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The Union of Caring Professionals

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Unions win LRB decision in community social services sector

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 living sub-sector community social services sector.

On May 18 the LRB dismissed an application filed by CLBC 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.

The decision comes after the joint union Community Social Services Bargaining Association raised preliminary objections about CLBC's application. The union bargaining association opposed the application on a number of grounds and the LRB dismissed CLBC's application.

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, in the union's opinion, the contractor is a family home provider, no violation of the collective agreement can be claimed. When the union believes that the contractor does not meet the definition of family home provider, the union files a grievance which could eventually go before an independent arbitrator who would decide which party's view is correct.



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