

October 12, 2001

To: Gord Carter,

Chief Shop Steward,

Loman Warehousing.

Dear Gord Carter,

This is to inform you that I wish to pursue a grievance against the employer. I believe the employer has for some time now been in contravention of sections 2 and 49 of the Labour Relations Code. I believe that the workforce has suffered greatly because of this. Specifically I assert the following:

That the present management's policies, practices, and procedures represent a significant departure from those that existed over the life of several previous collective agreements.

That the present management has interpreted Sec. 49 in a way that is not only contrary to the Sec. 2, "Purposes of the Code", but is a significant departure from the interpretation that existed over the life of several previous collective agreements.

That the present management's policies, practices, and procedures have not been guided by a concern for the betterment of the business or decisions made for valid business reasons.

That the present management's policies, practices, and procedures have been the single biggest factor in preventing the workforce from achieving a competitive level of "economic viability"

Given Sec 12 (e) of the C.B.A. that there exists a Labour Relations purpose for doing so.

That the present management's policies, practices, and procedures are clearly inappropriate for the workplace and as such are not a valid "style" of management, but a form of mismanagement.

That the management has stubbornly continued with this mismanagement despite the lack of positive results, their long experience in distribution, and ongoing complaints from the workforce.

That the negative effects of the present management's policies, practices, and procedures was as predictable and inevitable as it was inappropriate.

That the proper policies, practices, and procedures, i.e. a proper interpretation of Sec. 49, was well known to the management.

That the present management's policies, practices, and procedures are directly responsible for the problems their own memoranda document in contravention of Sec 2, Purposes of the Code.

As a result of the above, our skills and their value, our reputation as a workforce, our ability to justify our cost and further employment have all been significantly embarrassed. I have complained to various supervisors about these issues. I think most supervisors know how disgusted I am with what I have seen. But they do not set policy, practices or procedure and these things are out of their hands. As you know, I took the time to write Peter last September regarding these very issues. You attended a meeting with Peter and I to discuss the letter. Although time was clearly not an issue Peter declined to discuss the letter. I therefore consider steps one and two, as outlined in the C.B.A. Section 16 (a) & (b), to have been discharged.

Nothing changed and so I reiterated my concerns with the issues in a letter to the membership in June of this year. You should know that I have many of my co-workers signatures attesting to their agreement of the June letter and so I cannot be characterized as a troublemaker, radical or agitator. I have merely put to paper what is obvious. Again, no change or even a comment from the management regarding the June letter. In fact, what I have seen in the last few months has been very disappointing. The employer has seemed more interested in going out of business and taking us with them. This is why I wrote a letter to the membership regarding bankruptcies and requested you to pursue some answers regarding the intent of the B&I Act. I am very interested as to whether the Act is permitted to be used as merely an escape from fact finding. That would be extremely unfair to a proper and fair settlement of the issues to be dealt with here at the warehouse in the near future.

Under the circumstances, there is no way the damage done to the workforce can be rectified fairly by the employer. Clearly the employer has no interest in resolving or taking responsibility for these issues. For these reasons there cannot be any practical result from step three. I request you inform the employer that you intend to proceed to step four of the grievance procedure.

I am therefore seeking an examination by a mediator as per the C.B.A., Section 16 (d), of the issues above and from that examination an assignment of responsibility and rectification as a mediator or the Board may deem fair.

As the management's interpretation of Sec.49 must be one of the strongest indicators of a common employer argument, I'm sure much of this ground has already been covered and will be contained in that argument. Please advise as soon as possible as to the disposition of this grievance.

In Solidarity,

Darryl A. Gehlen