

UNFAIR LABOUR PRACTICE APPLICATION

Application for Order under Section 5, Clauses (d) and (e) of *The Trade Union Act*.

1. THE UNIVERSITY OF SASKATCHEWAN of 105 Administration Place in Saskatoon, Saskatchewan, S7N 5A2, in the Province of Saskatchewan, hereby applies to the Labour Relations Board for an Order determining whether an unfair labour practice (or a violation of the Act) is being and/or has been engaged in by the CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 1975/UNIVERSITY EMPLOYEES' UNION, LOCAL 1975 designated in paragraph 3 of this application, and requiring the said Canadian Union of Public Employees, Local 1975/University Employees' Union, Local 1975 to refrain from engaging in the said unfair labour practice (or a violation of the Act) within the meaning of *The Trade Union Act*, particulars of which are set out below.
2. If the applicant is a corporation, state here the name and address of, and office held by, an officer acting on behalf of the said corporation:
Name: Barb Daigle
Office held: Associate Vice-President, Human Resources Division
Address: Administration Building, 105 Administration Place, University of Saskatchewan, Saskatoon, Saskatchewan, S7N 5A2
3. The name and address of the trade union concerned and, if an employer, the general nature of its business, are as follows:
Name: Canadian Union of Public Employees, Local 1975/University Employees' Union, Local 1975
Nature of Business:
Address: 250 Cardinal Crescent, Saskatoon, Saskatchewan, S7L 6H8
4. The applicant alleges that an unfair labour practice (or violation of the Act) has been and/or is being engaged in by the said Canadian Union of Public Employees, Local 1975/University Employees' Union, Local 1975 (the "Union") by reason of the following facts:

(Here state clearly and concisely all relevant facts indicating the exact nature of the practice or violation complained of. Additional material in the form of Exhibits properly verified by statutory declaration may be included.)

In the fall of 2008, the University and the Union were engaged in an interest arbitration regarding certain outstanding collective bargaining issues. In the course of the interest arbitration, the parties agreed to attempt a mediation of these outstanding collective bargaining issues. The mediation process was concluded on November 17, 2008 with the parties signing two memorandums of understanding.

On or about November 8, 2008 (in the midst of the interest arbitration mediation process), the Union published a newsletter, called Skopien, to the membership. The cover article in Skopien was a message from Glenn Ross, President of the Union to the membership. The message:

- (a) alleges that the Administrative Supervisory Personnel Association ("ASPAs"), another bargaining unit on campus, "is encountering the same difficulties at negotiations as we went through with the University of Saskatchewan."... "Why is ASPA having to go down the same road as we did? Why did another bargaining unit have to take a strike vote and give strike notice to the University?" Contrary to the message, ASPA has not taken a strike vote or given strike notice.
- (b) counsels Union members to engage in strike activity should ASPA go on strike.

On or about November 20, 2008, the Union published a bargaining update on its website that referred to the Skopien article. The bargaining update also contained falsehoods regarding the University's bargaining positions and wrongly allegations that the University violated an agreement regarding communication of the results of mediation. The University states that there was no agreement regarding communications with the Union.

The University states that the Union breached its duty to bargain in good faith by:

- (i) publicly criticizing the University's approach labour relations during the course of a mediation.
- (ii) interfering in the negotiations with ASPA; and
- (iii) publishing inaccurate allegations regarding the University's bargaining positions and actions.

Further, the Union has violated *The Trade Union Act* prohibition against concerted strike activity during the term of a collective agreement. The Union infringed this prohibition by counselling its members to not come to work if ASPA goes on strike. In violating this prohibition, the Union is frustrating one of the fundamental pillars of *The Trade Union Act* which is intended to provide certainty in labour relations and civilized and orderly labour dispute resolution.


The University of Saskatchewan therefore respectfully requests an order that the Union cease and desist any further bad faith bargaining and violations of *The Trade Union Act*.

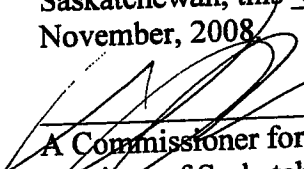
- 5. The applicant University of Saskatchewan submits that by reason of the facts hereinbefore set forth the said Canadian Union of Public Employees, Local 1975/University Employees' Union, Local 1975 has been or is engaging in an unfair labour practice (or a violation of the Act) within the meaning of Section 11 (2) (c) and (d) of *The Trade Union Act* and has violated the prohibition in s. 44 of *The Trade Union Act*.

I, the undersigned, hereby solemnly declare the submissions above set forth are, insofar as they are matters of facts, true to the best of my information, knowledge and belief and, insofar as they are matters of opinion, are verily believed by me.

And I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED before me at the City of)
 Saskatoon, in the Province of)
 Saskatchewan, this 24 day of)
 November, 2008.)


 Barb Daigle


 A Commissioner for Oaths in and for the
 Province of Saskatchewan
 Being a solicitor (or)
 My appointment expires: _____