



URBAN UNIT



RURAL AND SUBURBAN UNIT



PRIVATE SECTOR UNITS

March 9, 2016

## Gift Card Arbitration

Sisters and Brothers:

Now that we are in negotiations, Canada Post will be trying to win over our members with BBQ's, luncheons and other employee engagement schemes.

Recently in Vancouver, the local employer was presenting workers with \$25 gift cards for "going above and beyond". The Local grieved this practice and was successful in a hearing before Arbitrator Gordon.

This is a regular decision but does clearly state why Canada Post cannot present select workers with gift cards.

To begin, the Corporation has a duty to consult under Article 3.02. "The parties agree to discuss and consult each other on all matters pertaining to their working relationship."

In this case, they did not consult with the union on the program or gift card recipients as were required to, whether the Union would have agreed to the program or not.

Furthermore, the employer unilaterally chose the recipients. This is a violation of the Union's right to be the sole and exclusive bargaining agent. The Union has the sole right to negotiate working conditions, including remuneration. Arbitrator Gordon, in her February 5, 2016 award, ruled that these awards violated the collective agreement as they constituted payment for work that exceeds the negotiated rates of pay.

The decision makes reference to this jurisprudence around the issue:

"Toronto Hydro vs Canadian Union of Public Employees Local 1 {Recognition Program Grievance} says a onetime lottery that all workers have an equal chance to qualify for and to win is distinguishable from a program by the employer which unilaterally decides to grant a onetime bonus to workers would undermine the union's exclusive right to bargain of behalf of its members, and would be in breach of the agreement."  
(emphasis ours)

The fact that this breach was very serious is reinforced by the fact that Arbitrator Gordon awarded damages to the union local in the amount of the total of all gift cards given out.

Please take the time to read the attached decision; it gives all of us good arguments to use against the boss if they try this in your work place.

Grieve every violation of the collective agreement and stay strong in our support of the negotiating committee.

In Solidarity,

Coleen Jones  
A/National Union Representative

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