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Re Canada Post Corp and CUPW (105-95-00432)

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IN THE MATTER OF A REGULAR ARBITRATION:

BETWEEN:

THE CANADIAN UNION OF POSTAL WORKERS

(The Union)

and

CANADA POST CORPORATION

(The Employer)

RE: *Fundy Local*

CUPW No. 105-95-00432

BEFORE: Innis Christie, Arbitrator

HEARING DATE: November 20, 2000

AT: Saint John, N.B.

FOR THE UNION: Carole Woodhall, Union Representative

Wally Moore, President, Fundy Local

Kevin Suttie, Chief shop Steward, Fundy Local

Cyril Galbraith, Union observer route measurement

Kevin Murphy, Union observer route measurement

FOR THE EMPLOYER: Joseph P. Doucette, Labour Relations Officer

Paul McNeil, Manager Delivery Services, Saint John, N.B.

Peter Lystiuk, Superintendent Urban Services

DATE OF WRITTEN CONFIRMATION OF AWARD: 04 March 2001

Union grievance dated February 17, 1999 alleging breach of the Collective Agreement between the parties bearing the expiry date July 31, 1997, which continued in effect at the date of the Grievance. In particular the Grievance alleges breach of Articles 46 and 47 and Appendix V, which incorporates the Letter Carrier Route Measurement System Manual, in that the Employer provided inaccurate 050 forms for letter carrier and motorized mail carrier routes in Saint John. The Union requested that the Employer be directed to do a "five day check" as soon as possible to correct the time values associated with the relevant 050 forms.

At the outset of the hearing in this matter the representatives of the parties agreed that I am properly seized of it and that I should remain seized after the issue of this award to deal with any matters arising from its application.

At the end of the hearing I dismissed this Grievance.

WRITTEN CONFIRMATION OF AWARD

This Grievance related to the values assigned to volume data in the 1998-9 restructure in Saint John. On January 18, 1999, Cyril Galbraith, a very experienced union observer, noted in the Internal Grievance Investigation Form that, according to his notes from October 27, 1998, with respect to walk 71 there was what he perceived to be an error in the way "bundles" of missorts were counted. Two or more for the same address were counted as a bundle, whereas in his opinion this was governed by p. 3-8 of the Letter Carrier Route Measurement System Manual where it is stated;

Bulk re-addressing, by the Letter Carrier, is to be used whenever 5 or more items are intended for the same address. For recording purposes, enter the appropriate number of bags or bundles at (a) [affixing pre-printed re-address label] of (b) [enscribing the new address by hand] as applicable.

Thus, from the Union's point of view what were counted as bundles of 2, 3 and 4 items should have been counted as single items. This resulted in this Grievance dated February 17, 1999, alleging that a similar error pervaded the data for the volume count as recorded on page 1 of the 050 forms and valued on page 2 of those forms.

Without going into detail on the complexities of the 050 forms, I would point out that immediately following the words quoted from the Letter Carrier Route Measurement System Manual is the following;

Where local Agreement results in the establishment of a Central Label Redirection Unit, the individual routes are to be credited with handling value in the same manner as missorts.

In Saint John there is such a unit, known as the CLAM unit. Section 2 of the Route Measurement Reference Manual, which deals with the "Sampling Exercise" was put in evidence. It at p. 18 under the heading " Step 6: Deal With Missorts/Redirects" it provides as follows;

Missorts are mail items that have been mistakenly sorted (due to CPC or customer error) to the wrong route.

Redirects are mail items to be redirected to another address based on a service purchased by the customer.

Letter Carriers should:

- ◆ **not include** missorts/redirects as part of their regular mail;
- ◆ **separate** missorts/redirects and count them separately; and
- ◆ **set them aside** so they can be resorted to their proper route or redirected as requested.

...

1. The missorts and redirects for each route are picked up while the Letter Carriers are sorting the mail. The assistant to the Letter Carrier supervisor or another employee tasked with this duty picks up the missorts and redirects several times during the sorting period at each sorting case. The missorts are placed in the appropriate turnaround bin for resorting or dispatch (e.g. Missorts In or Missorts Out of depot). The redirects are also placed in the appropriate bin for processing at the Central Redirection Centre or CLAM unit. The RMO should check with the Letter Carrier Supervisor where the missorts/redirects should be placed.
2. The RMO accompanies the person picking up the missorts and redirects and indicates the number of pieces picked up for each route on the Missort Worksheet. Both missorts and redirects can be counted together. ...

According to the testimony of Peter Lystiuk, the Employer's Superintendent Urban Services, the first passage quoted above from the Letter Carrier Route Measurement System Manual and relied on by the Union for the proposition that a bundle is only five or more only applies to redirects. In Saint John redirects go to the CLAM unit, so that provision was not relevant.

Mr. Lystiuk testified that the practice right across the country with respect to missorts is to give the same value to bundles and single items, as was done here. On the form 050 in evidence for Route 71, for Tuesday, line 12 'readdressed by

hand and to boxes (bundles)" the number "27" was entered, after appropriate intervention by Cyril Galbraith. It is not disputed that that was for 13 bundles and 14 singles. The question was whether the "bundles" should have included only 5 or more items. My conclusion was that that was not so with respect to missorts.

I note the following letter dated January 28, 1999 to Paul McNeil, then Manager Urban Services for the Atlantic Region for the Employer, from Wally Moore, President of the Fundy Local of the Union;

SUBJECT: VOLUME DATA SAINT JOHN, NB
1998-99 RESTRUCTURE

We are satisfied that the information captured on the electronic 050's and electronic parcel data documents is as accurate as possible and therefore is acceptable to the union for use during this restructure exercise.

Had I not concluded for the reasons already given that this Grievance was to be dismissed I would have had to give serious consideration to the effect of this letter on the Union's right to take issue with the data and resultant values on the 050's.

Innis Christie
Arbitrator

SP