



Multi-union judicial review applications regarding LPN raid representation votes dismissed

The Supreme Court of B.C. has dismissed applications for judicial review filed by HEU, the B.C. Government and Service Employees' Union (BCGEU) and the International Union of Operating Engineers (IUOE) against the 2012 B.C. Labour Relations Board (LRB) decision to proceed with representation votes on raid applications filed by the BC Nurses Union.

In dismissing the unions' applications, the court did not say it would have come to the same conclusion as the LRB – only that its decision fell within a range of possible outcomes.

In 2012, the LRB decided not to apply its long-standing policy against raid applications to carve out a group of workers based on their occupation or where the raid application would add another union at a worksite – known as the policy against proliferation – when the nurses' union moved to raid licensed practical nurses (LPNs) employed by the Vancouver Coastal, Fraser, Vancouver Island, Interior and Northern Health Authorities and Providence Health Care (PHC). At the time, the labour board found that the raid applications were unique, and allowed for the votes to proceed.

HEU and the other unions had asked the LRB to reconsider its decision and the labour board refused. The judicial review application was the next step available to challenge the LRB decision.

Given that the original LRB decision was fully implemented in 2012, the court's decision today has no impact on the union representation of LPN's employed by the health authorities or PHC.

August 21, 2013

