

Canada Industrial Relations Board



Conseil canadien des relations industrielles

C.D. Howe Building, 240 Sparks Street, 4th Floor West, Ottawa, Ont. K1A 0X8
Édifice C.D. Howe, 240, rue Sparks, 4^e étage Ouest, Ottawa (Ont.) K1A 0X8
Fax/Télécopieur: 613-947-5407

January 28, 2009

The Honourable Rona Ambrose, P.C., M.P.
Minister of Labour
Place du Portage, Phase II, 11th Floor
165 Hôtel-de-Ville Street
Gatineau (Québec)
K1A 0J2

In the matter of the *Canada Labour Code (Part I - Industrial Relations)* and a referral by the Minister of Labour to the Canada Industrial Relations Board pursuant to section 87.4(7) thereof involving a question respecting the application of section 87.4(1) concerning City of Ottawa, employer; Amalgamated Transit Union, Local 279, bargaining agent; Canadian Union of Public Employees, intervenor.

My Dear Minister:

On December 29, 2008, you referred to the Canada Industrial Relations Board the question of the application of subsection 87.4(1) of the *Canada Labour Code* to the above-cited parties, and requested that the Board determine the action, if any, that is required in order for the employer, the union and the employees in the bargaining unit to comply with subsection 87.4(1).

Upon receipt of the referral, the Board sought the submissions of the parties and the public on this question. As a result of the public comment process, the Board identified three categories of the public for whom the absence of public transit services could potentially result in an immediate and serious danger to health or safety. These categories were:

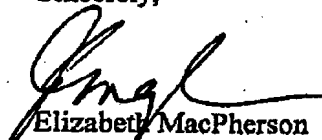
- (1) persons who are deemed essential under other legislation, particularly health care workers;
- (2) persons shut-in at home who rely on personal care or personal support workers for the basic necessities of life; and
- (3) persons who require medication such as insulin or medical treatments such as dialysis on a regular basis.

The Board convened the parties to a hearing and received evidence from them as to the measures that are in place to address these three circumstances. As a result of the evidence provided at the hearing, the Board has concluded that the verbal agreement between the parties regarding the services that they are continuing to provide, coupled with the mitigation measures adopted by the City, are sufficient to satisfy the requirements of section 87.4(1) of the *Code*.

Accordingly, the Board has determined that no further action is required at this time by the employer, the union or the employees in the bargaining unit to comply with subsection 87.4(1) of the *Code*.

The Board trusts that this report fulfills the mandate that you assigned to it on December 29, 2008.

Sincerely,



Elizabeth MacPherson
Chairperson