



cupw•sttp

# Negotiations

Canadian Union of Postal Workers, urban operations

September 29, 2011

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## URBAN NEGOTIATIONS: HEARINGS AND COURT ACTIONS CONTINUE

Much is happening on the legal front concerning the compulsory final offer selection arbitration imposed upon us as part of the back-to-work legislation.

### **CUPW's Bad Faith Bargaining Complaint Against CPC**

On Tuesday, September 20, in Ottawa, the Canadian Industrial Relations Board (CIRB) heard the Union's bad faith bargaining complaint in relation to the illegal lockout. This complaint was filed by the Union as a result of the changes made to the employees' working conditions for the period of the 72-hour notice prior to the beginning of the rotating strikes. (May 30 to June 2, 2011).

The panel heard all of the evidence and we are now waiting for a decision.

### **CUPW Challenges Appointment of Judge Osborne**

As previously reported, the union is challenging the appointment of Judge Osborne by Labour Minister Lisa Raitt on the basis that Mr. Osborne has no expertise in labour relations matters and is not bilingual. We are also challenging the constitutionality of the provision in the law which states that no proceeding may be taken in a court to question the appointment of the arbitrator or review any proceeding or decision of the arbitrator. Last week, we asked the court to stay (suspend) the proceedings until our challenge has been decided. Judge Luc Martineau agreed to hear our application for a stay of proceedings on October 19, 2011. It was also agreed that the application for judicial review shall be heard on its merits before Judge Martineau on January 24<sup>th</sup> and 25<sup>th</sup>, 2012.

### **Hearings Before Judge Osborne**

On September 22, 2011 the planned conference call between the parties had to be cancelled due to technical problems. It was decided to proceed on September 29, 2011.

At this meeting the parties will argue their positions concerning Section 10 of Bill C-6, the back-to-work legislation.

This is an important issue as it will determine what issues can be placed before Judge Osborne.

It is the Union's position that the law requires the arbitrator to decide on a date that negotiations ceased and then receive from both parties a list of matters on which the parties were in agreement as of that date. Then the parties must submit a list of matters remaining in dispute as of the date selected. (not including salaries or the term of the agreement). Finally, the parties must submit their final offers with respect to the matters in dispute. It is the employer's position that almost all issues were in dispute and that the parties should submit both lists and their final offers at the same time.

### **Standing Our Ground**

With Bill C-6 the Conservative government, supported by Canada Post management, denied postal workers of our right to free collective bargaining and imposed an unjust and biased arbitration process. Despite our disagreement with the legislation we will do everything possible to ensure that the rights of postal workers are respected.

In Solidarity,



Philippe Arbour  
Acting Chief Negotiator

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