



BC FERRY & MARINE WORKERS' UNION

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BCFMWU RIGHT TO STRIKE CASE

The decision in BCFMWU's court case regarding our right to strike was released today.

BCFMWU sought to overturn the decision of the Labour Relations Board that upholds Arbitrator Hall's award that BCFMWU does not have the right to strike because of the Final and Binding Arbitration provision in our Collective Agreement (Article 34.02).

In her decision, Justice Choi of the BC Supreme Court stated that even though "The [Labour Relations] Board did not conduct a fulsome Charter values Analysis," the Union's petition did not pass the test of "patently unreasonable" that is required to overturn Board decisions. Therefore, Justice Choi dismissed the Union's petition.

While certainly not the outcome our Union was looking for, there was a positive development from this hearing. In the course of the hearing BC Ferries acknowledged that, should BCFMWU propose to regain the right to strike at Collective Bargaining, and the parties end up at Binding Arbitration, the Arbitrator in the matter would be legally obligated to reinstate our right to strike.

Our Union is in the process of carefully reviewing this decision and what our best options are to secure the vital right to strike for our membership.

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