

UNFAIR LABOUR PRACTICE COMPLAINT

- *To ensure timely processing of the application please provide complete details and supporting documents*
- *The Labour Relations Board treats unfair labour practice complaints filed under these provisions of the code as expedited matters. Processing of these complaints may include settlement meetings/discussions with Board Officers and scheduling of an expedited hearing.*

FILING SECTION(S)

This complaint is filed under Sections(s):

5

6

7

9

(Please check box(es) as applicable, and provide full details on page 3)

Are you asking for an expedited hearing to be held within three calendar days under Section 5(2) of the Code?

Yes No

COMPLAINANT INFORMATION

INDIVIDUAL, TRADE UNION, EMPLOYER OR EMPLOYER'S ORGANIZATION MAKING THE COMPLAINT.

Name: MoveUP (Canadian Office and Professional Employees Union, Local 378)

Address: 301 4501 Kingsway City: Burnaby

Postal Code: V5H0E5 Telephone: 6042990378 Fax: 604-299-8211

Cell No: 7785805191 E-mail: nbeausoleil@moveuptogether.ca

Name of Contact Person: Nathan Beausoleil

Address (if different from above): 301 4501 Kingsway Burnaby BC V5H0e5

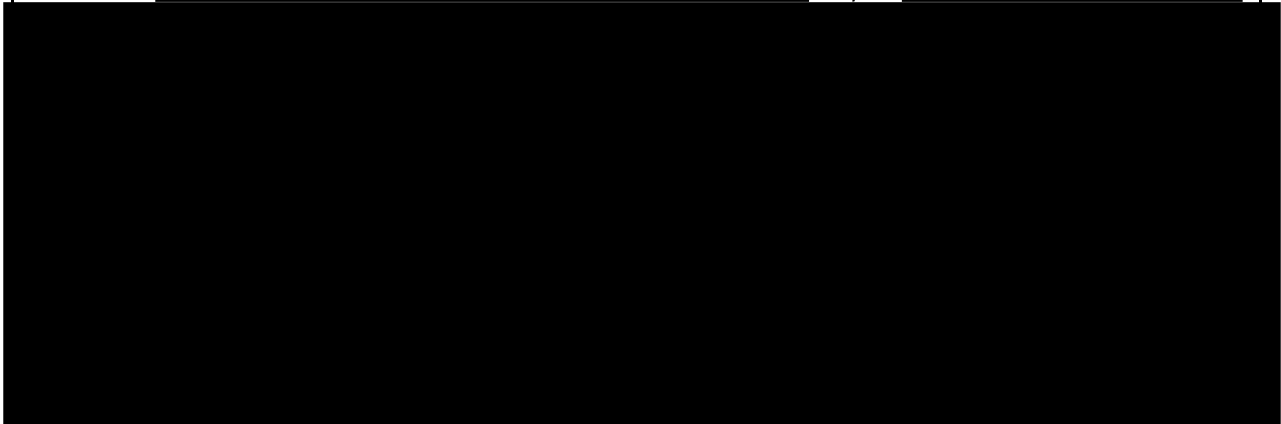
E-mail: nbeausoleil@moveuptogether.ca

ADDITIONAL COMPLAINANTS

Name:	_____
Position:	_____
Address:	_____ City: _____
Postal Code:	_____ Telephone: _____
Cell No:	_____ E-mail: _____
Name:	_____
Position:	_____
Address:	_____ City: _____
Postal Code:	_____ Telephone: _____
Cell No:	_____ E-mail: _____

RESPONDENT(S) INFORMATION

INDIVIDUAL, TRADE UNION, EMPLOYER OR EMPLOYERS' ORGANIZATION WHO YOU ARE COMPLAINING ABOUT.	
Name:	Nimbus School of Recording & Media
Address:	300 1490 W Broadway City: Vancouver



DETAILS OF YOUR COMPLAINT

You must identify the specific sections(s), along with the subsection(s), of the Code alleged to have been violated and set out the facts you rely upon in alleging the respondent(s) has/have breached each specified section. Please include the relevant background to the complaint.

NOTE: Lack of sufficient particulars will delay the processing of the complaint.

COLLECTIVE AGREEMENT

Is a collective agreement in force between the employer and the union?

Yes

No

If yes, is the matter the subject of a grievance under the collective agreement? (Provide details)

If a collective agreement is in force, explain why this complaint should be processed by the Labour Relations Board and not dealt with through the grievance/arbitration provisions of the collective agreement.

REMEDY

Identify the specific remedy/remedies you are seeking from the Labour Relations Board.

CONFIRMATION OF SERVICE OF COMPLAINT

Have you served a copy of this complaint on the respondent(s)?

Yes No

When was your complaint served? Date: May 4 2022

NOTE: You must satisfy the Board's service requirements before the Board will proceed with your complaint. See Labour Relations Board Rules 2(3), 6(1), 6(2) for details.

Signature of Complainant or Representative: _____
(omit if filing electronically)

Print name: Nathan Beausoleil

Position: Union Representative

Date of signing: May 4 2022

COMPLETE AND DELIVER TO:

Registrar
Labour Relations Board
600 - 1066 West Hastings Street
Vancouver, BC V6E 3X1
Tel: 604-660-1300
Fax: 604-660-1892
Email : registrar@lrb.bc.ca

LABOUR RELATIONS BOARD FEES

The application must include an application fee of \$100.00. Your application may not be accepted for filing until the payment is received.

METHOD OF PAYMENT (CHECK ONE)

- Charge to my Organization's Pre-Approved Account
- Cheque (Enclosed or to follow)
- Credit card
- Debit card using BC Expresspay

Please contact the Board's Registry at 604-660-1300 to arrange to pay the application fee by credit (Visa or Mastercard).

If you have selected to pay by debit card, a member of the Board's Registry staff will email you a link to pay by BC Expresspay.

Phone Number of where the card holder can be reached: _____

PLEASE DO NOT FAX OR EMAIL YOUR CREDIT CARD INFORMATION

Appendix 'A'

The Union posits the Employer is in violation of the requirements of Section 6(1) of the Labour Relations Code to not interfere in the administration of a trade union by failing to bargain in good faith a first collective agreement under Section 11, 45 and 47 of the Code.

MoveUP submitted a ULP complaint on January 28th, (attached Appendix 'B'), for, amongst other issues, failure to bargain.

With SIO intervention and mediation, the Parties agreed to schedule April 14th for bargaining. The Union agreed to withdraw from the ULP complaint on April 8th 2022 as a result of upcoming bargaining dates (attached Appendix 'C').

The Employer no-showed for bargaining on April 14th 2022 with no notice. The Union has attempted to contact the Employer Representative on April 13, 2022, April 19, 2022, April 21, 2022, April 22, 2022, April 28, 2022, May 2, 2022 and May 4, 2022 to resume bargaining with no response.

The Union posits that the Parties cannot bargain in good faith if the Employer refuses to meet at the table or schedule bargaining dates.

Upon investigation, if the Board is in agreement that the above events constitute acts prohibited by Section 6, 11, 45 of the Code, MoveUP requests that the Board consider the following orders as resolution :

- (a) make an order directing NSRM to cease all unfair labour practices
- (b) direct NSRM to bargain in good faith, and to schedule dates in the immediate future to resume collective bargaining; **and**
- (c) direct NSRM to reimburse the filing fee for this application to MoveUP

Please feel free to contact me for clarification or further details.

Respectfully,



Nathan Beausoleil
Union Representative
MoveUP

Appendix 'B'



UNFAIR LABOUR PRACTICE COMPLAINT

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Name: MoveUP (COPE 378)

Address: 301 4501 Kinsway City: Burnaby

Postal Code: V5H0E5 Telephone: 7785805191 Fax: 604-299-8211

Cell No: 85805191 E-mail: nbeausoleil@moveuptogether.ca

Name of Contact Person: Nathan Beausoleil

Address (if different from above): n/a

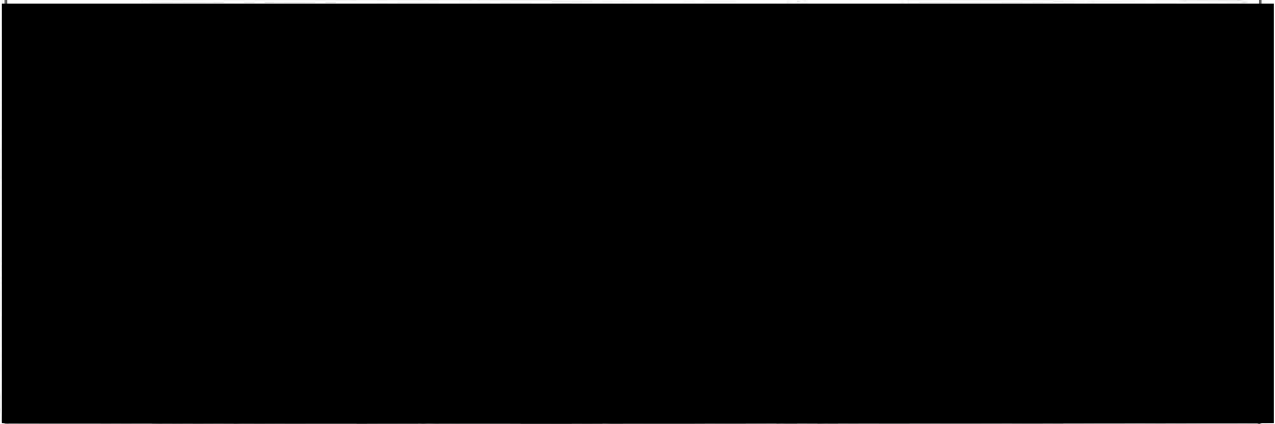
E-mail: nbeausoleil@moveuptogether.ca

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Name:	_____
Position:	_____
Address:	_____ City: _____
Postal Code:	_____ Telephone: _____
Cell No:	_____ E-mail: _____
Name:	_____
Position:	_____
Address:	_____ City: _____
Postal Code:	_____ Telephone: _____
Cell No:	_____ E-mail: _____

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Address:	300 1490 W Broadway City: Vancouver



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See attached

COLLECTIVE AGREEMENT

Is a collective agreement in force between the employer and the union?

Yes

No

If yes, is the matter the subject of a grievance under the collective agreement? (Provide details)

If a collective agreement is in force, explain why this complaint should be processed by the Labour Relations Board and not dealt with through the grievance/arbitration provisions of the collective agreement.

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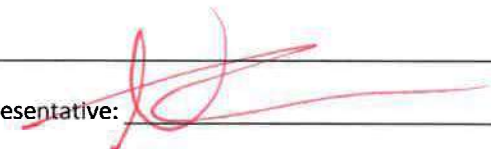
Yes

No

When was your complaint served? Date: 2022-01-28th

NOTE: You must satisfy the Board's service requirements before the Board will proceed with your complaint. See Labour Relations Board Rules 2(3), 6(1), 6(2) for details.

Signature of Complainant or Representative:
(omit if filing electronically)



Print name: NATHAN DEAU SOLÉIC

Position: UNION REPRESENTATIVE

Date of signing: JANUARY 28th / 2022

COMPLETE AND DELIVER TO:

Registrar
Labour Relations Board
600 - 1066 West Hastings Street
Vancouver, BC V6E 3X1
Tel: 604-660-1300
Fax: 604-660-1892
Email : registrar@lrb.bc.ca

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If you have selected to pay by debit card, a member of the Board's Registry staff will email you a link to pay by BC Expresspay.

Phone Number of where the card holder can be reached: _____

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Details of the Section 6 complaint re. Nimbus v. MoveUP:

The parties were issued certification by the board on April 29th, 2021 ('2021-000257J') granting bargaining rights to MoveUP for affected employees at Nimbus School of Recording and Media ('NSRM'). Upon certification, MoveUP was informed by NSRM that they would be retaining HR West Consulting as primary point of contact for all labour relations and collective bargaining until the negotiation of the first collective agreement. Kevin Wooliams, managing director at HR West Consulting, advised that he would be primary point of contact on behalf of the Employer going forward.

HR West Consulting contact information for reference:

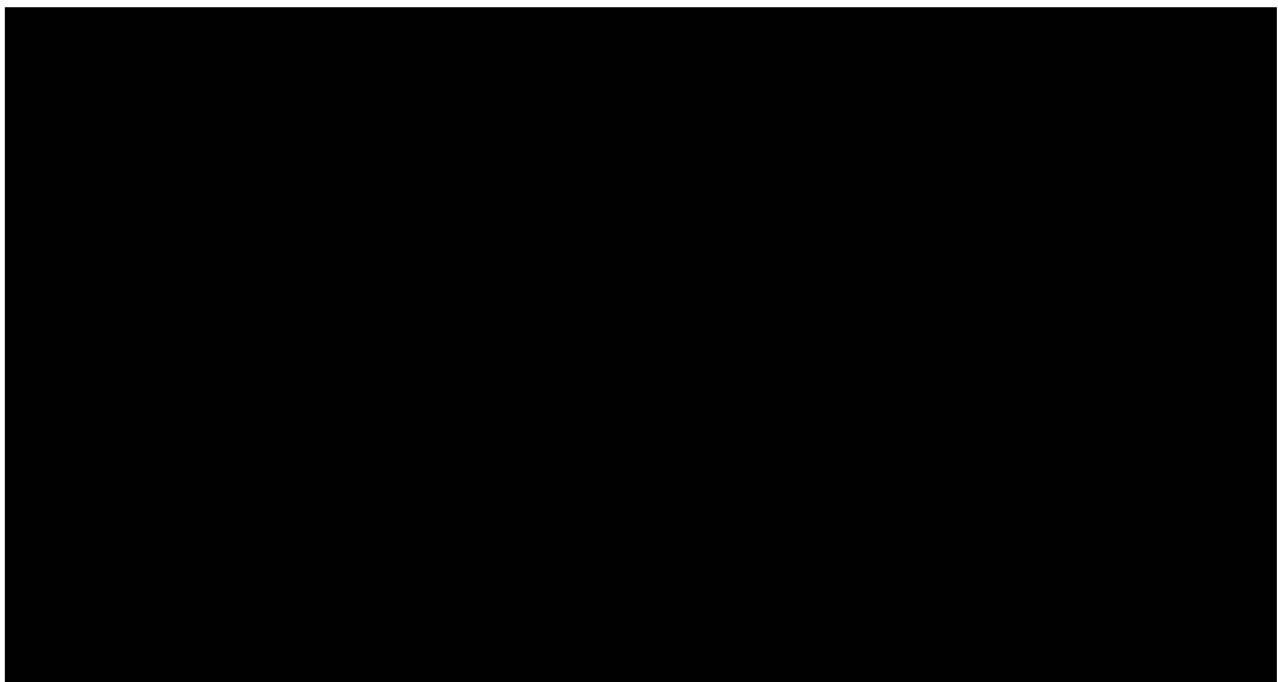
2nd Floor, 8661 201 St.
Langley, BC V2Y 0G9
Phone: (604) 546 – 7674
Email: info@hrwest.ca

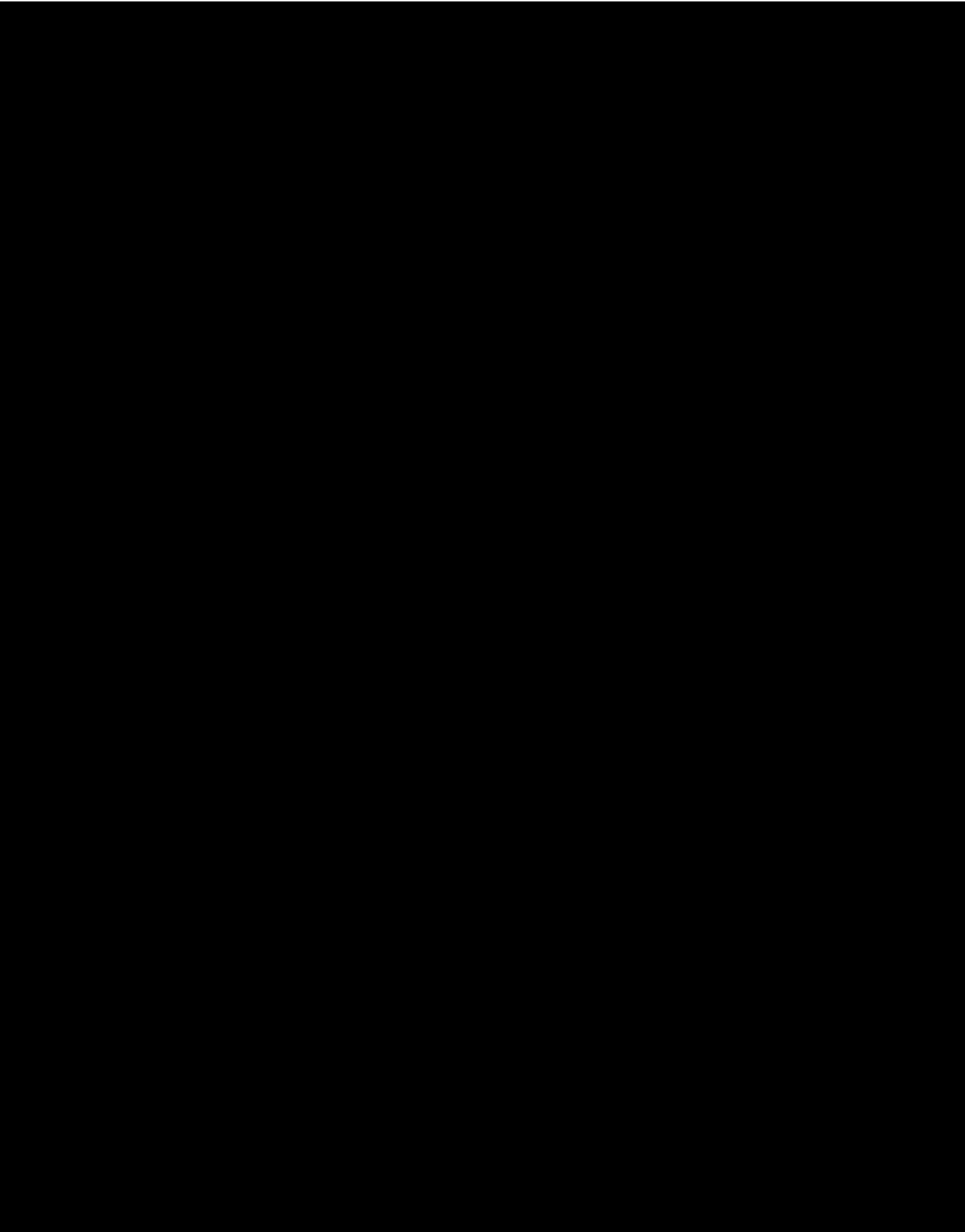
The Union alleges that the Employer has engaged in unfair labour practices in violation of Section 6, 11, and 45 of the code.

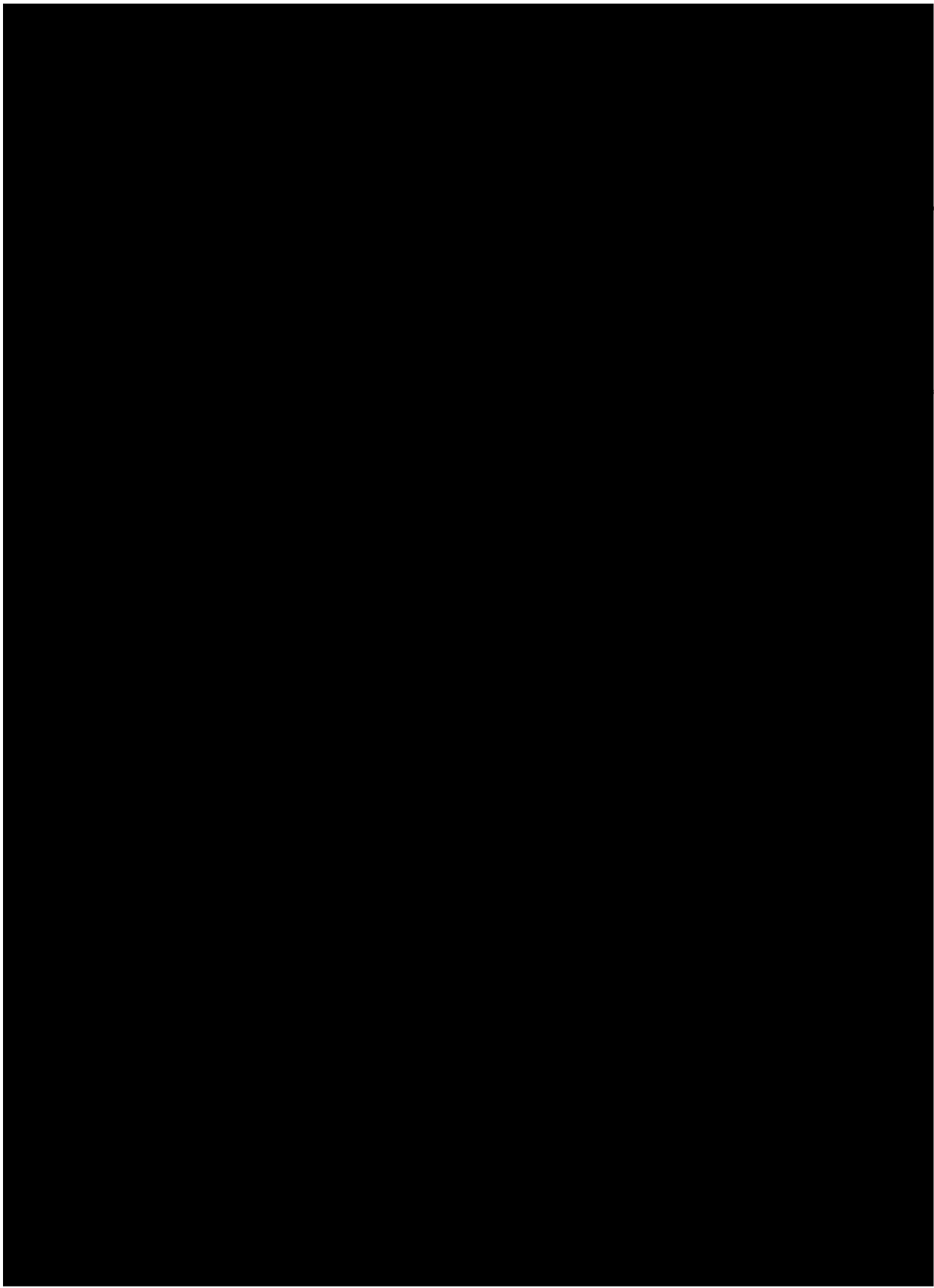
MoveUP members at NSRM provide instruction and facilitation in studio recording, audio media creation, and management, either directly as instructors, or in support roles such as teaching assistants or studio technicians supporting the instruction process.

Instructors and teaching assistants are scheduled semester to semester for instruction units as required based on current enrolment, with one class scheduled in the morning and one more class in the afternoon. Semesters are 4 months in duration, and each semester begins on January, May or September of every calendar year.

MoveUP posits that the Employer is in violation of Section 6 by altering the terms and conditions of employment for two union members, [REDACTED] violation of the freeze period outlined in Section 45.







b6
b7C

In addition to the wrongful and unjust terminations, the Union posits that the employer is in violation of their requirement to bargain in good faith in violation of Section 11 of the Code.

The Parties met on October 29th, 2021, to exchange proposals. Since then, multiple requests to book additional bargaining dates have gone unanswered by the Employer, including on December 7th, December 9th of 2021, January 6th, and January 14th of 2022.

The employer was explicitly advised on January 14th that failure to provide availability for additional bargaining dates by January 19th would lead to MoveUP seeking intervention and clarity at the Board through a Section 6 complaint. The Employer responded on January 24th with no proposed bargaining dates or availability.

MoveUP posits that the Employer's continued failure to schedule future bargaining dates is an attempt to run out the freeze period outlined in Section 45 of the Code.

Upon investigation, if the board is in agreement that the above events constitute acts prohibited by Sections 6, 11 and 45 of the Code, MoveUp requests that the Board consider the following orders as resolution:

(a) make an order directing NSRM to cease all unfair labour practices.

(b) in the same or a subsequent order, direct NSRM to rectify by:

- Regarding [REDACTED] direction to NSRM to reinstate employment immediately and pay a sum equal to wages lost due to their discharge;
- Direct NSRM to release particulars outlined in the disclosure request given to the Employer on October 29th, 2021 (attached as Appendix 'A');
- Direct NSRM to bargain in good faith, and to schedule dates in the immediate future to resume collective bargaining; **and**
- issue an order extending the freeze period of Section 45 for a period, determined appropriate by the Board, beyond the outlined 12 month period due to the delays by the Employer to bargaining in good faith

Please feel free to contact me for clarification or further details.

Respectfully,



Nathan Beausoleil
Union Representative
MoveUP

Appendix 'A'

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October 29, 2021

S:BARG/NIMBUS

Kevin Woolliams
Managing Director
HR West Consulting, Ltd.
On behalf of
Nimbus School Of Recording & Media

Dear Mr. Woolliams,

RE: Bargaining Information Request

I am writing in anticipation of follow up dates for bargaining. In order for MoveUP to finalize our upcoming negotiations the union requests that you provide the following documents to our office, care of the undersigned. This is not meant to be an exhaustive list and the union reserves the right to add to the list at a later date.

- a seniority list of MoveUP members including, names, gender designation (if identified), address, telephone number, non-employer e-mail address (if collected), position, seniority (in terms of length of employment and hours worked), department, location, employee type and salary rates.
- 2016, 2017, 2018, 2019, 2020 and 2021 report of statutory holiday payments organized by date, number of hours, by employee and by department
- 2016, 2017, 2018, 2019, 2020 and 2021 financial audits and revenue reports
- 2014, 2015, 2016, 2017, 2018 report of all extensions granted under Article 9.04
- a report on employee total compensation costs for 2016, 2017, 2018, 2019, 2020 and year to date 2021 for bargaining and non-bargaining unit employees.
- a report on projected employee total compensation costs for 2021, 2022 and 2023 based on current and projected staffing levels, for bargaining and non-bargaining unit employees
- Lease agreements for all current and upcoming sites where student facilitation will be occurring, including LMA\LMX
- a list of all guess instructors and what they are instructing
- a copy of the plan texts for the benefits which cover the MoveUP members
- a copy of the current benefits booklet for MoveUP members
- written authorization to benefit plan providers authorizing Nathan Beausoleil to discuss alternatives and costing
- identification of all initiatives currently undertaken or to be undertaken, including ones which may not impact bargaining unit members at all or may not have a "significant" impact on them
- a complete organization chart listing all positions, including those outside the bargaining unit

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MoveUPTogether.ca

Suite 301 - 4501 Kingsway, Burnaby B.C. V5H 0E5 | Phone: 604-299-0378 | Toll Free Line: 1-800-665-6838 | Fax: 604-299-8211

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If you have any questions regarding the above list, please contact me. I respectfully request that the documents be provided no later than November 15th, 2021.

Sincerely,



Nathan Beausoleil
Union Representative

NB/ks usw2009

cc: Christy Slusarenko, Vice President
Bargaining Committee

Appendix 'C'

