



Newsletter

Aramark workers win right to sue former IWA local for wrongful collection of union dues

A BC Supreme Court judge has given the go-ahead for a class action suit that will decide if an estimated \$200,000 in union dues was wrongfully paid to the United Steel Workers of America, Local 1-3567 (formerly the IWA) by Aramark employees working in the Lower Mainland and on the Sunshine Coast.

A St. Paul's housekeeper's bid to sue the union on behalf of all Aramark employees in Vancouver Coastal and Providence health authorities who paid dues to the former IWA local was approved by BC Supreme Court Justice Stephen Kelleher on September 18, 2006.

Deductions at issue included 2.8 per cent of wages as union dues, an additional union initiation fee deduction of approximately eight hours of pay as well as assessments of \$5 per month for a national strike fund and \$2 per month for an organizing fund.

In advancing her claim, the St. Paul's Hospital housekeeper says the union "negligently misrepresented" that a collective agreement requiring dues was in effect with Aramark and that the union was "unjustly enriched" by those payments.

The dues in question were collected from October 2003 to May 2004, at which time a three-person panel of the Labour Relations Board determined there was no collective agreement in force between Aramark and the former IWA local.

"There is no evidence the employees freely chose to be bound by the collective agreement and represented by the IWA," stated the panel.

"The IWA has not demonstrated through membership evidence, a reasonable ratification procedure or other ratification procedure or other adequate means that it actually represents the employees."

That decision cleared the way for the Hospital Employees' Union to become the certified bargaining agent for the newly privatized health care workers. The workers had voted to join HEU in 2004 and the union successfully negotiated a first collective agreement with Aramark last year.

September 20, 2006

