

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")

PANEL: Ken Saunders, Vice-Chair

APPEARANCES: David McInnes and Gary Fraser, for the
Employer
Patrick Dickie and Amanda Rogers, for
CUPE

CASE NO: 59035

DATE OF HEARING: October 20, 2009

DATE OF DECISION: October 21, 2009

DECISION OF THE BOARD

1 The Employer and CUPE are currently in an ongoing labour dispute.

2 This proceeding concerns 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").

3 On May 15, 2009, the Board issued BCLRB No. B104/2009 (the "ESO"). The ESO was amended in BCLRB No. B155/2009. The ESO and BCLRB No. B155/2009 were filed in the Supreme Court of British Columbia pursuant to Section 135 of the Code.

4 The Employer now seeks the following relief:

1. A declaration that paramedic coverage, at the events listed in Schedule "A" at levels and as directed and deployed by the Employer, is essential pursuant to Section 72 of the Code and the ESO;
2. In the alternative, an Order amending the ESO to provide that paramedic coverage, at the events set out in Schedule "A", at levels and as directed by the Employer, is essential pursuant to Section 72 of the Code and the ESO;
3. In the further alternative, an interim Order amending the ESO to provide that paramedic coverage, at the events set out in Schedule "A", at levels and as directed by the Employer, is essential pursuant to Section 72 of the Code and the ESO; and
4. That any Order made pursuant to this application be filed with the Supreme Court of British Columbia.

5 The Union and Employer appeared at an expedited hearing. The parties made submissions about the Employer's request for an interim order. The Union vigorously opposed every aspect of the Employer's application. In the alternative, the Union asked that conditions be attached to an interim order.

6 Having heard and considered the submissions of the parties, I am satisfied that the following additional designations and orders should be made and the following conditions imposed on an interim basis pending 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 the events and at the levels listed on Schedule "A" of this Order.

This designation is supplemental to the ESO. It 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.

2. This Order is in effect until November 9, 2009 unless varied by the Board.
3. 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

"KEN SAUNDERS"

KEN SAUNDERS
VICE CHAIR