



FYI



| PLEASE POST |

Date: February 19, 2020

To: All BCGEU ISM Members Working at ISM Canada

Re:

- **Successorship Agreement Between BCGEU and NTT DATA Canada/BCU granted by the Labour Relations Board (LRB)**
- **Employees Seconded Temporarily by NTT DATA Canada/BCU to ISM Canada.**

Successorship:

In the fall of 2019, the BCGEU and NTT DATA Canada/BCU made a joint application to the LRB for successorship of the certification between ISM Canada and BCGEU regarding the contract for IT services for the Health Authorities in B.C.

All parties: BCGEU, ISM Canada, and NTT DATA Canada/BCU supported the application.

On February 12, 2020, the LRB granted successorship to the BCGEU and NTT DATA Canada/BCU.

Successorship means that all terms of the BCGEU-ISM Canada collective agreement now apply between NTT DATA Canada/BCU and BCGEU. This also means that on the date of transition, the collective agreement and all its terms and conditions will already be in place and apply to transferring employees and any new employees hired to perform bargaining unit work by NTT DATA Canada/BCU.

BCGEU and NTT DATA Canada/BCU have been working on a draft collective agreement and hope to be able to provide a copy to those ISM employees who accepted offers of employment from NTT DATA Canada/BCU soon. Please note there are no substantive changes in the draft agreement-only the employer's name will be changed and any reference to ISM Canada will be replaced with NTT DATA Canada/BCU.

Employees Seconded Temporarily by NTT DATA Canada/BCU to ISM Canada:

NTT DATA Canada/BCU hired several employees over and above the employees transferring from ISM Canada in anticipation of the transition. This is because the scope of the contract between the PHSa and NTT DATA Canada/BCU is greater than that between IBM and the PHSa. These NTT DATA Canada/BCU employees have been advised that they will be auxiliary employees under the collective agreement as of the transition date.



Given the transition date of December 11, 2019 has been moved to July 29, 2020, NTT DATA Canada/BCU has a temporary surplus of employees. ISM Canada has a need for additional help in some areas. Consequently, NTT DATA Canada/BCU has agreed to **second (lend)** some of those extra employees on a **temporary** basis to ISM Canada. A **“secondment”** is a very common labour practice which supports an employee moving temporarily from one employer to another without a change to their terms and conditions of employment. In this case, seconded employees will be **auxiliaries** and **all terms and conditions of the BCGEU-NTT DATA Canada/BCU collective agreement will apply** to them including remittance of union dues.

Article 29 of the NTT DATA Canada/BCU-BCGEU collective agreement (this is the same language that already exists in the ISM Canada-BCGEU Collective Agreement) addresses the parties' agreement to such secondments:

“29.1 Definition

‘Secondment’ means a process by which the Employer may assign an employee to another agency, board, society, commission, or employer.”

NTT DATA Canada/BCU has decided to second some of its employees as per Article 29.1 to ISM Canada and ISM Canada has agreed to the secondment in order to alleviate potential workload issues for existing employees.

Should you have any questions regarding either the successorship or secondments please contact your BCGEU steward and we will endeavor to respond to you as soon as possible.

In solidarity

Lori Strom
BCGEU Staff Representative

Cc Judy Fox-McGuire, Vice President, Component 6
Mike Eso, Coordinator
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