

RSMC Negotiations

Canadian Union of Postal Workers, 377 Bank Street, Ottawa, Ontario K2P 1Y3
Rural and Suburban Mail Carriers tel: (613) 236-7238 • fax: (613) 563-7861 • www.cupw-sttp.org

August 24, 2010

RSMC Negotiations Bulletin N° 24

Employer Rejects Mediation

The parties met at interest arbitration on August 17, 2010. At that meeting the Union requested that the interest arbitrator attempt to mediate the differences between the parties, which is a power he has under the provisions of clause 36.04 of the collective agreement. The Union identified a number of reasons why mediation would be useful and beneficial to the parties. These included that there were some demands on which the parties were in general agreement and there were others which if accepted would equalize the benefits of the RSMC with all other unionized employees at Canada Post. The Union also argued that if some issues were resolved through the arbitrator's mediation efforts there would be fewer issues on which the arbitrator would have to impose a settlement.

Unfortunately the employer continued to exhibit the unreasonable and intractable position it had taken throughout the negotiation process by indicating to the arbitrator that it had **"no desire for mediation"**. The inflexible position taken by the employer was not unexpected, but it is troubling. In a bargaining situation based on reason one would have thought that an employer would have a desire to improve the working lives of its employees and would utilize whatever options were available to provide such improvements.

The interest arbitrator did not grant the Union's request for mediation as he thought such mediation efforts would be unfruitful at this time based on the employer's rejection of such a process. However, he did indicate that he would be prepared to mediate in future meetings between the parties, after the parties have exchanged language propositions and their briefs, if he felt that such mediation efforts would be useful.

AMOUNTS AVAILABLE FOR ARBITRATION

The Union also argued that the employer could not unilaterally decrease the amount of money available for 2010 and 2011 by deducting the total of 6 million dollars from the previously agreed amount of \$ 33.6 million. The response of the arbitrator was to indicate that his role was to insure that any collective agreement amendments resulted in the \$652 million being spent but also to insure that this amount was not exceeded. The Union responded that it would make submissions concerning amendments to the collective agreement based on what it had heard from the arbitrator.

.../2

TECHNOLOGICAL CHANGES

The Union had also intended to use the date of August 17, 2010 to argue that the arbitrator should issue an interim decision halting the employer's implementation of its Modern Post initiative until such time as the arbitrator had issued his interest award. Such a delay would have allowed the Union to argue for the inclusion of better protections against technological change into the RSMC collective agreement.

Following a discussion between the parties the Union decided that it was unnecessary to pursue such an argument as the employer acknowledged before the arbitrator that it would not cut any RSMC positions in Winnipeg as a result of the technological notices prior to January 2011. It also acknowledged that there would be no lay-offs or no new technological notices as a result of technological changes before the

New Year. The Union therefore suspended its demand and reserved its right to obtain an order as the situation may evolve.

FUTURE DATES

The parties also held discussions about the process to be followed in the next few months. On September 10, 2010 the parties will simultaneously exchange documents outlining the contract language they want to introduce into the collective agreement and the costing of their demands. On October 8, 2010 they will exchange briefs outlining their arguments for their various demands and the evidence they intend to introduce in support of such demands. Finally, the parties agreed that they would meet in front of the interest arbitrator on November 3, 15, & 23 and December 13 to finalize their submissions.

SHOP STEWARDS:

**BRING THIS INFORMATION TO THE ATTENTION OF THE MEMBERS
DURING REGULAR WEEKLY SHOP FLOOR MEETINGS.**

Solidarity,



Donald Lafleur
4th National Vice-President & Chief Negotiator

2008-2011/Bulletin #303

jll/cope 225