



2015-2019 / Bulletin n° 090

April 28, 2016

CPC CHANGES TO STDP UNFAIR AND UNREASONABLE - ARBITRATOR RULES

Arbitrator Jolliffe has sustained the Union's grievance #N00-12-00016 concerning the Short Term Disability Plan (STDP) and stated that the changes Canada Post Corporation (CPC) had made unilaterally were "unfair" and "unreasonable".

In 2015 CPC changed the deadline for an employee to apply for STDP from 21 days to 14. According to Canada Post, in order for a member to qualify for STDP they had to submit the Employee Statement and the Attending Physician Statement to Morneau-Shepell within 14 calendar days. In many cases, if a member did not submit the forms in time, they lost pay for their entire absence with no possibility of appeal. Members were also subjected to CPC clawing back the money already paid under the STDP.

All of the Union's witnesses testified that the reason they could not submit the forms in time was due to their doctor. Despite their best efforts, they could not obtain the forms from their doctor within Canada Post's unfair and unrealistic deadline. Arbitrator Jolliffe stated that the decision of Canada Post was in violation of Article 20 and that their position was "**unfair**" and "**unreasonable**". Arbitrator Jolliffe stated in his award that:

"Suffice to say that had these sophisticated Parties mutually wanted to contractually enshrine the timeliness rule, said on its face to be fatal to proceeding with the claim, as an element of eligibility, they could have chosen to do so, as they did with other eligibility aspects."

The arbitrator further concludes on eligibility:

"Simply put, eligibility is circumscribed by article 20.09 and the policy directive cannot carry that kind of weight."

Arbitrator Jolliffe also found that CPC's policy dictum "**essentially intended to deny eligibility**" and was contrary to Article 20.09.

Over the next few weeks CUPW and CPC will be discussing the compensation owed to the members who were denied pay or had to reimburse any amounts due to submitting their forms past the employer's deadline. If you are one of the members who was denied paid leave or had money recovered for submitting your forms too late, please contact your Local.

It should be noted that in negotiations CPC wants to reduce the deadline even more to 7 days.

Solidarity,

Carl Girouard
National Union Representative

2015-2019 / Bulletin n° 090
CG/lh-cope225

