

Re: 1975 Agreement with the Burnaby Firefighters' Association  
(Item 5, In Camera Report No. 68, October 15, 1974)  
(Item 1, In Camera Report No. 22, March 24, 1975)  
(Item 2, In Camera Report No. 48, July 7, 1975)  
(Item 3, In Camera Report No. 52, August 5, 1975)

In Camera on August 5, 1975, Council reviewed Report Item No. 3, Manager's Report No. 52, re the above and did not adopt the following recommendations of the report:

- "(1) THAT Council approve the terms of settlement, as recommended in the Memorandum of Understanding; and
- (2) THAT the Mayor and Clerk be authorized to execute the revised 1975 Agreement reflecting the terms of settlement as outlined in the report."

On August 7, 1975, Burnaby Firefighters' Association, Local 323, by letter per copy attached, advised that pursuant to Section 73(1) of the Labour Code of B.C., they intended to proceed to arbitration to settle all terms of their 1975 working agreement with the Corporation.

In accordance with Section 73(1) of the Labour Code of B.C., a firefighters' Union, a policemen's Union, or a hospital Union, has the right to give notice in writing to the employer and to the Minister of Labour to resolve a dispute by arbitration where the employer and the Union have failed to conclude a collective bargain or revision thereof. This right is not granted to an employer.

The Union and employer have ten days after the notice has been given to appoint a single arbitrator or the establishment of an arbitration board. Failing agreement by the two parties, the Minister shall appoint a single arbitrator to hear the dispute and resolve it by settling the terms and conditions of a collective agreement.

John C. Sherlock, a man frequently used by the Department of Labour as an arbitrator in disputes of this kind, was immediately available, whereupon the Union recommended his appointment and His Worship Mayor Constable confirmed the appointment on behalf of the Corporation.

Mr. Sherlock met with representatives of the Union and Mr. Graham Leslie of the Labour Relations Department of the Greater Vancouver Regional District, on August 8, 1975 and filed his report, copy attached. He directed that the terms and conditions agreed upon in the Memorandum of Agreement, together with the clarification of these conditions (as shown in Report Item No. 3, Manager's Report No. 52, of August 5, 1975), become and form the basis for the renewal of a collective agreement.

As this award is binding on the Union and the Corporation, this report is submitted for the information of Council.

ITEM 3  
MANAGER'S REPORT NO. 53  
COUNCIL MEETING Aug. 18/75

~~SEC. W. Copeland~~  
~~2011 Cliff Ave.~~

~~PRES. W. Peain~~

## BURNABY FIRE FIGHTERS ASSOCIATION

LOCAL 323

*The International Association of Fire Fighters*


August 7, 1975

Mr. Bart McCafferty  
Acting Municipal Manager,  
Burnaby Municipal Hall,  
4949 Canada Way

Dear Sir;

Pursuant to Section 73 sub section 1 of the B. C. Labour Code, we the Burnaby Fire Fighters intend to proceed to arbitration to settle all terms of our 1975 working agreement with the Corporation of the District of Burnaby.

Yours Respectfully,



W. J. Copeland  
Sect. Local 323, I.A.F.F.

IN THE MATTER OF THE LABOUR CODE OF BRITISH COLUMBIA  
CHAPTER 122, B.C.S. (1973) AND AMENDMENTS THERETO

- AND -

IN THE MATTER OF AN ARBITRATION PURSUANT TO THE  
RENEWAL OF A COLLECTIVE AGREEMENT

BETWEEN: THE CORPORATION OF THE DISTRICT OF BURNABY  
(hereinafter referred to as the "Employer")

AND: THE BURNABY FIRE FIGHTERS ASSOCIATION  
LOCAL 323 (I.A.F.F.)

(hereinafter referred to as the Union.)

SINGLE ARBITRATOR: John C. Sherlock, Esq.

REPRESENTING THE PARTIES:

For the Employer: Graham Leslie, Esq.

For the Union: Walter Peain, Esq.

At the outset it was agreed that the single arbitrator was properly elected by the parties in accordance with Section 73(2) of the Labour Code of British Columbia and had authority to hear the dispute and resolve it by settling the terms and conditions of a collective agreement.

The question before the arbitrator is as follows:

"What should constitute the terms and conditions for the renewal of a collective agreement?"

Counsel for the Union submitted as Exhibit #1 a signed Memorandum of Agreement together with a letter of understanding clarifying some sections of the Memorandum.

Among other items in the Memorandum of Agreement was an item (Section 5) wherein the parties agreed to be bound by the wage settlement negotiated between the City of Vancouver and its Fire Fighters.

This Memorandum of Agreement was subsequently ratified by the Union membership. However, after the Vancouver settlement was consummated, the Memorandum of Agreement

ITEM 8

MANAGER'S REPORT NO. 53

COUNCIL MEETING Aug. 18/75

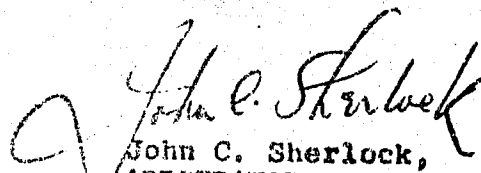
was rejected by a majority of the Municipal Council, i.e.  
the Employer.

It is my opinion that the action of rejecting the conditions which their bargaining representatives had agreed upon does nothing to enhance the collective bargaining procedure and could result in a volatile situation which could be both dangerous and costly.

I, therefore, recommend that the terms and conditions agreed upon in the Memorandum of Agreement together with the clarification of these conditions become and form the basis for the renewal of a collective agreement.

It is so awarded.

DATED AT BURNABY IN THE PROVINCE OF BRITISH COLUMBIA, this  
8TH DAY OF AUGUST, 1975.

  
John C. Sherlock,  
ARBITRATOR.