

# **NEGOTIATIONS UPDATE: NOVAXPRESS UNION FILES UNFAIR LABOUR PRACTICE COMPLAINT AND NOTICE OF DISPUTE**

July 24, 2024

On June 13, 2024, after learning of the employer's unilateral changes to the conditions of employment, CUPW filed with the Canada Industrial Relations Board, an Unfair Labour Practice complaint. The complaint alleges violations of Section 50(b) of Part 1 of the Canada Labour Code occurred when NovaXpress unilaterally removed normally and regularly scheduled shifts from indeterminate employees and provided those shifts to casual employees. The complaint further alleges NovaXpress violated the Code by unilaterally changing the contribution structure of the Extended Health Care Plan for its employees.

Section 50(b) clearly states:

## **Duty to bargain and not to change terms and conditions**

**50** Where notice to bargain collectively has been given under this Part,

- **(b)** the employer shall not alter the rates of pay or any other term or condition unit, or any right or privilege of the bargaining agent, until the requirements of paragraphs 89(1)(a) to (d) have been met, unless the bargaining agent consents to the alteration of such a term or condition, or such a right or privilege.

On July 5, 2024, the employer responded to the complaint stating that its prior practice to change drivers' schedules was depending on "business needs and weather conditions" thus making the latest changes consistent with past practice and "usual" for its operations.

NovaXpress also denied making any changes to the contribution structure of the Extended Health Care Plan even though its own document, announcing the changes to the drivers, stated so.

The Board has yet to reply to the complaint.

On July 16, in accordance with Section 71 of the Code, the Union filed with the Minister of Labour a Notice of Dispute that the parties have been unable to reach a tentative

agreement. Despite agreeing to a number of issues and signing off contract language, the parties remain far apart on all key demands including wages, scheduling, and benefits.

As a result of the Notice, on July 22, Neil McNeil, was appointed as the Conciliation Officer to deal with our dispute.

Except with the consent of the parties, the Minister of Labour shall not extend the time for the conciliation officer to report beyond sixty days from the date of appointment. The Code also compels a 21-day "cooling off" period from the date the Minister of labour receives the report from the Conciliation Officer.

While CUPW remains committed to negotiating a just and fair collective agreement for the workers of NovaXpress and are encouraged by the appointment of Mr. McNeil, we know that it will come down to the strength of the membership and showing this employer we are prepared to fight for what we deserve. In the coming weeks strike votes will be scheduled in all locals for members to have their say.

Your negotiations committee will ensure to keep you updated on all efforts to reach an agreement.

Continue to support your negotiators! Continue to support your demands!

In Solidarity

Jeff Callaghan  
Lead Negotiator  
Canadian Union of Postal Workers

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