



**TO: ALL UNION MEMBERS AT THE HAMLET OF TALOYOAK**

**BARGAINING COMMUIQUE #2**

**Union to Hamlet: Stop Bargaining in Bad Faith!**

Dear Members:

A key reason a deal on a new Collective Agreement has not been reached despite 18 months of bargaining is because **your Employer is engaging in what is known in law as bad-faith bargaining.**

On February 27 this year, your Bargaining Team came to the table in a virtual meeting which we were optimistic would result in a deal. This meeting came after a delay of several months during which the Hamlet declined to bargain because it did not have an SAO in place.

At this meeting, when the parties were getting close to a deal, **the Hamlet put two brand new proposals on the table.** Even though Article 14 – Hours of Work had been discussed and agreed to months before, the Hamlet tabled a new proposal for Water and Sewage Truck Drivers and Swampers, and for a new position of Bylaw Officer.

Both proposals would give the Hamlet almost complete discretion over the hours that W&S Drivers and Swampers will work, as well as the Bylaw Officer it proposes to hire. **The language proposed by the Employer clearly says that employees will work “subject to a schedule of the Employer’s choosing.”**

**THIS IS NOT ON.**

**Article 14 clearly provides that the regular hours of work are between 9 AM and 5 PM Monday to Friday with a one-hour unpaid meal break, with the single exception being**

hours of work for seasonal recreation workers. There are no shifts in the Collective Agreement and work outside the core hours is paid at overtime rates.

However, if the Employer gets its way, Water and Sewage Drivers and Swampers could find themselves working different hours every day or being regularly scheduled after 5 PM every evening and on weekends with no shift premiums and no overtime pay.

We all know that meal times and evenings and weekends in Inuit communities are family time. This is the kind of proposal that comes up when SAOs and their lawyers come from outside the community and don't respect the traditions and culture of Inuit society. **Your Union will not agree to this proposal.**

**When one party puts a surprise proposal on the bargaining table near the end of the process, this is known as “bargaining to receding horizons” and it is considered an *Unfair Labour Practice* by the Canada Industrial Relations Board.**

As a result, your Union has filed an *Unfair Labour Practice* complaint at the Labour Board. Your Employer is paying its lawyer extra money to respond to that complaint.

**This is a shame. This means that the Hamlet of Taloyoak is choosing to pay its expensive lawyer even more money to defend its illegal actions – instead of paying you, its employees, the wage increases you have deserved since 2020.**

The two bad faith bargaining proposals your Employer is insisting on **are in addition to a huge concession the Hamlet is seeking on Casual workers.**

According to the Collective Agreement, Casual employees work on an as-and-when-needed basis for a period of up to three months. The Collective Agreement also says that the Employer shall not employ a series of Casual employees instead of filling a full-time position.

**Your Employer wants to get around that provision by changing the language to say that Casual workers can be employed as Casuals indefinitely.**

The Nunavut Employees Union filed a grievance last year saying that the Employer has not abided by this provision of the Collective Agreement.

**As a policy, our Union does not bargain language that is the subject of an active grievance.**

In the last couple of months, the NEU gave the Employer an opportunity to resolve the grievance but the Employer refused to engage in the process. It simply denied all of the grievances. As a result, the NEU has referred its “abuse of casual workers” grievance to arbitration.

**The Union cannot agree to the Employer's proposal for unlimited use of Casual workers. This grievance is going to arbitration so Union policy prohibits the Union from agreeing to it. Just weeks ago, the Union gave the Employer the opportunity to resolve the grievance, but the Employer refused. Therefore, the Employer's proposal is not bargainable by the Union.**

Your Union has a clear message to the Hamlet of Taloyoak: Drop the concessions, remove your bad faith bargaining proposals from the table, offer a wage increase competitive to that of other communities for the same years, and let's get to a deal.

**YOUR BARGAINING TEAM NEEDS YOUR SUPPORT TO GET YOU THE FAIR DEAL YOU DESERVE.**

**We will be able to reach a deal when the Employer removes its concessions and bad faith bargaining demands from the table and negotiates a fair wage increase.**

**In Solidarity,**

**YOUR BARGAINING TEAM**

**Greg Sutherland**

**John Iqiliq**

**Gail Lem, PSAC Negotiator**

**July 11, 2023**