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BELL CRAFT AND SERVICES (ESSENTIAL SERVICE) - A RESOURCE FOR MEMBERS

Essential Service vs Essential Service Workers: Similar Term, Big Difference

While Telecommunications has been recognized as an “Essential Service”, being an “Essential Service Worker” means something different and the members of the Craft Bargaining Unit are **NOT** included in this definition.

Workers such as Police, Fire, Ambulance and Paramedics, Various Hospital Staff, Energy Generation such as Nuclear or others, Coast Guards, National Defence and a few others are considered “Essential Service Workers” as their labour, and its withdrawal, could be in contravention of section 87.4 of the labour code. This section provides the language for which an “Essential Service Worker” definition is based on and requires that during a strike or lockout the employer, the trade union, and the employees in the bargaining unit must continue the supply of services, operations of facilities, or production of goods to the extent necessary to prevent a **serious and immediate danger** to the safety or health of the public.

In the CIRB decision from 2004, it was determined that while the communications services of various public emergency response services and other essential public services have a necessity to be maintained, they are not in fact, on an ongoing basis, in jeopardy of losing this service.

While it’s not an ideal solution, the fact is that in the present Telecommunications landscape, there are also a number of other providers, besides Bell, that a customer could turn to in order to fulfil their requirements for telecommunication services.

While some see the “Essential Service Workers” designation as a form of job security in so much that it removes the possibility of a strike or lockout, it also takes the bargaining power away from the workforce as they cannot withdraw their labour in protest of concessionary demands from the employer. This in many cases has left various bargaining units working without a collective agreement for months, or even years after it has expired. No Raises, No improvements, No consideration of the needs of those members. It also does not prevent an employer from laying off employees, contracting out work or many other important job security measures that only collective agreement language can provide.

Maintenance of Services Memorandum of Agreement

The current stage of bargaining requires an agreement between both parties to an MOA which sets out the rules that in the event of the unlikely situation where there is a service interruption that poses a **serious and immediate danger** to the safety or health of the public the bargaining unit respond to rectify this danger. Some refer to this as an “Essential Services Agreement” which has confused the terms and laws by which the labour rules are formed. Because these rules outline how a “dangerous” situation is dealt with in the event of a work stoppage, there can be no job action by either party until a Maintenance of Services MOA has been finalized. The discussions regarding bargaining the contract and the Maintenance of Services MOA are running concurrently between the union and the company.

Solidarity Works!