

## Article 5

### Article 5 - Union Security

Related Articles: 4, 6.02, 6.04 (7), 6.10

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.

**Note:** Stewards need to ensure they are part of the orientation process to meet new employees and ensure they have signed a union membership card and authorization for deduction of union dues (Also see Articles 6.04(7) and 6.10 List of New and Terminating Employees)

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

If an employee stops being a member in good standing they can have their employment terminated. **Situations where a member could stop being a member in good standing include:** if the member refuses to sign a union membership card or authorization of union dues or commits a serious breach of the Union's Constitution and Bylaws.

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 LRB** 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 LRB that due to his/her religious convictions or a belief, membership in **any** union is objectionable.

**In assessing an application for religious exemption, the LRB applies the following criteria:**

- a) 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;

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- b) The employee objects to joining a trade union or paying union dues generally, not to a particular action or policy of a union; and
- c) The employee's objections are irreconcilable with membership in any and all trade unions.

Once the LRB determines an employee has satisfied the above criteria, it will issue a decision exempting the employee from trade union membership.

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. *BCNU usually suggests the amount be donated to the BCNU education fund which provides funding for nursing education.*

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). Therefore, prior to any votes, it is important for Stewards to ask for the names of those employees at the worksite that have been granted exemptions under Section 17.

### **NBA Jurisdictional Agreement - August 4, 1998 - Appendix BB 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, UPN or HSA represent 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.*

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### Article 5.02 - Union Deductions:

1. Employees must sign an authorization for dues deductions at the time they are hired.
2. The amount of union dues deducted is determined under the Constitution and Bylaws through a vote of the membership at convention.
3. 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 Legal Expenses Assistance Program (LEAP)** which provides assistance, up to and including legal representation, to any BCNU member involved in matters related to the College of Registered Nurses of BC (CRNBC) and the College of Registered Psychiatric Nurses of BC (CRPNBC).

**For example:** LEAP is used to provide representation to members who are the subject of complaints to the College about professional practice or substance abuse issues. The LEAP fund also provides BCNU members with access to independent legal advice in matters arising from the workplace such as coroner's inquests, malpractice suits etc.

Please contact the BCNU office for more information about the LEAP program.

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

#### Additional References:

#### Legislation:

Labour Relations Code, Section 17.

#### LRB Decision:

*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.