re. LRB BCNU/LPN decision
> **Importance:** High
>
> As discussed, please find attached an updated briefing note which provides additional information on anticipated next steps and potential bargaining impacts.
>
> Regards,
>
> Michael
>
> Michael Marchbank
> President & CEO
> **HEALTH EMPLOYERS ASSOCIATION OF BC**
> Phone: 604.714.2277
> www.heabc.bc.ca
> <image001.png> Follow HEABC on Twitter
> <image002.png> Connect with HEABC on Linkedin
> www.BCHealthCareAwards.ca
> <image001.png> Follow Excellence in BC Health Care Awards on Twitter

Like Excellence in BC Health Care Awards on Facebook

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<BCNU LPN Campaign - Briefing Note Updated May 11 2012_FINAL.pdf>

Page 627 to/à Page 630

Withheld pursuant to/removed as

s.13;s.17

Howatson, Evan HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Friday, May 11, 2012 3:44 PM
To: Jensen, Jodi HLTH:EX; Feraru, Loredana HLTH:EX
Subject: LPN video

http://vimeo.com/37647223

Luba Hazeldine, BSc, MPA
Research Analyst | Office of the Chief Operating Officer| Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596 |



Please consider the environment before printing this e-mail

Howatson, Evan HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Friday, May 11, 2012 11:51 AM
To: Jensen, Jodi HLTH:EX; Feraru, Loredana HLTH:EX
Subject: Union websites/social media - LPNs

May 13 is LPN Day - *8 May '12*

Labour Board orders vote so LPNs can cast ballots to join the BC Nurses' Union - May 9, 2012

There has been a fair amount of discussion on BCNU's Facebook page regarding the LPN Raid. Here are a few examples:

Thank goodness LPN's will finally have an oportunity to put the BCNU raid to bed. Not every LPN believes the move to BCNU will advance our profession, and not every RN is on board either. Its unfortunate BCNU has decided to leave a large number of LPN's out of the democratic process and target only the health Authorities that might be won over. If BCNU wins the vote, not all voices of BC LPN's will have spoken, leaving us divided, and eventually fallen. I still have not seen any credible or productive offer from BCNU which will advance my opportunities in my profession. This is all about bolstering BCNU's membership and has nothing to do with valuing LPN's as a professional nursing modality. Just my opinion...,

~~~
~~~

Howatson, Evan HLTH:EX

From: Jensen, Jodi HLTH:EX
Sent: Thursday, May 10, 2012 10:21 AM
To: Anderson, Kristy GCPE:EX
Subject: RE: For approval - Raid IN

Yes.

From: Anderson, Kristy GCPE:EX
Sent: Thursday, May 10, 2012 10:13 AM
To: Jensen, Jodi HLTH:EX
Subject: RE: For approval - Raid IN

Thanks – fine to add this?

- The current application would see LPNs represented by BCNU but still covered by the Facilities Collective Agreement/Facilities Bargaining Association (there are 5 bargaining subsectors within health of which the Facilities and Nurse Bargaining Associations are two). However if the vote is successful, BCNU could next be expected to seek government action to move LPNs to the nurses bargaining unit.

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Jensen, Jodi HLTH:EX
Sent: Thursday, May 10, 2012 10:05 AM
To: Anderson, Kristy GCPE:EX
Subject: RE: For approval - Raid IN

Hi Kristy:
Please see attached, thanks.

Jodi Jensen
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026

From: Anderson, Kristy GCPE:EX
Sent: Thursday, May 10, 2012 9:37 AM
To: Jensen, Jodi HLTH:EX
Subject: For approval - Raid IN
Importance: High

Hi Jodie

Can you take a look at this quick and dirty IN and let me know if it is ok.

(HEABC's was fine but a bit too much of the detail was included for the MO).

Hoping to get this to the MO by noon.

Thanks,

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Page 635 to/à Page 638

Withheld pursuant to/removed as

s.13;s.17

Howatson, Evan HLTH:EX

From: Whitmarsh, Graham HLTH:EX
Sent: Wednesday, May 9, 2012 4:29 PM
To: Jensen, Jodi HLTH:EX
Subject: RE: LRB Decision on LPN Raid

Ok thank you

From: Jensen, Jodi HLTH:EX
Sent: Wednesday, May 09, 2012 4:27 PM
To: Whitmarsh, Graham HLTH:EX; Bethel, John HLTH:EX
Cc: Stewart, Michelle GCPE:EX
Subject: RE: LRB Decision on LPN Raid

s.13,s.17

From: Whitmarsh, Graham HLTH:EX
Sent: Wednesday, May 9, 2012 4:24 PM
To: Jensen, Jodi HLTH:EX; Bethel, John HLTH:EX
Cc: Stewart, Michelle GCPE:EX
Subject: RE: LRB Decision on LPN Raid

s.13,s.17

From: Jensen, Jodi HLTH:EX
Sent: Wednesday, May 09, 2012 4:23 PM
To: Whitmarsh, Graham HLTH:EX; Bethel, John HLTH:EX
Cc: Stewart, Michelle GCPE:EX
Subject: RE: LRB Decision on LPN Raid

s.13,s.17

s.13,s.17

Jodi Jensen
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026

From: Whitmarsh, Graham HLTH:EX
Sent: Wednesday, May 9, 2012 4:08 PM
To: Bethel, John HLTH:EX; Jensen, Jodi HLTH:EX
Cc: Stewart, Michelle GCPE:EX
Subject: RE: LRB Decision on LPN Raid

s.13,s.17

From: Bethel, John HLTH:EX
Sent: Wednesday, May 09, 2012 4:02 PM
To: Jensen, Jodi HLTH:EX; Whitmarsh, Graham HLTH:EX
Cc: Stewart, Michelle GCPE:EX
Subject: Re: LRB Decision on LPN Raid

s.13,s.17

JB

John Bethel
Chief Administrative Officer
Ministry of Health

From: Jensen, Jodi HLTH:EX
Sent: Wednesday, May 09, 2012 03:59 PM
To: Bethel, John HLTH:EX; Burton, Peter R HLTH:EX
Cc: Feraru, Loredana HLTH:EX; Hazeldine, Luba HLTH:EX
Subject: LRB Decision on LPN Raid

s.13,s.17

Jodi Jensen
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026

Page 641 to/à Page 642

Withheld pursuant to/removed as

s.14;s.13;s.17

Howatson, Evan HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Wednesday, May 9, 2012 2:32 PM
To: Jensen, Jodi HLTH:EX; Feraru, Loredana HLTH:EX
Subject: Union and social media coverage on LPN Raid

My apologies for not bringing this to your attention earlier, but I seem to have missed some action regarding the LPN Raid. Is this of interest to you?

LRB decision:

- **Labour Relations Board prepares decisions on BCNU raid applications**-May 4, 2012: http://www.heu.org/publications/labour-relations-board-prepares-decision-bcnu-raid-applications
- **Labour board will soon make decision about LPNs' democratic rights to join nurses' union HEU, BCGEU insist LPNs are support workers, ask the Board to deny LPNs' right to vote** - *posted May 4, 2012: http://www.bcnulpn.org/news/2012-05-04.html*

Correction to information posted on LPN Cafe:

- **LRB corrects false information on pro-raid website**-May 4, 2012: http://www.heu.org/publications/lrb-corrects-false-information-pro-raid-website
- **BCNU corrects false information in HEU May 4 bulletin** - *posted May 7, 2012: http://www.bcnulpn.org/news/2012-05-07.html*

Other unions supporting HEU:

- A **message to LPNs from ambulance paramedics, health science professionals and teachers** - April 27, 2012: http://www.heu.org/publications/labour-relations-board-prepares-decision-bcnu-raid-applications
- **There has also been lots of discussion on the BCNU facebook and apparently the LPN facebook page (which I cannot find). The stream started with the following post on April 30th:**

- "Well, our LPN collegues are now receiving letters from HSA and BCTF supporting HEU and critisizing the LPN's for the initiative to move to BCNU. There are some very interesting conversation streams on the LPN Facebook page all in support of the democratic right to chose (by vote) which union they want to belong to. There is also quite a backlash of sentiment about the interference of other unions in this process. It is a very interesting read with many thoughtful and insightful comments,"

- **Although I cannot find the LPN facebook stream which the BCNU facebook page is referencing, the following letter was posted on the LPN blog (http://lpncafe.ca/):**

There's no democracy without freedom of choice.
By michelle · Comments (0)
Monday, April 30th, 2012

BCFT: presidentsoffice@bctf.ca *HSA:* webpres@hsabc.org *APBC:* bronwyn.barter@apbc.ca *HEU:* mkirwan@heu.org ; heu@heu.org

To:
Reid Johnson, President
Health Sciences Association of B.C.

Bronwyn Barter, President
Ambulance Paramedics of B.C. (CUPE Local 873)

Susan Lambert, President
B.C. Teachers' Federation

April 30th, 2012

I find your letter, sent April 27th to Licensed Practical Nurses in BC, to be incredibly offensive and disrespectful. I am a Licensed Practical Nurse and I am stunned at your total disregard of our issues and complete lack of understanding of our situation. You have no business telling LPNs to do anything, especially when it comes to a situation as this that clearly you have very little knowledge about.

Licensed Practical Nurses – thousands of them – want to leave a union that does not and will not adequately represent them and this is their democratic right to choose to do so. This right you absolutely should not interfere with, and the fact that you have tried, has me to believe that your blind loyalty to the Hospital Employee's Union is purely based in your own selfish interests and not the interests of nurses in BC.

Your attempts to influence union solidarity have in fact made LPNs incredibly angry towards you as a result. I strongly believe it would be in your best interest to respect the voices of thousands of nurses instead of losing their respect and support. Licensed Practical Nurses deserve your sincere apology for your ignorance on this issue.

Regards,

Michelle Devia, LPN
Founder, The LPN Café
www.lpncafe.ca
An Online Community for Licensed Practical Nurses

Page 645 to/à Page 650

Withheld pursuant to/removed as

s.14;s.13;s.17

BCLRB No. B97/2012

BRITISH COLUMBIA LABOUR RELATIONS BOARD

INTERIOR HEALTH AUTHORITY, NORTHERN HEALTH AUTHORITY, PROVIDENCE HEALTH CARE SOCIETY, PROVINCIAL HEALTH SERVICES AUTHORITY - CORPORATE SERVICES UNIT, FRASER HEALTH AUTHORITY, VANCOUVER COASTAL HEALTH AUTHORITY, AND VANCOUVER ISLAND HEALTH AUTHORITY

(collectively, the "Health Authorities")

-and-

BRITISH COLUMBIA NURSES' UNION

("BCNU")

-and-

HOSPITAL EMPLOYEES' UNION

("HEU")

-and-

B.C. GOVERNMENT AND SERVICE EMPLOYEES' UNION

("BCGEU")

-and-

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 882

("IUOE")

PANEL:	Elena Miller, Vice-Chair
APPEARANCES:	Delayne M. Sartison, Q.C., for Health Employers Association of British Columbia ("HEABC"), representing the Health Authorities Bruce Laughton, Q.C. and Leah Terai, for BCNU David Tarasoff, for HEU Kenneth R. Curry, for BCGEU Richard L. Edgar and Jessica L. Derynck, for IUOE
CASE NOS.:	62899, 62900, 62901, 62902, 62903, 62904 and 62905
DATE OF DECISION:	May 9, 2012

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DECISION OF THE BOARD

I. NATURE OF APPLICATIONS

1 BCNU filed seven applications under Section 19 of the *Labour Relations Code* (the "Code") to represent seven separate units composed of Licensed Practical Nurses ("LPNs") employed by each of the seven Health Authorities. Although one of the seven entities whom the BCNU names as the employers of the LPNs in question is a society rather than a health authority, for convenience I have used the term "Health Authorities" to describe them collectively.

2 The LPNs in question work at numerous different sites within each of the Health Authorities. However, they all fall within the Health Services and Support – Facilities Subsector (the "Facilities Subsector"), a single, province-wide, multi-employer, multi-union bargaining unit mandated by the *Health Authorities Act*, R.S.B.C. 1996, c. 180

(the "Act"). As members of that bargaining unit, they are covered by a single collective agreement negotiated by the Facilities Bargaining Association ("FBA"). The Facilities Subsector Collective Agreement covers not only LPNs but also all other employees employed within the Facilities Subsector. HEU, BCGEU, IUOE, and other unions who are certified to represent sub-units of employees within the Facilities Subsector are the member unions which comprise the FBA.

3 If BCNU's Section 19 applications are granted, the LPNs in question would still be employed within the Facilities Subsector and covered by the Facilities Subsector Collective Agreement. However, instead of being represented by the FBA member union that currently represents them (HEU, BCGEU or IUOE), they would be represented by BCNU (as an FBA member). Furthermore, instead of being in a sub-unit which includes various employee classifications, they would be in a sub-unit consisting only of LPNs.

4 The vast majority of the approximately 6,650 LPNs covered by the BCNU's applications are currently represented by HEU. A relatively small number are currently represented by BCGEU at several sites within three of the Health Authorities, and an even smaller number are currently represented by IUOE at a single site within one of the Health Authorities. Those three unions oppose BCNU's applications on a number of grounds.

5 The parties agreed to a written submissions process to address the respondent unions' objections to BCNU's applications, and another issue that has arisen. At the completion of the written submissions process, I offered the parties an opportunity to engage in informal discussions regarding the issues, to see if some or all of them could be resolved without the need for formal adjudication. However, the parties did not engage in such informal discussions, and accordingly all outstanding issues require adjudication.

6 The parties indicated they wanted this matter decided as expeditiously as possible. No party indicated it thought an evidentiary hearing was required. I find I am able to address the issues on the basis of the parties' written submissions.

II. ISSUES

7 The parties raise the following four issues in their written submissions on this matter.

1. Withdrawal of BCNU's PHSA Application

8 After filing the seven applications, BCNU sought to withdraw one of its applications, for a unit of LPNs employed by Provincial Health Services Authority ("PHSA"). The withdrawal was based on information provided by HEABC that PHSA is not the employer of any LPNs (they are employed by agencies within PHSA). The application to withdraw is opposed by HEU, which submits the Section 19 application for PHSA should be dismissed and a time bar imposed under Section 19(2).

2. Employer for the Purpose of Threshold Support

9 BCNU takes the position that the employer for purposes of determining threshold support for each of its applications is each of the Health Authorities named in each of its applications. This position is supported by HEABC and not disputed by HEU or BCGEU. However, IUOE takes the position that, at least with respect to the LPNs it represents, who are all employed at a single site within the Interior Health Authority ("IHA"), a determination must be made of whether BCNU's application has threshold support at that site. IUOE's position is based on an assertion that the worksites, not the Health Authorities, are the employers for purposes of determining threshold support.

3. Membership Evidence

10 HEU submits that BCNU made material misrepresentations which rendered the signing of its membership cards conditional or equivocal such that the validity of a substantial majority of the membership cards is undermined. Consequently, it submits, BCNU's Section 19 applications should be dismissed. BCNU disputes that it made misrepresentations such that its applications should be dismissed.

4. Bargaining Unit Appropriateness

11 HEU, BCGEU and IUOE submit the applications should be dismissed because the units applied for are contrary to established Board policy not to permit an increase in the number of bargaining agents who represent employees at a given site within a subsector. BCNU concedes its applications would require an exception to the Board's policy, but submits there are compelling circumstances for making an exception in this case. The respondent unions dispute that compelling circumstances exist for making an exception.

12 HEU, BCGEU and IUOE also submit that a unit consisting only of a single classification (LPNs) is not appropriate for bargaining, an argument BCNU disputes. BCGEU further alleges the proposed units are inappropriate on the basis of alleged functional integration, an allegation BCNU disputes.

III. ANALYSIS AND DECISION

1. Withdrawal of PHSA Application

13 As noted above, BCNU applied to withdraw its application for LPNs employed by PHSA after being advised by HEABC that PHSA does not directly employ LPNs (they are employed by the agencies affiliated with PHSA). HEU submits that BCNU should not be permitted to withdraw its Section 19 application but instead the application should be dismissed and a 22-month time bar imposed under Section 19(2). It submits that a failure to correctly identify the employer does not amount to a valid or compelling labour relations reason to withdraw that overcomes or outweighs the prejudice it would suffer if withdrawal of the application were permitted.

14 HEU notes that BCNU did not apply to amend its application to name the agencies which employ the LPNs after it was advised by HEABC of the correct names of the employers. It submits that BCNU is intimately familiar with the health sector and BCNU's failure to correctly name the employer(s) of the LPNs it was seeking to represent, and lack of effort to fix the error once it was pointed out, should not be excused.

15 HEU submits that in *4020 Investments Ltd.* (*Dufferin Care Centre*), BCLRB No. B398/2002 ("*Dufferin*"), the Board indicated that the reason a union proffers for withdrawing a Section 19 "raid" application must be a compelling one:

> A fairly consistent theme emerges from this review of the authorities: in the context of a raid application, a request to withdraw will not be granted unless the reasons advanced by the applicant outweigh the prejudice caused by the loss of the time bar in Section 19(2) of the Code. A raiding union must act with due diligence and take all reasonably available steps to determine the scope of the bargaining unit. Further, while the purpose of the time bar is to avoid disruption in the workplace, the incumbent union will suffer prejudice even in the absence of disruption because it will lose the statutory protection from a subsequent raid. (para. 28)

16 HEU further submits that a dismissal due to a failure to correctly identify the employer is "a decision by the board on the merits of the application" within the meaning of Section 19(2) of the Code, and therefore results in the imposition of a 22-month time bar. It relies on *EllisDon Corporation*, BCLRB No. B14/2009 (Leave for Reconsideration of BCLRB No. B171/2008), 164 C.L.R.B.R. (2d) 311 in support of the proposition that a decision on the merits is one that addresses the substance of the matter and not mere process, and it submits Board decisions indicate that correct identification of the employer is a substantive, not merely procedural, matter in this context (*Union Pipeline Contractors Ltd.*, IRC No. C168/90, 10 C.L.R.B.R. (2d) 20; *Cenalta Well Services Inc.*, BCLRB No. B40/98).

17 HEU submits that if BCNU is permitted to withdraw its PHSA application, HEU suffers prejudice because it will lose the protection of the 22-month statutory time bar against further raiding activity: *Dufferin*. It notes that at present PHSA does not directly employ any LPNs, but it submits that this may change. HEU submits it would be entitled to the protection of the time bar if PHSA were to employ LPNs within that period.

18 HEU further submits that it is entitled to the protection of the time bar if BCNU applies to represent the LPNs currently employed by some or all of the PHSA branch agencies or affiliates. It submits that, if BCNU were to make such an application, HEU would be entitled to argue that the unit sought is substantially the same as that sought in the PHSA raid application, and that in the circumstances the application should be considered equally time barred. However, HEU further submits the Board need not decide this issue now (as there is currently no application for LPNs employed by PHSA agencies or affiliates).

19 In response, BCNU submits that, because PHSA does not employ LPNs, HEU is not an "incumbent" union for purposes of its PHSA Section 19 application, and will not suffer any prejudice if a time bar is not imposed. Further, BCNU submits that, as there is no collective agreement in force between HEU and PHSA which covers LPNs, the application it seeks to withdraw is not in fact a "raid" application.

20 BCNU notes that in *Health Employers Association of British Columbia*, BCLRB No. B28/2010, the panel stated (after quoting *Dufferin* at para. 28):

> Thus, in effect, prejudice to the incumbent union is assumed even in the absence of disruption in the workplace. The onus is therefore on the applicant to show why withdrawal should be granted and the incumbent union should thereby lose the statutory protection from a subsequent raid. At a minimum, the raiding union must show that it acted with due diligence and took all reasonably available steps to determine the scope of the bargaining unit. Even then, its application to withdraw will not necessarily be granted, unless the reasons advanced by the applicant outweigh the prejudice caused by the loss of the time bar. (para. 5)

21 BCNU submits that the prejudice caused by a raid application can only be felt by an incumbent union, and as HEU does not represent any LPNs employed by PHSA, it cannot claim to have suffered any prejudice from loss of a Section 19(2) time bar if BCNU were permitted to withdraw its PHSA application.

22 BCNU further submits that a time bar cannot apply to employers for whom it did not apply (that is, the PHSA agencies who do employ LPNs). It submits that a unit of LPNs employed by such agencies would not be substantially the same as a unit of LPNs employed by PHSA, since they would involve employees employed by different employers. BCNU submits HEU is trying to use its status as the certified bargaining agent for employees of PHSA affiliates as the equivalent of being certified to PHSA. It submits HEU is not certified to PHSA, and it is therefore not the incumbent union and BCNU's application did not in fact amount to a raid. Accordingly, it submits, relief under Section 19(2) is not available in the circumstances.

23 In its final reply, HEU notes that it is in fact certified to represent employees of PHSA covered by the Facilities Subsector Collective Agreement. It says the bargaining agent for those employees is named as "HEU/BCGEU", but that poly-party has been extinguished and HEU is now the sole bargaining agent for those PHSA employees. HEU further submits that whether or not a future application for LPNs employed by the agencies of PHSA would be substantially the same as BCNU's application for LPNs employed by PHSA is something that can be decided when such an application is filed.

24 Having considered the arguments of the parties, I find first that BCNU's Section 19 application for a unit of LPNs employed by PHSA does amount to a raid application. The fact that BCNU mistakenly thought the LPNs in question were employed directly by the PHSA, when in fact they are employed by agencies affiliated with PHSA, does not,

in my view, change the nature of the application. I find BCNU cannot rely on its mistake in naming the employer of the LPNs in question to argue that its application, filed under Section 19 with the intent of displacing HEU as the certified bargaining agent of those LPNs, is not a "raid" application.

25 I therefore find, second, that the onus is on BCNU to establish a valid or compelling labour relations reason for why it should be permitted to withdraw its Section 19 application. BCNU does not dispute HEU's position, which I find is supported by the Board authorities it cites, that absent a valid or compelling reason for allowing a raiding union to withdraw its Section 19 application, the Board's law and policy is to the effect that such withdrawal should not be permitted.

26 Rather than advancing a valid or compelling reason for granting withdrawal, BCNU argues that HEU is not an incumbent union entitled to claim that it would suffer prejudice in the form of a denial of the Section 19(2) time bar if a withdrawal were permitted. However, I find, third, that HEU is the incumbent union with respect to BCNU's Section 19 raid application, notwithstanding that currently PHSA does not in fact employ any LPNs. There is no dispute that BCNU intended to apply to displace HEU with respect to the LPNs whom it thought were employed by PHSA (but who were in fact employed by agencies affiliated with PHSA). It is only because of its mistake in naming their employer that BCNU now seeks to withdraw that application. I find that, in these circumstances, BCNU cannot rely on its mistake to argue that HEU is not entitled to the protection of a Section 19(2) time bar.

27 On that issue, I find, fourth, that the Board authorities cited by both HEU and BCNU support HEU's position that a failure to correctly name the employer is a substantive error, and a rejection of the application on the basis of this error would therefore constitute a decision "on the merits" within the meaning of Section 19(2). I further accept HEU's argument, which BCNU does not dispute, that BCNU is intimately familiar with the health sector structure and should have been in a position to correctly name the employer(s) of the LPNs it intended to seek to represent in place of HEU.

28 I therefore find, fifth, that BCNU has not provided a compelling reason for being permitted to withdraw its PHSA application, and accordingly it should not be permitted to withdraw it. Instead, the application should be dismissed and a time bar imposed pursuant to Section 19(2). The effect of this time bar on any future applications is something that does not need to be decided at this time. It can be argued and decided if and when any such application is filed.

2. Employer for Purposes of Threshold Support

29 IUOE is the certified bargaining agent for Facilities Subsector employees who work for the IHA at the David Lloyd-Jones Home in Kelowna, B.C. (the "Home"). Some of these employees are LPNs, and those LPNs are covered by BCNU's application for LPNs employed by IHA. IUOE submits that BCNU's application to represent just the LPNs seeks an inappropriate bargaining unit. It submits that if BCNU seeks to raid

certifications covered by the Facilities Subsector Collective Agreement, it must apply to represent all such employees covered by an existing certification.

30 For example, it submits, IUOE's certification at the Home currently covers 107 employees. IUOE submits that if BCNU wishes to displace it as the certified bargaining agent, it must apply to represent, and have the required support of, those 107 employees. It submits that this position is consistent with *4020 Investments Ltd. (Dufferin Care Centre)*, BCLRB No. B303/2003 ("*4020*"), in which the applicant was successful in substituting itself as the certified bargaining agent for all Facilities Subsector employees working at a particular location. IUOE submits that this is the appropriate manner in which to raid a certification in the Facilities Subsector.

31 IUOE further submits that the bargaining unit of LPNs sought by BCNU is inappropriate because it carves out a single classification of employees and is contrary to the Board's policy against proliferation of the number of bargaining agents representing employees at a particular site within a health authority. This is an appropriateness argument also raised by HEU and BCGEU, and I will address it separately under issue 4, "Bargaining Unit Appropriateness". For the moment, I will address the argument raised by IUOE alone, which is that raids in the Facilities Subsector must be by certification or location, not by health authority.

32 In its submissions, IUOE makes clear its primary position is that BCNU must apply to represent all employees at an individual certified location covered by the Facilities Subsector Collective Agreement. It cannot apply to represent just one classification of Facilities Subsector employees, such as LPNs. In the alternative, however, if the Board finds it is appropriate to carve out the classification of LPNs in applications for certification, then IUOE submits BCNU must apply to represent, and must demonstrate majority support among, the LPNs working at each individual certified location.

33 Thus, for example, IUOE submits BCNU should not have made one application to represent all LPNs employed by IHA, on the basis that it has demonstrated majority support amongst that group of employees. Rather, it should have applied to represent, for example, the 21 LPNs employed by IHA at the Home, and it should have demonstrated majority support among that group of 21 LPNs.

34 IUOE submits that if majority support is determined not on a certified location basis but rather on a health authority basis, BCNU could sweep in the LPNs currently represented by IUOE at the Home, without having demonstrated majority, or even any, support among that group of employees. IUOE submits that this would not be right, and accordingly majority support must be demonstrated at each certified location BCNU wishes to raid within a given health authority.

35 In response, BCNU submits that (with the exception of PHSA) the Health Authorities, not individual worksites within each authority, are the employers of the LPNs in question. Accordingly, it submits, it has properly applied to represent LPNs employed by the six Health Authorities other than PHSA, and has demonstrated

majority support among each group of LPNs employed by each of the Health Authorities.

36 BCNU submits that IUOE seeks to transform each location within each of the Health Authorities into a separate employer, but the Board has considered the issue and concluded that it is the health authority, not the individual locations within it, which is the employer. In support of this position, BCNU relies on *Central Vancouver Island Health Region*, BCLRB No. B29/2002 ("*CVIHR*"), in which the Board stated in part:

> In summary, we find that under the consolidated certifications in the health sector, the location where work is performed may be a factor in defining the extent of representational rights conferred upon the union, but it does not serve to define the employer, as HEABC argues, for purposes of representational rights under the Code. For that reason, we do not accept HEABC's characterization that CVIHR Nanaimo & District Home Support is a different employer from CVIHR Nanaimo Community Mental Health Services and Parksville Community Mental Health Services. We are not persuaded that each listing on a separate line of a consolidated certification is a separate employer for purposes of the Code. (para. 53)

37 BCNU says that this position was affirmed in *Health Employers Association of British Columbia*, BCLRB No. B232/2002, in which the Board again concluded that the health authority, not the individual locations within it, was the employer. It says that determination was untouched on reconsideration (BCLRB No. B353/2002).

38 BCNU submits that it has not applied to represent LPNs employed at one or two locations within a health authority but rather to represent all LPNs employed by each of the six Health Authorities in the Facilities Subsector. It will either represent all of the LPNs employed by a given health authority in that subsector, or none of them. In these circumstances, it submits, threshold support is determined by measuring support among LPNs employed by a given health authority, not by whether there happens to be majority support among LPNs employed at a given location within the health authority.

39 Neither HEU nor BCGEU made written submissions expressly addressing this issue. HEABC submits that membership support must be measured on the basis of the employer, that is, each of the six Health Authorities. However, it further submits that any certification granted to BCNU as a result of these applications must indicate the sites at which it represents LPNs, relying on a passage in *CVIHR* which states in part:

> The practice of the Board in defining the unit in the certification is to reflect accurately the work locations actually covered by the certification. ...
>
> In the health sector, the Board attempts in the same way, to use language in the consolidated certification that clearly defines the scope of the representational rights conferred so as to avoid confusion. The consolidated certifications are a shorter version of

> the regular form of certification. The scope of the union's representational rights are [sic] given precision through the addition of a facility or program to which the representational rights attach. (paras. 50-51)

40 HEABC submits that LPNs are not employed at each and every site operated by each health authority, and the affected employers and other unions operating within the Facilities Subsector need to know the precise scope of any certifications granted to BCNU in these cases.

41 HEABC further submits that it and the FBA agreed in the last round of bargaining to consolidate seniority within each health authority. Accordingly, the Facilities Subsector employees within each health authority are treated as unified workforces for the purpose of seniority. For example, it says, vacancies at the Home or any other IHA worksite are posted across the IHA, and employees at the Home are eligible to apply for any IHA Facilities Subsector posting. HEABC submits that, in light of this seniority consolidation, threshold support for these applications is properly determined on an employer by employer, not worksite by worksite, or union by union, basis.

42 In its final reply, IUOE relies on a passage in *British Columbia Nurses' Union*, BCLRB No. B44/2011, 192 C.L.R.B.R. (2d) 302 ("*BCNU*") at paras. 14-15, in support of its position that the individual worksite is the employer. In that passage, the panel describes the worksite entity administering the collective agreement under certification with a specific union member of the FBA as the "employer". IUOE further submits that extending seniority rights to employees within a health authority at different locations does not change the identity of the employer for Code purposes. It submits it is improper to seek to raid a health authority without showing support within each existing certification for a given worksite, which it submits is the employer.

43 Having considered the arguments of the parties, I begin by observing the following. In a number of Board decisions cited by the parties, panels have used the word "employer" to refer to the particular worksite or location within a health authority where health sector employees work. For example, as IUOE points out, this usage of the term "employer" can be found in *BCNU*. However, as BCNU and HEABC point out, the Board has also consistently held that the health authority, not the particular worksite or location within a health authority, is the juridical employer for Code purposes.

44 In my view, the usage of the term "employer" in some Board decisions to refer to the worksite is understandable when one considers the two-tiered nature of representation in the health sector imposed by statutory reforms. As explained in *BCNU*:

> The representation of employees in the health sector falls under two tiers. The first tier concerns collective bargaining. The reforms reduced the number of bargaining units for that purpose. That meant affected unions could no longer bargain on their own with each employer. Instead, they bargain with other unions under the auspices of bargaining associations. Each bargaining

> association bargains a single collective agreement for employees in each unit. So, for example, the Health Services and Support - Facilities Subsector Bargaining Association (the "FBA") bargains a collective agreement for employees in the Facilities Subsector unit.
> ...
>
> The second tier concerns the day-to-day administration of the Collective Agreement. At this level, unions affected by the reforms retained an individual role in the workplace. (paras. 9-10)

45 Thus, under the unique, statutorily mandated system of bargaining relationships in the health sector, bargaining associations such as the FBA negotiate collective agreements with the Health Authorities (represented by HEABC), who are the juridical employers of the employees in each of the five statutorily mandated bargaining units. However, individual unions in the bargaining associations retain their right to represent employees at the worksite or location for which they are individually certified, in terms of day-to-day contract administration. In that sense, the particular worksite or location could be described as the "employer": functionally, it is the employer for day-to-day contract administration purposes. However, for purposes of representational rights under the Code, the employer is the health authority: *CVIHR* at para. 53.

46 Accordingly, while it is apparent from the decision in *4020* and in other Board decisions that the Board will permit partial raids of locations within a health authority, that does not mean a raid which encompasses all locations within a given health authority at which employees work is not also permissible. In my view, based on *CVIHR* and other Board decisions finding the health authority to be the employer for Code representation rights purposes, it clearly is permissible (subject to appropriateness issues to be discussed below under issue 4).

47 IUOE argues that if BCNU is permitted to apply to represent LPNs on a health authority basis, rather than a location basis, then the LPNs it represents at the Home could be "swept in", regardless of whether a majority, or even any, of them prefer to be represented by the BCNU. I agree that this outcome is possible. However, it is equally possible at any other location at which LPNs work within a given health authority. For example, at two locations where LPNs are currently represented by HEU, there may be majority support for BCNU's application at one location but not at the other. Nonetheless, LPNs at each of those locations would not get a separate say (vote) on BCNU's application. The outcome for all locations with the health authority would be determined by the wishes of the majority of LPNs employed by the health authority regarding the application.

48 In my view, this is an inevitable, and appropriate, consequence of the fact that BCNU's applications are for all LPNs employed by a particular health authority. As noted earlier, I find on the basis of the Board's existing law that each of the six Health Authorities, and not the individual worksites within them, is the employer for Code representation rights purposes. The result of this finding is that the wishes of employees measured on the basis of individual locations are not relevant in this case, where the applications are for all LPNs employed by each of the Health Authorities.

49 This means, for example, that even if a majority of employees at one or more individual locations within a given health authority favour BCNU's application, the application will fail (and BCNU will represent no LPNs within that health authority, even at those locations where it may have majority support) unless a majority of all the LPNs covered by the application favour BCNU's application. Each application in this case will produce an "all or nothing" result for each of the six Health Authorities applied for, regardless of the level of support at individual locations within the Health Authorities.

50 In summary on this issue, for the reasons given above, I am not persuaded that the employer for purposes of determining threshold support in this case is the individual worksite at which LPNs work. I find the employer for purposes of determining threshold support is each of the six Health Authorities. I further find that, given the scope of BCNU's applications in this case, it is not necessary or appropriate to measure support for the applications on a location by location basis. As the applications are for all LPNs employed in the Facilities Subsector by each of the six Health Authorities, threshold support for each application is determined on an authority-wide basis.

51 I note, as an aside, that neither BCNU nor any other party takes issue with HEABC's observation that, if any of BCNU's six applications were to succeed, the resulting certification would list the specific location(s) at which LPNs represented by BCNU work within that health authority. This would be in keeping with the Board's current practice regarding bargaining unit descriptions for health sector certifications.

3. Membership Evidence

52 As noted earlier, HEU submits that BCNU made material representations which render the signing of the membership cards conditional or equivocal such that the validity of a substantial majority of the membership cards is undermined. HEU submits that consequently BCNU's Section 19 applications should be dismissed.

53 Specifically, HEU alleges that BCNU's "pledge" to LPNs includes a "no risk guarantee" that the *status quo* can be restored on the basis of a "referendum". It submits this aspect of the "pledge" was, and continues to be, widely disseminated on BCNU's website and through extensive leafleting and campaigning. It submits the claim is false and amounts to a material misrepresentation. It further submits that, through the "pledge" and otherwise, BCNU promised and continues to promise that "only [a BCNU constituted] LPN Committee can finalize a tentative agreement and recommend its acceptance". It submits this claim is directly contrary to the Articles of Association in the Facilities Subsector and BCNU accordingly knows or ought to know that it is false. HEU submits this too amounts to a material misrepresentation.

54 In making these claims, HEU attaches copies of leaflets disseminated by BCNU to its submission. Among the statements made in a BCNU leaflet is the following:

BCNU gives you a no-risk guarantee

LPNs will be able to change their minds

BCNU believes that nurses will always be stronger together. But after two collective agreements, if irresolvable differences emerge between members, LPNs will be free to leave BCNU through a province wide secret-ballot referendum. (emphasis in original)

55 This statement (or a very similar statement) is made in several other BCNU leaflets that HEU attaches to its submission. Those leaflets also contain the following statement (or a very similar statement):

BCNU will start improving your contracts & practice conditions

We will start your bargaining process

BCNU will initiate the election of an LPN bargaining committee. 100% of the committee will be LPNs, and it will be elected only by other LPNs. Only this committee can finalize a tentative agreement and recommend its acceptance.

We will ask the government to put all nurses (LPNs, RNs & RPNs) in the Nurses' Bargaining Association. You will have strong contracts by negotiating together. (emphasis in original)

56 With respect to the "no risk guarantee" statement, HEU submits the statements that LPNs "will be able to change their minds" and will be free, after two collective agreements, to leave the BCNU through a province-wide secret ballot referendum amount to a promise that signing a card and membership in BCNU is conditional and therefore equivocal. It sends the message: "don't worry about signing because all will go back to normal if you wish", HEU submits.

57 HEU relies on *Royal City Taxi Ltd.*, BCLRB No. B266/94 (upheld on reconsideration in BCLRB No. B447/94) ("*Royal City Taxi*"). In that case, a union organizer obtained cards through an assurance to employees that the union would schedule a meeting and canvass their views before an application for certification was filed. However, the union filed an application on the basis of the cards that were obtained. The panel found on the facts of the case that the organizer's misrepresentation went to "the heart of the meaning of the cards, because the misrepresentation could, and did for many of the witnesses before me, make the signing of the cards conditional and equivocal" (p. 10). The panel further found it was not necessary to show coercion or fraud in order to establish a material misrepresentation which renders the cards equivocal such that their validity as membership evidence is undermined:

> The true issue was whether the membership cards could be accepted as accurately reflecting the employees' wishes. It was the nature and effect of the misrepresentation on the cards and

> those wishes which was important, not necessarily whether there was fraud or coercion. ... (p. 13)

58 HEU submits that in this case the so-called "no risk guarantee" undermines the required unequivocal nature of the membership cards as evidence of the true wishes of the employees who sign them to be represented by BCNU. HEU submits that there is no need for an evidentiary hearing to determine subjectively the wishes of individuals who signed BCNU cards. The test is objective: what would a reasonable LPN conclude in the circumstances. It submits that, as stated in *Ainsworth Lumber Co. Ltd.*, BCLRB No. B143/2009, 168 C.L.R.B.R. (2d) 137 ("*Ainsworth*") at para. 108, "*Royal City Taxi* stands for the more general proposition that where a material misrepresentation renders the signing of the membership card conditional or equivocal, the union's membership evidence may be impugned".

59 Here, it submits, the representation of a "no risk guarantee" renders the signing of BCNU membership cards conditional or equivocal such that they cannot be relied on as valid membership evidence, and accordingly the applications must be dismissed: *Royal City Taxi; G.B. Mécanique Ltée*, BCLRB No. B196/94, 23 C.L.R.B.R. (2d) 76. HEU further notes that BCNU does not explain who decides if "irresolvable differences" arise or what that means, or how the *status quo* would be restored by way of a "province wide, secret-ballot referendum", a process it submits is unknown under the Code.

60 Regarding BCNU's statement about an LPN Committee, HEU submits BCNU solicited membership cards by promising LPNs that in bargaining in the Facilities Subsector, the BCNU would create an LPN Committee and that only this committee could finalize a tentative agreement and recommend its acceptance. HEU submits this statement is false and contrary to the Articles of Association, and that it too is a material misrepresentation that makes the signing of the cards equivocal such that the validity of a substantial majority of the membership cards signed is undermined.

61 In response, BCNU begins by noting that in *Ainsworth* the panel stated that the Board presumes that signed and dated membership cards that meet the requirements of Section 3 of the *Labour Relations Regulation*, B.C. Reg. 7/93 (the "Regulation") are *bona fide* evidence of membership support. The presumption may be rebutted in certain circumstances, including where there are "misrepresentations during the course of the organizing which render a signed membership card conditional or equivocal" (para. 104). BCNU submits that, when considering the two statements made by BCNU to which HEU takes objection, it is important to remember that they were made in the context of a raid. It submits in *Ainsworth* the panel stated that, in this context, the Board "often makes allowance for puffery, promises and representations", adding:

> The Board generally does not police these types of interactions between unions and employees. Employees may make inquiries about such puffery, promises and representations, speak to their co-workers, speak to union representatives, conduct online research and take whatever steps they deem necessary to evaluate and assess such information. (para. 117)

62 BCNU submits its statements to which HEU objects fall into the category of representations, and do not result in the membership cards having been obtained through misrepresentation. It submits that its views with respect to how it will conduct bargaining are honestly held, and that the establishment of an LPN bargaining committee is completely within its rights and an internal union matter. It submits BCNU will give that committee the authority to determine BCNU's position in bargaining and its recommendations to its members.

63 With respect to the no-risk guarantee statement, BCNU submits that it recognizes that unionized workers can change unions through a raid under Section 19 of the Code, or through a decertification application under Section 33. Further, a union may abandon its representational rights under Section 33(11) of the Code. It submits the fact that these statutory provisions exist does not render membership cards conditional or equivocal. It submits that the commitments were made within the existing legal framework and BCNU will work within that framework to keep those commitments.

64 BCNU submits the statements it made to which HEU objects say nothing about the meaning or purpose of the membership cards, and do not in any way undermine the wording on those cards required by Regulation 3(b). It submits the statements were made in the context of an organizing campaign for the purpose of persuasion and do not constitute a violation of the Code.

65 In its final reply, HEU submits that BCNU in its response attempts to recast its statements to mean something different from what was actually stated. For example, BCNU submits that what it promised to give the LPN Committee was "the authority to determine BCNU's position in bargaining and its recommendation to its members", but what it actually stated was "only this committee can finalize a tentative agreement and recommend its acceptance" (which HEU submits is false in light of the Articles of Association). Similarly, HEU submits that BCNU asserts that its reference to a "province wide referendum" was merely a reference to Sections 19 and 33 of the Code, but HEU submits that neither of these provisions contemplates such a referendum. It further submits that BCNU appears to concede that the statements constitute at least "puffery". It submits that in fact they are misrepresentations which render the validity of the membership cards equivocal and therefore unreliable.

66 Having considered the arguments of the parties on this issue, I begin by noting the following. First, I agree with HEU (and the point is not disputed by BCNU) that the test for validity of membership evidence as a reflection of the true wishes of employees is objective, not subjective. As stated in *Londsdale Hotels Inc.*, BCLRB No. B130/95 (Leave for Reconsideration of No. B459/94):

> A panel should look at the objective evidence before it, not the subjective beliefs of an individual, to determine whether a signed membership card is valid. In considering an employee's true wishes the Board must look at the objective evidence. ... (para. 27)

67 Second, I agree with BCNU that, in looking at the objective evidence, the Board will bear in mind that, particularly in the context of Section 19 raid applications, reasonable employees would expect a certain amount of campaign "puffery" to occur, as the vying unions seek to gain or maintain the employees' support by making promises and representations as to what they can and will do for them. As noted in *T. Jordan Inc. (Service Provider at Granville House)*, BCLRB No. B51/96 ("*Jordan*"):

> In *North Shore Home Support Services Society*, BCLRB No. B366/95, (Leave for Reconsideration of BCLRB No. B307/95), the Board confirmed that a union is entitled to some latitude, indeed, considerable latitude, with regard to puffery and promises which it can make during the course of an organizational campaign. The limits placed on that latitude are in the area of coercion and intimidation: a union is not permitted to coerce or intimidate employees into signing membership cards: *Dencan Restaurants Inc.* BCLRB No. B113/93 and *Dencan Restaurants Inc.*, BCLRB No. B255/93 (Leave for Reconsideration of Decision dated March 31, 1993). In addition, the Board will carefully scrutinize membership evidence to include instances of alleged misrepresentation. However, before misrepresentation vitiates a card, it has to be material and has to have a direct effect on the meaning of the card or the freedom of choice of the employee to select union membership. (para. 5)

68 In the present case HEU does not allege the statements to which it objects were coercive or intimidating. However, it points out that BCNU itself appears to characterize the statements as "puffery" and to attempt to explain their meanings in ways which HEU submits demonstrate their inaccuracy or falseness.

69 I agree that BCNU appears to defend its statements, at least in part, on the basis that puffery is permitted. I further agree that its explanations of the statements' meanings tend to indicate that what was said is arguably somewhat different from what BCNU now says it meant. However, the mere fact that a representation made by a union during the course of a raid campaign is inaccurate does not necessarily mean that the misrepresentation vitiates the freedom of choice of employees to select union membership. As further stated in *Jordan*:

> ...in every case where employees are presented with cards to sign for unionization, there is bound to be peer pressure and there is going to be puffery and there are going to be representations made. There is an obligation on each employee (because after all, employees are adults and we are not dealing with children here), to ask questions, to contact other employees, to do some research and to find out exactly what is going on. ... (para. 9)

70 Similar views have been expressed in other Board cases. Objective evidence of inaccurate or exaggerated statements made by a union during the course of an organizing campaign can potentially cast doubt on the validity of membership cards signed during that campaign. However, the mere fact that a representation is an

exaggeration or inaccurate does not necessarily establish that it vitiates the freedom of choice of employees to select union membership. The Board must consider the nature and context of the representation, and must bear in mind that reasonable employees can and should ask questions or otherwise investigate claims and promises made by unions seeking their support.

71 I find in the present case that the two statements made by BCNU to which HEU objects were inaccurate. With respect to the "no risk guarantee", BCNU has indicated in its response submission that it was merely referring to standard procedures available under the Code – raids under Section 19 and decertification under Section 33 – in promising that LPNs could "change their minds" with respect to representation by the BCNU. While the BCNU may choose to hold some sort of province-wide, secret ballot referendum after two collective agreements, such a procedure would not result, without more, in representation of LPNs reverting to what it presently is. Accordingly, the "no risk guarantee" statement is, on its face, inaccurate.

72 Similarly, as HEU points out, the statement that only an LPN Committee formed by the BCNU could "finalize" a tentative agreement and recommend its acceptance to members is inaccurate. Under the Articles of Association it is the FBA, not individual member unions, which negotiates and finalizes proposed terms of the FBA Collective Agreement. While an LPN Committee could, as BCNU submits, be given authority to determine BCNU's position in bargaining with respect to LPNs, this is not necessarily the same as finalizing a tentative agreement or recommending its acceptance to FBA members. Accordingly, this statement too is inaccurate.

73 In *Royal City Taxi*, the panel found that the representation in that case – that the union would hold a meeting to explain the benefits of unionization and a vote would be taken amongst the employees to determine if they wanted unionization before the cards would be submitted – went "to the heart of the meaning of the cards", making the signing of the membership cards conditional or equivocal (p. 10). The nature and effect of the misrepresentation in that case was also described as "fundamental". I find the present facts, and the objective nature and effect of the representations complained about here, are very different.

74 Although I find the BCNU statements to which HEU objects are inaccurate, I further find they do not go to the heart of the meaning of the cards. The nature and effect of the impugned representations in the present case, considered in context, are not fundamental. The statements were made in written raid campaign materials and on the BCNU's website, and there is no reason to think the incumbent unions would not have had a chance to respond to them, or LPNs would not have had a reasonable opportunity to question or investigate them. Furthermore, the statements were made in circumstances and in a context (in BCNU raid campaign leaflets and on its website) where a reasonable employee would expect a certain amount of puffery, and would take steps to investigate any statements he or she considered of particular importance in deciding which union to support.

75 In these circumstances, I am not persuaded there are material misrepresentations which render the signing of the membership cards equivocal, such that the validity of a substantial majority of the membership cards is undermined. Accordingly, I decline to dismiss BCNU's applications on this basis.

4. Bargaining Unit Appropriateness

76 HEU, BCGEU and IUOE raise several bargaining unit appropriateness objections to BCNU's applications. The objections can be summarized as: (a) the applications are contrary to established Board policy discouraging proliferation of bargaining agents at single sites within the health sector, and no compelling circumstances exist to make an exception to this policy; (b) a unit consisting of a single classification (LPNs) is inappropriate; and (c) the unit is inappropriate due to functional integration between LPNs and care aides.

77 I will outline the parties' arguments on each of these issues and then address the issue of bargaining unit appropriateness in light of those arguments.

a) Contrary to Board policy

78 HEU notes that in *4020*, the Board indicated that it would, in appropriate circumstances, permit partial raids in the health sector:

> In my view, the approach charted by *Grouseview Home Care Inc., supra*, and later decisions removes from the health sector the underlying rationale for the Board's usual policy regarding partial raids where an applicant union seeks to represent all employees of a single employer. The normal concerns for industrial instability do not arise. There will not be an increase in the number of bargaining agents conducting negotiations and there is no potential for an additional labour dispute. The newly-added union will become a member of the applicable association that will, in turn, negotiate with HEABC on behalf of all its member unions for a single collective agreement covering the entire bargaining unit.
>
> HEABC concurs with this assessment when it says that the substitution of one bargaining agent for another with a particular employer is not inherently destabilizing and does not raise appropriateness concerns. ... (paras. 39-40)

79 HEU further notes that, in *4020*, the Board found the raiding union therefore did not need to meet the Board's usual "compelling reasons" requirement for granting partial raid applications:

> Any "fragmentation" of the IUOE's existing unit results from the bargaining unit structure imposed by the Act, and will not cause proliferation of bargaining units in the workplace. ... (para. 43)

80 However, HEU submits, here BCNU is not seeking to represent "all employees of a single employer", as described in *4020* (at para. 39). Nor, it submits, do BCNU's applications involve "the substitution of one bargaining agent for another with a particular employer", as was the case in *4020* (at para. 40). Here, if BCNU's applications are successful, it would become an additional bargaining agent representing only LPNs within the Facilities Subsector, and HEU would continue to represent other Facilities Subsector employees of the Health Authorities. Therefore, BCNU's applications would cause a proliferation of units and bargaining agents in relation to each of the individual worksites at which LPNs work. Accordingly, HEU submits, the present case is distinguishable from the circumstances in *4020*.

81 HEU further submits that, since *4020*, the Board has released decisions which indicate that the test for granting partial raid applications in the health sector has become more onerous. In *4020* the Board indicated that, in the health sector, the Board's usual "relatively stringent test" for granting partial raid applications did not apply because "fragmentation" was not a concern. However, in more recent decisions, the Board has recognized that fragmentation is a concern even in the health sector: *Certain Biomedical Engineering Technologists*, BCLRB No. B126/2005, 119 C.L.R.B.R. (2d) 186 (upheld on reconsideration, BCLRB No. B2/2006, 119 C.L.R.B.R. (2d) 191) ("*Certain Biomeds*"); *Health Employers Association of British Columbia (Fraser Health Authority)*, BCLRB No. B132/2010 (upheld on reconsideration, BCLRB No. B155/2010) 182 C.L.R.B.R. (2d) 277 ("*Certain ERAs*"); *BCNU*.

82 HEU notes that in *Certain Biomeds* the panel expressed a concern, echoed in *Certain ERAs* and *BCNU*, that if the union's application were granted, the number of unions representing employees at a single site would increase, a result which the panel in *Certain Biomeds* said would not be conducive to resolving workplace issues and would not promote workplace stability. HEU says the panels in *Certain ERAs* and *BCNU* followed and applied this analysis in rejecting the applications in those cases. It says the same concern would arise in this case: if the BCNU's applications were allowed and succeeded, there would be a proliferation in the number of bargaining agents at all affected worksites, as the BCNU does not seek to supplant but rather to be added as an additional bargaining agent representing only LPNs, who are currently already represented within units that include other Facilities Subsector employees.

83 HEU notes that in *BCNU* the panel stated:

> I have assumed that a line can be drawn around LPNs based on their unique skills and professional qualifications. I will also assume for present purposes that there is no functional integration between LPNs and other support workers. I further acknowledge that employees are entitled to a reasonable opportunity to change their bargaining agent, albeit employee choice is not determinative. In my judgment, these considerations taken individually and together, do not adequately respond to the concerns that inform the Board's policy against the additional proliferation of bargaining agents. In sum, I find the BCNU has not

> provided compelling reasons to fragment the existing units. That is a complete answer to the BCNU's applications. (para. 23)

84 HEU submits that accordingly the test is whether BCNU has provided "compelling reasons" to fragment the existing bargaining units. It submits that BCNU has not.

85 BCGEU concurs with HEU's argument on this point, noting that in the reconsideration decision (BCLRB No. B155/2010) on *Certain ERAs*, the reconsideration panel stated:

> We confirm that it is the general policy of the Board not to encourage proliferation of bargaining agents in the health industry within a single subsector at a single location. We agree with the policy reasons for that approach set forth in *Certain Biomeds* and the Original Decision. (para. 3)

86 IUOE's arguments on this point mirror those of HEU and BCGEU, citing and relying on the same decisions and analysis, and submitting BCNU's applications should be dismissed as inappropriate in light of the Board's established policy against the proliferation of bargaining agents at individual locations within the health sector.

87 In response, BCNU submits that there are compelling reasons in this case to make an exception to the Board's general policy against increasing the number of bargaining agents at a single location within the health sector. BCNU submits first that this case affects the rights of approximately 7,000 LPNs and these employees are entitled to a reasonable opportunity to change their bargaining agent. Second, BCNU submits the Board's policy is based primarily on concerns arising from administrative inconvenience rather than true industrial instability concerns. Third, BCNU notes that its applications are to represent all LPNs in a health authority, not just at a handful of facilities, and the application of the policy must be considered in light of that fact. Fourth, BCNU submits that the role of LPNs has changed since the James E. Dorsey, Commissioner (June 30, 1995) *Report and Recommendations on Reshaping B.C. Health Sector Appropriate Bargaining Units* (the "1995 Dorsey Report"), and they now share a closer community of interest with Registered Nurses ("RNs") and Registered Psychiatric Nurses ("RPNs").

88 BCNU submits that Sections 2(c) and 4 of the Code recognize the right of employees to belong to trade unions of their choosing. That right must be balanced against the provisions of the Code which encourage industrial stability; however, the value attached to stability must be weighed alongside other legitimate interests under the Code, such as employee choice. BCNU submits that this is particularly so in the present case, where the interests of thousands of LPNs are at stake. It submits that the Board's policy was developed in the context of small groupings of employees, and should not therefore automatically be applied to this case. BCNU submits that the Board's previous decisions are factually distinguishable from the present case. In those cases, the Board was dealing with a small number of employees at one or two facilities,

not thousands of employees affected by applications seeking representation on a health authority-wide basis.

89 BCNU further submits that, because of the structure of the health sector, the Board has recognized that partial raids are not as destabilizing as they would otherwise be: *CVIHR* at para. 59; *4020* at para. 37. Although the Board subsequently developed a policy, beginning in *Certain Biomeds*, against proliferation of bargaining agents at a single location within the health sector, BCNU submits the policy is based more on what it terms "administrative inconvenience" than true industrial instability concerns. BCNU further submits that the level of administrative inconvenience that may be tolerable in order to accommodate employee wishes must be assessed on the particular facts of the case. It submits this was recognized in the following passage from *Certain ERAs*:

> Rather, the issue is balancing employee wishes as to their choice of bargaining agent with industrial stability concerns. While the Board has indicated in decisions such as *Grouseview* and *CVIHR* that multiple bargaining agents can co-exist at single locations within the health sector, *Certain Biomeds* indicates that the Board may not find proliferating bargaining agents to be appropriate in all cases, depending on the particular factual circumstances. (para. 33)

90 BCNU submits that in this case the Health Authorities would be required to deal with more than one union; however, there would be only one bargaining agent for the LPNs. It further notes that currently the structure accommodates approximately 21 out of approximately 1,700 LPNs employed by the IHA being represented by the IUOE, and it submits that if the structure can accommodate separate representation for those 21 LPNs, it can surely accommodate separate representation for 1,700 LPNs.

91 BCNU further submits that LPNs have a "community of interest" with other nurses and should be permitted to choose to be represented by BCNU if they wish. It submits that the logic of having LPNs represented by the same bargaining agent as other nurses was recognized in the 1995 Dorsey Report. It further submits that the Board has jurisdiction to consider not only the appropriateness of the bargaining unit but also of the bargaining agent (*International Association of Machinists and Aerospace Workers, District Lodge 692 v. United Brotherhood of Carpenters & Joiners of America (CJA), Local 2736 (Millwrights)*, [1993] B.C.J. No. 2673 (B.C.C.A.)).

92 In its response, HEABC disagrees with BCNU that the Board's policy is concerned only with "administrative inconvenience" and not with industrial stability concerns. It notes that the policy is concerned with the proliferation of bargaining agents at a single worksite or location. Accordingly, it submits, the industrial instability that may arise from this proliferation is what the Board must consider. It submits that the presence of multiple bargaining agents at multiple locations of a health authority is not relevant to the Board's consideration and application of the policy.

93 HEABC submits that it continues to support the Board's policy against the proliferation of bargaining agents within a bargaining unit at a single location in the

health sector, with exceptions to be permitted only in compelling circumstances. It submits that the policy is rooted in industrial stability concerns, and is therefore consistent with the Code. It further submits, however, that in this case the Board must take into account the industrial instability that would flow from a decision to dismiss the applications without regard to the results of a representation vote.

94 HEABC submits that the Board must, in adjudicating the appropriateness objections in this case, "balance the risk of industrial instability that would flow from granting the applications against that which would flow from dismissing them without holding and considering the results of representation votes". HEABC submits that if the applications are dismissed as inappropriate without regard for the results of representation votes, "[e]mployers will face instability and disruption in the workplace flowing from the perceived disenfranchisement of 7,000 employees (a group larger than many bargaining units in the province)". It submits that a decision dismissing the applications "without regard to the LPNs' collective view regarding their community of interest with BCNU member nurses will certainly lead to ongoing instability as a result".

95 HEABC notes that the applications appear to be a stepping stone to the BCNU's ultimate goal of uniting LPNs with RNs in a single bargaining unit. However, BCNU cannot simply apply to include the LPNs within the nurses bargaining unit because of the unique bargaining unit structure established under the Act and the narrowly defined scope of the nurses' unit under that legislation.

96 HEABC submits that the Board should "follow its existing policy and jurisprudence in determining appropriateness in this matter, but with due regard to the unique circumstances at play" in this case. It notes that in *BCNU*, the panel found that the BCNU's application to represent LPNs within the communities subsector bargaining unit at various locations within the IHA did not satisfy the "compelling circumstances" exception. In *Certain ERAs* the Board held that the mere fact that employees in the classification of Emergency Room Attendant preferred the BCNU over bargaining agents already certified for the Facilities Subsector at their worksites was "insufficient reason to introduce a new bargaining agent" for the unit at those locations (*Certain ERAs* at para. 31).

97 Accordingly, HEABC submits, similar factors in the present case (such as the unique role of LPNs and their potential preference to belong to BCNU) do not, without more, satisfy the compelling circumstances test: "It is not enough that LPNs may be a cohesive group and prefer BCNU to other unions". HEABC submits that the "potentially distinguishing features" in the present case, "if any", may be:

- the industrial instability risks at hundreds of worksites operated by five health authorities and Providence Health Care that would flow from the perceived disenfranchisement of such a large group of LPNs; and

- the fact that this employee group's ultimate goal is a single nurses bargaining unit given their perceived community of

interest with RNs, with these applications apparently representing a first step toward that goal.

98 HEABC submits it takes no position whether those factors constitute compelling circumstances to depart from the Board's anti-proliferation policy in this case. It submits that its members "face significant industrial instability regardless of the outcome of the Board's deliberations". It concludes on this issue by confirming that it supports the Board's anti-proliferation policy, and urges the Board "to apply the policy with due regard to unique circumstances in these applications and in a manner that is generally consistent with the Board's *Code* section 2 duties".

99 In reply to the submissions of BCNU, HEU submits that, in asking the Board to make an exception to its anti-proliferation policy in this case, BCNU is effectively asking the Board to overturn or ignore the rule, not make an exception to it. With respect to BCNU's argument that an exception should be made because of the number of LPNs affected by the applications, HEU submits that this is not a reason to make an exception but rather a reason to ensure that the policy is applied "with particular vigour". It is all the more important to apply the policy, HEU submits, given the amount of proliferation that would occur if the applications were allowed to proceed and succeeded.

100 With respect to BCNU's argument that the policy is based merely on concerns about administrative inconvenience and not true industrial stability concerns, HEU submits the Board's recent decisions clearly indicate the concern is industrial stability. With respect to the argument that if the current structure can handle separate representation for 21 LPNs, then it should be prepared to handle separate representation for 1,700 LPNs, HEU submits that the current structure is a historical remnant or artefact that survived the creation of the province-wide, multi-employer bargaining units under the Act, and the existence of these remnants does not mean that they should flourish.

101 With respect to BCNU's argument that LPNs share a community of interest with RNs, HEU submits that while LPNs and RNs share a community of interest to some degree, LPNs and other members of the health care "team" in their current bargaining unit also share a community of interest. HEU further notes that the Board has recognized that an appropriate bargaining unit can span a wide variety of employee classifications, and therefore the question of who has the closest community of interest is of limited assistance in deciding bargaining unit appropriateness.

102 With respect to BCNU's argument that it is the most appropriate bargaining agent for the LPNs, HEU disagrees and notes that, other than with respect to craft units, it is for employees to choose which union they wish to represent them.

103 In reply to the submissions of HEABC on this point, BCGEU submits there is no evidence that instability will result from dismissing BCNU's applications on the basis that the proposed unit is inappropriate. It further submits that the Board's long-standing policy is not to determine appropriateness on the basis of employee wishes. In *British Columbia Ferry Corporation*, BCLRB No. B257/97, 39 C.L.R.B.R. (2d) 61, for example,

the Board did not allow an application by the Canadian Merchant Service Guild to carve out a unit of 535 employees from an all-employee bargaining unit in a partial raid application. BCGEU submits that in that case, the Board confirmed its long-standing policy that employee wishes for separate representation is not a determinative factor upon which the Board will fragment an existing all-employee bargaining unit.

104 BCGEU also cites and relies on two other decisions in which the Board declined to grant partial raid applications by the BCNU on the basis that the wishes of the employees did not constitute compelling reasons for allowing fragmentation of the bargaining unit by a partial raid application: *Garden Manor Intermediate Care Home Ltd.*, IRC No. C23/89 and *German Canadian Benevolent Society of B.C.*, BCLRB No. B163/94 (Leave for Reconsideration of BCLRB No. B72/94).

105 The reply submissions of IUOE to the submissions of BCNU and HEABC are congruent with those of HEU and BCGEU. IUOE submits, in addition to the points raised by HEU and BCGEU, that even if BCNU's ultimate goal is a single nurses bargaining unit, this goal is impossible to realize without legislative change. It therefore does not constitute a "compelling circumstance" justifying an exception to the Board's anti-proliferation policy in this case.

b) Single classification unit

106 HEU, BCGEU and IUOE all submit that the bargaining unit sought by BCNU, of employees in the classification of LPN, is inappropriate for bargaining on the Board's established law and policy with respect to bargaining unit appropriateness.

107 HEU notes that not only does BCNU seek to represent only the classification of LPNs, but also it does not seek to represent all LPNs employed in the health sector, only those employed directly by Health Authorities. Accordingly, LPNs employed by health authority "affiliates" are excluded from the applications. HEU submits that therefore, although BCNU claims to want to unite LPNs, in fact the effect of the applications would be to divide LPNs employed by Health Authorities from those employed by affiliates. HEU further notes that BCNU seeks to represent LPNs at one affiliate (Providence Health Care Society) but not others. It submits that this contributes to fragmentation and inappropriateness.

108 HEU further submits that, even leaving aside the question of LPNs employed by health authority affiliates, BCNU's applications cause fragmentation of representation within the Health Authorities, because they seek to carve out a "craft" bargaining unit consisting of only one classification of employee (LPNs). HEU submits that, within the Facilities Subsector, LPNs have been included without exception in the health services and support bargaining unit, along with many other classifications. It submits that BCNU seeks to introduce a new and hitherto unknown craft-type bargaining unit into health care. It further submits that if these applications are permitted, it could promote and encourage a proliferation of units based on classification or job title within the Facilities Subsector, thereby fostering fragmentation of the existing, broad-based unit. HEU submits the Board has said it will not certify a single classification in *Island Medical*

Laboratories Ltd., BCLRB No. B308/93 (Leave for Reconsideration of IRC No. C217/92 and BCLRB No. B49/93), 19 C.L.R.B.R. (2d) 161 ("*IML*") and will not recognize new and previously unknown "craft" units: *Canadian Kenworth, Division of Paccar of Canada Ltd.*, BCLRB No. 22/79, [1979] 2 Can LRBR 64 as cited in *British Columbia Place Ltd.*, BCLRB No. 44/87 (reconsideration of No. 346/84).

109 HEU submits:

> ...the Raid Applications seek units which are at odds with the entire scheme created under the *Health Authorities Act*. The Board prefers broad based units for the purposes of collective bargaining. Moreover, the Board's policy is to restrict the addition of bargaining agents for employers and worksites within the Subsectors. While there may be examples within the Facilities Subsector, the Board has said that these represent a "vestige of the reforms" address[ed] through the *Health Authorities Act*. The *Act* does not contemplate a plethora of units of LPNs consisting of 9 or 44 or 223 employees. This extraordinary proliferation of "craft" units is not consistent with the *Act* or IML principles.

110 BCGEU's and IUOE's arguments on this issue mirror those of HEU. BCGEU notes the panel in *BCNU* stated in part:

> Separate and apart from the foregoing assessment, I find the respondents have raised a powerful argument that granting the applications based on the LPNs' unique qualifications would amount to certifying a "classification-specific" or new "craft type" unit. That result is contrary to well-established appropriateness principles.
>
> From an even broader policy perspective, I find the BCNU's analysis lacks a principled basis to stem the additional fragmentation of existing units along classification lines. I say that because it is fair to infer that the lines between classifications in the health sector are marked by distinct skill sets and qualifications. Examples in the present case include audio metric technicians, support workers, activity workers and administrative support. I accept the UFCW's submission that adopting the BCNU's approach would lead to the inappropriate proliferation of bargaining agents in the health sector. (paras. 24-25)

111 BCGEU endorses this analysis of the issue: a classification-specific unit is inappropriate under *IML*, and permitting it in this case would open up the possibility of additional fragmentation of existing broad-based units along classification lines, an undesirable outcome as it would lead to a proliferation of bargaining agents in the health sector.

112 In response, BCNU disputes that it is seeking to create some new form of "craft unit". It notes that the Act establishes five mandatory bargaining units in the health

sector, and its applications have no effect on that structure. Rather, its applications affect how employees within one of those bargaining units, the Facilities Subsector, are represented and by which bargaining agent. BCNU submits that employees within the Facilities Subsector are already represented by a multiplicity of bargaining agents, including currently three bargaining agents (HEU, BCGEU and IUOE) representing LPNs. It submits that its applications seek to replace those three agents with one agent (BCNU) representing all LPNs employed by a given health authority.

113 BCNU submits a rational and defensible line can be drawn around a sub-unit of LPNs: they have the same skills, interests, duties and working conditions; they are all members of the same profession and operate under the code of ethics and standards of the College of Licensed Practical Nurses of British Columbia; and it is only registrants of the College who may hold the title of "licensed practical nurse". BCNU submits that, in the context of the health sector, the sub-unit of LPNs it seeks is appropriate.

114 In its final reply submission, HEU notes that in *IML* the Board stated in part:

> Indeed, today in British Columbia, an all-employee bargaining unit will include within one collective agreement widely different skills and terms and conditions of employment. ...Within the health-care industry, there are different professional groups with their own self-governing bodies (some national in scope and some established by statute), all included in the same bargaining unit. ... (p. 181)

115 The Board also stated (at p. 184 of *IML*) that it was not appropriate to certify a single classification.

c) Functional Integration

116 BCGEU submits the proposed bargaining units are also not appropriate due to functional integration. It submits that in *Sterling Health Services Corp.*, BCLRB No. B281/2005 ("*Sterling*"), the panel found a unit of LPNs was inappropriate due to functional integration with care aides. BCGEU submits that, for the same reasons as given in *Sterling*, the units applied for here should be found to be inappropriate due to functional integration between the LPNs and nursing assistants/care aides.

117 In response, BCNU submits that "functional integration" is not a relevant consideration because the proposed bargaining units are sub-units of an appropriate bargaining unit (the statutorily mandated Facilities Subsector bargaining unit), and all employees within that unit are represented by the FBA and subject to the Facilities Subsector Collective Agreement. In these circumstances, there is no potential for multiple strikes or lockouts or any of the other industrial stability concerns which would ordinarily arise and which the *IML* criteria, including functional integration, are intended to address.

118 In its final reply, BCGEU does not agree that functional integration is not a relevant factor in determining bargaining unit appropriateness in this case.

d) Analysis and decision on appropriateness issue

119 HEU, BCGEU and IUOE have raised a number of powerful arguments concerning the appropriateness of the bargaining units sought by BCNU in these applications, in particular the argument regarding the Board's general policy against the proliferation of bargaining agents at single sites and the argument regarding the appropriateness of certifying a single classification.

120 With respect to the argument regarding functional integration, I accept that functional integration is ordinarily an important factor in determining bargaining unit appropriateness. However, in the health sector, the unique statutory context must be considered. As indicated above, and as explained in *BCNU* at paras. 9-10, statutory reforms have created a unique, two-tiered bargaining structure in the health sector. The first tier consists of broad, multi-union, multi-employer bargaining units, such as the Facilities Subsector bargaining unit, which are statutorily determined to be appropriate for collective bargaining. Bargaining on behalf of the employees in these units is carried out by statutorily mandated bargaining agents, such as the FBA. The FBA negotiates a single collective agreement which covers all the employees in the Facilities Subsector bargaining unit, regardless of which sub-unit they are in and which union is their second-tier bargaining agent.

121 As explained in *BCNU*, "[t]he second tier concerns the day-to-day administration of the Collective Agreement" (para. 10). Thus, although second-tier bargaining agents administer the Collective Agreement, they are subject to the Articles of Association of the FBA. The FBA, not its individual member unions, controls and negotiates the Collective Agreement. Accordingly, there is no possibility of multiple strikes or lockouts, whipsawing, or other similar forms of industrial instability that would normally result from a multiplicity of bargaining agents.

122 For a time, the Board's decisions suggested that, accordingly, the proliferation of bargaining agents within the first-tier bargaining associations did not raise industrial stability concerns. Subsequently, beginning with the *Certain Biomeds* decision, the Board recognized that some industrial stability concerns do arise where there is a multiplicity of bargaining agents at a single location. However, those concerns do not arise because of functional integration among members of different sub-units. Rather, they arise from the presence of multiple bargaining agents, each attempting to administer the Collective Agreement for its sub-unit of employees on a day-to-day basis.

123 Here, BCGEU makes a bald assertion that there is functional integration between the LPNs covered by BCNU's applications and care aides. It does not present any particulars of this alleged functional integration, instead quoting a passage from *Sterling* in which the panel in that case found, on the particular facts before it, that there was functional integration between LPNs and care aides such that a unit of only LPNs was inappropriate.

124 To the extent BCGEU is submitting that *Sterling* stands for the proposition that functional integration between LPNs and care aides is axiomatic or occurs in every

case, I do not agree with that submission. The decision in *Sterling* is clearly based on the particular facts of that case and does not purport to make any broader finding regarding functional integration between LPNs and care aides in other workplaces. The employer in *Sterling* was a nursing, care and support services contractor whose employees were working in a long-term care facility. There is no reason to assume that the ways LPNs and care aides were integrated in that particular workplace is necessarily representative or identical to how LPNs and care aides work in the many workplaces covered by BCNU's applications. I find I cannot rely on the findings of fact made in *Sterling* to assume functional integration in the present case. In the absence of any particulars or factual assertions to support the claim of functional integration here, I cannot find that it exists.

125 I am prepared to assume that health sector employees, including LPNs, work closely together in providing care and services at the various worksites within the Health Authorities at which LPNs covered by BCNU's applications work. I further assume there is a great deal of team work and co-operation among all employees with respect to ensuring that patients are cared for and other work duties fulfilled. However, in the absence of any factual assertions or particulars of actual instances of functional integration, I am not prepared to infer, merely from the decision in *Sterling*, that there is functional integration between LPNs and care aides in this case, such that BCNU's applications should be found inappropriate on this basis.

126 I turn next to the arguments that it is inappropriate to certify a single classification and that there are no compelling circumstances here to justify an exception to the Board's general policy against proliferating bargaining agents at a single site within a health authority. As noted above, BCNU concedes that it is seeking to certify a single classification, and that it is seeking an exception to the Board's general policy first enunciated in *Certain Biomeds* and subsequently applied in *Certain ERAs* and *BCNU*. It submits that compelling circumstances exist for making an exception to both policies in this case.

127 In my view, the essential policy concerns engaged in this case are the Board's concern for industrial stability, on the one hand, and employee choice as to bargaining agent, on the other. Broadly speaking the Board's appropriateness policies are designed to allow access to collective bargaining while still maintaining industrial stability: *IML*. In this case, LPNs have access to collective bargaining regardless of whether BCNU's applications are allowed. Accordingly, it is not their access to collective bargaining which is being weighed in the balance, but rather their ability or entitlement to choose their bargaining agent.

128 Under the Code, there is recognition that unions should be, as stated in Section 2(c) the "freely chosen representatives of employees". However, this general principle of employee choice as to bargaining agent is to be balanced against other, sometimes conflicting Code principles. There are many circumstances where limitations are placed on the ability of employees to choose to be represented by the union of their choice. Under Section 21, for example, only the recognized craft union can represent employees in a craft bargaining unit. In other cases, employee choice may be limited

by Board policies as to bargaining unit appropriateness, which may require employees to join an existing unit rather than be represented in a separate unit by a different bargaining agent. As stated in *IML*:

> The wishes of employees is [sic] not determinative of the extent of the bargaining unit. The desire of employees to have additional groups included or excluded will not be determinative of bargaining-unit appropriateness... (p. 184)

129 Accordingly, like any Code principle, employee choice as to bargaining agent is limited and constrained by the operation of other competing Code principles. Nonetheless, it is a factor or principle the Board will consider in deciding whether, for example, a raid application should be permitted to proceed. The very presence of Section 19 in the Code clearly indicates there are circumstances in which employees will be permitted to choose to change their current bargaining agent.

130 In the present case, BCNU's Section 19 applications meet statutory requirements in the sense that they are timely and have the requisite threshold support. The only statutory requirement at issue is that they be for "a unit appropriate for collective bargaining", as set out in Section 19(1). That issue boils down to a question of whether they should be barred by Board policies which generally preclude certification of single classifications and proliferation of bargaining agents at a single worksite in the health sector. These policies are based on industrial stability concerns, and the Board has indicated that they are subject to exceptions in compelling circumstances.

131 In the present case, HEABC's position in respect to the applications is based on its overarching concern for maintaining industrial stability at the workplaces of the health sector employers it represents. However, it does not argue for a strict or rote application of the Board's policies to this matter. Rather, it asks the Board to consider whether, in light of arguably unique industrial stability concerns which it submits arise in the particular circumstances of this case, compelling reasons exist to make an exception. It submits (paragraph numbering omitted):

> HEABC continues to support the Board's policy against the proliferation of bargaining agents within a bargaining unit at a single location in the health sector with exceptions permitted only in "compelling circumstances". This policy is firmly rooted in the preservation of industrial stability, and therefore consistent with the *Code* and the priorities of HEABC members impacted by these applications.
>
> However, the Board must also account in these cases for the industrial instability that would flow from a decision to dismiss these applications without regard to the results of a representation vote. In other words, HEABC submits that the Board must, in its adjudication of appropriateness objections in these cases, balance the risk of industrial instability that would flow from granting the applications against that which would flow from dismissing them without holding and considering the results of representation votes.

> In particular, HEABC submits that, should the applications be dismissed as inappropriate without or regardless of the results of representation votes, Employers will face instability and disruption in the workplace flowing from the perceived disenfranchisement of 7,000 employees (a group larger than many bargaining units in the province). The IRO has reported that it appears that threshold has been met at six of the Employers. A decision that dismisses these applications without regard to the LPNs' collective view regarding their community of interest with BCNU member nurses will certainly lead to ongoing instability as a result.
>
> This "catch 22" flows in large part from the fact that these applications appear to be only a stepping stone to the BCNU's ultimate goal to unite LPNs with RNs in a single bargaining unit. ...However, the BCNU cannot simply apply to include the LPNs within the nurses' bargaining unit because of the unique bargaining unit structure established by the *Health Authorities Act* and the narrowly defined scope of the nurses unit under that *Act*.

132 HEABC therefore submits that the Board should "follow its existing policy and jurisprudence in determining appropriateness in this matter, but with due regard to the unique circumstances at play reviewed above". It specifically declines to take a position on whether those circumstances do constitute compelling reasons to make an exception to the Board's existing policies in this case; however, it submits that the "potentially distinguishing features of these applications, if any" are:

- the industrial instability risks at hundreds of worksites operated by five health authorities and Providence Health Care that would flow from the perceived disenfranchisement of such a large group of LPNs; and
- the fact that this employee group's ultimate goal is a single nurses bargaining unit given their perceived community of interest with RNs, with these applications apparently representing a first step toward that goal.

133 In response to these submissions, HEU, BCGEU and IUOE submit that HEABC has provided no factual basis for its concern about alleged industrial instability arising from LPNs being denied an opportunity to vote on BCNU's applications. They further submit that BCNU's "ultimate goal" of uniting LPNs with RNs in a nurses bargaining unit would require legislative change and should not be a basis for finding exceptional circumstances justifying an exception to Board policies in this case.

134 HEU, BCGEU and IUOE further submit that, if BCNU's applications are permitted to proceed, they will encourage further splintering of the existing, broad-based bargaining units in the health sector, which comprise a large number of classifications, into a multitude of sub-units consisting of single classifications. They submit that this will lead to a vast proliferation of bargaining units and agents at single locations, contrary to the Board's general appropriateness policies and principles, which generally

favour broad-based bargaining units encompassing employees in a variety of classifications. They further argue that, far from supporting an exception to the Board's policies in this case, the large number of employees at issue is all the more reason why the Board's policies should be adhered to. If the proliferation of bargaining agents is unacceptable at one or two sites, how much more unacceptable must be the proliferation of bargaining agents at many sites within a health authority.

135 The arguments made by all parties in this matter are lucid and compelling, and the decision is difficult. I find it must turn on the particular – and in my view unique – facts of this case, and how the Board's law and policy under the Code applies to those facts.

136 There is no dispute that, under the Act, the statutorily mandated bargaining units such as the Facilities Subsector can and do contain a multiplicity of bargaining agents representing sub-units of employees at various locations within a health authority. Generally, these sub-units reflect the state of certifications at the time when the Act came into effect. The Board has held that "partial raids" are permitted in these circumstances. Thus, for example, in *4020*, the Board permitted a raid by the Pulp, Paper and Woodworkers of Canada, Local No. 5 on a certification held by IUOE for employees at Dufferin Care Centre working within the Facilities Subsector. The panel in *4020* stated in part:

> Under the statutory scheme created by the Act, industrial instability concerns are addressed through the articles of association: *Central Vancouver Island Health Region*, BCLRB No. B29/2002, at para. 59. The panel in that case went on to comment that the legislative scheme of the Act permits the proliferation of bargaining agents within a unit.
>
> In my view, the approach charted by *Grouseview Home Care Inc.*, *supra*, and later decisions removes from the health sector the underlying rationale for the Board's usual policy regarding partial raids where an applicant union seeks to represent all employees of a single employer. The normal concerns for industrial instability do not arise. There will not be an increase in the number of bargaining agents conducting negotiations and there is no potential for an additional labour dispute. The newly-added union will become a member of the applicable association that will, in turn, negotiate with HEABC on behalf of all its member unions for a single collective agreement covering the entire bargaining unit. (paras. 38-39)

137 In subsequent decisions, the Board either modified, or provided a gloss on, this approach by finding that industrial stability concerns do arise where there is an increase in the number of bargaining agents at a single location within a health authority. Thus, as set out in *4020* and the previous Board decisions it cites, increasing the number of bargaining agents within a statutorily mandated bargaining agent such as the FBA will not create industrial instability concerns at the "first tier" level of collective agreement

negotiations. However, as set out in subsequent Board decisions such as *Certain Biomeds*, *Certain ERAs*, and *BCNU*, it will give rise to industrial stability concerns at the "second tier" level of day-to-day collective agreement administration.

138 Accordingly, as all parties acknowledge, the Board has developed a general policy against the proliferation of bargaining agents at a single site within a health authority. BCNU argues the rationale is primarily administrative inconvenience to the employer as distinct from true industrial stability concerns. It notes that, given the statutory bargaining unit structure, adding bargaining agents with the FBA does not give rise to any greater likelihood of traditional industrial stability concerns such as whipsawing or multiple strikes or lockouts. While this is true, the Board has described the concern as being one of "industrial stability", broadly speaking. I accept the submission of HEABC and others that this is not merely a matter of administrative inconvenience for the employers. Multiple bargaining agents at a single site affect not only the employer but also other unions and employees when issues to do with the administration of the collective agreement arise.

139 Thus, as stated in the original decision in *Certain ERAs*:

> ...the issue is balancing employee wishes as to their choice of bargaining agent with industrial stability concerns. While the Board has indicated in decisions such as *Grouseview* and *CVIHR* that multiple bargaining agents can co-exist at single locations within the health sector, *Certain Biomeds* indicates that the Board may not find proliferating bargaining agents to be appropriate in all cases, depending on the particular factual circumstances. (para. 33)

140 Further, as stated in the reconsideration decision in *Certain ERAs*:

> We confirm that it is the general policy of the Board not to encourage proliferation of bargaining agents in the health industry within a single subsector at a single location. ... (para. 3)

141 The general policy is based on the assumption that a proliferation of bargaining agents within a single health subsector at a single location will tend to give rise to some industrial instability. In the past, the Board has found (in *Certain Biomeds*, *Certain ERAs*, and *BCNU*) that this concern outweighs the wishes of the group of employees in those cases to be represented by the bargaining agents of their choice. However, each of those cases turned on its particular facts.

142 Here, BCNU provides a number of arguments as to why exceptional circumstances or compelling reasons exist to make an exception to the policy in this case. Among other things, it argues that the other cases involved small groups of employees whereas in the present case the wishes of thousands of LPNs are at issue. It further argues that this case is different because there is a purpose to its applications beyond merely acquiring representation rights for employees who may prefer its representation to that of their current bargaining agent. The purpose is to take a step in

the process towards its goal of uniting the representation of all nurses in a nurses bargaining unit.

143 HEU, BCGEU and IUOE argue that the difference in numbers cannot justify a departure from the Board's policy. If anything, they submit, the larger numbers are all the more reason why the Board should adhere to its policy in this case. They further submit that BCNU's "goal" of uniting all nurses will not be achieved by these applications and would require legislative amendment. They submit this is an irrelevant consideration.

144 I accept that the vastly larger number of employees at issue in this case might not, in itself, justify an exception to the Board's policy if, as those opposed to the applications argue, that would merely mean a vastly larger amount of industrial instability due to the proliferation of bargaining agents at single sites. However, I find that in this case the vastly larger number of employees creates another sort of industrial instability, identified by HEABC, which must also be taken into account. HEABC submits that industrial instability arises whether the Board allows or dismisses the applications. If the applications are allowed, and a majority of LPNs at a given health authority vote in favour of BCNU, the result will be an additional bargaining agent at many sites within the health authority. On the other hand, if the applications are not permitted to proceed to a vote, industrial instability will arise from the dissatisfaction of many LPNs at having achieved and demonstrated majority support for BCNU's applications, yet not being permitted to vote on them.

145 HEU, BCGEU and IUOE submit that HEABC has provided no factual basis for its assertion that industrial instability will arise if the applications are dismissed without a vote. However, I am not persuaded that HEABC's concern is fanciful or speculative. I find it reasonable to assume that where, as here, a majority of almost 7,000 LPNs have expressed an interest in changing union representation, and BCNU has achieved threshold support by gathering membership evidence (signed membership cards) from thousands of them within the Code's 90-day time limit, in part on the basis of a promise to seek to include them in a nurses bargaining unit, there may be "industrial instability", broadly speaking, if votes are not permitted on the applications. I therefore accept that there is a counterbalancing industrial instability concern that arises on the particular facts of this case.

146 Thus, I find this case is distinguishable from previous cases such as *Certain Biomeds*, *Certain ERAs*, and *BCNU*. In those cases, industrial stability concerns weighed entirely against employee wishes. On the particular and unusual facts of this case, however, I find industrial stability concerns, as submitted by HEABC, arise whether the applications are granted or denied. If they are granted, the concern arises from the addition of a bargaining agent at single sites within the Health Authorities. If they are denied, the concern arises from the dissatisfaction of LPNs in not being given an opportunity to vote on a change of representation and, potentially, an opportunity to seek united representation with other nurses in a nurses bargaining unit.

147 Thus, it cannot be said in this case, as it could in previous cases, that the interest of employee choice is outweighed by industrial stability concerns. I find the industrial stability concerns in this case neither favour nor outweigh the applications; they are evenly balanced and therefore neutral with respect to granting or denying the applications. As industrial stability concerns are the reason under the Board's "non-proliferation" policy why employee wishes would not be given effect by giving them a chance to vote under Section 19 as to their choice of bargaining agent, I find this is a compelling reason which justifies making an exception to the Board's general policy in this case.

148 With respect to the argument that the Board will not certify a single classification, I again find this case to involve unique circumstances which justify an exception to the Board's general policy. Because of the two-tiered structure of bargaining in the health sector, the primary bargaining unit for collective agreement negotiation purposes remains the FBA. It is essentially unaffected by the number and nature of the sub-units within it. Whether LPNs are represented within a broad-based sub-unit or a sub-unit based on the single classification, their bargaining agent for purposes of collective agreement negotiation, strikes, lockouts, etc., remains the FBA. At the second-tier level of collective agreement administration, there would be an additional bargaining agent administering the collective agreement for LPNs only, if BCNU's applications succeed. However, the terms being administered will be the same, whether they are administered by a bargaining agent representing one classification or many.

149 In these circumstances, I am not persuaded that the applications should be denied merely because of the nature of the bargaining unit applied for (that is, a single classification sub-unit). I am not persuaded this is sufficient reason to deny LPNs the opportunity to vote, as permitted under Section 19, on representation at the second-tier or sub-unit level by either their existing bargaining agent (HEU, BCGEU or IUOE, as the case may be) or BCNU.

150 Having said that, I agree with HEU, BCGEU and IUOE that it would not be desirable for existing broad-based sub-units within the health sector to be "splintered" by applications to represent individual classifications. Decisions applying the Board's general policy such as *Certain Biomeds*, *Certain ERAs* and *BCNU* indicate that generally such applications will not succeed because the interest in giving effect to employee wishes is outweighed by industrial stability concerns. Accordingly, the fact that this case has been found to be an exceptional circumstance should not be taken to suggest that an attempt to hive off the representation of other classifications would likely be successful. On the contrary, the Board's decisions show that generally such applications will be unsuccessful. Exceptionally, on the particular facts of this case, I find industrial stability concerns do not outweigh employee wishes. In this unusual circumstance, I find a compelling reason to make an exception and allow employee wishes to be expressed through a vote on the Section 19 applications.

IV. SUMMARY AND CONCLUSION

151 BCNU's Section 19 applications raised a number of issues and objections which I have considered and decided for the reasons given above. My conclusions can be summarized as follows:

- BCNU is not permitted to withdraw its PHSA application. That application is dismissed and a time bar imposed under Section 19(2) of the Code.

- The employers for purposes of determining threshold support in this case are the Health Authorities, not the individual locations within the Health Authorities for which FBA member unions are certified.

- There were not material misrepresentations which rendered the signing of BCNU membership cards conditional or equivocal.

- The particular factual circumstances of this case give rise to a compelling reason to make an exception to the Board's general policies, and the unit applied for is therefore appropriate for collective bargaining.

152 Accordingly, the objections of HEU, BCGEU and IUOE to BCNU's six applications are dismissed. As it has been determined that there is threshold support for each of BCNU's six applications as required by Section 19(1), a mail ballot vote shall proceed on each of those applications and be counted subject to challenges.

LABOUR RELATIONS BOARD



ELENA MILLER
VICE-CHAIR

Page 687 to/à Page 698

Withheld pursuant to/removed as

s.14;s.13;s.17

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, December 6, 2012 1:58 PM
To: Sheikh, Umar HLTH:EX
Subject: Your approval needed: FW: 2012-11-29_BN_Application to move LPNs to NBA_Draft

Importance: High

Hey Umar,

Did you have a chance to look at this? Kristy is expecting it.

Thanks!
Luba

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, November 29, 2012 4:27 PM
To: Sheikh, Umar HLTH:EX
Subject: 2012-11-29_BN_Application to move LPNs to NBA_Draft

Hi Umar. For your review.

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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-11-29_BN_Applic
to m...

MINISTRY OF HEALTH SERVICES
INFORMATION BRIEFING DOCUMENT

Cliff:

PREPARED FOR: The Honourable Dr. Margaret MacDiarmid, Minister -**FOR INFORMATION**

TITLE: Licensed Practical Nurses (LPN)s' bargaining unit.

PURPOSE: British Columbia Nurses Union's (BCNU) application to the Ministry of Health (the Ministry) to have LPNs transferred to the Nurses Bargaining Association.

BACKGROUND:
Part 3 of the *Health Authorities Act* sets out provisions relating to health sector labour relations. Section 19.4 of the Act creates five statutory bargaining units, including the nurses' bargaining unit (s. 19.4(b)), the health services and support – facilities subsector bargaining unit (s. 19.4(d)) and the health services and support – communities subsector bargaining unit (s.19.4(e)). Membership in the nurses' bargaining unit is limited by the current definition of "nurse" found in the Act which only includes Registered Nurses and Registered Psychiatric Nurses.

The majority of LPNs are currently employed in the facilities subsector bargaining unit while a minority are employed in the communities subsector bargaining unit. In November 2011, the BCNU applied to be certified to represent LPNs employed by the five regional health authorities and Providence Health Care. The Labour Board of British Columbia (LRB) found that the units applied for were appropriate and directed a vote to determine whether LPNs employed by each of the six organizations wished to be represented by the applicant, the BCNU, or by the incumbent bargaining representative.

On October 5, 2012, the LRB announced that LPNs in each of the six organizations had voted to leave their incumbent unions to be represented by the applicant union, the BCNU. As a result, the majority of LPNs are now represented by the BCNU but remain within the facilities subsector bargaining unit. A minority of LPNs within that bargaining unit employed by other health employers continue to be members of other unions and another minority of all LPNs remain employed within the community bargaining unit and as members of unions other than of the BCNU.

The health employers' bargaining agent, Health Employers Association of British Columbia (HEABC), recently reached a tentative agreement with the Nurses' Bargaining Association, of which the largest union is the BC Nurses' Union, for renewal of the collective agreement that expired on March 31, 2012. The term of the tentative agreement is April 1, 2012 to March 31, 2014.

DISCUSSION:
The BCNU has written to Chief Operating Officer at the Ministry requesting that the government move LPNs from the facilities and community subsector bargaining units to the nurses' bargaining unit created under s.19.4(b) of the *Health Authorities Act*. In response, the Ministry has initiated a process of consultation with interested and affected parties. The Chief Operating Officer has designated the Director, Labour Relations and Strategic Initiatives, Umar Sheikh to undertake this consultation process.

We are requesting participation from stakeholders in this process which will result in a recommendation to the Ministry on whether to support one of two options:

- To leave LPNs within their current bargaining units, or
- To relocate LPNs to the nurses' bargaining unit.

FINANCIAL IMPLICATIONS:
There are no fiscal implications to Government as a result of this proposed change to legislation.

CONCLUSION:
As per BCNU's request to the Ministry to move LPNs from the facilities and community subsector bargaining units to the nurses' bargaining unit, the Ministry is initiating a consultation process to assess the appropriateness of amending the definition of "nurse" in the *Health Authorities Act* to include LPNs. This change will permit the inclusion of all LPNs within the nurses' bargaining unit under that Act.

P rogram ADM/Division: Sandra Carroll, Chief Operating Officer
Telephone: 250-952-1556
Program Contact (for content): Umar Sheikh, Labour Relations and Special Initiatives
Drafter: Luba Hazeldine
Date: November 29, 2012
File Name with Path:

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Friday, November 16, 2012 3:42 PM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: union websites

APBC:
FBA Negotiations Resume: http://www.apbc.ca/index.php/news/press-releases/fba-negotiations-resume/

BCNU:
FBA negotiations resume Friday November 16-BCNU gains six FBA voting seats with transfer of 7,200 acute care LPNs to the nurses' union: https://www.bcnu.org/News/news.aspx?page=Bulletins_November 16_2, 2012

BCGEU:
Limited job action continues in Community Health:
http://www.bcgeu.ca/Limited_job_action_continues_in_Community_Health

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, November 15, 2012 3:41 PM
To: Zilkie, Linda HLTH:EX
Subject: FW: URGENT - HAA speaking notes for LRC

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: White, Robyn S HLTH:EX
Sent: Friday, November 2, 2012 8:48 AM
To: Sheikh, Umar HLTH:EX
Cc: Burton, Peter R HLTH:EX; Campbell, Corrie L HLTH:EX
Subject: RE: URGENT - HAA speaking notes for LRC

Thanks Umar – I have incorporated your comment in the speaking points. Any issues please let me know ASAP. Thanks!

Health Authorities Act
s.13,s.17

Page 704

Withheld pursuant to/removed as

s.13;s.17

Cheers,
R.

Robyn White | Manager, Special Legislative Projects | Legislation Unit | Planning and Innovation Division | Ministry of Health | Ph: 250-952-2246/250-508-3005; Fx: 250-952-2205 | 5-1 1515 Blanshard St. Victoria BC V8W 3C8 | Please consider the environment before printing this e-mail.

Budwal, Kiran K HLTH:EX

From:	Sheikh, Umar HLTH:EX
Sent:	Wednesday, November 14, 2012 3:19 PM
To:	Hazeldine, Luba HLTH:EX; Feraru, Loredana HLTH:EX
Cc:	Peter Burton
Subject:	FW: Fw: Consult Email/ Contact List
Attachments:	Nov 14 12 LPN Consult Email.docx; Nov 14 12 LPN Regulation Consultation Tracking Sheet.docx

s.13,s.17

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Peter Burton s.22
Sent: Wednesday, November 14, 2012 2:28 PM
To: Sheikh, Umar HLTH:EX
Subject: Re: Fw: Consult Email/ Contact List

Attached are my substantial suggested revisions in the proposed letter. Mostly it is a reordering of the presentation.

Also attached are my suggestions on the tracking sheet

On Wed, Nov 14, 2012 at 11:51 AM, Sheikh, Umar HLTH:EX <Umar.Sheikh@gov.bc.ca> wrote:

From: Feraru, Loredana HLTH:EX
Sent: Wednesday, November 14, 2012 11:49 AM
To: Sheikh, Umar HLTH:EX
Subject: FW: Consult Email/ Contact List

FYI

See below.

From: Feraru, Loredana HLTH:EX
Sent: Wednesday, October 31, 2012 11:23 AM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: Consult Email/ Contact List

Hello Umar,

Please see attached a draft copy of the consult email .

Let me know if this is what you are looking for- or if it requires any necessary changes.

The only clarification I am needing is if Peter and yourself are planning to come up with the ***questions*** to guide the process or if you would like us to formulate them.

Also attached is the list of contacts to whom the consultation will be going out to.

Please advise if we have missed anyone that needs to be canvassed or if we need to eliminate anyone from the list.

Please note we have added more than one contact per party. Again, advise if we require all or just a selected few.

Hope your having a good day.

Loredana and Luba

Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health

5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.1762 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

Please ase consider the environment before printing this e-mail

s.13,s.17

s.13,s.17

Umar Sheikh
Director of Labour Relations and Strategic Initiatives
Ministry of Health

LPN Regulation Consultation Tracking Sheet:

Stakeholder Group	Key Contacts	Status	Consultation Date	Notes
Health Employers Association Of BC (HEABC)	**Michael Marchbank, President & CEO** Office: 604-714-2277 Cell: 604-219-2927 Email: MichaelM@heabc.bc.ca **Marno McInnes, VP Strategic Negotiations & Contract Administration** Office: 604-742-2581 Email: MarnoM@heabc.bc.ca **Tony Collins, VP Knowledge Management** Office: 604-714-2280 Cell: 778-389-9280 Email: TonyC@heabc.bc.ca **Paul Lim, Industry Lead, Health Authority Services** Phone: 604-714-2287 Email: paull@heabc.bc.ca **Adrienne Hook, Executive Director, Health Authority Services** Phone: 604-742-2582 Email: adrienneh@heabc.bc.ca **Mark Slobin, Executive Director, Legal and Affiliate Services** Phone: 604-714-2283 Email: marks@heabc.bc.ca **Alan Francis, Legal Counsel** Phone: 604-742-2751 Email: alanf@heabc.bc.ca			

Formatted Table

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	Gary Poon, Interim Director, Research and Knowledge Management Phone: 604-714-6370 Email: garyp@heabc.bc.ca			
Fraser Health Authority (FHA)	**Dr. Nigel Murray, President & CEO** Phone: 604-587-4625 Email: Nigel.Murray@fraserhealth.ca **Geoffrey Crampton, VP, People and Organization Development** Phone: 604-587-4670 Email: Geoffrey.Crampton@fraserhealth.ca **Brian Woods, VP, Corporate Services Integration & CFO** Phone: 604-587-4651 Email: Brian.Woods@fraserhealth.ca **Judith Hockney, Director, Surgical Services** Phone: 604-851-4700 ext. 646883 Email: judith.hockney@fraserhealth.ca			
Northern Health Authority (NHA)	**Cathy Ulrich, President & CEO** Phone: 250-565-2155 Email: Cathy.Ulrich@northernhealth.ca **Jane Lindstrom, VP, Human Resources & Corporate Services** Phone: 250-565-2116 Email: Jane.Lindstrom@northernhealth.ca **Mark de Croos, VP, Finance and CFO** Phone: 250-565-2840 Email: mark.decroos@northernhealth.ca **Fred Cummings, Regional Director, Strategic**			

	Labour Relations Phone: 250-649-7040 Email: Fred.Cummings@northernhealth.ca			
Interior Health Authority (IHA)	**Dr. Robert Halpenny, President & CEO** Phone: 250-862-4264 Email: Robert.halpenny@interiorhealth.ca **John G. Johnston, MBA, CHRP, VP, People/Clinical Services** Phone: 250-862-4301 Email: John.Johnston@interiorhealth.ca **Donna Lommer, VP, Residential Services and CFO** Phone: 250-862-4025 Email: Donna.Lommer@interiorhealth.ca **John Bevanda, Corporate Director, Labour & Employee Relations** Phone: 250-870-5859 Email: John.Bevanda@interiorhealth.ca			
Vancouver Island Health Authority (VIHA)	**Howard Waldner, President & CEO** Phone: 250-370-8692 Email: howard.waldner@viha.ca **Dr Lynn Stevenson, VP, People, Organizational Development Practice and CNO** Phone: 250-370-8944 Email: lynn.stevenson@viha.ca **Barb Severyn, Executive Director, People & Organizational Development** Phone: 250-370-8688 Email: Barbara.Severyn@viha.ca **Bill Boomer, VP and CFO**			

	Phone: 250-370-8906 Email: bill.boomer@viha.ca			
Vancouver Coastal Health Authority (VCHA)	**Dr. David Ostrow, President & CEO** Phone: 604-875-4721 Email: david.ostrow@vch.ca **Duncan Campbell, CFO & VP, Systems Development and Performance** Phone: 604-875-4454 Email: DuncanJ.Campbell@vch.ca **Anne Harvey, VP, Employee Engagement** Phone: 604-875-5302 Email: Anne.Harvey@vch.ca **Wayne Balshin, Executive Director, Employee Relations** Phone: 604-889-6194 (blackberry) Email: wayne.balshin@vch.ca **Susan Wannamaker, Chief Operating Officer (Richmond)** Phone: 604-244-5537 Email: Susan.Wannamaker@vch.ca **Mary Ackenhusen, Chief Operating Officer (Vancouver)** Phone: 604-875-4285 Email: mary.achenhusen@vch.ca			
Provincial Health Services Authority (PHSA)	**Lynda Cranston, President & CEO** Phone: 604-675-7497 Email: lcranston@phsa.ca **Michael MacDougall, Executive VP & President, EHSC** Phone:	**Mark Allen is no longer with PHSA**		

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	Email: **Carl Roy, Senior VP** Phone: 604-675-7489 Email: Croy@phsa.ca **Sherry Hamilton, CNO, Government Liaison & Patient Focused Funding** Phone: 604-675-7445 Email: shamilton@phsa.ca **Thomas Chan, CFO** Phone: 604-875-7117 Email: thomaschan@phsa.ca **Tony Arimare, Executive Director of HR for BC Ambulance Service** Phone: 604-660-6008 Email: Tony.Arimare@gov.bc.ca **Les Fisher, Chief Operating Officer, EHSC** Phone: 250-387-1512 Email: Les.Fisher@gov.bc.ca ~~**Mark Allen, Chief Human Resources Officer**~~ ~~Phone: 604-675-7403~~ ~~Email: mallen@phsa.ca~~ **Marion Olynyck, Strategic HR & HR Consulting Services** Phone: 604-524-7512 Email: molynyk@phsa.ca			
Providence Health Care	**Dianne Doyle, President & CEO** Office: 1-604-806-8020 Email: ddoyle@providencehealth.bc.ca	**Add the VP of HR**		

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	David Byres, ***Vice President, Acute Clinical Programs & Chief Professional Practice and Nursing*** E-mail: dbyres@providencehealth.bc.ca			
BC Care Providers Association	**Ed Helfrich, Chief Executive Officer** Phone: 604.736.4233 x 229 Email: ehelfrich@bccare.ca **Maria Capostinsky, Administrative Services Coordinator** Phone: 604.736.4233 x 226 Email: mcapostinsky@bccare.ca			
BC Nurses' Union (BCNU)	**Debra McPherson, President** Office: 604- 433-2268 local 2144 Cell: 604-209-4253 Email: dmcpherson@bcnu.org **Gary Fane, Executive Director, Negotiations and Strategic Development** Office: 604-433-2268, ext 2153 Cell: 604-786-6224 Email: gfane@bcnu.org			
Hospital Employees Union (HEU)	**Ken Robinson, President** Direct Phone: 604-456-7003 Email: Krobinson@heu.org **Bonnie Pearson, Secretary-Business Manager** Direct Phone: 604-456-7001 Cell: 604-802-9775 Email: bpearson@heu.org **Chris Kinkaid, Director of Research** Phone: 604-456-7060 Email: ckinkaid@heu.org	Add Jacquie D		

Health Sciences Association Of BC (HSA)	**Reid Johnson, President** Office: 604-439-0994 ext. 522 Cell: 604-828-7848 Email: rjohnson@hsabc.org **Jeanne Meyers, Executive Director, Legal & Labour Relations** Office: 604-439-0994 ext 518 Cell: 778-877-6857 Email: jmeyers@hsabc.org			
BC Government & Service Employees' Union (BCGEU)	**Darryl Walker, President** Office: 604-291-9611 Cell: 604-312-8364 Email: Darryl.Walker@bcgeu.ca	**Add David Vipond and David Strieb**		
Union of Psychiatric Nurses	**Doug McLaren, Director, Operations and Member Services** Office: 604-530-9253 Email: dmclaren@telus.net **Dan Murphy, President** Office: 604-530-9253 Email: pres.upn@telus.net			
College of Registered Nurses of BC	**Cynthia Johansen, Registrar/CEO** Phone: 604.736.7331 ext. 322 General inquiries: ceo@crnbc.ca **Katherine Graham, Director, Human Resources & Organization Development** Phone: 604.736.7331 ext. 116 Department inquiries: humanresources@crnbc.ca **Christine Penney, Director, Policy, Practice & Quality Assurance** Phone: 604.736.7331 ext. 335 Department inquiries: policy@crnbc.ca			

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College of Registered Psychiatric Nurses of BC	**Kyong-ae Kim, Executive Director/Registrar** Office: 1.604.931.5200 Email: kkim@crpnbc.ca **Mary Ann Machado, Manager of Regulatory Services** Office: 1.604.931.5200 Email: mmachado@crpnbc.ca			
College of Licensed Practical Nurses	**Carina Herman, Executive Director/Registrar** Phone: 778.373.3311 Office: 778-373-3100 Email: cherman@clpnbc.org			

Are LPNs in any other unions? – CUPE, others? If so, they should be added to the consultation list.

I would also canvas the consultation list with Trevor (despite his concerns about the questions).

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Budwal, Kiran K HLTH:EX

From: Hillebrandt, Kathie A HLTH:EX
Sent: Wednesday, September 19, 2012 1:15 PM
To: Sheikh, Umar HLTH:EX
Subject: URGENT - LPN Note

Umar, can you send me the LPN note you recently did for Sandra.

Kathie Hillebrandt

Executive Coordinator
Office of the Chief Operating Officer
Ministry of Health
5th Floor, 1515 Blanshard Street
Victoria, BC V8W 3C8

Phone: (250) 952-3572 Fax: (250) 952-1390
E-mail: Kathie.Hillebrandt@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Monday, October 29, 2012 10:10 AM
To: Feraru, Loredana HLTH:EX; Hazeldine, Luba HLTH:EX
Subject: FW: TOR for LPN consultation
Attachments: Document2.docx; ATT00001.txt

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Peter Burton [mailto:s.22]
Sent: Sunday, October 21, 2012 9:59 PM
To: Sheikh, Umar HLTH:EX
Cc: Kearney, Sharon JAG:EX
Subject: TOR for LPN consultation

LPN CONSULTATION

TERMS OF REFERENCE

The BC Nurses' Union ("BCNU") represents approximately 80% of the Licensed Practical Nurses ("LPNs") employed by health care employers designated as members of the Health Employers' Association of BC ("HEABC"). The majority of these nurses are members of the health sector services support – facilities subsector bargaining unit created under s. 19.4(d) of the *Health Authorities Act*. A minority of LPNs are members of the health sector services support – community subsector bargaining unit created under s. 19.4(c) of the *Health Authorities Act*.

On October 7, 2012, the BCNU wrote to the Chief Operating Officer ("COO") of the Ministry of Health requesting that the government relocate LPNs from the facilities and community subsector bargaining units to the nurses' bargaining unit created under s. 19.4(b) of the *Health Authorities Act*. The COO has designated the Director, Labour Relations, Ministry of Health, Umar Sheikh to undertake a preliminary review of the position of the parties and to make a recommendation to her as to options available to the Ministry. Legal counsel will assist him as he determines to be necessary.

TERMS OF REFERENCE

1. To consult with interested and affected parties identified below and to hear their views on the health service delivery and labour relations implications of transferring Licensed Practical Nurses from the facilities and community subsector bargaining units to the nurses bargaining unit or of leaving LPNs in their current bargaining units. Parties to be consulted include:

    - Health employers including HEABC, regional health authorities, provincial Health Services Authority, Providence Health Care, BC Care Providers and others identified by the Director, Labour Relations
    - Unions including the unions that are members of the Nurses Bargaining Association, the Facilities Bargaining Association, the Community Health Bargaining Association and the Health Sciences Paramedical Bargaining Association
    - Regulators including the College of Nurses of BC, the College of Psychiatric Nurses of BC and College of Licensed Practical Nurses
    - Any other organization r individual that the reviewer deems to be appropriate for consultation.

2. To report to the Chief Operating Officer of the Ministry of Health by November 15, 2012 or such other date established by the COO with:

    (a) A summary of the consultations

(b) A recommendation as to the terms under which the Ministry of Health should consider advising government to proceed to either leave LPNs within their current bargaining units or relocate LPNs to the nurses' bargaining unit, all as established under the *Health Authorities Act.*

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, October 25, 2012 1:58 PM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: union websites

BCNU:

- BCNU recommends FBA members abstain from casting ballot in strike vote-BCNU LPNs were not consulted in the decision to take a strike vote, FBA needs to be rebalanced based on changed LPN representation: https://www.bcnu.org/News/news.aspx?page=Bulletins_October%2024_1,%202012

HSA:

- Working together against workplace violence: HSA sponsors international conference: http://www.hsabc.org/viewBulletins.php?nid=1453&cat=
- Labour College of Canada - 2013 Intensive Program - A College for Workers - A Legacy of Leadership: http://www.hsabc.org/viewBulletins.php?nid=1454&cat=
- 2013 Canadian Labour Congress Winter School: http://www.hsabc.org/viewBulletins.php?nid=1452&cat=

BCGEU:

- BCGEU reaches impasse with LifeLabs – strike vote to happen: http://www.bcgeu.ca/lifelabs121024

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Friday, October 19, 2012 4:40 PM
To: Sheikh, Umar HLTH:EX
Cc: Feraru, Loredana HLTH:EX
Subject: union websites

FBA:
Facilities negotiations will continue Friday: http://www.apbc.ca/news/paramedics-in-the-news/facilities-negotiations-will-continue-friday/

CBA:
Community Health Bargaining Update - Oct 19: http://www.bcgeu.ca/CH-update-121019

Flu Policy:
HSA challenges flu shot policy: http://www.hsabc.org/viewBulletins.php?nid=1447&cat=

NBA:
Nurses' Bargaining Association ratifies new provincial contract:
http://www.hsabc.org/viewBulletins.php?nid=1448&cat=

HSPBA:
Health science professionals bargaining focuses on wellness:
http://www.hsabc.org/viewBulletins.php?nid=1449&cat=

LPN:
LPN Election Reminder: Deadline for Nominations is October 19:
https://www.bcnu.org/News/News.aspx?page=Bulletins_October%2017_2,%202012

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596

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Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, October 18, 2012 9:40 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: union websites

NBA:

- RPN Tentative Agreement: Where to vote on Thursday, October 18: http://www.hsabc.org/viewBulletins.php?nid=1446&cat=
- Information meetings re: nurses tentative agreement Tuesday October 16: http://www.hsabc.org/viewBulletins.php?nid=1443&cat=
- Nurses to regain full access to Paramedical Benefits coverage: https://www.bcnu.org/pdfs/Bulletins/2012/pdfs/BULLETIN_086.pdf

FBA:

- Health employers, government running out the clock at Facilities table: http://www.bcgeu.ca/node/11309
- LPNs are invited to attend BCNU's December 7 human rights conference: https://www.bcnu.org/News/News.aspx?page=Bulletins_October%2017_1,%202012
- BCNU to review FBA strike vote and bargaining committee representation: https://www.bcnu.org/News/News.aspx?page=Bulletins_October%2015_2,%202012
- LPN Transition Bulletin 1: https://www.bcnu.org/News/News.aspx?page=Bulletins_October%2015_1,%202012

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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Page 725 to/à Page 727

Withheld pursuant to/removed as

s.14;s.13

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 16, 2012 9:20 AM
To: 'john.bevanda@interiorhealth.ca'
Subject: Fw: media highlights

From: Hazeldine, Luba HLTH:EX
Sent: Thursday, August 16, 2012 09:16 AM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: media highlights

Bargaining - Health Sector
top

BCNU publishes false statements
Hospital Employees' Union
Wednesday, August 15, 2012

By Mike Old

Copyright

Copyright

CHNL, Wednesday, August 15, 2012 12:01
By CHNL

Copyright

Doctors do not need unions
National Post
Thursday, August 16, 2012
Page A11
By Dr. Warren Hindle

Copyright

On health care
Globe and Mail
Thursday, August 16, 2012
Page A14
By Paul Moist

Copyright

BCGEU claims off base
100 Mile House Free Press

To the editor:

Copyright

Budwal, Kiran K HLTH:EX

From: Hazeldine, Luba HLTH:EX
Sent: Tuesday, October 9, 2012 3:58 PM
To: Sheikh, Umar HLTH:EX; Feraru, Loredana HLTH:EX
Subject: union website updates

BCNU:

- Licensed Practical Nurses vote decisively to change unions and join the BC Nurses' Union: https://www.bcnu.org/News/news.aspx?page=Bulletins_October%205_1,%202012

HSA:

- Message from the President: Too high a price: HSA urges registered psychiatric nurses to vote "NO" to nurses' tentative agreement: http://www.hsabc.org/webuploads/newsitems/NBA/2012/120404_nurses_info_kit___web__2_.pdf
- Telephone town hall meetings set Wednesday for information about the tentative nurses' deal: http://www.hsabc.org/viewBulletins.php?nid=1439&cat=
- Two weeks scheduled for health science professionals bargaining: http://www.hsabc.org/viewBulletins.php?nid=1441&cat=

LPN Cafe:

- LPNs vote to join the BC Nurses Union in historic 69% vote!: http://lpncafe.ca/

Luba Hazeldine, BSc, MPA
Research Analyst | Labour Relations and Special Initiatives |
Office of the Chief Operating Officer | Ministry of Health |
5-1515 Blanshard Street | Victoria, BC| V8W 3C8 | Ph: 250.952.3596



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Page 733

Withheld pursuant to/removed as

s.14;s.13;s.17

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Friday, September 28, 2012 10:27 AM
To: Burton, Peter R HLTH:EX
Subject: Fw: LPN vote update

From: Corwin, Lucas A PSEC:EX
Sent: Friday, September 28, 2012 10:26 AM
To: Hughes, Trevor LBR:EX; Hull, Deborah PSEC:EX; Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Subject: Re: LPN vote update

Here we go. Thanks for the heads up.

From: Hughes, Trevor LBR:EX
Sent: Friday, September 28, 2012 10:25 AM
To: Corwin, Lucas A PSEC:EX; Hull, Deborah PSEC:EX; Patterson, Ted PSEC:EX; Sheikh, Umar HLTH:EX
Cc: Ayers, Jake LBR:EX; Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Subject: LPN vote update

Hi all – quick update for you that the challenges to the LPN ballots are resolved. The LRB has given direction to the ESB to count the ballots. The plan is that is to happen next week (Oct 4 and 5).
T.

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Tuesday, September 25, 2012 1:41 PM
To: Burton, Peter R HLTH:EX
Subject: Fw: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log # 47)
Attachments: LPNABC - Hon. Dr. M. McDiarmid - Sept 10, 2012.pdf

Importance: High

From: Moir, Lindsay HLTH:EX
Sent: Tuesday, September 25, 2012 01:39 PM
To: Hazeldine, Luba HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: FW: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)

Hi there,

It looks like this one got lost in the shuffle – I apologize.

Could I please get you to review this request and provide me with a response before end of day – the MO is asking for this.

Again, I'm sorry I didn't get this to you sooner.

– Lindsay Moir

Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556


THINKHEALTHBC.CA


@ThinkHealthBC

From: Docs Processing HLTH:EX
Sent: Tuesday, September 25, 2012 1:27 PM
To: Moir, Lindsay HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX; Docs Processing HLTH:EX; Casanova, Tamara HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

The MO is asking about this one. Please follow up with staff as this is now due.

Thanks,

1

Kathy Simonson
Program Coordinator / Documents Processing Unit / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Docs Processing HLTH:EX
Sent: Friday, September 21, 2012 9:34 AM
To: Moir, Lindsay HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX; Docs Processing HLTH:EX
Subject: MO MEETING ADVICE: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C. - due Tuesday, September 25th (Cliff 943304/DMA Log #47)
Importance: High

Please assign to staff to provide meeting advice for the MO regarding the request below, received from the Licensed Practical Nurses Association of BC. At this point the MO is only asking for a "yes or no" response, with a very short explanation statement. Depending on the recommendation of staff, we may assign for material at a later date.

I would appreciate receiving the approved info by Tuesday, September 25th.

Hopefully this request can be completed via email, but if an assignment folder is required, please let us know.

Thanks,

Kathy Simonson
Program Coordinator / Documents Processing Unit / Ministry of Health
5-2 1515 Blanshard St, Victoria BC V8W 3C8
Telephone 250 952-1811

kathy.simonson@gov.bc.ca

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From: Normand, Nicole HLTH:EX
Sent: Thursday, September 20, 2012 12:11 PM
To: Docs Processing HLTH:EX
Cc: Casanova, Tamara HLTH:EX
Subject: MINISTRY ADVICE: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi,
s.13,s.17

Thanks.

Nicole Normand, Administrative Coordinator
Office of the Honourable Margaret MacDiarmid
Minister of Health

Phone: (250) 387-1243
Email: Nicole.Normand@gov.bc.ca

From: Haak, Bethany HLTH:EX
Sent: Wednesday, September 12, 2012 3:40 PM
To: Normand, Nicole HLTH:EX
Subject: FW: Cliff 943304 - Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

Hi Nicole,

I'm forwarding you a meeting request which has been logged under Cliff 943304.

Thanks!

Bethany Haak
Correspondence Coordinator | Minister and Deputy Minister's Correspondence | Ministry of Health | 5-2, 1515 Blanshard Street, Victoria, BC, V8W 3C8
Phone: 250.952.1576 | Fax: 250.952.1014 | bethany.haak@gov.bc.ca Please consider the environment before printing this email

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From: Minister, HLTH HLTH:EX [mailto:HLTH.Minister@gov.bc.ca]
Sent: Tuesday, September 11, 2012 12:47 AM
To: Health, HLTH HLTH:EX
Subject: FW: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High

From: Richelle Drinovz[SMTP:MOTHERV@SHAW.CA]
Sent: Tuesday, September 11, 2012 12:46:23 AM
To: MacDiarmid,MLA, Margaret LASS:EX; Minister, HLTH HLTH:EX
Cc: PROREGADMIN HLTH:EX; Stewart, Sharon A HLTH:EX; Miniaci, Mario FIN:EX; info@lpnabc.ca
Subject: Congratulations on Behalf of the Licensed Practical Nurses Association of B.C.
Importance: High
Auto forwarded by a Rule

Good Morning Honorable Dr. MacDiarmid;

Enclosed please find sincere best wishes to your new appointment as Minister of Health.

The Licensed Practical Nurses Association is looking forward to building a collaborative working relationship with you and the Health Ministry.

Regards,

Richelle Drinovz

Richelle Drinovz LPN
President
Licensed Practical Nurses Association of B.C.

9912 Lougheed Highway
Burnaby, B.C.
V3J 1N3
Phone: 604-434-1972 e-mail: www.president@lpnabc.ca

Information from ESET NOD32 Antivirus, version of virus signature database 7464 (20120910)

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

Licensed Practical Nurses Association of British Columbia
9912 Lougheed Hwy, Burnaby, B.C. V3J 1N3

September 10, 2012

Honorable Dr. Margaret MacDiarmid
Minister of Health
Room 346, Parliament Buildings
Victoria, BC V8V 1X4

Email: hlth.minister@gov.bc.ca
margaret.macdiarmid.mla@leg.bc.ca

Dear Honorable Dr. MacDiarmid;

The Licensed Practical Nurses Association of B.C. would like to first congratulate you on your new appointment as the Minister of Health. The LPN Association has been actively working with the Ministry of Health in promoting and advocating on behalf of the Licensed Practical Nurses in BC to be fully optimized in our professional practice.

The Association would like to a meet with you to introduce ourselves to you and provide a summary of the work we have been doing over the past 61years as the official association for LPNs professional practice.

The LPN Association has presented future human resource planning briefing notes concerning the newly updated PN Curriculum (Practical Nurse Education Project, 2011) to Hon. Mr. de Jong, QC. We would be more than willing to review our mandate and proposals with you at your earliest convenience.

We also have presented concerns regarding the absence of LPN consultations and participation relating to the college's submissions to the Ministry regarding the Nurses (Licensed Practical) Regulation update. The Association understands that CLPNBC is the legislative regulatory body that is accountable for this work; however the Association also would like to participate in this process to ensure that LPN scope of practice aligns with the National Standards for Practical Nurses.

LPNABC would like to support the Ministry, and provide an external consultation to the upcoming regulation proposal. LPNABC is advocating for an acceptable proposal that will fully utilize the LPN workforce currently and a transition plan for the implementation of the new competencies that are now included the 2011 PN curriculum.

We look forward to hearing from you.

Sincerely,

Richelle Drinovz
Richelle Drinovz, President
On Behalf of the LPNABC Executive Board Member

Licensed Practical Nurses Association of British Columbia
9912 Lougheed Hwy, Burnaby, B.C. V3J 1N3

cc:

- LPNABC Board Members; info@LPNABC.ca
- Sharon Stewart, Executive Director, HHRP; Sharon.Stewart@gov.bc.ca
- Mario Miniaci, Executive Assistant to Minister of Health Mario.Miniaci@gov.bc.ca
- Daryl Beckett, Director of Professional Regulations PROREGADMIN@gov.bc.ca

Page 741 to/à Page 745

Withheld pursuant to/removed as

s.13;s.17

Budwal, Kiran K HLTH:EX

From: Feraru, Loredana HLTH:EX
Sent: Thursday, September 20, 2012 2:40 PM
To: Carroll, Sandra HLTH:EX
Cc: Sheikh, Umar HLTH:EX
Subject: Speaking Points
Attachments: Speaking Points-2012-09-20.docx

Good afternoon Sandra,

As per Umar's request, please see attached the formatted speaking points.

Please contact me if you have any questions.

Thank you,
Loredana

Loredana Feraru, MA |Senior Policy Analyst | Labour Relations and Special Initiatives |Office of the Chief Operating Officer|Ministry of Health
5-3 1515 Blanshard Street | Victoria, BC| V8W 3C8 | P: 250.952.1762 |E: loredana.feraru@gov.bc.ca| @ThinkHealthBC

Please ase consider the environment before printing this e-mail

Sandra Carroll- Labour Presentation-Speaking Points

Slide 1

The following provides an update of negotiations with the Nurses Bargaining Association and outlines a framework for a potential deal. As we move through the presentation key decision points around term of the deal, wages, and legislative changes will be discussed.

Slide 2

As you can see the nurses have done fairly well in the past 11 years of bargaining. Of particular note is the cumulative increase the nurses received in 2009- prior to the net zero mandate. As you can imagine, this caused a great deal of strife amongst the other unions who were mandated to settle at 0 and 0.

Slide 3

- **Four Year Agreement Expiring March 31, 2016**
  - Labour stability

- **Compensation Increases:** ***A%, B%, C%, D%***
  - Low compensation increases

- **Joint Committee on Workload and Retraining**
  - There are a number of challenges in our healthcare system some of which are endemic of increased population age and subsequent acuity – some of which is systemic based on aging infrastructure and outdated management policies.

  - This committee will examine both of these challenges with a focus on the nursing professions and make recommendations on how the collective "we" can move forward and provide better care for British Columbians.

- **Benefit Cost Reform**
  - Pharmacare tie in decreases drug costs by utilizing generics where possible. Also included will be an education component for nurses to learn how to better manage benefit utilization – this education will be followed by the implementation of a flex benefit model similar to that of excluded public service employees. This model will put the onus of benefit choice and management back onto the employee.

- **Increased Work Week**
  - Currently at 36 hours of work per week. You will recall that in the 2004 legislated settlement with the Facilities Bargaining Association – an increased work week of 37.5 was imposed.

  - By making this part of the nurses' settlement we are better aligning the delivery of health care services. In addition, we are realizing savings in the Health Authority of overtime costs and orientation costs.

- **Infusion of New Nurses into the System**
    - Ministry demand projections indicate that between 2012 and 2016 there will be a 2.08% increase in new nurses. This equates to xxx FTE's.

    - We believe that this is a fairly conservative number and feel that the risk of codifying the number in an aggregate form across the health system is low. This will also benefit better patient care and decrease workload capacity issues within the nursing profession.

- **Elimination of Sick Leave Payout for New Hires**
    - Currently employees with accumulated sick time are paid out at 40% of the value of their accumulated bank upon retirement.

    - We believe that sick time should be used for when the employee is sick and not be used as a retirement benefit.

    - We have thus, proposed eliminating the payout of these back beginning after date of ratification for all new nurse hires in the system. We believe that this will generate substantial savings in the future.

- **Reduction of Vacation Allotment for New Hires**
    - Reduces the amount of vacation an employee hired after date of ratification is entitled to 15 days in year 1 (formerly 20) to a maximum of 30 days after 19 years of service or more (formerly 45).

    - We believe that this will contribute to a more efficient system for the employer (less scheduling and backfilling) and will also generate savings.

- **Amend definition of "Nurse" in section 19.1 of Health Authorities Act to include Licensed Practical Nurses**
    - Licensed Practical Nurses'(LPN's)Background :
        - BCNU unsuccessful raid attempt on HEU/BCGEU for LPN's in 2009/10
        - Second raid attempt now underway
        - Covers ~6650 LPN's in five Health Authorities & Providence Health Care
        - LRB vote results expected in October
        - BCNU expected to win at least 5 out of 6 sites
        - If BCNU wins they have asked that we amend the definition of "nurse" to include LPN's – they by effectively moving all LPN's in the province to the Nurses Bargaining Association.

Slide 4

- **Move LPN's from the Facilities Bargaining Unit to the Nurses Bargaining Unit**

- **Facilitates Improvements in Health Authority Skill Mix Planning**
    - Health Authorities use a variety of skill mixes to meet patient care needs. In the nursing profession this very often means a decision on when to use an RN (more expensive) or an LPN (less expensive).

    - There has been a degree of friction between the HEU (currently represents the LPN) and the BCNU (which may represent LPN's in the near future).

    - With BCNU representing both types of nurses this will decrease friction and help alleviate the staffing strife between RN's and LPN's.

- **Aids in the Development of Divisible and Safe Scope of Practice Definitions. – Clear Scope of Practice definitions for LPN's has not yet been fully developed**
    - At a high level the main difference between the two scopes is in the depth and breadth of the knowledge and clinical judgment of RN's.

    - Currently LPN's deal with clients who have predictable outcomes and when conditions become unpredictable care is turned over to the RN. However, there have been many cases where the scope of practice for both becomes overlapped due to staffing decisions based on collective agreement provisions, budget pressures, and staff availability.

    - With the inclusion of LPN's into the Nurses Bargaining Association – the two types of nurses can work together to help develop clear and safe scope of practice distinctions without barriers through either collective agreements or bargaining associations.

- **Allows for more efficient administration of nurse profession through one collective agreement/ bargaining unit**

- **Places pressure on current wage differential between LPN's and RN's**
- **Minimum rate ~6.70**
- **Maximum rate ~$28**
    - The BCNU has already started hinting that they believe the wage differential between LPN's and RN's is too great given the current practice overlap. If the LPN's are moved into the Nurses Bargaining Association this will be a focus of the next bargaining round.

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, September 20, 2012 12:50 PM
To: Carroll, Sandra HLTH:EX
Subject: Document2
Attachments: Doc2.docx

Very crude formatting- Loredanna will be cleaning it up

Slide 1

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ratification for all new nurse hires in the system. We believe that this will generate substantial savings in the future.

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Slide 4

- **Moves LPNs from the Facilities Bargaining Unit to the Nurses Bargaining Unit**
- **Facilitates improvements in Health Authority skill mix planning** – Health Authorities use a variety of skill mixes to meet patient care needs. In the nursing profession this very often means a decision on when to use an RN (more expensive) or an LPN (less expensive). There has been a degree of friction between the HEU (currently represents the LPN) and the BCNU (which may represent LPN's in the near future). With BCNU representing both types of nurses this will decrease friction and help alleviate the staffing strife between RN's and LPNs.

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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, September 19, 2012 1:46 PM
To: Carroll, Sandra HLTH:EX
Cc: Hillebrandt, Kathie A HLTH:EX
Subject: FW: LPN background
Attachments: LPN background.docx

No worries.

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Sheikh, Umar HLTH:EX
Sent: Thursday, July 19, 2012 6:34 PM
To: Carroll, Sandra HLTH:EX
Subject: LPN background

s.13,s.17

Licensed Practical Nurses in B.C - Confidential Draft for Discussion Only.

Background:

- There are approximately 42,500 facilities health care workers in the Facilities Bargaining Association (FBA). The largest groups of facilities bargaining employees include Care Aides, followed by LPNs. (Approx. 7000 LPN's)
- Since 2001, the number of LPNs practicing in B.C. has increased by 145 percent with approximately 11,300 LPNs practicing in B.C. today.
- Since 2006, LPNs in the FBA have received wage increases of 23.33 percent while the rate of inflation (BC Consumer Price Index) during this period was 9.65 percent.
- In 2011, the average annual total compensation for one full time LPN was $73,589 (including wages and benefits).
- In late 2011, the BC Nurses Union (BCNU) made an application to the Labour Relations Board (LRB) for certification to represent Licensed Practical Nurses (LPNs) in the Facilities Subsector. The application covered approximately 7,000 LPNs at more than 150 health care facilities across B.C.
- The vote will determine union representation on a health authority by health authority basis. This means LPNs may be represented by different unions at different health authorities.
- The current application would see LPNs represented by BCNU but still covered by the Facilities Collective Agreement/Facilities Bargaining Association. However if the vote is successful, BCNU could next be expected to seek government action to move LPNs to the nurses bargaining unit by amending the definition of "nurse" in Section 19.1 of the Health Authorities Act to include LPNs.
- A successful vote would be a substantive win for BCNU, which has invested significant financial resources on the raid over 3 years. BCNU would also gain significant membership revenue for signing up LPNs.
- Having LPNs move into the Nurses Bargaining Association (NBA) is the ultimate goal for BCNU making BCNU the sole voice of nurses, increasing their influence and power at the bargaining table, and simplifying bargaining and collective agreement administration.
- The vote closed on June 25th 2012 and applications to LRB around counting rules/voting irregularities are currently being heard.
- It is expected that the results of the LPN vote will be made public by late August/early September 2012.

Discussion/Advice:

s.13,s.17

s.13,s.17

s.13,s.17

Page 758 to/à Page 768

Withheld pursuant to/removed as

s.14;s.13;s.17

Page 769 to/à Page 785

Withheld pursuant to/removed as

s.14;s.13

Budwal, Kiran K HLTH:EX

From:	Sheikh, Umar HLTH:EX
Sent:	Thursday, August 9, 2012 5:55 PM
To:	'marnom@heabc.bc.ca'
Subject:	Fw: 940232 - Letter from Gary Fane RE: LPN representation in bargaining
Attachments:	940232 - Gary Fane INCOMING.pdf

From: Moir, Lindsay HLTH:EX
Sent: Thursday, August 09, 2012 02:19 PM
To: Sheikh, Umar HLTH:EX
Cc: Hazeldine, Luba HLTH:EX
Subject: 940232 - Letter from Gary Fane RE: LPN representation in bargaining

Hey there,

We received this incoming letter today in the mail. I've cliffed it and attached; Let me know how you'd like to proceed.

Luba, I have the letter here on my desk once Umar gives instructions.

Thanks,

- *Lindsay Moir*
Office of the Chief Operating Officer | Sandra Carroll
Ministry of Health
5-3 1515 Blanshard St, Victoria BC V8W 3C8
Email: lindsay.moir@gov.bc.ca
Phone: (250) 952-1556
THINKHEALTHBC.CA
@ThinkHealthBC

940232

BRITISH COLUMBIA NURSES' UNION

FILE: No.

August 2, 2012

RECEIVED
AUG 0 9 2012
Ministry of Health Services
COO Office

Sandra Carroll
Chief Operating officer
Ministry of Health
5-3-1515 Blanchard Street
Victoria, BC V8W 3C8

sandra.carroll@gov.bc.ca

Dear Ms. Carroll,

Thank you for our July 26, 2012 meeting. I write to follow up on our discussion about the process for ensuring that Licensed Practical Nurses (LPNs) are effectively represented in bargaining as soon as the results of the vote are announced.

As you are aware LPNs are currently a minority in a bargaining association of support workers. Once the BCNU assumes representation, they will be a minority in a bargaining association where the lead union no longer represents them. In our option this is not an appropriate situation for these nurses. BCNU will work hard to represent LPN interests in the FBA but the parties will lose the opportunity to negotiate comprehensive solutions that include all nurses.

We believe the best approach is to bring LPNs into the Nurses' Bargaining Association through a legislative change to the definition of "nurse" in the *Health Authorities Act*. This would reflect the reality that LPNs are nurses and allow a single set of bargaining on behalf of all nurses. We recognize however, that this legislative change may not be possible in time to include LPNs in this round of NBA bargaining.

Section 19.5 of the *Health Authorities Act* provides a mechanism for an interim solution.

> *The minister charged with administration of the Code, on application or on the minister's own motion, and after the investigation considered necessary or advisable, may direct the labour relations board to*
>
> *(a)* ***add a bargaining unit as an appropriate bargaining unit,*** *or*
> *(b) consolidate 2 or more appropriate bargaining units.*

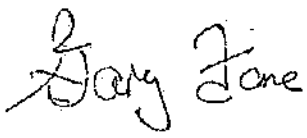
4060 REGENT STREET, BURNABY, B.C. V5C 6P5 / 604-433-2268 / FAX 604-433-7945 / TOLL FREE 1-800-663-9991

A separate independent bargaining unit for LPNs, where BCNU is the lead union, would allow all parties to move forward with certainty over the representation and bargaining structure for LPNs and would facilitate the negotiation of provisions that make sense for all nurses. Both health care policy and industrial relations interests are compelling reasons for the Minister to exercise her discretion to add a bargaining unit for LPNs once the vote results are announced.

Thank you for your consideration. I look forward to further constructive discussions.

Have a good holiday.

Sincerely,
BRITISH COLUMBIA NURSES' UNION



Gary Fane
Executive Director of Negotiations & Strategic Development

GF/jab 10475

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Tuesday, July 24, 2012 9:09 AM
To: Kuzio, Clint HLTH:EX; McDonald, Shannon M HLTH:EX
Subject: FN Health Authority

Hi Guys,
s.13,s.17

Thanks a bunch,

Umar

Page 790 to/à Page 793

Withheld pursuant to/removed as

s.14;s.13

Patterson, Ted HLTH:EX

From: Bethel, John HLTH:EX
Sent: Tuesday, February 21, 2012 6:33 AM
To: Patterson, Ted HLTH:EX; Burton, Peter R HLTH:EX
Subject: Re: Wed. Discussion Topics

Ps..thanks Tedward..list looks great.

John Bethel
Chief Administrative Officer
Ministry of Health

----- Original Message -----
From: Bethel, John HLTH:EX
Sent: Tuesday, February 21, 2012 06:32 AM
To: Patterson, Ted HLTH:EX; Burton, Peter R HLTH:EX
Subject: Re: Wed. Discussion Topics

Update on consultations.
Introduction of Jodi Jensen.

Did we include her in this call?

JB

John Bethel
Chief Administrative Officer
Ministry of Health

----- Original Message -----
From: Patterson, Ted HLTH:EX
Sent: Monday, February 20, 2012 08:59 PM
To: Burton, Peter R HLTH:EX; Bethel, John HLTH:EX
Subject: Wed. Discussion Topics

s.13,s.17

Patterson, Ted HLTH:EX

From: Bethel, John HLTH:EX
Sent: Thursday, February 2, 2012 3:26 PM
To: Patterson, Ted HLTH:EX
Subject: Fwd: Note for Friday
Attachments: Speaking Note_John Bethel_meeting with GaryF.DOCX; ATT00001.htm

FYI

John Bethel
Chief Administrative Officer
Ministry of Health

Sent from my iPad

Begin forwarded message:

> **From:** Michael Marchbank <MichaelM@heabc.bc.ca>
> **Date:** February 2, 2012 1:47:06 PM PST
> **To:** "Bethel, John HLTH:EX" <John.Bethel@gov.bc.ca>
> **Subject: Note for Friday**
>
> s.13

Michael Marchbank
President & CEO
Health Employers Association of BC
200 - 1333 West Broadway
Vancouver, BC, V6H 4C6
Email: MichaelM@heabc.bc.ca
Tel: 604.714.2277
Cell: 604.219.2927
Fax: 604.736.8193
Web: www.heabc.bc.ca

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John Bethel – Coles Notes – Meeting with Gary Fane

s.17

s.17

Patterson, Ted HLTH:EX

From: Bethel, John HLTH:EX
Sent: Friday, January 6, 2012 11:03 AM
To: Patterson, Ted HLTH:EX
Cc: Michael Marchbank
Subject: RE:

Thanks Ted.

JB

John Bethel
Chief Administrative Officer
Ministry of Health

-----Original Message-----
From: Patterson, Ted HLTH:EX
Sent: Friday, January 6, 2012 10:21 AM
To: Bethel, John HLTH:EX
Cc: Michael Marchbank
Subject: RE:

Nothing received by our Minister's Office yet. They will call us ASAP if/when they do receive.

T

-----Original Message-----
From: Bethel, John HLTH:EX
Sent: Thursday, January 5, 2012 9:44 PM
To: Patterson, Ted HLTH:EX
Subject: Fw:

Did we see this?

John Bethel
Chief Administrative Officer
Ministry of Health

----- Original Message -----
From: Michael Marchbank [mailto:MichaelM@heabc.bc.ca]
Sent: Thursday, January 05, 2012 09:40 PM
To: Bethel, John HLTH:EX
Subject:

Just heard HEU sent a letter to the minister on the lpn raid. Have you heard anything?

Patterson, Ted HLTH:EX

From: Bethel, John HLTH:EX
Sent: Monday, April 11, 2011 7:09 AM
To: Burton, Peter R HLTH:EX
Cc: Patterson, Ted HLTH:EX
Subject: RE: Discussion topics

s.13,s.17

JB

John Bethel
Chief Administrative Officer
Ministry of Health

-----Original Message-----
From: Burton, Peter R HLTH:EX
Sent: Saturday, April 9, 2011 5:26 PM
To: Bethel, John HLTH:EX
Cc: Patterson, Ted HLTH:EX
Subject: Discussion topics

s.13,s.17

Patterson, Ted HLTH:EX

From: Jodie Warren <JodieW@heabc.bc.ca>
Sent: Friday, March 2, 2012 7:32 AM
To: Joyce Lee; XT:HLTH Adams, Clay; XT:Plug, David GCPE:IN; XT:Kennedy, Theresa HLTH:IN; 'Darwin.Sauer@phsa.ca'; XT:Germain, Suzanne GCPE:IN; XT:Marshall, Shannon GCPE:IN; XT:Raper, Steve GCPE:IN; XT:Renkas, Cathy GCPE:IN; XT:Lindsay, Darshan GCPE:IN; XT:Nuraney, Naseem GCPE:IN; 'Gavin.Wilson@vch.ca'; Stewart, Michelle GCPE:EX; Jabs, Ryan GCPE:EX; Porter, Rodney GCPE:EX; Anderson, Kristy GCPE:EX; Patterson, Ted PSEC:EX; Draper, Kindree PSEC:EX
Subject: BCNU LPN Organizing Campaign Update
Attachments: s.13,s.17

Hello everyone:

Please find attached an update that was sent to members yesterday afternoon regarding the BCNU LPN organizing campaign.

Regards,

Jodie

Jodie Warren
Director, Communications
HEALTH EMPLOYERS ASSOCIATION OF BC
200 - 1333 West Broadway
Vancouver, BC V6H 4C6
Phone: 604.714.2285
Cell: 604.764.9813
Web: www.heabc.bc.ca

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Page 803

Withheld pursuant to/removed as

s.13;s.17

Patterson, Ted HLTH:EX

From: Alan Francis <AlanF@heabc.bc.ca>
Sent: Wednesday, February 29, 2012 6:28 PM
To: Adrian Tees (atees@phsa.ca); Andy Miller (Andy.Miller@interiorhealth.ca); Barbara Severyn; Camille Reid (camille.reid@hssbc.ca); David Williams; Frances Carmichael; Fred Cummings (fred.cummings@northernhealth.ca); Helen Podehl; John Bevanda; Judith Bowen; Marion Olynyk; Mark Slobin; Rick Moyneur; Roy Nikaido; Vickie Horton; Wayne Balshin; Wendy Strugnell
Cc: Kaedra Kirilenko; Patterson, Ted HLTH:EX; Collins, Teri HLTH:EX; Jensen, Jodi EHSC:EX
Subject: Coordinating Essential Services
Attachments: BCNU LPN raid - 2012-02-28 BCNU bulletin re LRB report on raid.pdf; BCNU LPN raid - 2012-02-28 HEU newsletter re LRB report on raid.pdf

s.13

s.22

s.22

Regards
Alan Francis
Legal Counsel & Essential Service Coordinator
HEALTH EMPLOYERS ASSOCIATION OF BC
200 - 1333 West Broadway
Vancouver, BC, V6H 4C6
Direct & Mobile: 604.614.6934
Email: alanf@heabc.bc.ca
Web: www.heabc.bc.ca

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BRITISH COLUMBIA NURSES' UNION

Please Post

February 28, 2011

Bulletin

Labour Board announces a majority of LPNs at six health employers signed up with BCNU

Copyright

British Columbia Nurses' Union
4060 REGENT STREET, BURNABY, B.C. V5C 6P5 TELEPHONE (604) 433-2268 toll free 1-800-663-9991 FAX (604) 433-7945 toll free 1-866-284-2222

HOSPITAL EMPLOYEES' UNION
NEWSLETTER

PLEASE POST

LRB issues report on BCNU raid

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February 28, 2012

KEN ROBINSON, President • BONNIE PEARSON, Secretary-Business Manager • DONISA BERNARDO, Financial Secretary
5000 North Fraser Way, Burnaby, BC V5J 5M3 • TEL: 604-438-5000 • FAX: 604-739-1510 • WEB: www.heu.org
The BC Health Services Division of the Canadian Union of Public Employees

Patterson, Ted HLTH:EX

From: Patterson, Ted HLTH:EX
Sent: Wednesday, February 29, 2012 1:57 PM
To: Anderson, Kristy GCPE:EX; 'Jodie Warren (jodiew@heabc.bc.ca)'
Cc: Draper, Kindree PSEC:EX; Stewart, Michelle GCPE:EX; Jabs, Ryan GCPE:EX
Subject: RE: McPherson: Hard work getting LPNs into union

PHSA excluded

Ted Patterson
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026 | m: 250.514.5455

From: Anderson, Kristy GCPE:EX
Sent: Wednesday, February 29, 2012 1:56 PM
To: 'Jodie Warren (jodiew@heabc.bc.ca)'
Cc: Draper, Kindree PSEC:EX; Patterson, Ted HLTH:EX; Stewart, Michelle GCPE:EX; Jabs, Ryan GCPE:EX
Subject: FW: McPherson: Hard work getting LPNs into union

FYI

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Wednesday, February 29, 2012 1:43 PM
Subject: TNO: McPherson: Hard work getting LPNs into union

CHNL (Kamloops)

29-Feb-2012 13:01

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Patterson, Ted HLTH:EX

From: Vandermolen, Chad HLTH:EX
Sent: Friday, January 27, 2012 8:58 AM
To: Patterson, Ted HLTH:EX
Subject: BCNU Raids: The Numbers Motive

Hey Ted:

An interesting CIHR report documenting the relative growth of LPN ranks to RNs; no wonder the BCNU is seeking to raid the HEU LPN ranks!

LPNs outpace RNs in nursing growth

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Page 810

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Patterson, Ted HLTH:EX

From: Stewart, Michelle GCPE:EX
Sent: Sunday, January 22, 2012 9:51 AM
To: Darwin Sauer (Darwin.Sauer@phsa.ca)
Cc: Anderson, Kristy GCPE:EX; XT:Kennedy, Theresa HLTH:IN; Jabs, Ryan GCPE:EX; May, Stephen GCPE:EX; Patterson, Ted HLTH:EX; Bethel, John HLTH:EX
Subject: FW: BCNU excludes PHSA from list of raid applications

fyi

From: tno@gov.bc.ca [tno@gov.bc.ca]
Sent: Sunday, January 22, 2012 8:59 AM
Subject: TNO: BCNU excludes PHSA from list of raid applications

Hospital Employees' Union
HEU
22-Jan-2012 09:10
[tone0x]

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Page 813 to/à Page 815

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Patterson, Ted HLTH:EX

From: Alannah Fox <alannahf@heabc.bc.ca>
Sent: Friday, December 16, 2011 1:00 PM
To: Patterson, Ted HLTH:EX
Cc: Marno McInnes; Mark Slobin
Subject: RE: Document
Attachments: A7ffadc6c-ccd5-40ad-bf71-55bc06ace255.pdf; A55424c52-3be2-4665-b017-2e43b531a215.pdf

s.13,s.14,s.17

Alannah Fox
Executive Assistant
Strategic Negotiations & Contract Administration
Health Employers Association of BC
200 - 1333 W. Broadway
Vancouver, BC, V6H 4C6
Updated direct line Tel: 604.742.2581
HEABC main line: 604.736.5909
Fax: 604.736.2715
http://www.heabc.bc.ca/

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From: Ted Patterson
Sent: December-16-11 11:57 AM
To: Alannah Fox
Subject: Document

s.13,s.14,s.17

Ted Patterson
Office of the Chief Administrative Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026 | m: 250.514.5455

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Page 818 to/à Page 827

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s.14;s.13;s.17

Patterson, Ted HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Tuesday, November 29, 2011 8:13 AM
To: 'Jodie Warren'; Patterson, Ted HLTH:EX
Cc: Stewart, Michelle GCPE:EX; Jabs, Ryan GCPE:EX
Subject: FW: BCNU raid strategy excludes affiliates representing more than 30 per cent of LPN worksites

FYI

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Join the Healthy Families BC community...

Hospital Employees' Union
Mike Old
28-Nov-2011 21:49

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Patterson, Ted HLTH:EX

From: Anderson, Kristy GCPE:EX
Sent: Tuesday, November 29, 2011 8:12 AM
To: 'Jodie Warren'; Patterson, Ted HLTH:EX
Cc: Stewart, Michelle GCPE:EX; Jabs, Ryan GCPE:EX
Subject: FW: BCNU tells LRB it wants HEU's 7,000 LPNs

FYI

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

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Healthy FamiliesBC

CHNL

29-Nov-2011 07:00

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BRITISH COLUMBIA NURSES' UNION

Please Post

November 28, 2011

Bulletin

BCNU applies to represent Licensed Practical Nurses at BC's six health authorities and Providence Health Care

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British Columbia Nurses' Union
4060 REGENT STREET, BURNABY, B.C. V5C 6P5 TELEPHONE (604) 433-2268 toll free 1-800-663-9991 FAX (604) 433-7945 toll free 1-888-284-2222
t:W/dg-cope378/DOCS#81998 T:\Communications\COMMUNIC\Bulletins\2011\BULL_047.doc

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Patterson, Ted HLTH:EX

From: Jabs, Ryan GCPE:EX
Sent: Tuesday, October 11, 2011 9:25 AM
To: Patterson, Ted HLTH:EX; 'Jodie Warren'; Mullane, Aleta HLTH:EX
Cc: Anderson, Kristy GCPE:EX; Stewart, Michelle GCPE:EX
Subject: FW: Hospital Employees Union Survey is 'Push Polling': BCNU President

FYI

Ryan Jabs
Manager, Media Relations and Issues Management
Ministry of Health
Government Communications and Public Engagement
(250) 952-3387
Cell: (250) 413-7121
Ryan.Jabs@gov.bc.ca

From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Tuesday, October 11, 2011 9:14 AM
To: Jabs, Ryan GCPE:EX
Subject: TNO: Hospital Employees Union Survey is 'Push Polling': BCNU President

The Hook
Tom Sandborn
11-Oct-2011 09:03

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Patterson, Ted HLTH:EX

From: Stewart, Michelle GCPE:EX
Sent: Monday, August 22, 2011 3:51 PM
To: 'Jodie Warren'; Patterson, Ted HLTH:EX; Bethel, John HLTH:EX
Cc: Jabs, Ryan GCPE:EX; Porter, Rodney GCPE:EX; May, Stephen GCPE:EX
Subject: FW: Georgetti doesn't understand BCNU's withdrawal from CFNU

An interesting development!

Michelle Stewart, Communications Director
Ministry of Health, Government Communications & Public Engagement
Phone: 250-952-1889 Cell: 250-812-5571 Fax: 250-952-1883
Michelle.Stewart@gov.bc.ca

Join the Healthy Families BC community...

Healthy FamiliesBC

From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Monday, August 22, 2011 3:49 PM
To: Stewart, Michelle GCPE:EX
Subject: TNO: Georgetti doesn't understand BCNU's withdrawal from CFNU

CKNW

22-Aug-2011 15:30

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Page 836

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s.14;s.13;s.17

Phone: 250-952-1889 Cell: 250-812-5571 Fax: 250-952-1883
Michelle.Stewart@gov.bc.ca

Join the Healthy Families BC community...



From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Thursday, August 4, 2011 3:04 PM
To: Stewart, Michelle GCPE:EX
Subject: TNO: BCNU members are legally permitted to wear union lanyards, buttons, stickers and related materi...

British Columbia Nurses' Union
BCNU
04-Aug-2011 14:48

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Page 838

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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, September 19, 2012 7:53 PM
To: Stewart, Sharon A HLTH:EX
Subject: LPN vs RN education

Importance: High

Hi Sharon,
A couple of quick question

1. What is the difference in education time between LPN's and RN's
2. What are the major scope of practice differences between LPN's and RN's

Thanks- sorry about the rush

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Monday, August 13, 2012 10:22 AM
To: Patterson, Ted PSEC:EX; Hughes, Trevor LBR:EX; Corwin, Lucas A PSEC:EX
Subject: LPN

As discussed - HEU has filled for judicial review

Page 841

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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, September 19, 2012 12:24 PM
To: Hughes, Trevor LBR:EX; Corwin, Lucas A PSEC:EX
Subject: Re: LPN

Yup. 60 left for HEU, 40 left for BCNU, an additional 20 or so common to both - resumes Thursday of next week (might be wed)

----- Original Message -----
From: Hughes, Trevor LBR:EX
Sent: Wednesday, September 19, 2012 12:21 PM
To: Corwin, Lucas A PSEC:EX; Sheikh, Umar HLTH:EX
Subject: LPN

I have no update yet from LRB on yesterday re LPN. Do you?

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Monday, July 9, 2012 2:30 PM
To: Patterson, Ted PSEC:EX; Carroll, Sandra HLTH:EX; XT:HLTH Marchbank, Michael
Subject: RE: LPNs - Next Steps

Sounds good. Wednesday at 1:30 we have a bargaining call scheduled with Michael and Marno - I'm hoping we can piggy back this at the same time- we can extend the meeting if needed. Alternatively next week at this same time would work as well. Does that work you?

Umar Sheikh
Director, Labour Relations and Special Initiatives
Office of the Chief Operating Officer | Ministry of Health
5-3, 1515 Blanshard Street | Victoria, BC | V8W 3C8 | w: 250.952.1026| c: 250.516.0779

From: Patterson, Ted PSEC:EX
Sent: Monday, July 9, 2012 2:16 PM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX; XT:HLTH Marchbank, Michael
Subject: LPNs - Next Steps

Hi everyone,

Given the short window we have to do any policy analysis and prepare materials for our respective ministers, may I suggest we arrange a meeting this week or next to keep the discussion moving along?

T

Ted Patterson
Executive Director, Public Sector Bargaining and Compensation
Public Sector Employers' Council Secretariat | Ministry of Finance
PO Box 9400 Stn Prov Govt | Victoria, BC | V8W 2B7
w: 250.356.5978 | m: 250.514.5455

Page 844 to/à Page 845

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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, September 6, 2012 10:30 AM
To: Zilkie, Linda HLTH:EX
Cc: Carroll, Sandra HLTH:EX
Subject: Re: MO query: Nurses and LPNs

No vote count. Will still be a bit as there are outstanding judicial review applications and vote irregularities on 400 ballots - there is a hearing tmrw to determine next steps

---

From: Zilkie, Linda HLTH:EX
Sent: Thursday, September 06, 2012 10:23 AM
To: Sheikh, Umar HLTH:EX
Cc: Carroll, Sandra HLTH:EX
Subject: MO query: Nurses and LPNs

Umar – the Minister's office is inquiring how the vote count went? Can you pls advise Sandy by return email. Thank you.

Linda Zilkie |Senior Executive Assistant
Sandra Carroll, Chief Operating Officer |Associate Deputy Minister
Ministry of Health
5-3, 1515 Blanshard Street | Victoria BC V8W 3C8 | Phone: 250-952-2402 | Fax: 250-952-1390
linda.zilkie@gov.bc.ca

From: Foran, Grace E HLTH:EX
Sent: Thursday, September 6, 2012 9:59 AM
To: Carroll, Sandra HLTH:EX
Cc: Zilkie, Linda HLTH:EX
Subject: MO query: Nurses and LPNs
Importance: High

Sandy – pls. advise.

From: Coburn, Lindsay HLTH:EX
Sent: Thursday, September 6, 2012 9:44 AM
To: Foran, Grace E HLTH:EX
Subject: Nurses and LPNs

Do we know how the vote count went?

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Friday, October 5, 2012 9:27 AM
To: Anderson, Kristy GCPE:EX; Carroll, Sandra HLTH:EX
Subject: Re: Priority 1 - DL - Friday morning - LPN vote

Not at a computer. Can I call u and walk through it?

From: Anderson, Kristy GCPE:EX
Sent: Friday, October 05, 2012 09:17 AM
To: Carroll, Sandra HLTH:EX; Sheikh, Umar HLTH:EX
Subject: FW: Priority 1 - DL - Friday morning - LPN vote

Sorry to pester on this one but we are expecting the results of the vote as early as noon and would like to ensure the minister if prepared if asked about this.
If you could please review and provide you input into question 4 that would be much appreciated.

Thanks,

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

---

From: Anderson, Kristy GCPE:EX
Sent: Thursday, October 4, 2012 1:41 PM
To: Sheikh, Umar HLTH:EX; Carroll, Sandra HLTH:EX
Subject: Priority 1 - DL - Friday morning - LPN vote

Hi Umar and Sandra

I have been working with HEABC on the attached QA on the LPN vote. One question that I know we will be asked (and I think have already been asked) is if government is considering legislation to move LPNs to the NBA (if the vote is in favour of BCNU). We would appreciate your advice on how the minister should answer this if asked.

The full QA doc is also attached here for your review – please let me know if you have any concerns.

Thanks,

(Sorry for the multiple emails on this today Umar).

Kristy Anderson | Health Communications
Government Communications & Public Engagement
p: 952-3552 | c: 516-4130 | f: 952-1883 | kristy.anderson@gov.bc.ca

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, November 1, 2012 3:16 PM
To: White, Robyn S HLTH:EX
Subject: Re: RUSH URGENT - HAA amendment

Call me s.22

From: White, Robyn S HLTH:EX
Sent: Thursday, November 01, 2012 03:11 PM
To: Sheikh, Umar HLTH:EX
Subject: RUSH URGENT - HAA amendment

Hi Umar,

s.13,s.17

Thank you
Robyn

Robyn White | Manager, Special Legislative Projects | Legislation Unit | Planning and Innovation Division | Ministry of Health | Ph: 250-952-2246/250-508-3005; Fx: 250-952-2205 | 5-1 1515 Blanshard St. Victoria BC V8W 3C8 | Please consider the environment before printing this e-mail.

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 16, 2012 12:06 PM
To: Hughes, Trevor LBR:EX
Subject: Re: See this??

Need some advice

From: Hughes, Trevor LBR:EX
Sent: Thursday, August 16, 2012 10:51 AM
To: Sheikh, Umar HLTH:EX
Subject: See this??

BCNU publishes false statements
Hospital Employees' Union
Wednesday, August 15, 2012

By Mike Old

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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 16, 2012 10:59 AM
To: Hughes, Trevor LBR:EX
Subject: Re: See this??

I did

From: Hughes, Trevor LBR:EX
Sent: Thursday, August 16, 2012 10:51 AM
To: Sheikh, Umar HLTH:EX
Subject: See this??

BCNU publishes false statements
Hospital Employees' Union
Wednesday, August 15, 2012

By Mike Old

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s.22

Page 854 to/à Page 863

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s.12;s.14;s.13

Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Thursday, August 9, 2012 9:14 AM
To: 'MarnoM@heabc.bc.ca'

BCNU waiting on latest LPN's union vote CKNW, Wednesday, August 08, 2012 20:05
By CKNW

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Budwal, Kiran K HLTH:EX

From: Sheikh, Umar HLTH:EX
Sent: Wednesday, July 4, 2012 7:16 AM
To: Stewart, Sharon A HLTH:EX
Subject: Working group

Good Morning Sharon,

I've gotten direction to put together a very small and trusted working group for COO re; Ipn's - I was thinking u, I, and some trusted high level HA reps. Can u please let me know who you would recommend from the HA side? We can connect in person later today for more context.

Umar

Patterson, Ted HLTH:EX

From: Patterson, Ted HLTH:EX
Sent: Tuesday, September 20, 2011 1:50 PM
To: Zilkie, Linda HLTH:EX; Moir, Lindsay HLTH:EX
Subject: Fw: Updated presentation
Attachments: DMLC_Sept-20-11_Updated 1pm.pptx

Can you please print about 12 copies?

T

From: Marno McInnes [mailto:MarnoM@heabc.bc.ca]
Sent: Tuesday, September 20, 2011 01:43 PM
To: Patterson, Ted HLTH:EX
Subject: Fw: Updated presentation

From: Susan Firbank
To: Marno McInnes
Cc: Eric Peraro
Sent: Tue Sep 20 13:32:14 2011
Subject: Updated presentation

Notes on updated version of presentation:

s.13,s.17

Susan Firbank, BA, MSc
Service Design & Quality Improvement Specialist
Specialized Strategic Services
Health Authority Services & Negotiations
HEALTH EMPLOYERS ASSOCIATION OF BC
200 - 1333 West Broadway
Vancouver, BC V6H 4C6
Direct: 604.714.2395
Web: www.heabc.bc.ca

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Patterson, Ted HLTH:EX

From: Burton, Peter R HLTH:EX
Sent: Monday, September 6, 2010 1:46 PM
To: Brown, Stephen R HLTH:EX; Patterson, Ted HLTH:EX
Subject: FW: Article re RNs and LPNs

I case you did not see this

Nurse vs. nurse; Members split with union over wooing of Licensed Practical Nurses
Prince George Citizen
Tuesday, August 31, 2010
Page 1
By Frank Peebles
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Page 891

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Patterson, Ted HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Tuesday, March 23, 2010 9:53 PM
To: Hughes, Trevor LBR:EX; Patterson, Ted HLTH:EX
Subject: Fw: BCNU Release: Latest developments in BCNU's Labour Board application to represent LPNs

FYI.
lac. (by bb)

From: Draper, Kindree PSEC:EX
To: Straszak, Paul PSEC:EX
Cc: Morel, David P PSEC:EX; Corwin, Lucas A PSEC:EX
Sent: Tue Mar 23 18:09:28 2010
Subject: BCNU Release: Latest developments in BCNU's Labour Board application to represent LPNs

BC Nurses' Union
BCNU

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Patterson, Ted HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Tuesday, January 19, 2010 7:57 AM
To: Hughes, Trevor LBR:EX; Patterson, Ted HLTH:EX; Burton, Peter R HLTH:EX
Subject: FW: FYI BCNU release: BCNU moves to withdraw Labour Board application to represent LPNs

---

From: Draper, Kindree PSEC:EX
Sent: Tuesday, January 19, 2010 7:49 AM
To: Corwin, Lucas A PSEC:EX
Cc: Morel, David P PSEC:EX
Subject: FYI BCNU release: BCNU moves to withdraw Labour Board application to represent LPNs

BC Nurses' Union
BCNU

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Patterson, Ted HLTH:EX

From: Stewart, Michelle PAB:EX
Sent: Monday, January 18, 2010 7:31 PM
To: Patterson, Ted HLTH:EX; Brown, Stephen R HLTH:EX
Cc: Murphy, Bernadette PAB:EX; Porter, Rodney PAB:EX
Subject: Fw: TNO: BCNU moves to withdraw Labour Board application to represent LPNs

Fyi

Michelle Stewart
Ministry of Health Services Phone: 250-812-5571

From: tno@gov.bc.ca <tno@gov.bc.ca>
To: Stewart, Michelle PAB:EX
Sent: Mon Jan 18 19:25:51 2010
Subject: TNO: BCNU moves to withdraw Labour Board application to represent LPNs

BC Nurses' Union
BCNU

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Patterson, Ted HLTH:EX

From: Murphy, Bernadette PAB:EX
Sent: Monday, December 14, 2009 1:34 PM
To: Patterson, Ted HLTH:EX
Cc: Stewart, Michelle PAB:EX; Brown, Stephen R HLTH:EX
Subject: RE: can i get a few bullets - not urgent

Thanks Ted

From: Patterson, Ted HLTH:EX
Sent: Monday, December 14, 2009 1:31 PM
To: Murphy, Bernadette PAB:EX
Cc: Stewart, Michelle PAB:EX; Brown, Stephen R HLTH:EX
Subject: RE: can i get a few bullets - not urgent

HI Bernadette –

I asked Peter about the procedural logistics here, which would look something like the following:

If the BCNU is successful in winning the LRB's representation vote (assuming such a vote is ordered), then the BCNU will be certified as representing LPNs within the Facilities Bargaining Association. It is then likely that the BCNU would then ask government to consider moving LPNs out of the FBA and into the Nurses Bargaining Association. The Minister of Labour has a discretion under s. 19.5 of the Health Authorities Act:

Review of appropriate bargaining units

19.5 The minister charged with administration of the Code, on application or on the minister's own motion, and after the investigation considered necessary or advisable, may direct the labour relations board to

(a) add a bargaining unit as an appropriate bargaining unit, or

(b) consolidate 2 or more appropriate bargaining units.

However, the nurses' bargaining unit established by s. 19.4(b) is limited by the definition of "nurse" in s. 19.1 as:

"nurse" means a person who is authorized under an enactment to practise in British Columbia as a registered nurse or as a registered psychiatric nurse and who works in a job for which that authorization is a requirement of the employer or a prerequisite to performing the job as required by statute, regulation or program accreditation;

The result is that the Minister cannot simply add LPNs to the nurses' bargaining unit. It will require a legislative amendment. The BCNU would have to ask the government to amend the *Health Authorities Act* for that purpose and government would have to decide if it wished to do so, based on an analysis of the implications, and then likely negotiate a framework for the transition if it was to undertake such consideration.

T

Ted Patterson
Director, Labour Relations Initiatives
Office of the Chief Administrative Officer
Ministry of Health Services
5-3 1515 Blanshard Street
Victoria, B.C. V8W 3C8
W: (250) 952-1543
M: (250) 514-5455

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From: Murphy, Bernadette PAB:EX
Sent: Monday, December 14, 2009 10:24 AM
To: Patterson, Ted HLTH:EX
Cc: Stewart, Michelle PAB:EX; Brown, Stephen R HLTH:EX
Subject: FW: can i get a few bullets - not urgent

Would you please help, Ted? Thanks

From: Braman, Jamie L HLTH:EX
Sent: Monday, December 14, 2009 10:14 AM
To: Stewart, Michelle PAB:EX; Murphy, Bernadette PAB:EX
Subject: can i get a few bullets - not urgent

s.13,s.17

BCNU president disputes column
Abbotsford News
Monday, December 14, 2009
Page 9
By Debra McPherson

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Patterson, Ted HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Tuesday, December 8, 2009 10:46 AM
To: Patterson, Ted HLTH:EX; Hughes, Trevor LBR:EX; Burton, Peter R HLTH:EX
Subject: LPN article

Nurses have outsmarted big labour
BC Local News
Tuesday, December 08, 2009
Page 01
By Tom Fletcher

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Patterson, Ted HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Wednesday, November 4, 2009 5:11 PM
To: Burton, Peter R HLTH:EX; Patterson, Ted HLTH:EX; Hughes, Trevor LBR:EX
Subject: Fw: BCBUSINESS RSS Feed - Solidarity Forever? When one B.C. union is accused of raiding another, labour leaders get angry

Follow Up Flag: Follow up
Flag Status: Completed

lac.

From: Draper, Kindree PSEC:EX
To: Corwin, Lucas A PSEC:EX
Cc: Morel, David P PSEC:EX; Zacharuk, Christina PSEC:EX; Underwood, Brad PSEC:EX
Sent: Wed Nov 04 15:59:31 2009
Subject: BCBUSINESS RSS Feed - Solidarity Forever? When one B.C. union is accused of raiding another, labour leaders get angry

From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Wednesday, November 4, 2009 2:21 PM
To: Draper, Kindree PSEC:EX
Subject: TNO: Solidarity Forever?

BCBUSINESS RSS Feed

Solidarity Forever?

Peter Severinson | Image: Ben Oliver | Published: November 04, 2009

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Patterson, Ted HLTH:EX

From: Corwin, Lucas A PSEC:EX
Sent: Thursday, October 29, 2009 12:33 PM
To: Hughes, Trevor LBR:EX; Patterson, Ted HLTH:EX; Burton, Peter R HLTH:EX
Subject: BCNU Petition re LPN activity

FYI.

http://thetyee.ca/Blogs/TheHook/Health/2009/10/29/nurses-union-rebellion-BC/

Patterson, Ted HLTH:EX

From: St. John, Valerie HLTH:EX
Sent: Tuesday, October 6, 2009 11:16 AM
To: Patterson, Ted HLTH:EX; 'Marno McInnes'; Burton, Peter R HLTH:EX
Subject: Quick update - two union/Minister's meetings last week

Follow Up Flag: Follow up
Flag Status: Completed

Hi:

We met with BCNU and HSA last week/week before last and the following themes were discussed:

BCNU:

H1N1 - professional judgment and masking - Gentil is well involved and seems to have settled things down.

B29 consultations - FHA example of changes impacting nursing and no consultation until the end when they 'negotiated' things that were already negotiated...

Professional practice/licensure concerns - Brenda handled this and more communications necessary as things progress with the LPN and RN colleges.

Minister talked about good relationship and needing to agree to disagree on some issues. Talked about innovating for sustainability and biting the bullet on things that not everyone will be happy with....said they can use media and member communications as they see fit but that he was used to 'noise in the system' and that wouldn't change his direction to improving health care.

HSA:

They were just generally cranky.

Maureen outlined history, recent attempts to negotiate a deal, frustration with BCNU deal and BCNU raid of LPN's, membership resentful and not interested in 0/0.

Would like x-union consultations to discuss big picture ideas (sounds good to me - break those silos!)

Like the JQWC model of consultation.

Minister talked about ensuring a good relationship as he understood they were a reasonable union willing to flex.

All for now...

V

Patterson, Ted HLTH:EX

From: Wood, Alan HLTH:EX
Sent: Wednesday, March 25, 2009 10:26 AM
To: Beckett, Daryl K HLTH:EX; Burton, Peter R HLTH:EX
Cc: Patterson, Ted HLTH:EX
Subject: RE: LPNs want leg support to leave HEU & join BCNU

Thanks Daryl, not sure what the thinking behind approaching you was.

Peter?

From: Beckett, Daryl K HLTH:EX
Sent: Wednesday, March 25, 2009 10:21 AM
To: Wood, Alan HLTH:EX; Patterson, Ted HLTH:EX
Subject: Re: LPNs want leg support to leave HEU & join BCNU

Definitely not my issue at all. Maybe Peter Burton should see this.

From: Wood, Alan HLTH:EX
To: Beckett, Daryl K HLTH:EX; Patterson, Ted HLTH:EX
Sent: Wed Mar 25 10:13:16 2009
Subject: Re: LPNs want leg support to leave HEU & join BCNU

Hi Daryl and Ted;

Gulrose suggested that, between the two of you, you could provide some key wording on this.

LPN (non-constituant) correspondence to Minister Abbott's Constituency Office.

Requests that gov't pass legislation allowing LPNs to change unions from HEU to BCNU for better bargaining on behalf of nurses, including LPNs

(BCNU membership consists solely of RNs).

If you could give me some key bullets for response on this by Fiday, that would be super.

Thank you both.

Alan