

CONTRACT INTERPRETATION MANUAL

Article 5 UNION SECURITY

Interpretation Guidelines

Article 5.01 – Union Security

The Union security provision in the PCA is known as a “modified union shop” provision. In order to be employed in a bargaining unit position, new employees have to become a Union member by signing a union membership card and the authorization for deduction of union dues.

Stewards need to ensure they are part of the orientation process to meet new employees (Articles 6.04 and 6.10).

Current employees covered by the certification who are members of the Union must maintain membership as a condition of continued employment.

There may be situations whereby Union membership might be terminated, such as discipline rendered under the Union’s Constitution and Bylaws, which in turn could affect one’s employment.

There are situations where an employee can maintain employment without being a Union member:

1. Employees have the right to choose not to become a Union member at the time of certification. However, they are obligated to pay an amount equivalent to union dues to a charitable organization acceptable to both the Union and the employee.
2. An employee can apply to the BCLRB for exclusion from union membership on the basis of religious exemption under Section 17 of the Labour Relations Code. However, in order to be successful, the employee has to satisfy the BCLRB that due to their religious convictions or a belief, membership in any union is objectionable.
 - (a) In assessing an application for religious exemption, the BCLRB applies the following criteria:
 - i. The employee’s objection to joining a trade union or paying union dues is founded on a deeply held, personal religious belief, and not on social, political or philosophical grounds;
 - ii. The employee objects to joining a trade union or paying union dues generally, not to a particular action or policy of a union; and
 - iii. The employee’s objections are irreconcilable with membership in any and all trade unions.
 - (b) Once the BCLRB determines an employee has satisfied the above criteria, it will issue a decision exempting the employee from trade union membership.
 - (c) However, the employee must still remit an amount equal to union dues to a charitable organization that is acceptable to both the Union and the employee (Policy 3.1.2 in BCNU’s Policies & Procedures).

Employees exempted from Union membership under Section 17 are not entitled to participate in any vote conducted by the Union (e.g. Steward elections, ratification vote) or in a vote held for the purposes of the Labour Relations Code (e.g. strike vote, decertification).

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NBA Jurisdictional Agreement – August 4, 1998 - Appendix V in the PCA.

This was a decision of the Umpire for the NBA, John Baigent, and sets out the criteria with regard to union membership for newly hired RNs and RPNs and new certifications as follows:

1. Nurses who change jobs/credentials at their current worksite do not change their union membership. For example: An RN who is a BCNU member and is hired into a job previously occupied by an RPN does not change unions. Or: An RPN who is a member of HSA and changes her credentials to become an RN does not change unions.
2. Newly hired RNs and RPNs (single registered) join the union which represents the predominant number of nurses with their credentials at the worksite. For example: BCNU represents the majority of RNs,- or HSA represents the majority of RPNs. Newly hired dual registered nurses (RN/RPN) will choose their union at the time of hire and remain in that union unless they change worksites. In all cases (RN, RPN and dual registered), if there is only one association member representing nurses at that worksite, they join that union.
3. The Union who organizes a first certification negotiates that certification into the Nurses' Provincial Collective Agreement.

Please direct any questions related to union jurisdiction to your LRO.

Article 5.02 - Union Deductions

Employees must sign an authorization for dues deductions at the time they are hired.

The amount of union dues deducted is determined under the Constitution and Bylaws through a vote of the membership at convention.

Besides providing BCNU membership with representation in bargaining and dealing with issues arising out of their employment, BCNU dues also include access to the BCNU Licensing, Education, Advocacy, and Practice (LEAP) which provides assistance, up to and including legal representation, to any BCNU member involved in matters related to the BC College of Nurses and Midwives (BCCNM).

Employees refusing to authorize dues deduction will be dismissed by the Employer on receiving written notice from the Union, except where an employee has an application pending under Section 17 of the Code.

Before March 1 of each year, the Employer is required to issue a T4 slip to each employee containing the amount of dues paid to the Union.

Additional Resources

Legislation

1. Labour Relations Code, Section 17.

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BCLRB Decision

1. Cliff Straub and CUPE Local 411 and Board of School Trustees, School District No. 33 (Chilliwack), BCLRB No. 11/76. Sets out the criteria used to assess an application for religious exemption.

Footnotes

Article	5.0
Sub-Article	5.01, 5.02
Last Update	31-03-21
Related Articles	4, 6, Appendix V, BCNU Policies & Procedures, 3.1.2

The interpretations in this manual are provided on a *without prejudice, errors and omissions* basis to any position Unions in the Nurses' Association of Bargaining Agents may take in any arbitral proceeding or any other forum.