



association of university and college employees

January 3, 1984

Mrs. Shirley Wong
Administrative Assistant
Labour Relations Board of B.C.
1275 West 6th Avenue
Vancouver, B.C. V6H 1A6

Dear Mrs. Wong:

Re: University of British Columbia -and-
Association of University and College
Employees, Local No. 1 (Application
pursuant to Section 11 of the Labour
Code - Ref: 6/83, re: Kathy Holding

On December 28, 1983 our office received a letter dated December 6, 1983, along with an attachment dated December 15, 1983 from Miss Kathy Holding, a member of our Union who currently works in the Department of Medicine, University of British Columbia. After due consideration of these two documents, as well as some review of Miss Holding's employment history on campus, the following constitutes the Union's submission in this matter.

Miss Holding was appointed to a Secretary 2 position in the Department of Medicine on April 1, 1982. A copy of her appointment notice was received by the Union on April 13, 1982 (see Appendix A). One week before officially starting in her new position, Miss Holding "signed on" with the University. This process involves signing all documents necessary to participation in the various benefit plans offered, as well as signing an authorization for Union dues deduction. Our files show that this employee completed her documentation on March 24, 1982 and a copy of the authorization for dues deduction signed by Miss Holding was received shortly thereafter (see Appendix B). We feel that it is quite relevant to note that at no time since her initial appointment with the University, has Miss Holding ever approached the Union Executive or other interested parties in an attempt to gain exclusion from the bargaining unit. We find this application somewhat curious in the wake of recent political disenchantment.

In commencing our argument, the Union would submit the following articles from our current collective agreement:

Article 5.02 New Employees

As a condition of employment, new employees shall become Union members within thirty (30) calendar days of their date of hire.

Article 6.01 Authorization

All employees on date of hire, will be required to sign an authorization for dues and assessments deductions. A copy of this authorization shall be sent to the Union.

It is perhaps accurate to state that the very life blood of any trade union is the degree to which it offers security clauses to its members, and as an organization looking to the future the Union Shop article contained in any agreement lays the foundation that those benefits are built upon. The importance of the Union Shop article is inexpressibly evident to the many thousands of people in this Province who enjoy the hard won benefits trade unionism has accomplished.

As was previously noted, Miss Holding was informed on March 24, 1982 of the provisions of the contract governing Union membership. Further, she signed the appropriate authorization form for monthly dues deduction and until very recently raised no complaints with the Union on her mandatory membership.

With all due respect to Miss Holding's personal convictions, a great number of our membership are Christians of various denominations. I feel that each of the Christian faiths use the same bible and aspire to very similar spiritual goals. The premise upon which collective bargaining was founded embraced some of those concepts and I do not believe that those notions have disappeared. As Miss Holding has chosen to illustrate her point with biblical quotation I feel obliged to do the same:

Philippians 2:4 "Look not every man on his own things, but every man also on the things of others."

1st Corinthians 12:24-26 "For our comely parts have no need: but God hath tempered the body together, having given more abundant honour to that part which lacked. That there should be no schism in the body; but that the members should have the same care one for another. And whether one member suffers, all the members suffer with it; or one member be honoured all the members rejoice with it."

Miss Holding states in her submission "that as a Christian, I must stand apart from the instruments employed by labour and management to effect its demands, such as the picket, strike, boycott and lockout... This belief has become a very strong personal conviction as a result of the recent political protest... that the AUCE was involved in last month." It is most

appropriate to reflect upon the high participation by Christian congregations and Pastors during the political protest of which she speaks. Father Jim Roberts, a catholic clergyman, has been one of the most outspoken participants in the movement of Operation Solidarity. Indeed the issues most discussed with our membership relating to the protest were those of Human Rights, Women's Rights and the rights of the impoverished to adequate Education, Medical and Legal services. As a trade union our membership "took up the banner" for those items in particular. There are several biblical passages which would adequately reflect upon the motives of our membership.

Romans 15:1 "We then that are strong ought to bear the infirmities of the weak, and not to please ourselves."

Galatians 6:2 " Bear ye one another's burdens and so fulfil the Law of Christ.

1st John 3:17 " But whoso hath this world's good, and seeth his brother have need, and shutteth up his bowels of compassion from him, how dwelleth the love of God in him."

Nehemiah 4:14 " And I looked, and rose up, and said unto the nobles, and to the rulers, and to the rest of the people, Be not ye afraid of them: remember the Lord which is great and terrible, and fight for your brethren, your sons, and your daughters, your wives and your houses."

James 2:24 "Ye see then how that by works a man is justified, and not by faith only. For as the body without the spirit is dead, so faith without works is dead also.

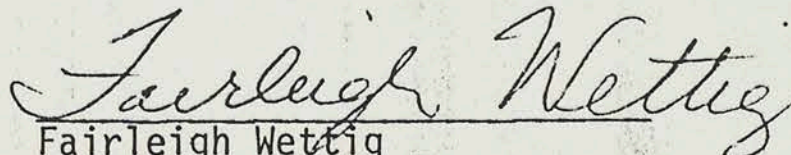
The Union submits that the real intention of Section 11 of the Labour Code is to provide an alternative for those individuals who by reason of their religious belief are opposed to joining a trade union. The Union assumes from Reverend Haeger's letter that Miss Holding has been a member of his congregation for some time. Why, if her objections are deeply and spiritually rooted by virtue of her faith, have they only surfaced in the very recent past? There are very few Union members who enjoy the pains of work stoppage and more who object to the concept of withdrawal of services, for the most part those objections are philosophical rather than religious and they relate to only certain issues and not the concept of Union membership as a whole. It would have been more appropriate for Miss Holding to make her objections known at her date of hire than to have them surface at a time when a difficult issue has confronted her nearly two years later.

It is the Union's position that Miss Holding has failed to demonstrate that AUCE Local 1 represents an offensive or coercive obstacle to the continued practise of her faith. In fact, at least one trade union in this Province, the Christian Labour Association of Canada, is at one with Miss Holding in abjuring strikes and picket lines, which are the only real instruments to which her application refers.

In closing, the Union would state that we do not feel that Miss Holding has clearly established that the basis for her application is realistically within the purview of Section 11. Miss Holding has been a Union member in good standing for almost two years and we honestly feel that the objectives of our Union, in particular, are very much in keeping with Miss Holding's personal convictions and it is our hope that we can continue to benefit by her continued participation and moral vigilance. By maintaining her voting privileges and right of free speech at meetings, Miss Holding will only ensure that her point of view is communicated to a larger number of people.

All of which is respectfully submitted.

Yours Sincerely,


Fairleigh Wettig
Union Organizer

cc: Miss Kathy Holding
Ms. Libby Nason, University of B.C.