

September 14, 2009

Ms. Debra McPherson
President
British Columbia Nurses' Union
4060 Regent Street
Burnaby, BC V5C 6P5

Dear Ms. McPherson

Re BCNU Raid of LPNs from BCGEU and HEU

This is to recap our lunch last Thursday (September 10th) with Gary Fane and you, and to reiterate our position. I've thought about it over the weekend and feel compelled to respond.

We are disappointed of the decision of your executive to escalate this dispute by shifting from the allegedly innocuous "*associate membership*" to applications for full BCNU membership, in spite of the efforts of the CLC to urge you to refrain. It is apparent that the associate memberships were a deceitful ruse in the first instance and that the initial rationale provided by the BCNU is just untruthful. One wonders what, if anything, can be believed from BCNU regarding their plans to raid our membership.

Secondly, we have no interest in your offer of compensation to the BCGEU for those LPNs you seek to raid from us. Our members are not chattels to be brokered or paid for in a hostile takeover bid. We find the notion of paying for our members to be repugnant and will have nothing to do with any such arrangement.

Additionally, there are two significant legal hurdles to your efforts to raid LPNs. You are attempting to raid one classification, LPNs, from the Health Service and Support, Facilities Sector and Community Subsector Associations. We expressed doubt that this can be done successfully but you assure us that it can, citing an earlier LRB decision this year concerning Operating Engineers who were organized by PPWC. This decision is easily distinguished and will not help your case. PPWC raided this entire certification, not one classification within a certification. It is extremely unlikely that the LRB would permit this to occur as it would open flood gates for a proliferation of bargaining units; this is counter to LRB policy.

The second legal hurdle is the definition of health bargaining units under current statutes. The nurses bargaining unit does not permit the inclusion of LPNs and you state that, "*We made no deal with the government to amend these definitions when we negotiated our two year extension.*" If this is true, your raid serves no purpose. We suspect that this statement is as disingenuous as your earlier statements about the purpose of associate memberships.

It was interesting to note your admission that even if the BCNU is successful in raiding our LPNs, "*the BCNU is caught in the same wage freeze as every other union in health care in BC*", including the freeze on further market adjustments. LPNs are being led to believe that they will do better in bargaining with the BCNU, but the truth is that your grass is no greener than ours. It's a dry, parched landscape for bargaining across the board in BC, thanks to the government's current wage policy.

Last, but not least, was our discussion of the CLC and sanctions which, for the moment, are only applied in BC, and not against your national union, the CFNU, as is normally the case. You seem assured that the CLC will not apply sanctions against your national union and, if they did, that the CFNU will stand in solidarity with the BCNU, perhaps outside of the CLC. You suggest that this scenario would even free up CLC dues payments for other purposes, like organizing. Perhaps you are right, and the CFNU has no interest in solidarity with other unions if it encumbers the ambition of the BCNU to raid other unions in BC. I'd be surprised if the CFNU is so eager to tear up the fabric but you'd know better than me. I can say that NUPGE (BCGEU) and CUPE (HEU) will not let your raiding rest as a BC issue only because it encourages raiding across Canada. My own union, NUPGE, expelled one of our provincial components, the Alberta Union of Public Employees (AUPE) for this very reason.

In closing, let me ask you once again to step back from this raid of our members. Your raid will likely fail for reasons noted above but if you are successful, the price will be very dear; BCNU, and possibly the CFNU, will become pariahs of the labour movement, unwelcome in union circles, shunned by unions in health care in particular, denigrated for playing toady with the Campbell Liberals for a "*secret deal*" to raid LPNs and uncomfortable with the result; an expensive misadventure to expand the coverage of your craft to include LPNs who will be disaffected with your inability to void a wage freeze in the public sector.

Please take a sober, second look at this misdirected means of growing your membership.

Sincerely



Darryl Walker
President