

BRITISH COLUMBIA
LABOUR RELATIONS BOARD

June 22, 2009

William Warren Munroe
763 Beach Road
Qualicum Beach, BC
V9K 1S2

Dear Sirs/Mesdames:

Re: Letter of June 10, 2009

I write in response to your letter dated June 10, 2009. Your letter does not constitute an application under the *Labour Relations Code*.

Where a collective agreement is in force, it is through the administration of that agreement that workplace issues are addressed. The Labour Relations Board has a limited jurisdiction to deal with matters which are within the scope of a collective agreement. For example, the Board can review arbitration awards under Section 99 of the Code and the Board has a limited ability to examine a trade union's representation of employees under Section 12 of the Code.

From a review of the Board's files, the Board issued Board decision, BCLRB No. B97/2008 which dealt with your application under Section 99 of the Code. That decision was followed by BCLRB No. B173/2008 which dismissed an application for reconsideration of B97/2008. Those decisions cannot be revisited by the Board. Any further legal recourse would be through the courts.

With respect to your reference to Section 5(1) of the Code, the Board has interpreted this provision in a limited way. The protection under Section 5(1) is specifically confined to rights exercised in relation to a Board proceeding. An application under Section 5(1) must therefore establish that the alleged mistreatment arises from invoking or being involved in a Board proceeding. Your correspondence does not provide such a connection. In any event, an application to the Board alleging a breach of a provision of the Code must be filed in a timely manner. The conduct you complaint about occurred years ago, from 2002 to 2007. Absent compelling reasons for such a lengthy delay, any application under a provision of the Code would far exceed any acceptable filing time frame and could be dismissed on that basis alone.

Should you wish more information about the Board's administration of the Code, you may contact the Board's information line at (604) 660-1304.

Yours truly,

LABOUR RELATIONS BOARD



Mark J. Brown
Associate Chair, Mediation and Registrar

MJB/jo