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May 8, 2020

Ms. Darlene MacKinnon  
Chief Operating Officer  
British Columbia Ambulance Service  
P.O. Box 9600, Stn. Prov. Govt.  
Block C, 2261 Keating X Road  
Victoria, BC V8W 9P1

Dear Darlene;

**Re: BCEHS' advice respecting EMALB complaints**

We write to address BCEHS' recent guidance to APBC members, published in the March 2, 2020 *OpsUpdate*, regarding EMALB complaints. For reference,

#### **4.2 EMALB complaints**

We are aware of several paramedics who have received complaints about their practice directly from patients or other agencies. Should you receive a letter asking you to respond to a complaint, ensure that EMALB has provided you with a copy of your ePCR, which they should request from BCEHS. Once you have received all the information and developed a response, the Clinical and Professional Practice team is able to provide support and review your complaint to provide advice prior to your response submission to the EMALB. Please contact your regional paramedic practice leader or email [clinicalpractice@bcehs.ca](mailto:clinicalpractice@bcehs.ca)

This communication is obviously problematic. Firstly, it is our understanding that BCEHS has been initiating complaints to the EMALB with increasing frequency. It is wholly inappropriate for the Employer to be advising our members on an EMALB complaint *at any time* – including when the Employer is the complainant. This creates an evident, foreseeable conflict of interest; the Employer's interests clearly are not squarely aligned with those of respondent employees. Indeed, facts gathered by the Employer in such an 'advisory' setting may be utilized to inform an Employer investigation and/or to impose discipline on the employee. This is highly misleading and unfair to employees who are facing an already stressful process.

Secondly, in many (if not most) instances the same facts that form the basis of a complaint to the EMALB are utilized by the BCEHS to impose discipline on a member and results in a challenge from the Union under the parties' grievance procedure. The Employer's conduct in offering to act as, or in fact acting as, an advisor to our members and providing "support", "review" and "advice" respecting complaint responses, has the potential to interfere with and detrimentally impact employees' right to union representation in violation of the Collective Agreement (Sections 3, 9, etc.).

Providing advice to members on a subject matter covered by a grievance also substantially interferes with the Union's right and ability to represent its members under the Collective Agreement. And arguably amounts to interference with the administration of a trade union, contrary to Section 6 of the *BC Labour Relations Code*.

The BCEHS should not be directing APBC members to contact them for advice on matters arising out of or in relation to the performance of their employment duties. There is no doubt that the probable effect of the BCEHS' direction to employees is to mislead them into believing their interests are being protected. And to dissuade them from pursuing union representation in related grievances and/or legal representation in relation to EMALB complaints.

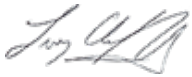
APBC accordingly demands that the BCEHS immediately:

- (a) cease advising employees on EMALB complaints (whether or not the BCEHS is the complainant);
- (b) issue a communication to employees rescinding the direction contained in the March *OpsUpdate*; and, in any event,
- (c) directly address the matter via the next *OpsUpdate*.

Should the BCEHS decline to take the foregoing steps, we will pursue any and all avenues of recourse available to remedy this issue.

If you wish to discuss any of the foregoing, please do not hesitate to contact the undersigned.

Sincerely,



Troy Clifford  
Provincial President  
Ambulance Paramedics & Emergency Dispatchers of BC  
CUPE Local 873

Cc: Provincial Executive Board, Local 873  
Kevin Payne, Labour Relations Consultant, PHSA  
Paul Vallely, Provincial Executive Director, Patient Care Delivery, BCEHS  
Jaci Edgeworth, VP People Services, PHSA  
Susan Wannamaker, EVP Clinical Service Delivery, PHSA  
John Strohmaier, CUPE National Representative

TC/sd/MoveUp

