



BULLETIN

TRANSPORTATION DISTRICT 140 DISTRICT DES TRANSPORTS 140

*International Association of Machinists and Aerospace Workers
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale*

TO ALL IAM & AW MEMBERS G4S - PRE-BOARD SCREENING PERSONNEL LOCAL LODGE 16 – VANCOUVER WINTER SHIFT BID – ARBITRATION RULING

Dear Brothers and Sisters:

Further to our communication of November 21, 2013, the arbitration regarding the Winter Shift Bid was held with Arbitrator Vince Ready on November 28, 2013.

We received Arbitrator Ready's decision today, in summary the decision provides:

- Article 17 (m) requires that there be a minimum of two bids per year. The phrase "at least" contained in 17.01 (m) requires two bids but there are no express words or provisions specifically limiting the number of bids provided the Employer has bona fide and legitimate operational needs to do so.
- Based on the circumstances and documentation at the hearing, the Arbitrator was satisfied the Employer had legitimate and bona fide requirements to introduce a different shift schedule.
- Article 17 establishes an elaborate code governing how the parties establish and implement shift schedules.
- The clear intent of Article 17 is for the parties to "work together to make the shift schedules work to the benefit of both parties" and that hours are to be scheduled in such a way as to maximize hours for senior employees in accordance with seniority.
- In the Arbitrator's view the preamble of Article 17 requires the parties to work together when making up shift schedules.
- The Arbitrator found:
 - The communications and information from the Employer to the Union fell short of the intent of Article 17 which imposes an obligation to work cooperatively with the Union.
 - No official notice or in depth reasoning was given to the Union in order to support the operational reasons for the shift change.
 - The Employer failed to provide a response to the Union's suggested solutions and was determined to go ahead with the schedule.
 - The Union was not provided with the schedule until November 5, 2013.
 - The Employer did not give formal notice to the Union or supporting documentation regarding the requirements of its' client (CATSA) until the night before the hearing.
 - The evidence established that there was little, if any consideration given to the Union's suggestions to improve the schedule.
 - The documentary evidence revealed that in general the schedule failed to maximize hours as per Article 17.01 (a), effecting the number of breaks and other benefits to which employees are entitled under the Collective Agreement.
- The parties are directed to review the schedule and, if necessary, make whatever changes are necessary to ensure compliance with the Article 17, in particular 17.01 (a) and any other provisions of the Collective Agreement.
- The Employer is directed to meet the Union and provide all scheduling information electronically or otherwise.
- All of which is to be completed within (15) days of the date of this award, or such further time frame as agreed between the parties.
- The Arbitrator retained the necessary jurisdiction to resolve any matter arising out of the award including any remedial issues arising out of the shift schedule.

We will be meeting with the Company next week to discuss the next steps in implementing the decision and will advise the Membership of any developments in the process, as soon as the information becomes available.

In Solidarity,

Tania Canniff, General Chairperson
Transportation District 140, IAM & AW

BULLETIN ISSUED – DECEMBER 6, 2013
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