

September 10, 2013 TEAM Board Meeting Executive Director's Report

Bob Linsdell
September 6, 2013

Motion and Direction Updates

1. **Strike/Lockout Pay set at \$300 per week:** Informed IFPTE International, payroll process established, memo sent to membership and strike/lockout manual updated.
2. **DB and DC TEAM Pension Representative:** Provided MTS with names of representatives; Will Kempan our DC Rep, Bob Linsdell our DB Rep.
3. **D'Arcy and Deacon Legal Retainer:** Confirmed effective from May 1st, 2013. Contract executed and delivered.
4. **IFPTE Canadian Locals National Campaign Funding:** Budget amended as per Board direction.

General Matters

1. **Contract Negotiations:** The 2013 round of negotiations concluded on July 29th when the membership ratified the tentative agreement. 82.5% of employees in TEAM's jurisdiction voted.

This was the third round of negotiations in which we saw a marked shift in MTS's negotiating strategy. The Company has become much more adversarial and aggressive since the 2004 negotiations. With the support and involvement of our members we have learned to respond more effectively, culminating in the strong strike mandate on June 28th. Over 1,000 employees in our jurisdiction voted, with 82.8% authorizing strike action.

Key aspects of the agreement

- Three-year agreement, effective until February 19, 2016
- Base salary increases:
 - 2.0% retro to February 20, 2013
 - 2.0% February 20, 2014
 - 1.75% February 20, 2015
- \$80 every two years for an eye examination.
- Remote working call-out pay minimums i.e. 15 min and 1 hour dependent on time of day. Call-out for immediate reporting to the workplace remains at minimum of two-hours. (More information later in this report).
- Compressed work week by agreement with manager and TEAM.
- Agreement on contracting-in (contractors). (More information later in this report).

- Employees new to TEAM: Three PLDs vs. five for existing members.
- Employees new to MTS: Three-week vacation entitlement will start one year later, and annual vacation will be capped at 6 weeks. No change for employees hired before July 29, 2013 i.e. 7 weeks annual vacation after 34 years of service.
- Renewal of \$100,000 per year employer contribution to Blue Cross Health Plan (subject to IBEW and CEP agreement).
- Graduate pay schedules replaced with 302 pay scales.
- New posting process for hiring new graduates.
- Sales Bonus Plan review formalized and new reporting requirements.
- Opportunity for debriefing following job evaluation.
- Single arbitrator option by mutual agreement.

Ongoing negotiations related activities

- **Lessons Learned:** In preparation for the 2016 negotiations, we held an all-day lessons learned session on August 29th with an outside facilitator. Members of the Negotiating Committee, Bargaining Committee, Communication Action Network, and TEAM and IFPTE staff attended. The feedback and discussion is being collated. The session identified a number of recommendations that can be acted on immediately.
 - **Negotiating Costs:** I recommend that the Finance Committee conduct an extensive analysis of the costs associated with negotiations. Although there were no financial overruns or financial hardship to TEAM, this was the first time we had ever secured a strike mandate or engaged in such in depth strike/lockout preparedness.
 - **Communication Action Network:** Our Communication Action Representations (CARs) played a critical role in the negotiations, including keeping their colleagues informed, getting them out to meetings, and providing essential feedback to the office. As a thank you, CAR Appreciation Lunches were held in Winnipeg and Brandon.
 - **Eye Exams:** The Company will make a claim form available on Our Source. Members will be informed of the process shortly. Memo went out to advise members to retain eye examination receipts until the reimbursement request can be submitted and processed.
 - **Compressed Work Week:** A guide for establishing a compressed work week has been drafted.
 - **New Collective Agreement:** Most of the negotiated changes have been incorporated into a draft of the new Agreement which is available online. We are currently working with MTS Industrial Relations to reach a consensus on the rules and wording for PLDs for employees new to TEAM's jurisdiction. Once the wording is agreed we will send the agreement to the printers and distribute copies of the "blue book" to members.
2. **New Contractor Letter of Understanding:** The new Contracting-In Letter of Understanding (LOU), which forms part of our new Collective Agreement, exists in large part to the input and feedback from the members of the Contractor Working Group. It was a long process, but we achieved a significantly better and more comprehensive agreement than the Engagee LOU it replaced. The new LOU provides the following:
- Clarity on contracted work.

- Opportunity for employees to do the work.
- Time limits.
- Maximum number of contractors tied to the number of employees in TEAM.
- Expanded reporting requirements.
- Financial penalties for exceeding cap.

3. **Health & Safety:** TEAM and MTS met with the Occupational Safety Advisor for Human Resources and Skills Development Canada (HRSDC) in May to discuss whether our members can act as representatives for the Company on Health and Safety Committees, and if they can, who will represent our 1,200+ members.

We argued that it is unfair to put an employee in the position of having to choose who they represent; their colleagues and their union, or the Company. HRSDC have since said that our members who perform supervisory functions can be employer representatives. This decision provides TEAM with twice the number of members on a committee than either of the other unions. The matter has not been fully resolved and discussions with HRSDC and the Company are ongoing.

4. **Pension – Initial DB Surplus:** The appeal was heard before the Supreme Court of Canada (SCC) on May 16th, 2013. A two-hour video webcast of the hearing (SCC File No. 34763) is available on the SCC [website](#). The hearing has appeared on the CPAC TV channel a number of times.

Our lawyers did an excellent job in representing us before the seven Supreme Court justices. At several points MTS's lawyer seemed to have difficulty responding to the questions, and was admonished by Justice LeBel for “*evading*” the panel’s questions and “*skating around the facts*” (162:15).

As the Supreme Court typically renders a decision within six to eight months of hearing a case, we expect to receive the decision sometime between mid-November and mid-January.

5. **Canadian Human Rights Tribunal – Disability:** The Tribunal found that MTS had “engaged in a discriminatory practice within the meaning of section 7 of the *Canadian Human Rights Act*” when the Company terminated one of our members. As a result of the termination our member’s retirement income will, if not rectified, be significantly less than had she not been terminated. MTS takes the position that the administrative judge ordered payment of missed pension contributions. TEAM’s position is that the administrative judge ordered that our member be reinstated in the Pension Plan. The monetary difference between the two positions is significant. Our argument and justification have been submitted to the Tribunal and we await the Company’s response.

6. **Arbitration – Call-out:** The January 2013 Arbitrator’s decision took away the minimum two-hour pay for a call-out when resolving the issue remotely. Prior to the arbitration, MTS required some of our members to book only for the actual minutes worked, regardless of the time of day. Following the decision, MTS gave notice that at the conclusion of negotiations this policy would apply to all TEAM members.

Although we had filed for a judicial review of the Arbitrator’s decision, there was no guarantee we would be successful. The TEAM Board deemed it prudent to address the matter at the negotiating table and fall back to the review if required.

The minimums achieved at the negotiating table are significantly better than the Company's position of overtime only for the actual time worked, with no minimums and no recognition for being woken in the middle of the night.

As part of the agreement on minimums for call-out work done remotely, TEAM will not be proceeding with the judicial review. Call-out pay for reporting to the workplace remains at a minimum of two hours pay.

7. **Arbitration – Overtime:** The hearing dates have been moved to January 8-10, 2014.
8. **TEAM Scholarship Awards:** The call for applications went out August 14th. The application deadline is September 27th.
9. **Annual General Meetings:** The meetings will be held November 5th, 6th and 7th.
10. **Take a Break:** A number of initiatives are being planned, including Hot Dog day and a December/January event.
11. **Bill C-377:** If enacted in its present form, this private members bill will amend the Income Tax Act as it pertains to labour unions, and would drive up our administration costs, expose our detailed financial position to the Company, and take valuable resources away from providing service to members. TEAM, along with IFPTE locals from across Canada, met with MPs in 2012 to share our concerns around privacy, the cost to the taxpayer, and the inherent unfairness in the bill as the same disclosure requirements would not apply to right-wing anti-union organizations. After weeks of debate in the upper chamber, in June 2013, members of the senate came together and stripped the bill of its most contentious clauses. The government now has to decide whether to accept the amendments, send it back to the senate unaltered, or drop the bill altogether.
12. **Other Ongoing Matters:**
 - **Labour Management Committee:** See separate [report](#).
 - **Grievances and Complaints:** See separate [report](#).
 - **Out of Scope Positions:** Improved information disclosure regarding positions MTS asserts are out-of-scope was agreed to at the negotiating table. The status of a number of positions has yet to be determined; the Canada Industrial Relations Board is assisting with the process.
13. **Events Attended:**
 - May 22-24 - Negotiations: CAR meetings
 - May 28-30 - Negotiations: Membership meetings
 - May 31 - Joint Benefit Committee
 - Jun 18-20 - Negotiations: Strike vote meetings
 - Jul 8 & 9 - Negotiations: CAR meetings
 - Jul 15/16 - Negotiations
 - Jul 22-24 - Negotiations: Ratification information meetings

- Aug 20, 22, 27- Negotiations: CAR appreciation lunch
- Aug 29 - Negotiations: Lessons Learned session

Board Direction and Requests

1. **Retirement Gifts:** Several members have expressed a desire to be able to choose between the print currently presented to retiring members and the cash value. I've noticed that occasionally recipients are apprehensive as to what the print might look like, only to be pleasantly surprised on removing the wrapping. Occasionally we do run into the problem of partners each receiving the same print. As we usually have at least two different prints in stock, we will change one of the prints.

Board direction requested.
