



RE: An unfair labour practice complaint and an application for board assistance in settling the terms of a first collective agreement brought by the United Food and Commercial Workers Canada Union, Local No. 401 affecting Widewaters Calgary Hotel Management Company, ULC – Board File No. GE-07882

DIVISION 14.1

First Contract Arbitration

Request for Written Submissions by Intervenors

On this file, the Board invites written submissions from Intervenors. The background is as follows:

1. The Union applied for Board assistance for First Contract Arbitration pursuant to section 92.2(1) of the *Labour Relations Code* (the "Code").
2. The Board issued an Enhanced Mediation Directive on November 1, 2018 pursuant to section 92.2(6) of the *Code*.
3. The Enhanced Mediator issued a report on January 7, 2019.
4. On February 1, 2019 the Union applied pursuant to section 92.2(6) of the *Code* for the Board to supervise a strike vote.
5. On February 11, 2019 the Employer applied to the Board pursuant to section 92.3(1) of the *Code* for the Board to direct the dispute to arbitration.
6. The Union took the Enhanced Mediator's Report to a ratification vote on February 12, 2019 and the employees rejected the proposed agreement.
7. Pursuant to a case management conference call on February 27, 2019 the Board directed:
 - A resolution conference has been scheduled for March 12, 2019, commencing at 1:00 p.m. in the Blair Room, 304, 1212 – 31 Avenue NE, Calgary.
 - The parties are to exchange affidavits on or before March 22, 2019. Parties are to complete any cross examination on affidavits to be able to file transcripts at the hearing.
 - Written submissions are to be filed with the Board by 4:30 p.m. on April 8, 2019. Parties are to provide six copies to the Board.

- One day of argument will be held on April 15, 2019, commencing at 9:00 a.m. in the McBain Room, 304, 1212 – 31 Avenue NE, Calgary with a five-member panel which will include Board Vice-Chairs Schlesinger, Gray, and Wallace.

As this application is the first opportunity for the Board to interpret the *Code* provisions concerning requests for arbitration and requests for strike votes under the First Contract Arbitration Division of the *Code*, the Board invites written submissions from the parties who want to intervene on the interpretation of these sections. The Board has convened a five-member panel to hear and rule on the matter.

The terms of the written submissions by the Intervenors are:

- Written submissions are to be limited to 15 pages.
- Intervener's submissions are to deal only with the interpretation of the applicable *Code* sections, and their submissions are not to deal with the merits of either application before the Board.
- Intervenors will not be permitted to introduce evidence or to participate in the hearing.
- The parties intervening are to provide six copies of their written submissions to the Board at either the Edmonton or Calgary offices of the Board.
- April 8, 2019 at 4:00 p.m. is the deadline for filing written submissions.

Attached hereto are:

1. The [November 1, 2018 Enhanced Mediation Directive](#).
2. The [February 4, 2019 application of the Union](#) for the Board to supervise a strike vote.
3. The [February 11, 2019 application of the Employer](#) for the Board to declare the dispute to be resolved by arbitration.

Signed and dated by the Chair of the Board on March 12, 2019.

William J. Johnson, Q.C.
Chair