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Ontario Region

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Expertech Notifies CEP and C&S Employees that Reduced Work Week May Be Implemented in “Low Period” in 2010

Expertech has notified CEP that, due to an expected reduction in business, they may apply the Memorandum of Agreement on Reduced Work Week within the Craft and Services bargaining unit in Ontario & Quebec in 2010. (This Memorandum of Agreement is found on page 134 of the Expertech C&S Collective Agreement.) Although there is additional work in the Fiber to the Node project and in the Line Conditioning Project, Expertech states that there is a measurable reduction in their budget coupled with some gaps in terms of geography and timing and hence their need to provide notice that they may apply reduced work weeks in Craft & Services.

Under the terms of this Memorandum of Agreement, Expertech had to give employees notice by January 1, 2010 if they intend to use this MOA in 2010.

Providing this notice does not necessarily mean that C&S employees' work weeks will be reduced. Providing the notice means that Expertech reserves the right to reduce C&S employees work weeks during the “low period” in 2010. (Expertech has provided similar notice in the past and not always implemented the reduced hours, after notice.) It is possible that the Memorandum of Agreement may be implemented in 2010 – it is open to Expertech to do so, once they have given this notice.

The reduced work week is restricted to the “low period” between January 1, 2010 - May 1, 2010 and August 29 – December 31, 2010.

The Company must give 14 calendar days notice of the change in scheduling and it must be for a designated 4 week period. The scheduling arrangements must coincide with the start of the 2 week pay period which in Expertech C&S is Thursday to the second Wednesday following.

So it appears that logistically the earliest that Expertech could implement reduced work weeks, should they Decide to implement, would be the pay period starting Thursday, January 14th and indeed even January 14th may be logistically very difficult.

If Implemented, What are an Employee's Work Week Options?

If Expertech implements the Memorandum of Agreement on Reduced Work Week, during the low period, all the full-time employees within the District/NST are given the option of being scheduled: (over a 2 week period):

- • Option B: 9 days X 8.5 hrs a day equaling 76.5 hrs - loss of 3.5 hrs over a pay period
- • Option C: 8 days X 8.5 hrs a day equaling 68 hrs - loss of 12 hrs over a pay period
- • Option D: 8 days X 9 hrs a day equaling 72 hrs - loss of 8 hrs over a pay period.

According to the Memorandum of Agreement, Option D is only available to those employees whose shift starts or ends between the hours of 7:00 pm of one day and 5:00 am of the following day – generally speaking those who are working the all night shift. Expertech has advised the Union that if the Reduced Work Week is implemented within a District/NST, they are willing to allow all C&S employees to opt for Option D.

Once implemented, each employee chooses Option B or C or D for the following 4week period.

The Memorandum of Agreement is very clear that the reduced work week does NOT affect an employee's entitlement to pension.

According to the Memorandum of Agreement, an affected employee who selects Option C (8 days X 8.5 hrs a day = 68 hours), can remove 6 hours per week from his banked time in order to top up his pay to 80 hours for the 2 week period. Expertech has advised the Union that they are willing to allow all employees to use their vacation or banked time to top up their hours on any reduced work week option.

Holidays or vacation scheduled during the low period shall be scheduled in such a way that there is neither a loss nor gain to the employee or the Company.

Expertech Prefers to Use Reduced Work Week rather than Lay-offs Under Article 11:

Expertech has stated that they prefer to use the avenue of Reduced Work Week, rather than lay-offs under Article 11, in order to keep C&S employees employed. If they should need to proceed to lay-offs, they will provide the Union with 30 calendar days notice as per Article 11.

Fibre to the Node Project and Line Conditioning:

Expertech reports that the Fibre to the Node project is almost complete in 416/905 and will now be going ahead in other area codes. At the same time, Expertech has an increasing need for C&S employees on the Line Conditioning Project in the 416/905 area. (There has been no Memorandum of Agreement signed between Expertech and CEP re the Line Conditioning project. Expertech is currently using existing C&S employees to meet its needs on this project.)

Expertech Intends to Make Permanent Reassignments within Craft and Services from COE to Access:

Expertech has also advised the Union that they intend to make permanent, rather than temporary, reassignments from ETE to Access. The Union has requested significant input on this matter. Expertech has agreed to provide the Union with further information in January 2010 on how they intend to proceed.

Control Centre Associates' Jobs Moving from Ridgetop, Hamilton and Ottawa to Atwell in Toronto:

CEP received notice on November 26, 2009 that a total of 5 CSC Associates in the above locations will see their jobs move into Atwell in Toronto. This will be effective January 18, 2010 for those currently at Ridgetop and effective February 26, 2010 for those currently located in Hamilton and Ottawa. The Union has spoken with the employees involved, met with Expertech and hopes to have Memorandums of Agreement in place before the end of December to protect the employees impacted. 8 Associates in Quebec are impacted by a similar consolidation.

This consolidation is in addition to the Associates jobs that are being moved into Atwell from Barrie effective January 18, 2010. (A Memorandum of Agreement was signed in mid-October regarding the closure of the 128 Wellington West Barrie Associates group, with the exception of the ISIT group, which is not moving.) Although the Memorandum of Agreement did not provide everything that the Union wanted to gain for the Associates, it provided protections including an offer of severance above the Canada Labour Code.

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