



ARTICLES OF ASSOCIATION:

**HEALTH SERVICES
AND SUPPORT -
FACILITIES SUBSECTOR**

FEBRUARY 24, 1998

Article 1 - Name and Composition

- (a) This Association shall be known as the Health Services and Support - Facilities Subsector Bargaining Association.
- (b) The Association shall be composed of all Unions certified by the Labour Relations Board to represent workers in the Health Services and Support - Facilities subsector including any other trade unions certified in future to represent employees in the bargaining unit.

Article 2 - Purpose and Objects

The Purpose and objects of the Association are as follows:

- (a) to have exclusive jurisdiction as bargaining agent on behalf of the constituent unions in the Health Services and Support - Facilities subsector;
- (b) to conclude a single collective agreement with respect to the bargaining unit for which the Association is certified;
- (c) to promote co-operation among the constituent unions in collective bargaining and to establish the best possible wages and working conditions;
- (d) to promote co-operation among the constituent unions in administration of the collective agreement;
- (e) to protect the larger constituent union in the Association by adopting a voting system on decisions to be made that reflects the relative size of the membership of the trade unions within the Association;
- (f) to protect the smaller constituent unions in the Association by ensuring that no member or group of members of the smaller constituent unions is treated in a manner that is arbitrary, discriminatory or in bad faith.

Article 3 - Jurisdiction

The jurisdiction of the Association shall be limited and restricted to such areas as defined within the collective agreements, the Articles of Association, and the *Health Authorities Amendment Act (1997)*.

Article 4 - Finances

- (a) The constituent unions shall pay for the time and expenses of their members at the Association's Bargaining Council, on the Association's Negotiating Committee, and for the administration of the Association's collective agreement on issues involving only their members.

- (b) The constituent unions will share the joint costs of the Association's Council, negotiations and administration of the collective agreement on the basis of weighted membership.

Article 5 - Association Negotiating Committee

- (a) (i) The Health Services and Support - Facilities Subsector Bargaining Association Committee shall consist of voting members selected by each constituent union as follows:

HEU	13
BCGEU	6
IUOE	2
CSWU	1
Other Unions	1

- (ii) A designated spokesperson for a constituent union may cast votes on behalf of its members on the Negotiating Committee.
- (b) The representative from other unions will be elected from amongst other trade unions that the Labour Relations Board may certify to represent workers in the subsector, based on one union, one vote.
- (c) The composition of the Association Negotiating Committee will be reviewed annually, in June, to ensure that it continues to reflect the relative membership size of trade union representation in the bargaining units within the Association.

The membership of each constituent union also shall be reviewed to determine the percentage weight of the constituent unions and the composition of the Association Negotiating Committee shall be amended to reflect any changes. Should there be a dispute on the membership issue, the issue will be submitted to an umpire whose decision shall be final and binding on the constituent unions within the Association.

- (d) A quorum of the Association Negotiating Committee shall consist of at least two (2) of the constituent unions which have a majority of members on the Association Negotiating Committee. Notice shall be given to all committee members of the dates, times and places of bargaining sessions and other meetings of the Association Negotiating Committee. Where the committee is dealing with an issue specific to a constituent union that union must be advised and given an opportunity to have its representative(s) present.
- (e) The Association Negotiating Committee will seek to make decisions on the basis of consensus. Failing consensus, the decisions shall be made on the basis of a majority of the committee members.

- (f) The Committee may call upon other union representatives in a support or resource capacity.
- (g) The Association Negotiating Committee shall meet at least *four (4)* months prior to the expiry date of the collective agreement. At this meeting, the Association Negotiating Committee will call for bargaining proposals and address other relevant issues.
- (h) The Association Negotiating Committee shall serve notice to the employer and commence negotiations in accordance with Sections 46 and 47 of the Labour Relations Code.
- (i) The Association Negotiating Committee may appoint a special negotiating committee/committees or sub-committees, and authorized spokesperson(s) for either itself and/or each such special negotiating committee or sub-committee, respectively for the purposes of bargaining.
- (j) Prior to the commencement of collective bargaining, the Association Negotiating Committee shall forward to the Health Employers Association of BC the names of:
- (i) the members of the Association Negotiating Committee;
 - (ii) the members of any special negotiating committee/committees, if available; and
 - (iii) the authorized spokesperson(s) for either the Association Negotiating Committee and/or any special negotiating committee/committees.
- (k) The Association Negotiating Committee will negotiate one Master Collective Agreement covering all the employees in the Health Services and Support - Facilities subsector.
- (l) The chief spokesperson shall be elected by the Association Negotiating Committee. There shall be alternative spokes people, one from each of the other unions represented on the Association Negotiating Committee.
- (m) The Association Negotiating Committee will establish procedures to ensure co-operation and co-ordination with the other unions and bargaining associations in the health sector.

Article 6 - Bargaining

- (a) Four (4) months prior to the expiry date of the collective agreement, each constituent union shall submit to the Association Negotiating Committee the proposed amendments to the collective agreement. The Committee may waive the deadline.

- (b) Contract proposals shall be developed and approved by the Association Negotiating Committee.
- (c) The constituent unions agree to establish an Association Bargaining Council. The Association Bargaining Council will consist of one representative from each union certified to represent workers in the subsector. The Council will review and provide comment on contract proposals before they are approved by the Association Negotiating Committee. The Council will also review and provide comment on any memorandum of agreement as set out in Article 7(a).

Article 7 - Ratification

- (a) Where the Association Negotiating Committee has reached a Memorandum of Agreement on behalf of the Association, that Memorandum of Agreement shall be put to ratification by the employees if recommended by a majority of the Association Negotiating Committee.
- (b) Employees represented by the constituent unions shall vote by secret ballot, the wording of which shall be the responsibility of the Association Negotiating Committee, either to ratify or to reject the proposed collective agreement.
- (c) Each constituent union shall determine the method of conducting and counting the vote among its members. Where a majority of all ballots cast are in favour of ratifying the proposed collective agreement, the Association Negotiating Committee shall execute the collective agreement on behalf of the Association.
- (d) Where a majority of all ballots are cast in favour of rejecting the proposed collective agreement, the Association Negotiating Committee, in its discretion, may:
 - (i) return to negotiations on behalf of the Association and negotiate a new proposed collective agreement to be ratified in accordance with the provisions of this Article; or
 - (ii) if a strike vote has been taken pursuant to Article 8, and the vote was in favour of a strike by the Association, authorize a strike to commence on a date specified by the Association Negotiating Committee; or
 - (iii) if a strike vote has not been taken pursuant to Article 8, request the constituent unions to conduct a strike vote pursuant to Article 8.
- (e) The Association Negotiating Committee may request the constituent unions at any time to conduct a strike vote pursuant to Article 8 among the employees in the bargaining unit for which the constituent unions of the Association are certified.

Article 8 - Strike Vote

- (a) If the constituent unions are requested by the Association Negotiating Committee to conduct a strike vote, the constituent unions shall forthwith conduct strike votes on ballots supplied and drafted by the Association Negotiating Committee. Each union shall determine the method of conducting and counting the vote among its members.
- (b) Where a majority of all ballots cast are in favour of a strike by the Association, the Association Negotiating Committee may authorize a strike to commence on a date specified by the Association Negotiating Committee.
- (c) No constituent union, or member of a constituent union, will declare, authorize or participate in strike or picketing activity, without approval of the Association Negotiating Committee.

Article 9 - Execution of the Collective Agreement

The Association Negotiating Committee shall have exclusive authority, subject to the provisions of the Articles of Association, to negotiate, reach and conclude a collective agreement on behalf of the Association. A collective agreement reached and executed by the Association Negotiating Committee on behalf of the Association shall bind the Association, all constituent unions in the Association, and all employees in the Health Services and Support - Facilities subsector bargaining unit for which the Association is certified.

Article 10 - Administration of the Collective Agreement

- (a)
 - (i) The constituent unions agree to establish an Association Committee to work out procedures for consistent administration of the collective agreement, including a consultative process for precedential arbitrations and the right or obligation to belong to a particular trade union.
 - (ii) The Association Committee shall consist of one member from each union in the Association. Each member may cast votes equal to the number of voting members of the constituent union on the Association Negotiating Committee established under Article 5(a)(1).
- (b) The Association Committee shall make decisions on the same basis as the Association Negotiating Committee as set out in Article 5(b), (c), (d) and (e).
- (c) Where a grievance or dispute arising under a collective agreement entered into by the Association affects the members of only one (1) constituent union or is filed pursuant to the expedited arbitration procedure of the collective agreement or is filed under the grievance procedure but is settled on a without prejudice position prior to arbitration, that union shall be responsible for processing the grievance or dispute and shall bear the expense of arbitration of the grievance or dispute.

- (d) A constituent union shall notify the Association Committee of any grievance or dispute which it intends to refer to arbitration (other than the expedited arbitration procedure of the collective agreement) or intends to settle on a with prejudice basis which affects members of other constituent unions or which will have a general application in the Subsector. Within the time limits established in the collective agreement or within two (2) weeks of receiving this notification, whichever period is shorter, the Association Committee shall determine whether the grievance involves the interpretation of the Collective Agreement, or affects members of other constituent unions. If the Association Committee does so determine, the Association Committee shall formulate a position, including how the grievance is to be prosecuted, and which constituent union will have conduct of the grievance on behalf of the Association in the arbitration proceedings or before the Labour Relations Board. If the Association Committee determines that the grievance or dispute does not involve interpretation of the Collective Agreement, or does not affect members of other constituent unions, the original filing union shall represent the Association at arbitration or before the Labour Relations Board.
- (e) The Association Committee shall have the sole jurisdiction to determine whether or not a grievance involving policy or interpretation of the collective agreement is submitted to arbitration or is resolved on a with prejudice basis.
- (f) Where more than one union is certified to represent employees in a single representational unit, and where a difference arises between unions as to the determination of a grievance or the resolution of a dispute respecting the administration of the collective agreement, the matter shall be referred to the Association Committee which shall determine how the matter is to be addressed and which constituent union shall have conduct of the matter.
- (g) Where a difference arises with respect to the right or obligation to belong to a particular trade union within the Association, the Association Committee shall meet in an effort to develop a common Association position, based on the following principles:
- (i) workers, their positions, and their union will follow work transferred from one (1) worksite to another within the subsector;
 - (ii) workers, their positions, and their union will follow work transferred into the bargaining unit from outside subsector;
 - (iii) the maintenance of proportionality of membership amongst the unions for new amalgamated positions.
- (h) If the Association Committee is unable to develop a common position with respect to the right or obligation to belong to a particular trade union, the matter may be referred to a labour movement umpire agreed to by the parties. The umpire shall make a final and binding decision based on the principles in (g) above.
- (i) After a difference with respect to the right or obligation to belong to a particular trade union within the Association has been settled by discussion {(g) above} or

by umpire decision {(h) above}, the decision shall be binding on the Association and all its constituent unions in all proceedings, including with the employer or any third party.

Article 11 - Amendment

These Articles of Association may only be amended by agreement of two of the unions representing 75% or more of the total union membership in the Health Services and Support - Facilities subsector. Amendments are subject to the approval of the Labour Relations Board. A constituent union may apply to the Board for an amendment to these Articles.

Article 12 - Interpretation

Any dispute regarding the interpretation, application or administration of these Articles of Association shall be referred to a labour movement umpire agreed to by the parties. The umpire shall have no power to alter, amend, rescind or modify any of the provisions of these Articles of Association. The authority of the umpire shall be limited to the application, interpretation, administration or to the determination of whether or not a provision has been violated.

Article 13 - Miscellaneous

The Association shall not be responsible for the actions or activities of constituent unions unless such actions or activities have been authorized by the Association Negotiating Committee or the Association Committee established under Article 10.

Article 14 - Appeal Process

If a constituent union believes that it, one of its members or a group of its members have been treated in a manner that is arbitrary, discriminatory or in bad faith by the Association, the union shall apply to the Association Committee to reconsider the Association's action. The Committee shall issue its decision within (fourteen) 14 days of the application.

The constituent union may appeal the Association's action within seven (7) days of the Association Committee's decision to a labour movement umpire agreed to by the parties. The Umpire's decision shall be binding on the Association and all its constituent unions in all proceedings.

Article 15 - Appointment of Umpires

- (a) The unanimous agreement of all constituent unions is required to appoint or remove an umpire under these Articles of Association.
- (b) No later than March 31, 1998, the constituent unions shall meet and agree on a panel of 3 umpires, who shall be appointed on a rotating basis.

- (c) If an appointed umpire is unable to act, he/she shall be removed from the panel and the constituent unions shall meet and agree on a replacement umpire within three (3) weeks of the umpire's removal.
- (d) If the parties are unable to agree on the composition of the panel, the Association shall immediately notify the LRB, which shall make the necessary appointments within three (3) weeks of being so notified.

Article 16 - Review of Umpire's Decision

- (a) A decision of an umpire under these articles is final and binding on the constituent unions and the Association, subject only to review by the Labour Relations Board on the grounds that:
- (i) a party before the umpire has been denied a fair hearing, or
 - (ii) the decision of the umpire is inconsistent with the principles expressed or implied in the Articles of Association, and the *Health Authorities Amendment Act*, or any other Act dealing with labour relations, or
 - (iii) the decision is in error on a matter or issue of the general law.
- (b) A decision of the Labour Relations Board is subject to reconsideration under Section 141 of the *Labour Relations Code*.
- (c) Reference to an umpire under these articles must be submitted within seven (7) calendar days.

**ARTICLES OF ASSOCIATION
RESIDENTS BARGAINING UNIT**

1. PAR-BC is the sole union representing a bargaining unit of residents. As a consequence, the provisions of the collective agreements negotiated with employers and the constitution of PAR-BC fully deal with all issues which must be included within the Articles of Association.

2. If and when another trade union is certified to represent a residents' bargaining unit, PAR-BC agrees to meet within two weeks with that trade union to review and develop Articles of Association necessary to meet the needs of a multi-union association.

3. If agreement cannot be reached pursuant to Article 2, any areas of dispute will be submitted to the mediation process of the Labour Relations Board. If agreement cannot be reached in that process, the Labour Relations Board has jurisdiction to determine the Articles of Association.