

SHORTT, MOORE & ARSENAULT
BARRISTERS & SOLICITORS

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July 18, 2002

UFCW, Local 1518
4021 Kingsway
Burnaby, B.C.
V6H 2A6

Attention: Mr. Ivan Limpricht
Secretary/Treasurer

Dear Sirs and Mesdames:

Re: Overwaitea Food Group - and- Loman Warehousing Ltd.

We have reviewed the Order issued by the Board on July 17, 2002. We would like to take this opportunity to confirm the legal effect of this Order.

The Labour Relations Board has ordered the Union and any persons having knowledge of the Order who are employees of Loman, to cease any strike action.

We must emphasize in the strongest possible terms that a concerted action by employees in the bargaining unit to engage in strike activity is action in contravention of the Order even if that action is not authorized by the Union.

In British Columbia, a concerted agreement by employees to not work voluntary overtime is strike action within the meaning of the *Labour Relations Code*. In other words, if employees in the bargaining unit are refusing to work voluntary overtime, they are acting in contravention of the Order and could be found in contempt of this Order. Moreover, employees who act in contempt of the Order and refuse to work voluntary overtime, could be subject to an action for damages and be found liable for the damages suffered by their employer, Loman.

We confirm that no overtime ban has been authorized or encouraged by the Union. However, if the Employer is able to establish that employees, acting on their own, have

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entered into an arrangement with each other to decline to work overtime, those employees will be in breach of the Order, subject to enforcement actions in the Supreme Court and may be found liable for damages on an action in the Supreme Court by Loman.


It is of the utmost importance that your members in the bargaining unit be aware that they are personally bound by this Order.

We urge the Union to continue all of its efforts to communicate the effect of this Order to your members and to impress upon them that evidence that employees are refusing to work voluntary overtime is likely to be found to be strike action in direct contravention of this Order. This is a serious matter exposing your members, personally, and potentially the Union, to contempt action and liability for damages incurred by Loman.

Please do not hesitate to contact me should you require any further clarification of any aspect of this advice.

Yours very truly,

SHORTT, MOORE & ARSENAULT


SHONA A. MOORE, Q.C.
SAM/ejn