



THE BULLETIN

Negotiations Update - January 24, 2011

CIRB Decision Supports

ILWU Canada and ILWU Local 514 Negotiating Committees

As you may know, the Canada Industrial Relations Board has been considering allegations brought against the Union by the BCMEA.

I am pleased to tell you that the Board in its ruling released on January 21st has dismissed completely the allegations made by the BCMEA that the Union has been bargaining in bad faith or failed to make every reasonable effort to reach a collective agreement.

Indeed, the Board laid the blame for the failure to reach an agreement squarely at the feet of the BCMEA.

The Board made it abundantly clear that the BCMEA's agenda for legislative change to curtail the free collective bargaining rights of ILWU members has "overshadowed" and "infected" the negotiations.

The CIRB decision also noted that the Union's negotiating position could only be characterized as fighting hard to protect the interests of ILWU members.

Thankfully, given the BCMEA's agenda to frustrate the negotiations, the Board also found that the ILWU is able to negotiate with individual employers. In light of this, the Board found that it was not illegal or unlawful for the ILWU to have filed Notices of Dispute against TSI alone. Further, the Board made it clear that industry-wide bargaining is optional, not the only way negotiations must be conducted.

We think the Board got it right, just as Special Mediator Hughes and Rooney did in their report in July last year. The CIRB has cleared the air and created the right climate for us to reach an agreement.

As a result of this decision, the Board has no mandate or jurisdiction to impose a new collective agreement or to impose binding arbitration.

The Negotiating Committee will now be considering next moves, so watch for future updates.

We thank you for your continuing support and remember:

Don't Panic – Don't Bite – Stay the Course

On behalf of your ILWU Negotiating Committee
Tom Dufresne

January 24, 2011Z:_Administration\BULLETINS\The Bulletin\Negotiations-Update 24Jan11.docx