

**BRITISH COLUMBIA LABOUR RELATIONS BOARD**

EMERGENCY AND HEALTH SERVICES COMMISSION  
(BRITISH COLUMBIA AMBULANCE SERVICE)

(the "Employer")

-and-

AMBULANCE PARAMEDICS OF BRITISH COLUMBIA -  
CUPE LOCAL 873

("CUPE")

-and-

B.C. GOVERNMENT AND SERVICE EMPLOYEES'  
UNION

("BCGEU")

PANEL: Michael J. Adam, Vice-Chair

APPEARANCES: David McInnes, Gary Fraser and Lou Zivot, for the Employer  
Linda Dennis and John Horsfield, for CUPE

CASE NO: 59035

DATE OF HEARING: July 24, 2009

DATE OF DECISION: July 24, 2009

**DECISION OF THE BOARD**

1           The Labour Relations Board is concerned in this proceeding with a directive from  
the Minister of Labour that the Board designate facilities, productions and services as  
necessary or essential at certain Employer worksites pursuant to Section 72 of the  
*Labour Relations Code* (the "Code"). The proceeding arises as a result of an ongoing  
dispute between the Employer and CUPE.

2           On May 15, 2009, the Board issued BCLRB No. B104/2009 (the "ESO"). The  
ESO was filed in the Supreme Court of British Columbia pursuant to Section 135 of the  
Code.

3           In its application, the Employer applies for:

1. A declaration that paramedic coverage, at levels and in a manner directed  
by the Employer, for the public events set out in Schedule "A" to its  
application, is essential and is currently covered by the ESO;
  
2. In the alternative, an Order amending the ESO to provide that paramedic  
coverage, at levels and in a manner directed by the Employer, for the public  
events set out in Schedule "A" to its application, is essential; and,
  
3. An Order that, if (2) above is granted, the amended order be filed in the  
Supreme Court of British Columbia forthwith.

4           Having heard and considered the submissions of the parties, and upon being  
satisfied that the Employer's application is of considerable urgency, I have determined  
that the amendment of the ESO is necessary or essential to prevent immediate and  
serious danger to the health, safety and welfare of the residents of British Columbia.

5           This Order is supplemental to the existing ESO. This Order designates essential  
services that are in addition to those in the existing ESO; it does not replace or  
supersede the existing ESO. The requirements of the existing ESO apply with equal  
force and effect to this Order.

6           I am satisfied that the following additional designations and orders should be  
made and the following conditions imposed on an interim basis pending further  
adjudication of the application, pursuant to Sections 72, 73, 133(2), 134 and 139 of the  
Code:

1. The Labour Relations Board hereby designates as essential, paramedic coverage, at levels and in a manner directed by the Employer, for the following public events:
  - a. Celebration of Lights, July 25, 2009, July 29, 2009 and August 1, 2009
  - b. Pride Parade – August 2, 2009
  - c. Saanich Fair – August 2, 2009
  - d. Abbotsford Air Show – August 7-9, 2009
  - e. Ironman Triathlon – August 30, 2009 (Penticton, Oliver, Osoyoos and Keremeos, B.C.)
  - f. Victoria Marathon, October 2009
2. In providing essential services under this Order, the Employer and CUPE are specifically directed to ensure compliance with Section 72(8) of the Code which states:

If the board designates facilities, productions and services as essential services, the employer and the trade union must supply, provide or maintain in full measure those facilities, productions and services and must not restrict or limit a facility, production or service so designated.
3. To facilitate compliance with paragraph 2 above in respect of the Celebration of Lights event scheduled for Saturday, July 25, 2009, the Employer and the Union shall be jointly responsible for scheduling sufficient qualified employees to ensure the provision and maintenance of the essential services designated herein.
4. I hereby direct that this Order be filed in the Supreme Court of British Columbia.

7 This Order reflects the current determination of the Board with respect to the matters contained herein. The designations may be increased by agreement of the parties or revised by successful application to the Board by the Employer or the Union.

LABOUR RELATIONS BOARD

**"MICHAEL J. ADAM"**

MICHAEL J. ADAM  
VICE CHAIR