



HOSPITAL EMPLOYEES' UNION

NEWSLETTER

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LRB delivers a blow to dismantling of community living group homes

Decision does not allow for an expanded interpretation of “family home provider”

A recent Labour Relations Board (LRB) decision makes it more difficult for Community Living BC (CLBC) to dismantle the group home model and de-unionize the community social services sector.

On May 18, the LRB dismissed a CLBC application requesting the LRB to issue a declaratory opinion on the definition of “family home provider” under the *Community Social Services Labour Relations Act*.

The LRB’s dismissal means that CLBC has failed in its request for a broad designation of “family home provider” in order to avoid arbitration on a case-by-case basis and, thus, expand its ability to lay off unionized workers and contract out union work.

This decision prevents employers from using the term “family home provider” to cover a wide variety of vaguely described community living residential services.

Typically, when an employer contracts out bargaining unit work that results in employee layoffs, the union investigates to determine if the contract is with a “family home provider” as defined in the legislation.

If the union believes that the contractor does not meet the legal definition of “family home provider”, a grievance is filed, which could eventually go before an independent arbitrator for a final decision.

The LRB decision comes after the joint union Community Social Services Bargaining Association raised preliminary objections, on a number of grounds, about CLBC’s application. And it ensures that the test of whether a layoff violates the collective agreement will continue to be decided in arbitration on a case-by-case basis.

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