



cupwosttp

# Negotiations

Canadian Union of Postal Workers, urban operations

October 12, 2011

Bulletin No. 89

## JUDGE OSBORNE DECIDES ON PROCEDURE

We have now received the ruling from Judge Osborne on the procedure to be followed by the parties as we proceed with the interest arbitration for the urban operations unit.

The Union and the Employer disagreed on the interpretation of Bill C-6 concerning the requirement of the parties to submit their lists of the issues agreed to during bargaining and the issues in dispute.

The union believes that the law requires the arbitrator to choose a date and then the parties submit their lists of what was agreed to and what was in dispute on that date. After the arbitrator determines the issues in dispute, the parties submit their final offer and the arbitrator must hear arguments and then select the final offer of either the union or the employer.

The employer took the position that only three minor issues had been agreed to and everything is in dispute. They argued that all three lists, including the final offer should be submitted at once.

The Union argued with CPC's position that everything remains in dispute. It could result in the process taking a very long period of time as both parties entered the negotiations with dozens of issues, most of which would require lengthy argumentation and evidence.

### Judge Osborne Chooses Union Position

After hearing the parties on September 29, 2011, the Judge issued his ruling. He chose the union's approach because it "is fair and in the end will save time."

He ruled that the parties must file their lists of issues in agreement and issues in dispute by October 11, 2011.

He will then hear evidence and arguments on October 18, 2011 and thereafter select a date and determine what issues are in dispute. Once this issue has been decided the parties will submit their final offers.

### More Challenges to Bill C-6

On October 12, 2011 we held a media conference on our challenge to the Conservative government's back-to-work legislation. In addition to National President Denis Lemelin, our counsel, Paul Cavalluzzo, and Roxanne Dubois, National President, Canadian Federation of Students also attended.

As previously reported, the union is challenging the appointment of Judge Osborne by Labour Minister Lisa Raitt. 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. On October 19, 2011 Judge Luc Martineau will hear our application for a stay of proceedings until the application for judicial review can be heard on its merits on January 24<sup>th</sup> and 25<sup>th</sup>, 2012.

In Solidarity,



Philippe Arbour  
Acting Chief Negotiator

2008-2011 - Bulletin No. 492

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