



NOTICE TO EMPLOYER AND EMPLOYEES

On February 4, 2022, the Board received correspondence from Sylvie Lang, legal counsel on behalf of Alberta Health Services ("AHS" or the "Employer"), filing an application under section 67.1(2) of the *Labour Relations Code* (the "Code") seeking a marshalling order affecting The Alberta Union of Provincial Employees ("AUPE" or the "Union") and numerous Grievors ("Affected Grievors").

The application relates to more than 400 grievances filed by the Union on behalf of its members, as well as multiple complaints filed with the Alberta Human Rights Commission, relating to the Employer's Immunization of Workers for COVID-19 policy. The application categorizes the grievances into nine groups.

The *Code* states the purpose of a marshalling order is to:

- Avoid duplicate or unnecessary proceedings;
- Ensure that any necessary preliminary issues are dealt with first and in the appropriate forum;
- Avoid the litigation or re-litigation of matters already decided in another forum or that can reasonably and fairly be determined in another forum; and
- Clarify the extent of the trade union's duty of fair representation in relation to the various proceedings in issue as they proceed.

If the Board decides to grant a marshalling order, it may:

- Direct that grievances or arbitrations arising out of common circumstances be consolidated and heard in one proceeding;
- Where an issue arises in a Board proceeding as well as in proceedings before one or more other decision-makers, the Board can direct the forum that the issue should be decided in, or direct which of several processes should go ahead first;
- Set conditions under which proceedings will continue;
- Stay any proceeding that will be effectively determined by arbitration or other proceeding; or
- Make any other directions agreed upon by the parties, or that are just and equitable in the circumstances.

Any employees or groups of employees affected by this application may make representations on the matter by filing a written statement with the Labour Relations Board **on or before February 22, 2022**. Any document sent to the Board regarding this application will be placed on the file and provided to the Union and the Employer.

The statement must give in detail the reasons for the representation. If an individual on behalf of a group of employees files the statement, it must contain the names, addresses, telephone numbers and signatures of all employees supporting the statement. In addition, it must contain the name, address, telephone number and signature of the individual representing employees who have signed the statement.

If you have any questions regarding this application, please contact Fenton Corey, Labour Relations Officer at (780) 422-8259.

If any person has any questions relating to this matter, please contact:

Labour Relations Board
501, 10808 - 99 Avenue
Edmonton, Alberta T5K 0G5
Tel: (780) 422-5926

Labour Relations Board
308, 1212 - 31 Avenue NE
Deerfoot Junction, Tower 3
Calgary, Alberta T2E 7S8
Tel: (403) 297-4334