



Article: I

Tab No.: 1

Subject: BARGAINING AGENCY

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Text:

ARTICLE I – BARGAINING AGENCY

Section 1:

The Company agrees to recognize and bargain with the duly elected bargaining representative on behalf of its Employees properly and duly certified under the appropriate regulations in effect from time to time.

Section 2:

The Party of the First Part agrees that the bargaining authority of the Party of the Second Part shall not be impaired during the term of this new collective agreement. The Party of the First Part agrees that the only certification they will recognize during the term of this new agreement is that of the Party of the Second Part unless ordered by due process of the law to recognize some other bargaining authority.

Guidelines:

ARTICLE I – BARGAINING AGENCY

This Article outlines the requirement of the company to negotiate with properly elected or appointed officials of the union on issues pertinent to the collective bargaining unit defined by the certification. In addition to being required to do so under this Article in the Collective Agreement, it is reinforced by the Labour Relations Code of BC, and also makes good labour relations sense. The Company must avoid alteration of any terms or conditions of employment through negotiations directly with employees. (*See Case Reference #1*) Only the Union can negotiate on behalf of employees in the associated bargaining unit.

{In mid-1998, a letter was sent from Local 1-424 to all certified operations reminding companies to deal directly with the local union business agent if addressing amendments or variances to the Collective Agreement or Letters of Understanding. *See attached following Case Reference #1*}

The determination of inclusion in, or amendments to, the defined bargaining unit are addressed through application to the Labour Relations Board.

The essence of this Article is outlined in Section 1. Section 2 is historical language implemented to address specific circumstances in the early days of the Collective Agreement. It now serves to reinforce that the Company must acknowledge the validity of the Union as the certified bargaining agent and expresses that the Company will not deal with any other body claiming to represent employees in the bargaining unit, unless directed to do so by the Labour Relations Board of BC.



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Case Reference:

1. **WESTAR TIMBER LTD. AND IWA LOCAL 1-405**
March 5, 1986 {Labour Relations Board Decision 58/86} [Click here to read this case reference](#)

Although this decision was regarding the IFLRA Agreement, the relevant contract language is very similar. Efforts by the Company to implement a rail car loading bonus system were determined by the LRB to circumvent the bargaining agent (Union). The board determined, based on the specifics of the case, that the company was in violation of the Collective Agreement, as well as sections of the Labour Relations Code. The bonus arrangement was deemed void.

IWA - CANADA Local 1-424

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July 30, 1998

Dunkley Lumber Ltd.
Box 173
Prince George, B.C.
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ATTN: Manager

Dear Sir/Madam:

Re: Union Bargaining Authority

It has come to the attention of the union that there have been instances where companies under I.W.A. Canada, Local 1-424, certification have attempted to negotiate with members of the Plant Committee.

We wish to clarify that Plant Committee members have the authority to resolve grievances at first and second step and administer the Collective Agreement at the operation. The Plant Committee members do not have bargaining authority in the union structure. They cannot bind the Union to any amendments or variances to the Collective Agreement or enter into Letters of Understanding on behalf of the Union. Should your company wish to address amendments or variances to the Collective Agreement or current Letters of Understanding, you will have to contact the Local Union Business Agent responsible for your operation.

Should you have any questions regarding this, please contact the undersigned.

Yours Sincerely,

I.W.A. CANADA, LOCAL 1-424



Fred Carroll
President

FC/fg

c.c. Industrial Relations and/or Human Resources Manager
Local Union Business Agents
Plant Committee Chairpersons

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