



Newsletter

LRB ruling rejects IWA partnership agreement with Sodexho

Vice-chair cites lack of proof of representation or ratification at MSA General Hospital

FOR THE SECOND time in two weeks, the BC Labour Relations Board has ruled that the Industrial Wood and Allied Workers (IWA) of Canada, Local 1-3567, has failed to provide evidence that it represents front-line health care workers in the hospital sector.

For reasons similar to its May 20 rejection of the IWA's claim to represent Aramark workers in the Lower Mainland, the LRB yesterday declared the IWA's partnership agreement with Sodexho at Abbotsford's MSA General Hospital null and void.

The Hospital Employees' Union had applied under Section 18 (1) of the *Labour Relations Code*, with signed membership evidence, to represent the Sodexho workers. Yesterday's ruling quashes the IWA and Sodexho's objection to that application.

LRB vice-chair Jan O'Brien said she was unable to conclude that a reasonable ratification process had taken place or that a majority of employees had freely chosen the IWA as their exclusive bargaining agent.

"Bald assertions are not sufficient to establish that the objection to the HEU's certification application should be considered," said O'Brien. "The IWA has not provided any particulars setting out when, where and how the ratification took place."

Sodexho argued that its deduction and remittance of dues to the IWA, and the fact it deals with the IWA as the exclusive bargaining agent of the employees, was sufficient evidence of a collective bargaining relationship.

But the LRB ruling stated that such details do not establish "on a prima facie basis that the IWA is 'actually representative' of the employees".

Furthermore, the employer confirmed that the collective agreement was signed before any employees were hired.

HEU expects the ballots to be counted immediately. If they are not counted by Tuesday June 8, the board will hold an afternoon meeting with HEU and Sodexho. With majority support, the HEU will then serve notice to commence bargaining with Sodexho.

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