



## **SPECIAL BARGAINING COMMITTEE REPORT #4**

### **Bell Canada - Clerical and Associated**

Sisters and Brothers,

As reported in Bargaining Report # 18, the company had filed an application to the Canada Industrial Relations Board under article 87.4 (essential services). The union has since responded formally through our legal counsel. It is important to understand that this process and these discussions are taking place prior to resuming bargaining and no assumption should be made that a strike or lockout is inevitable. Under the Canada Labour Code legislation, neither party can be in a legal strike or lockout position with this issue outstanding.

In an attempt to settle the issues relating to essential services, the company and the union have had extensive discussions over the past several weeks.

During our discussions with the company, the union believed that the main intent of the company application to the CIRB was to get past the Olympic Games scheduled for February and March 2010 without a labour dispute, if in fact there is to be one. That being said, the company had submitted a very detailed application to the CIRB. Once the hearings were completed the CIRB could potentially have ordered specific business units and consequently potentially a high percentage of our members essential services. No question the fractioning of our bargaining unit's right to strike could have significantly weakened our bargaining position.

After consultation with our legal counsel, it was determined that historically these processes would take many months (in some cases years) to deal with and would surely not be settled until after March of 2010. This would significantly delay bargaining, and given the fact that the union has no means to expedite the CIRB process, the union and company, in an effort to move bargaining forward have agreed that there will be no strike or company initiated lockout throughout the months of February and March of 2010.

The agreement to provide labour peace throughout the Olympic period was done so with the understanding that no employee was essential under 87.4 of the Labour Code at any other time outside of the specified time frame. That being said, there are provisions in the Memorandum of Agreement that would allow for the recall of a specified number of employees during a natural disaster, major catastrophe, state of emergency or any other situation that may lead to an immediate and serious danger to the safety or health of the public.

It is our belief that this agreement to resolve all issues relating to the company's application under section 87.4 of the Code will now enable your bargaining committee to work towards an acceptable collective agreement.

Please continue to support your bargaining committee as we continue to work on your behalf.

Updates can be found on the Ontario Region website at <http://www.cep.ca> and on the Quebec Region website [www.scepquebec.qc.ca](http://www.scepquebec.qc.ca)

In solidarity,

***Ontario Bargaining Committee***

*Jackie Lys Bargaining Committee Representative (Local 6008)*

*Brenda Philp, Bargaining Committee Representative (Local 6005)*

*Chris MacDonald, CEP National Representative*

*John O'Dell, CEP National Representative*

***Quebec Bargaining Committee***

*Francois Dorval, Bargaining Committee Representative (Local 6003)*

*Jean-Stephane Mayer, Bargaining Committee Representative (Local 6001)*

*Alain Portelance, CEP National Representative*

*Olivier Carriere, CEP National Representative*

October 29, 2009

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