

**March 28, 2012**  
**TEAM Board Meeting**  
**Executive Director's Report**

Bob Linsdell  
March 22, 2012

**Motion and Direction Updates**

1. **2012 MFL Convention, June 22<sup>nd</sup>-24<sup>th</sup>:** A memo inviting interested members to contact the TEAM office went out Friday March 23<sup>rd</sup>.
2. **Mel Myers Labour Conference, March 15<sup>th</sup> and 16<sup>th</sup>:** The conference covered numerous issues relevant to TEAM members including Social Media, Conflict in the Workplace, Psychological Injuries, Promotions, Reclassifications, Accommodation, Human Rights, and Protection of Medical Information. Thirteen members attended: feedback is very positive.\*
3. **TEAM Compassionate Response Fund:** At the February 7<sup>th</sup> Board meeting the Board approved the establishment of this fund. The funds will be built into the 2012 budget.
4. **Pension Lawsuit:** IBEW, CEP, retiree representatives and D'Arcy & Deacon have been advised of TEAM's decision to seek leave to appeal to the Supreme Court of Canada. The unions and retiree group (TRAM) are preparing a legal services retainer agreement. A memo has been prepared and will be sent when all parties have signed off on the agreement, as agreed with the other unions and TRAM.\*

**General Matters**

1. **Out of Scope Positions:** The Canada Industrial Relations Board (CIRB) ordered MTS to release information to TEAM regarding positions the Company asserts fall outside the bargaining unit.\* Since the 2007-2010 collective bargaining agreement, MTS has asserted that several positions ought to be excluded from our scope. TEAM submits that there are at least 23 positions which either:
  - (a) fit the definition of employee under the Canada Labour Code and are therefore not exempt from collective bargaining (based on the limited information supplied to date); or
  - (b) insufficient information has been provided by the Company to satisfy the onus upon it that these positions are exempt from bargaining.

The CIRB has mandated a Federal Labour Relations Officer to meet with both parties in order to resolve the dispute and to report back to the CIRB by April 19<sup>th</sup>, 2012.

The issue of insufficient information is a common thread when dealing with the Company. It led to the termination of the Letter of Understanding relating to contractors, and is now becoming a factor in the posting process.

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\*Additional information included in the pre-meeting package.

2. **Other MTS/Allstream Union Negotiations:** [CAW Local 2000](#) began contract negotiations with MTS Allstream in November 2011. In January the union filed for conciliation. A conciliator was appointed in February. Negotiations are ongoing.
3. **Foreign Ownership:** March 14, 2012 the Federal Government announced it will amend the Telecommunications Act to open up the wireless market to increased foreign ownership. The amendment lifts restrictions on telecommunications companies with less than a 10% share of the Canadian market; this includes MTS Allstream. The press have speculated that the Allstream division will be the first to see changes as a result of the new rules; however MTS in Manitoba is not immune. TEAM will monitor the situation closely.
4. **Call-out and Overtime:** TEAM has been dealing with numerous complaints regarding call-outs and overtime, and over the next few months the first of these complaints will be heard before an arbitration panel.
5. **Other Ongoing Matters:**
  - Grievances and complaints: See separate report.
  - See Pay and Benefits report for updates on:
    - Pension and Pension Lawsuits
    - Blue Cross Surplus
    - Dental Surplus
6. **Miscellaneous events and meetings attended:**
  - Feb 9 - Joint Benefit Committee meeting
  - Feb 15 - Business update with Kelvin Shepherd. The Unions discussed the dental plan surplus and increasing the dental plan cap.
  - Feb 16 - MFL Executive meeting\*
  - Feb 17 - MFL Executive meeting with Premier Greg Selinger and caucus. Some of the topics discussed include:
    - Pensions
    - Apprenticeship Training
    - Enforcement of Health & Safety
    - Employment Standards
  - Feb 21 - Winnipeg Labour Council (Stephen and Dee Gillies also attended)
  - Mar 8 - International Women's Day pancake breakfast
  - Feb 14 - New member meeting
  - Mar 16 - Mel Myers Labour Law Conference
  - Mar 22 - Employee Engagement Survey meeting with the MTS HR

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\*Additional information included in the pre-meeting package.

## **Board Direction and Requests**

1. **Legal Services:** As explained to the Board in Mr. Saxberg's presentation of February 7<sup>th</sup>, the retainer arrangement for 2011 resulted in cost saving for TEAM. The retainer agreement has been provided to the Board members for review and approval.

**Motion Suggestion:** To retain Kris Saxberg of D'Arcy & Deacon LLP for legal services related to labour relations matters as per the presentation to the TEAM Board on February 7, 2012 and the firm's proposal of March 13, 2012.

2. **Board Leadership Training:** The response to the training seminar has far exceeded expectations with close to 5% of our membership asking to attend. We have learned that in a number of cases, members who have already attended one of Linton Sellen's training sessions are encouraging co-workers to attend. This speaks to the value our members place on Linton's insights into what makes a good leader. It's was disappointing to learn that MTS no longer runs the Linton Sellen sessions.

Linton advises that the maximum class size is 20 else engagement in the session will be diminished. The Board needs to develop criteria to select who can attend the Gimli session and consider how to address the members that cannot be accommodated at the May session. I received a suggestion that providing places for members vs Board members at this session would be prudent given the excellent response, and that a separate session for Board members and staff could be arranged for a later date.

**Motion Suggestion:** To establish an ad hoc committee to develop criteria to select members to attend the May training seminar, and develop a plan for members that cannot be accommodated at the May session. Committee members to include...

3. **MFL Convention:** The memo went out last week. Should more members, including Board members, wish to attend than is approved, criteria will be needed to select who will be attending. The deadline for early bird registration is April 1, 2012, a saving of \$50 per delegate.

**Motion Suggestion:** To establish an ad hoc committee to develop criteria to select members to attend the 2012 MFL Convention in June. Committee members to include...

4. **Convention Resolutions:** There are two conventions this year, the MFL Convention in June and the IFPTE Convention in July. The TEAM Board should consider and prepare resolutions to be presented at the conventions.

**Motion Suggestion:** To establish an ad hoc committee to develop TEAM resolutions to be submitted for presentation at the MFL and IFPTE 2012 conventions. Committee members to include...

5. **Canadian Council of Professionals:** TEAM is hosting the May 11<sup>th</sup> CCP meeting in Winnipeg. In addition to the President, two other guests from the Board or staff can attend. There will be a meet and greet evening on the 10<sup>th</sup> at the Fairmont, to which all

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\*Additional information included in the pre-meeting package.

Board members are invited. The meeting on Friday May 11<sup>th</sup> might continue on Saturday morning, May 12<sup>th</sup>.

**Motion Suggestion:** To send the President and <name> and <name> to the May 11<sup>th</sup> Canadian Council of Professionals meeting in Winnipeg.

6. **New Contractor LOU:** The proposed new Contractor Letter of Understanding has been reviewed by legal counsel, and I am seeking the Board's approval for the Contractor Working Group to proceed with a presentation to the Company. The proposed agreement addresses many of the previous agreement's shortcomings; it should encourage greater transparency, dialogue, and reduce conflict and member concerns around contractors.

The proposed LOU includes an acknowledgement that employees should be utilized first where possible, the potential for employee rotation as per Acting appointments, a clear explanation of when it is appropriate for the Company to utilize a contractor instead of an employee, continuation of payment for lost dues, a cap on contractor numbers that is tied to the total number of employees in the bargaining unit, and penalties for exceeding the cap instead of LOU termination. The agreement has been designed such that it should not be too onerous for the Company to accept, albeit, some minor modification may be required before we achieve signoff.\*

**Motion Suggestion:** On the understanding that legal counsel may require some minor amendments, the Board approves the new Contractor Letter of Understanding for presentation to the Company by the Contractor Working Group.

7. **MFL Al Cerilli Scholarship Fund:** TEAM has received a request from the MFL for a contribution to the Al Cerilli Scholarship Fund account. The request is included in the meeting package.\*

**Motion Suggestion:** That TEAM contribute \$200 to the Al Cerilli Scholarship Fund.

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