



RE: An application brought pursuant to sections 71 and 86 of the *Labour Relations Code* by Alberta Health Services affecting the Alberta Union of Provincial Employees – Board File No. GE-08367

FINDINGS AND DIRECTIVES

Preamble:

Whereas on October 26, 2020, Alberta Health Services (the “Employer”) filed an urgent application with the Alberta Labour Relations Board (the “Board”) seeking to reactivate a previously adjourned application the Employer filed on October 15, 2020 under sections 71 and 96(2)¹ of the *Labour Relations Code* (the “Code”) (the “Application”);

And whereas the Alberta Union of Provincial Employees (the “Union”) is the certified bargaining agent for the following region-wide functional bargaining units:

Certificate 140-2017 – All employees when employed in general support services; and

Certificate 98-2017 – All employees when employed in auxiliary nursing care.

And whereas the Application relates to employees in the above bargaining units who work in the area of health care where essential services are provided, and who allegedly engaged in illegal strike activity (the “Employees”) at numerous locations across the province of Alberta on October 26, 2020.

And whereas the Employer and the Union do not currently have any essential services agreements in place, which is a requirement for a legal strike under section 73(a.1) of the *Code*.

And whereas the Application came to hearing before a panel of the Board on October 26, 2020 at 4:00 pm, at which time the Board afforded the parties an opportunity to be heard on the matters set out in the Application relating to the Employees, with the agreement that the parts of the Application as against AUPE will be heard at a later time.

FINDINGS

Therefore the Board makes the following findings:

1. On October 26, 2020, a number of the Employees who work at various facilities operated by the Employer failed to show up for, or walked off the job during, their scheduled shifts.

¹ After discussion with the parties, the Board permitted an amendment of the Application to reference section 86 of the *Code* instead of section 96(2).

2. The Board finds this refusal to work amounts to an illegal strike under s. 71 of the *Code* and declares that these Employees are engaged in an illegal strike contrary to that provision.

DIRECTIVES

Therefore, the Board makes the following Directives under section 86 of the *Code*:

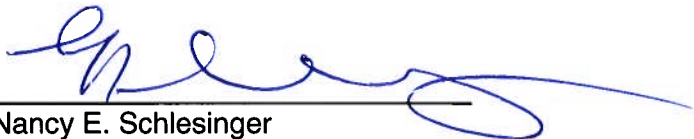
3. All Employees engaged in an illegal strike are ordered to cease and desist from engaging in any further strike activity.
4. All Employees engaged in illegal strike activity are directed to return to work according to their scheduled shifts.

And the Board makes the following procedural directives:

5. The Union shall immediately take steps to notify all Employees in the above bargaining units of these Directives by all reasonable means.
6. The Employer may serve these Directives on Employees by personal service, or by posting the Directives at a conspicuous place in areas where the Employees are picketing, or by posting on Employer or Union bulletin boards at the Employees' workplace or via email.
7. These Directives take effect immediately.
8. Further to the Employer's request under section 88(2) of the *Code*, amendments to which provision came into force on July 29, 2020, the Board shall forthwith file these Directives with the Alberta Court of Queen's Bench. Once filed, the Directives will be enforceable as an Order of the Court. Violation of a court order can result in civil or criminal penalties including contempt of court.
9. Once filed, these Findings and Directives, when served upon an individual shall have added to them, in bold print the words:

"This Order has been filed in the Alberta Court of Queen's Bench.
It is now enforceable as an Order of the Court."

ISSUED and DATED at the City of Edmonton, in the Province of Alberta this 26th day of October, 2020 by the Alberta Labour Relations Board and signed by its Chair.



Nancy E. Schlesinger
Vice Chair