

Negotiations



cupw•sttp

Canadian Union of Postal Workers, urban operations

October 25, 2011

Bulletin No. 90

ARBITRATION SUSPENDED UNTIL COURT HEARS CUPW'S LEGAL CHALLENGE

On October 20, 2011 the Federal Court of Canada ordered a stay of proceedings in the final offer interest arbitration for urban postal workers. Federal Court, Judge Luc Martineau, ordered Judge Coulter A. Osborne to stay the interest arbitration proceedings until the Federal Court has rendered its final decision on CUPW's application for judicial review of Labour Minister Raitt's appointment of Judge Osborne. CUPW is challenging the appointment of Judge Osborne on the basis that he has no experience in labour relations matters and that he is unilingual. The ruling states that Judge Osborne can take no action and make no decisions as final offer selection arbitrator until the case is decided by the Federal Court. The case is scheduled to be heard on January 24-25, 2012.

Victory for CUPW

Judge Martineau's decision is a significant victory in our fight against the Harper government's denial of the rights of postal workers. In his decision, Judge Martineau stated that after considering all written and verbal representations made by the Union and Canada Post he concluded that *"the issues raised by the Union are serious and that they are not frivolous or vexatious"*.

He went on to say *"Having carefully reviewed the detailed affidavits and documents filed by the Union and Canada Post and considered the parties' representations, I am satisfied that the Union has overwhelmingly established the existence of irreparable harm. There is clear evidence of harm and the instances of harm alleged by the Union are not hypothetical or conjectural, as argued by Canada Post."*

Negotiations Preferable to Arbitration

In his decision, Judge Martineau rejected the financial arguments made by Canada Post management. Instead he stated that the delay in the proceedings would enable the parties to negotiate a settlement.

He stated: *"It should also be remembered that the back-to-work legislation enables the parties to negotiate a new collective agreement outside the final offer arbitration procedure, which means that they have an opportunity, between now and the hearing in this application for judicial review, to meet together and try to settle a number of outstanding issues to move things forward, without relinquishing any of their respective rights."*

Time to Resolve Problems

In the hearings before Judge Osborne, CPC has been doing everything possible to increase the number of issues that could be included in the final offers. They have taken the position that over 220 issues are potentially in dispute and only three minor issues were in agreement. This position, coupled with the delay due to the need to challenge the appointment by Labour Minister Raitt, could result in the arbitration taking many months and costing hundreds of thousands of dollars. Since the party that loses will likely try to regain what they have lost in the next round of negotiations, the whole arbitration process will solve nothing. Instead of relying on third parties, Canada Post management should assume their responsibilities and enter into negotiations with the Union to achieve a collective agreement that meets the needs of postal workers and the public.

In Solidarity,

Philippe Arbour
Acting Chief Negotiator

2008-2011 - Bulletin No. 497

Get the latest information from CUPW delivered right to your inbox. Sign up for cupw.ca/eDigest

bt cope225

A Modern Post. Powered by People

377 Bank Street, Ottawa, Ontario K2P 1Y3 • tel. (613) 236-7238 • fax (613) 563-7861 • www.cupw-sttp.org

