

“Essential Services”: What does it mean?

With the Covid-19 pandemic continuing to alter our every day lives, there have been a lot of terms used to describe those who continue to work during this time. Covid heroes, front line workers, and essential workers are some of the many things we hear in the media and used by our government officials. This has led to a number of questions from members about what being an “Essential Worker” means and if we are included in this definition. The short answer is no. While Telecommunications has been recognized as an essential service, and while we have letters from the company granting us very limited exceptions to travel to and from or during our workdays, contrary to “Stay at Home” and “Curfew” orders. We are not by the definition of the Federal Labour Code “Essential Workers”.

The Labour Relations Act defines an essential service as: "a service, facility or activity that is or will be, at any time, necessary for the safety or security of the public or a segment of the public."

It is important to note that while these services are generally considered to be essential, a determination must be made on a case-by-case basis as to whether or not the duties performed by the workers are, in fact, essential. A determination was made in 2004 after an application by the Company to the Canadian Industrial Relations Board (**CIRB**), 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. They also noted that as part of ongoing labour negotiations the Union has maintained its commitment through several labour disputes to provide on an emergency basis, the expertise needed in order to maintain the telecommunications services required for the safety and security of the public.

Employees occupying positions that provide essential services for the safety or security of the public are prohibited by law from participating in a strike or from being locked out by their employer.

This may seem like it is providing job security during the collective bargaining process. It however can be deceiving because it does not prevent any other job security measures outside of the collective bargaining process. What it simply does is remove the ability of workers to withdraw their labour in order to achieve a fair collective agreement. In negotiations with other workforces defined as “Essential Services” it has led to a longer collective bargaining process as there is minimal incentive for the employer to come to an agreement while there is no possibility for its operations to cease.

Are Bell Craft Technicians Essential Workers?

In order for Bell Craft Technicians to be considered “Essential Workers”, the Company would have to make an application through the CIRB or reach an agreement with the bargaining unit. This important step would either have to be then agreed upon by the Union or ruled on by the CIRB like in 2004. As this was not the case, Bell Craft Technicians are not considered “Essential Workers” under the Federal Labour Code but due to the pandemic are being given clearance to continue to work as per government regulation.

For more info: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=27987>
<https://lois-laws.justice.gc.ca/eng/acts/L-2/index.html>

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