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STAFFING

CPC FORCED TO PAY TWICE FOR SAME WORK

The St John's local filed a grievance when CPC violated clauses 15.14 and 44.12 of the urban collective agreement. Letter Carriers were forced to work overtime while temporary workers were sitting at home available to work. Using the Jolliffe decision (N00-07-00028) the union argued that Canada Post had not minimized compulsory overtime and requested that the temporary employees be paid for the missed opportunity.

Below are the arbitrator's conclusions:

In the instant case, I find that the Corporation did have quite a reasonable option to have the overtime work performed without resorting to compulsory overtime by full time employees under article 15.14. It had 30 temporary employees on the call in list and they were qualified to perform the duties required on July 3, 2009. The Corporation could have assigned them pursuant to Article 44.12.

For reasons not explained at the hearing, the Corporation chose to have the 10.5 hours needed to cover portions of routes on July 3 performed by compulsory overtime by full time employees. It failed to "...take reasonable measures to ensure that assignments to work overtime in ascending order of the appropriate list will be minimized."

The Corporation breached the Agreement on July 3, 2009 and the grievance is therefore upheld.

As redress, it is appropriate to order that the two temporary employees who should have been assigned to perform the 10.5 hours be compensated for the loss of income...

...As far as an order of damages is concerned, both parties had asked that I remain seized in the event they are unable to reach an agreement and I did agree to remain seized.

As I've mentioned in previous correspondence, including bulletins, the best way to stop CPC from violating clause 15.14 is to force them to pay employees even if they did not do the work. In addition to paying Letter Carriers at time and half or double time, CPC has been ordered to compensate temporary employees who were sitting at home, available and willing to work, for those same hours.

The missed opportunities could also apply to group 1 employees, MSCs or RSMCs who must be offered extra work in order to minimize the use of compulsory overtime.

A copy of the decision along with a covering letter has been sent to every local president.

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Solidarité,



Donald Lafleur
4th National Vice-President

