



**Association of Justice Counsel
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BY FACSIMILE

September 9th, 2011

Marc-Arthur Hyppolite
Assistant Secretary (Labour Relations and Compensation Operations)
Treasury Board of Canada
400 Cooper Street
Ottawa, Ontario
K1A 0R5

RE: Treasury Board's Unreasonable Delay in Bargaining

Dear Mr Hyppolite:

I am writing to express the AJC's concerns about the significant delay we have encountered and that has acted as a barrier to our efforts at trying to bargain with Treasury Board over the last eight months. As you are no doubt aware, the LA collective agreement expired on May 9th, 2011. Four months have passed since then, and despite a series of exploratory discussions and several multi-day table sessions before and after the expiry date, we appear to be a substantial ways off towards renewal.

One of the main reasons for this is as follows.

We have found it extremely difficult to secure from Treasury Board available dates for face-to-face bargaining sessions. From the outset, the employer failed to meet within the 20 day statutory timeframe following our having served notice to bargain on March 18th, 2011. This was a palpable violation of s.106 of the *PSLRA*. Without any acknowledgment of its disregard for the law, the employer put off talks until June 15 and 16, 2011, two months after notice to bargain had been given, and four months since our last round of exploratory discussions in February 2011.

Following the June session, we held a further face-to-face on July 5, 6 and 7, 2011. At the conclusion of those talks, however, the employer informed that it was indisposed to meet again until September 27th, 2011. We firmly answered that a delay of three months was unreasonable and could not be justified, and that the employer should make every effort to reconvene sooner. The employer refused, and there have been no further talks since July 7th, 2011. By the time we resume at the end of September, the calendar will have turned a quarter of a year without any negotiations thanks to the employer.

All of which is to say: this pace of bargaining is far too slow, far too inefficient, and generally unacceptable. Our collective agreement is expired, and that alone serves as a very powerful incentive to keep meetings frequent and moving, as is required by the tenets of bargaining in good faith.

It is unreasonable for the employer's negotiators to maintain, with resources far greater than that of the AJC's, that it cannot make itself available for face-to-face bargaining more than once every three months.

The PSLRB has frowned on this kind of unjustified delay before. We think they would be likely to do so here as well.

Meanwhile, the clock is ticking, and it is our members who must shoulder the cost. It is incumbent on Treasury Board to show the greatest commitment and flexibility so we can get back to the table, and respect the process.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Marco Mendicino', with a long horizontal line extending to the right.

Marco Mendicino
President

Copies to:
President of the Treasury Board, Minister Tony Clement