



Federal Government Dockyard Trades & Labour Council (West)



Bulletin

March 11, 2025

Binding Arbitration

Following yesterday's Bulletin, we have had requests to share our legal counsel's response to the request to postpone the mediation/arbitration session that was scheduled for March 29 and April 1, 2025. Mr. Pink has agreed for us to distribute the body of his response; it is below in *italics*:

March 6, 2025

VIA EMAIL:

Ms. Edith Bramwell

Chairperson

Federal Public Sector Labour Relations and Employment Board

Dear Ms. Bramwell,

Re: Reply to Request to Defer Mediation/Arbitration for the Ship Repair West

FPSLREB No. 585-02-49530

I am counsel for the Federal Government Dockyard Trades and Labour Council West, who are Parties in the forthcoming mediation and potential arbitration.

The request from Mr. Diotte arises approximately 10 days before presentation of final briefs and the forthcoming mediation.

Mr. Diotte makes reference to the "wage gap since 2010". This wage gap refers to the 5.2% reduction in the wages of members of the Bargaining Unit, which commenced in 2010 because of passage of Federal Government of Canada restraint legislation. There has been significant bargaining on this issue since we commenced bargaining in this matter over 18 months ago. The Employer has made a number of proposals to resolve the issue. The proposals did not find favour with the Bargaining Agent. Simply put, it is the Union position that the 5.2% must be repaid and put on the rates without conditions.

If Mr. Diotte has a proposal he wants to place for consideration to the Bargaining Agent prior to the mediation, we would be pleased to receive this proposal and speak to his negotiator Mr. Bernard. It is most unusual that Mr. Diotte (who has never appeared at the bargaining table) insist that his attendance is absolutely necessary. Mr. Bernard is a very capable negotiator and is able to adequately address these matters provided he has the latitude to do so. The issue is very simple.

In addition, my clients are now approximately 25 months without a new Collective Agreement. Any adjustment to the dates would only exacerbate this already lengthy process.

As well, these dates for mediation/arbitration have been booked since early November. It was set down with all Parties in agreement. It is unfair to cancel the date at this late stage because Mr. Diotte is unavailable. Was he intended to be in Victoria to resolve the matter, in any event? Will he commit to be there in the future if the day is cancelled – we doubt not. He has not appeared yet at any bargaining table with this Bargaining Agent.

The Collective Agreement is for three years and will expire soon after any hearing. The delay is as a result of the inability of the Government of Canada to bring forth reasonable proposals. With this delay it is quite possible bargaining will commence again for a new contract within the year. This is hardly fair. In addition, there is no commitment as to when any new hearing will occur. Mr. Kaplan and his colleagues are very busy and nationally recognized arbitrators and mediators. They have a very busy schedule. Even a three month delay is extraordinary from my clients perspective. It is unlikely that any date will be found until the second half of this year, at the earliest. Is Mr. Diotte suggesting that he wants to have a say in any new dates, and if he is unavailable, will the mediation have to be postponed again? This cannot be. Mr. Diotte has had no real “front-facing” position in all of these negotiations.

It is quite unfair for the Government to insert Mr. Diotte’s personal availability into this process. He has not been a participant in the proceedings. His inability to attend will upset the lives and livelihoods of over 700 Members and Employees of the Government of Canada, just to accommodate him.

The request Mr. Diotte is making is unfair to my client. It is simply because the Government has not shown enough attention to attempt to fix the 5.2% problem after two years of bargaining. Now they want to find “options”? We will review any options they have prior to mediation, if they want to present them. The process should not be held up because of Mr. Diotte’s availability. Further, when Mr. Diotte states he will be “out of the country” on March 29 – we don’t know if that is for government business or otherwise. He has not explained the reason for his absence. If it is not for government business, what would be the reason for the delay? If it is for non-government business, why cannot another member of his department take control of this situation? There is no need to cancel the hearing to accommodate one person.

Obviously, my clients are very upset by this development. We ask you to place the concern of my clients and their Members in the forefront as they desire the Federal Public Sector Labour Relations Act to work fairly and purposefully for all concerned including both the Union and Employer. My clients are asking that the mediation and arbitration as planned, continue. A delay is unfair and prejudicial to the interests of my clients.

Thank you for your consideration of the above noted.

*Yours truly,
PINK LARKIN
Ronald A. Pink, K.C.*

In solidarity,

Des

*Des Rogers
President
FGDTLC (W)*