

BRITISH COLUMBIA LABOUR RELATIONS BOARD

IN THE MATTER OF AN APPLICATION PURSUANT TO
THE *LABOUR RELATIONS CODE*, R.S.B.C. 1996, c. 244

BETWEEN:

VICTORIA SHIPYARDS CO. LTD

(“Applicant”)

AND:

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS AND HELPERS, LODGE 191; CONSTRUCTION &
SPECIALIZED WORKERS UNION, LOCAL 1611; INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 38; INTERNATIONAL
ELECTRICAL WORKERS, LOCAL BROTHERHOOD OF 230; UNITED ASSOCIATION
OF JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY,
LOCAL 324; SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, LOCAL 276;
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS, LOCAL 1598;
INTERNATIONAL ASSOCIATION OF BRIDGE STRUCTURAL ORNAMENTAL
IRON WORKERS UNION, LOCAL 643; CANADIAN OFFICE AND PROFESSIONAL
EMPLOYEES UNION, LOCAL 378 – MOVEUP; and MACHINISTS, FITTERS &
HELPERS INDUSTRIAL UNION, LOCAL 3

(“Respondents”)

BEFORE THE LABOUR)
RELATIONS BOARD)
)
RENE-JOHN NICOLAS, VICE-CHAIR)

FRIDAY, THE 21st DAY
OF APRIL, 2023

INTERIM ORDER

WHEREAS the Labour Relations Board (the “Board”) received an application from the Applicant on April 19, 2023 pursuant to Sections 1, 57, 133, 134, 135, 143, and Part 5 of the *Labour Relations Code* (the “Code”) alleging that the International Brotherhood

of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Lodge 191 (“Local 191”) and its members violated Section 57(1) of the Code (the “Application”);

AND WHEREAS the undersigned was established as a panel of the Board pursuant to Section 117 of the Code to deal with the Application;

AND WHEREAS the Board granted the Applicant’s request to amend the Application to name all of the Respondents as respondents to the Application (the “Amended Application”);

AND WHEREAS the Respondents named in the Amended Application are complained against, pursuant to Rule 7(2) of the Labour Relations Board Rules, as agents for those persons they represent;

AND WHEREAS the Board is satisfied that notice of the Amended Application and the hearing referred to below was adequately effected on the Respondents;

AND WHEREAS the Board convened a virtual hearing on April 20, 2023 at which the parties appeared;

AND WHEREAS the parties were afforded a full opportunity to present evidence and make submissions;

AND WHEREAS in response to the Amended Application, Local 191 challenges the constitutionality of certain applicable provisions of the Code;

AND WHEREAS the Board is satisfied that it should issue an interim order pending a final resolution of Amended Application and the constitutional challenge to it;

AND WHEREAS the terms and provisions of the Code referred to in this interim order mean those terms and provisions as they currently exist;

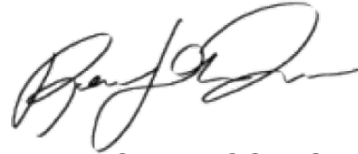
AND WHEREAS I am satisfied that, assuming the constitutionality of the applicable Code provisions, members of the Respondents employed by the Applicant are engaging in an unlawful strike in contravention of the Code;

NOW THEREFORE, PURSUANT TO SECTION 133(5) OF THE CODE, THE BOARD MAKES THE FOLLOWING INTERIM ORDER:

1. The Respondents' members employed by the Applicant will immediately cease and desist from refusing to cross the picket line of the Public Service Alliance of Canada ("PSAC") in order to attend work at the Esquimalt Graving Dock at 825 Admirals Road, Victoria, British Columbia.
2. The Respondents will take all reasonable steps to inform and advise their members employed by the Applicant that the Board has issued this Order.
3. Nothing in this Order restricts or limits the picketing rights of PSAC and its members.
4. This Order is in place until varied or amended by application to the Board, or until the Board issues its final decision on the Amended Application.

DATED AND EFFECTIVE at Vancouver, British Columbia, this 21st day of April, 2023.

LABOUR RELATIONS BOARD

A handwritten signature in black ink, appearing to read "Rene-John Nicolas", written in a cursive style.

RENE-JOHN NICOLAS
VICE-CHAIR