

January 5<sup>th</sup>, 2002

Mr Arnold W. Powers  
Conciliation Officer  
Human Resources Development Canada  
Labour Branch, Suite 1001, South Tower  
175 Bloor Street East  
Toronto, Ontario  
M4W 3R8

Dear Mr. Powers;

Re: Violation of s50(b) of the Canada Labour Code

As the appointed Conciliation Officer pursuant to s72(1) of the Act, I am writing you in the hope that you can intervene in a dispute between NAV CANADA and ATSSAC. We believe the actions of NAV CANADA are in violation of s50(b) of the Canada Labour Code.

***Issue: Unilateral improvement to employee compensation package:***

In November 2001 NAV CANADA served notice at six separate work units. The Company intends to change the hours of work at these locations in favour of an 8 hour per day shift with a rotation of six days of work and three days of rest averaged over a 63-day period.

Article 32 of the ATSSAC collective agreement requires that the employer schedule employees an average of 37.5 hours per week, 8 hours per day averaged over a period not exceeding one hundred and twelve (112) days. The shift schedules being implemented by the Company do not provide employees with an average 37.5 hours per week. In fact employees will have a shortfall of 1 ½ hours every 63-day period. This is in violation of article 32 of the ATSSAC collective agreement and is being grieved by the Local Union.

Through an exchange of correspondence, the Employer representative advised that the Company was willing to forgive each 1 ½ hour period in order to maintain the proposed shift schedules. This action constitutes a unilateral improvement to the contract for those employees at these six sites and is in violation of s50(b) of the Canada Labour Code.

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In discussions with Mr. Sioui-Thivierge of the Canada Industrial Relations Board it was suggested that I first attempt to solicit your assistance in trying to resolve this dispute prior to filing an Unfair Labour Practice application to the Labour Board.

ATSAC has attempted to have the employer cease this practice and has failed. The Employer is moving ahead with these new work schedules and one site, Kingston Ontario, is commencing the new schedule as early as next week with the other targeted work locations commencing in February and March 2001. It is imperative that we attempt to resolve this issue as quickly as possible.

***Issue: Changing Terms and Condition of Employment during Statutory Freeze Period.***

In October 2001 the Company sought volunteers at the Edmonton Flight Service Station to participate in various teams and working groups for the up-coming implementation of the Flight Information Centres project.

Following the resignation of some of these volunteers the Employer served notice on December 21<sup>st</sup> 2001, that their participation on various teams and working groups was mandatory.

By changing what has historically been voluntary work into mandatory duties, ATSAC believes that the Employer is changing the terms and conditions of employment during a statutory freeze period in violation of s50(b) of the Canada Labour Code.

This decision by the Company will also impact on the upcoming hearings by the Canada Industrial Relations Board into the ATSAC application pursuant to s87.4 of the Canada Labour Code on the Maintenance of activities requirement in the event of a strike or lock out.

It is with this in mind that ATSAC respectfully requests your assistance in resolving these issues prior to filing any application to the Canada Industrial Relations Board. You may contact me at your convenience at (613) 720-6722. I have copied this letter to NAV CANADA and I await your response.

Sincerely Yours

J.P. Duclos  
President

cc: Ms. Elizebth Kriegler Vice-President Human Resources NAV CANADA  
Mr. Gary Fane Director Transportation CAW Canada  
Mr. Ron Smith CAW National Representative  
ATSAC Executive Board  
Mr. Pierre Sioui-Thivierge Canada Industrial Relations Board



Air Traffic Specialists  
Local 2245 CAW Canada  
Spécialistes de la Circulation Aérienne  
Section locale 2245 TCA Canada



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