



BRITISH
COLUMBIA

Ref: 62759

Brad Unger
Chair
Strathcona Regional District
#301 – 990 Cedar Street
Campbell River, BC V9W 7Z8

Shelley Siemens
Business Agent & Education Coordinator
United Steelworkers Local 1-1937
311 Hemlock
Port McNeill, BC V0N 2R0

Dear Brad Unger and Shelley Siemens:

On December 15, 2021, the Strathcona Regional District (SRD) sent a letter to me as Minister of Labour requesting that I direct the conduct of a last offer vote as per Section 78 (6) of the *Labour Relations Code* (Code).

As outlined in the application, the SRD is the employer of approximately 80 workers, represented by Local 1-1937 of the United Steelworkers (USW) at Strathcona Gardens Recreation Complex in Campbell River. The parties have been in collective bargaining since December 9, 2020 in an attempt to negotiate a mutually acceptable renewal collective agreement. I am aware that the parties have engaged a mediator from the Labour Relations Board (LRB) who has not been able to assist them reach an agreement. Regrettably as of today's date, the parties have not been able to achieve an agreement and the USW's members have been engaged in a legal work stoppage since November 22, 2021.

The employer tabled its latest revised offer to the USW on December 13, 2021, an offer that was rejected by the union. It is this offer that the employer now seeks be directly put to the USW Local 1-1937's membership as a result of a direction from me under Section 78 (6) of the Code.

.../2

Upon receipt of the employer's application, my Deputy Minister, Trevor Hughes, wrote to the union to seek their response to the employer's application to me. The union's response was received on December 21, 2021 and outlines its objection to the employer's application. My Deputy Minister then sought from the employer an indication if it wished to reply to the union's submission and on December 22, 2021, the employer responded that no further reply would be made.

The application now falls to me to decide whether to direct a last offer vote under Section 78 (6). For convenience, I set out the provision below:

“If, during a strike or lockout, the minister considers that it is in the public interest that the employees in the affected bargaining unit be given the opportunity to accept or reject the offer of the employer last received by the trade union in respect of all matters remaining in dispute between the parties, the minister may direct that a vote of the employees in the bargaining unit to accept or reject the offer be held forthwith in a manner the minister directs.”

The primary assessment I must make when considering the application is whether it is in the public interest to direct a vote. The union's submission outlines a series of considerations for the use of a last offer vote in the context of the labour relations system established in the Code. For the purposes of my decision with respect to this application, I do not need to comment on those considerations because in my view, I do not see how such a direction is in the public interest test for a number of reasons.

The primary reason for my conclusion is based on the fact that the employer's submission makes no mention for how such a direction is in the public interest. I note the submission identifies that Strathcona Gardens is a popular and well used public facility for which a strike has caused great disruption. But beyond this, there is no indication of how the strike, after only one month, has impacted the public interest. The mere unavailability of a recreation facility for a short period of time cannot be said to be causing so great a disruption that the public interest requires the intervention in this case. There is no question that a strike (or a lockout) can have an effect well beyond the employer and the union – and there can be no quarrel that that is one of the key impacts of a work stoppage.

The union's point about this service not being an essential one under Section 72 of the Code is compelling. There is no impact to the health, safety or welfare of the citizens of Campbell River at this time that necessitate me making the direction contemplated in the Code. I say “at this time” because it may well be that in the absence of an agreement at some point in the future, circumstances may well be changed enough that the public interest is at that time more severely impacted.

Brad Unger and Shelley Siemens
Page 3

As a result, at this time, I decline to direct a last offer vote under Section 78 (6) of the Code. I encourage the parties to continue to make efforts to reach a mutually acceptable renewal collective agreement. The parties can continue to access the mediation services of the LRB as they see fit.

If you have any questions, please contact Trevor Hughes, Deputy Minister, Ministry of Labour at (778) 974-2189.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Bains', written over a horizontal line.

Harry Bains
Minister

cc: Trevor Sones
Mediator – Mediation Division
British Columbia Labour Relations Board

Trevor Hughes
Deputy Minister
Ministry of Labour