

### 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: 4501 Kingsway #301 City: Burnaby

Postal Code: V5H 0E5 Telephone: 6042990378 Fax: 6042998211

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

Name of Contact Person: Nathan Beausoleil

Address (if different from above): n/a

E-mail: nbeausoleil@moveuptogether.ca



**ADDITIONAL COMPLAINANTS**

Name:	Nimbus School of Recording and Music		
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 and Music		
Address:	1490 W Broadway #300	City:	Vancouver
Postal Code:	V6H 1H5	Telephone:	6048758998
		Fax:	6048758959
Cell No:	n/a	E-mail:	info@hrwest.ca
Name:	Kevin Woolliams		
Address:	2nd Floor, 8661 201 St.	City:	Langley
Postal Code:	v2y0g9	Telephone:	6045467674
		Fax:	n/a
Cell No:	6045467674	E-mail:	kevin@hrwest.ca



**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.**

Attached as Appendix 'A'

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**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)

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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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**REMEDY**

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

Attached as Appendix 'B'

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**CONFIRMATION OF SERVICE OF COMPLAINT**

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

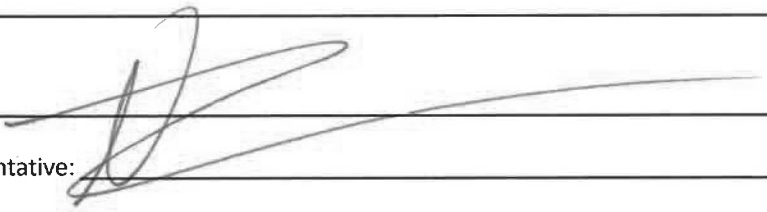
Yes

No

When was your complaint served? Date: February 22nd, 2023

**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 REP

Date of signing: FEB 22/23

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

This application is subject to a \$100.00 filing fee. The fee is due when you submit the application to the Labour Relations Board. Your application may not be accepted for filing until you have paid the fee.

#### Are you filing by mail?

You **must** pay by cheque or money order. The cheque/money order **must** be included with your application.

Make the cheque/money order out to: Labour Relations Board c/o Ministry of Finance.

#### Are you filing by email?

You can pay by one of the following methods (check one):

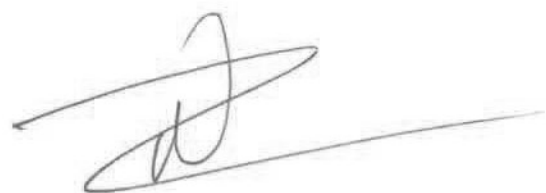
- Charge to my organization's pre-approved account
- Debit/credit card in-person at the Board's office
- Debit/credit card using BC Expresspay. Send the secure payment link to this email address:

reception@moveuptogether.ca

**The Board does not accept credit card payments by email, fax, or over the phone**



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INTENTIONALLY  
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**APPENDIX A**

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#### **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.**

*To note, the Parties have two previous ULP complaints on record, 2022-000148 and 2022-000633, and are currently in the 'report out' process of Section 55 mediation.*

#### **First, Employer has violated Section 5, 6, and 45 :**

The Parties applied for Section 55 mediation on January 11<sup>th</sup>, 2023.

While attempting to schedule dates between the Parties and the appointed Mediator, Fuzz Bhimji, the Employer sent an e-mail to a number of staff advising them of a 42% wage cut upcoming for March 1<sup>st</sup>, 2023. E-mail attached as Appendix 'C'.

The Union submits that the Employer's actions constitute a violation of a Section 5(1)(d), an action that seeks to intimidate or coerce or impose a pecuniary or other penalty on a person, specifically the affected members for voting to join a Union.

The Union posits further that the Employer has violated Section 6(3)(d) and its actions sought by intimidation of financial penalty, to compel or to induce employees to refrain from continuing to be a member of MoveUP.

The Union finally submits that the Employer's action constitute a breach of Section 45(1.1), as an application was made under section 55 and the process under section 55 has not concluded. The Employer is not permitted to decrease the rate of pay of an employee in the unit or alter another term or condition of employment until the conclusion of a collective agreement, the commencement of a strike or lockout or another conclusion of the process under section 55.

#### **Second, the Employer has violated Section 11 and Section 55 while in mediation :**

Despite multiple previous requests to disclose relevant financial documents related to the financial situation of the Employer as the Employer deemed it was not relevant to the discussion at hand. Written disclosure request at the onset of bargaining attached as Appendix 'D', and as requested resolution to ULP 2022-000148 attached as Appendix 'E'. The Parties agreed during the settlement process with the SIO that the information would be released when relevant during monetary negotiations, as a matter of the settlement for the complaint.

Upon initiation of mediation, the Union requested financial disclosure again and were denied. The Mediator advised the Employer that the Union could request the order of disclosure at the Board, Employer continued to refuse disclosure.

On February 7<sup>th</sup>, the Employer tabled a wage proposal involving a 40-70% wage decrease for several employees under the Union's certification, attached as Appendix 'F'. The Employer claimed





financial insolvency and relied upon figures on a white board that the Union was advised they were able to keep no record of, and were denied any records or audits to review the financial status of the Employer in relation to a significant matter of discussion and negotiation between the Parties in a first Collective Agreement negotiation.

The Union submits that the Employer has violated Section 11 and Section 55 by :

- Adopting an uncompromising bargaining position without justification;
- Refusing to provide essential bargaining information to the Union;
- failing to make reasonable effort to conclude a collective agreement through the mediation process;
- participating in a pervasive pattern of unfair labour practice and surface bargaining;
- consistently engaging in violations of the labour code in order to undermine the Union, the collective bargaining process, and the authority of the Board
- and failing to bargain reasonably, expeditiously and in good faith.

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Appendix 'B'

AB

The Union seeks intervention from the Board, and suggests the following as resolve to these outstanding issues :

- make an order directing NSRM to cease bargaining in bad faith
- make an order requiring immediate disclosure of audited financial statements from the date of certification for the Union's review, and any other relevant information contained in the Oct 29 2021 disclosure request
- make an order directing the Employer to cease all unfair labour practices
- direct the employer not to increase or decrease wages, or alter a term or condition of employment of the employees affected by the order for a period not exceeding 30 days without written permission of the board

I am available for any questions or inquiries at my e-mail ([nbeausoleil@moveuptogether.ca](mailto:nbeausoleil@moveuptogether.ca)) or my cell 778 580 5191.

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