

MANITOBA LABOUR BOARD

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ES-2 SETTLEMENT OF AN ESSENTIAL SERVICES AGREEMENT - APPLICATION

Employer:

Bargaining Agent:

Filed by:

Complete all sections of this form and include requested attachments.

❖ You must submit a FORM A with this application.

The party submitting this Application for the Settlement of an Essential Services Agreement (“ESA”) must serve a copy of the Application on the other party of the Collective Agreement prior to filing with the Board and shall indicate to the Board at the time of filing what provision has been or is being made to effect such service.

A failure to provide all the required information or to serve the other party shall result in a rejection of the Application by the Board.

Collective Agreement

Term of current Collective Agreement: _____ to _____

❖ Attach if not already on file with the Board

Determination that essential services exist

Filed with the Board on:

Settled by the Board on:

❖ Attach a copy of the determination that essential services exist

Description of Employer

Brief Description of Employer’s business:

Provide a list of all locations and facilities of the Employer relevant to the employees covered by this collective agreement:

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Outstanding Issues:

The ESA must set out the manner and extent to which the supply of services, operation of facilities or the production of goods shall be continued and the number of employees required to maintain essential services in the event of a strike or lockout.

❖ Attach a detailed description of the issues that remain outstanding between the parties including:

- The classifications in the bargaining unit that the parties **disagree** are necessary to maintain essential services during a strike or lockout.
- The staffing levels, including the number of employees that the parties **disagree** are required to maintain essential services in the classifications in dispute.
- The duties of the employees who work in those classifications (Job Description).
- The regular number of full-time, part-time and casual employees in those classifications.
- The regular weekday, weekend and general holiday staffing levels of the employees in those classifications.
- Any **disagreement** between the parties about the manner and extent of the use of managerial employees or other persons the employer was using to perform the same or substantially the same work of those in the bargaining unit employed before the notice to commence collective bargaining was given, during a strike or lockout.

❖ Attach an **employer organizational chart** regarding the work of the bargaining unit.

❖ Attach the **number and classification of managers** the employer intends to deploy.

❖ Attach the **number and classification of other persons** who would not be considered replacement workers under the Act.

If the Applicant is unable to provide the above information, when was it requested from the Respondent:

❖ Applicant Position

Please provide your position on the facts and circumstances of the issues in dispute and any other relevant information. You must confirm that it is your position that the resolution of the identified issues in dispute and the agreed to provisions of the ESA would ensure that a strike or lockout would provide the supply of services, operation of facilities and production of goods to maintain essential services.

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Affidavit Evidence

The Applicant shall rely only on the attached Affidavit evidence in support. The Affiants shall be made available for cross examination at any hearing.

❖ Attached Affidavit(s) sworn by:

Hearing preference:

Hearing Location if in person:

Estimated length of the hearing:

AFFIDAVIT OF SERVICE

A completed copy of this application has been provided to the respondent on Provided to:

(name and title of recipient)

Delivery Method:

Address of delivery :

Served by:

(name and title)

Signature:

DOCUMENT CHECKLIST

	Form A
	Collective Agreement (if not already on file with the Board)
	Determination that essential services exist
	Agreed to provisions of the ESA including chart of duties to be preformed, classifications effected and scheduling provisions
	Detailed description of outstanding issues
	Organization Chart
	Classification and number of managers
	Classification and number of excluded staff expected to be utilized during a strike or lockout
	Applicant position
	Affidavit evidence