

DATE TO BE INSERTED

Labour Relations Board of British Columbia
Suite 600, Oceanic Plaza
1066 West Hastings Street,
Vancouver, BC V6E 3X1
Attention: The Registrar

Dear Sirs and Mesdames:

RE: Health Employers Association of British Columbia – and – [Name of Employer]: Application for Deaccreditation: Sections 43(6) and 142 of the *Labour Relations Code*

1. We are the above-captioned employer (the “Employer”).
2. This is an application under section 43(6) or alternatively section 142 of the *Labour Relations Code* for an Order deleting the Employer’s name from the accreditation order held by the Health Employers Association of British Columbia (HEABC).
3. By virtue of the *Health Care Employers Regulation* (the “*Regulation*”) under the *Public Sector Employers Act*, the Employer is presently a mandatory member (sometimes called a deemed member) of the HEABC; and the employer is named as well in the HEABC’s accreditation order.
4. The collective agreement(s) entered into by HEABC on the Employer’s behalf has (have) an expiry date of March 31, 2010.
5. The Employer does not wish any longer to be a member of the HEABC, and does not wish any longer to be named in the HEABC’s accreditation order.
6. The Employer has been a mandatory member of the HEABC for greater than two years; and it is now greater than 9 months before the expiry date of the collective agreement(s) entered into by the HEABC on the Employer’s behalf. Thus, on the face of section 43(6) of the *Labour Relations Code*, the Employer is entitled to an Order deleting its name from the HEABC’s accreditation.
7. We acknowledge, however, that in *Rose Manor* (B21/96; reconsideration B208-96), the Board held that because of section 13(2) [now section 14(2)] of the *Public Sector Employers Act*, employers who are deemed under the *Regulation* to be members of HEABC cannot access section 43(6) of the *Code*.
8. Of course, if a deemed member of the HEABC is released from the *Regulation*, it will have access to section 43(6) in the ordinary way.
9. We are anticipating that prior to July 1, 2009, or within a short period thereafter, the Employer will be released from deemed membership in HEABC under the *Regulation*.

10. If this occurs, the Employer submits that it should be deleted from the accreditation under section 43(6) of the *Code* on the basis that this application is being made more than nine months prior to the expiry of the Employer's collective agreement(s), and, more generally, the Employer has fully satisfied the requirements of section 43(6). It should not matter whether the Employer was released from mandatory membership under the *Regulation* before or after July 1, 2009.

11. Alternatively, if the Employer's release from the *Regulation* occurs after June 30, 2009 and the Board is of the view that a valid section 43(6) application cannot be made as a result, the Employer submits that it should be deleted from the accreditation order under section 142 of the *Code*.

Yours truly,

cc: Union(s)
HEABC