



Newsletter

HEU wins more than \$700,000 for members at Nanaimo seniors' facility

*Employer ordered to stop violating employment
standards and pay workers their due*

THE MINISTRY of Labour's Employment Standards Branch has found Nanaimo Seniors Village Partnership and Well-Being Seniors Services Ltd. in violation of the *Employment Standards Act*, and ordered the payment of \$729,261.87 to more than 100 HEU activity aides, care aides and licensed practical nurses working at Nanaimo Seniors Village.

The order stems from complaints to the director of Employment Standards from employees and former employees of Nanaimo Seniors Village – a private, for-profit multi-level care facility – that the employer “contravened the Act by failing to pay group termination pay.”

An investigation into the allegations resulted in the July 24 determination which states: “These employees were not given notice of group termination as required by section 64 [of the *Employment Standards Act*] and did not receive termination pay as required.”

The payments due each worker are part of the decision and are based on “a calculation of the termination pay, annual vacation pay and interest owing.”

The companies were also fined \$500 for contravening Section 64 of the Act.

The Employment Standards determination follows two interrelated B.C. Labour Relations Board decisions brought down last year that found Nanaimo Seniors Village Partnership had violated the labour code.

The LRB awarded Nanaimo Seniors Village care staff more than \$345,000 in damages after ruling that the employer had used Bill 29 to contract out care services in an attempt to avoid unionization.

In the August 2005 ruling, one of the LRB findings in the complicated case stated that the employer “has breached Section 6(3)(a) when it terminated the care service employees because they sought to become members of the Union.”

The employer had argued that its actions were permissible under Bill 29. LRB vice-chair Allison Matacheskie disagreed, writing: “I find that it is not a defence to the allegations of unfair labour

-OVER-



practices...to simply say that it contracted out in keeping with its rights under Bill 29. The Partnerships' actions must still withstand the scrutiny of the unfair labour practices provisions of the Code."

The November 2005 ruling built on the previous decision and ordered the employer to pay damages to "all employees whose employment was terminated as a result of the unfair labour practices of contracting out work during an organizing drive."

Both Nanaimo Seniors Village Partnership and Well-Being Seniors Services Ltd. are part of Retirement Concepts Seniors Services Ltd. and Retirement Concepts Holdings Ltd. The Retirement Concepts operation is one of the largest private, for-profit purveyors of assisted living and seniors' care facilities in B.C.

August 3, 2006