Newsletter

Aramark ruling clears path for HEU organizing in private sector

IWA Local 1-3567 showed no evidence of representing workers, says LRB

IN A SIGNIFICANT decision by the Labour Relations Board today, the "partnership agreement" between the private health care contractor Aramark Corporation and Industrial Wood and Allied Workers of Canada Local 1-3567 has been declared null and void.

"There is no evidence the employees freely chose to be bound by the collective agreement and represented by the IWA," ruled a three-person panel of the LRB led by vice-chair Jan O'Brien.

"The IWA has not demonstrated through membership evidence, a reasonable ratification procedure or other adequate means that it actually represents the employees. As a result, there is no collective agreement in force and effect between Aramark and IWA. Accordingly, the voluntary recognition agreement between IWA and Aramark cannot be held up as a bar to the HEU's applications for certification."

The ruling clears a major hurdle in the effort of the contracted-out workers to have a union of their choice. Aramark still has objections to HEU's certification applications which will be heard in June.

At issue were seven bargaining units at locations where Aramark provides housekeeping under contract to the Vancouver Coastal Health Authority and Providence Health Care. HEU has signed up a majority of these workers and had applied to be certified for these bargaining units. But Aramark and the IWA local had opposed the applications because of their "partnership agreement", which covered 650 employees at 30 sites in the Lower Mainland and Sunshine Coast.

"This is very good news – the terrible IWA-Aramark agreement is now history," says HEU secretary-business manager Chris Allnutt. "This decision reaffirms our position that these workers always had a choice – a choice that was denied them by the 'partnership agreement'."

Among the factors the LRB considered in dismissing the agreement:

- **No appropriate ratification.** Aramark selected the IWA as the employees' bargaining agent without having hired anyone and before the union had signed any members. "The collective agreement was negotiated and signed more than a month before any employees were hired. Clearly, the collective agreement was reached without consulting any employees at all."

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- **Insufficient evidence.** Aramark and the IWA's argument that no employees had stepped forward to complain about the IWA or apply for decertification does not prove that the IWA represents the employees.
- **Lack of choice.** "We are not satisfied that completing the Membership Form as a necessary step to get a job is evidence the employees were 'freely choosing' the IWA to represent them in collective bargaining. In our view, the employees of the Aramark job fairs were taking steps to be in a position to accept an individual offer of employment" (as opposed to choosing the IWA as their union).
- **Job fairs.** "We do not find that employees involved in the [Aramark] job fairs were able to express their true wishes about the ratification of the voluntary recognition agreement when rejection of the agreement meant that they would not be hired."
- **Hiring hall invalid.** "The employees became members of the IWA as a result of the compulsory union membership clause in the collective agreement that was negotiated and signed before any employees were hired. We do not find that the democratic rights of the employees were protected in these circumstances."

"Today's ruling is a damning indictment of the IWA local's unconscionable organizing practices," says Chris Allnutt.

"With this decision behind us, our union can now continue doing the important work of organizing these health care workers and protecting them from the worst excesses of the poorly conceived and disastrously executed privatization policies of the BC Liberal government."

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