

MANITOBA LABOUR BOARD

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ES-2R - SETTLEMENT APPLICATION REPLY ESSENTIAL SERVICES

Pursuant to Rule 29.13(1) of the Rules of Procedure

Employer:

Bargaining Agent:

Case No.:

❖ You must submit a **FORM A** with this application.

1. The respondent confirms that:

Yes No

The **Collective Agreement** on file with the Board is current.

You confirm that the **agreed to provisions** filed with the application are correct

The **bargaining unit description** and number of employees in the unit outlined in the application are correct.

The **issues identified** by the applicant are in dispute.

Please attach documents providing the information requested below.

2. Please provide the respondent's position on any of the **"No"** responses to point 1.

3. Please provide your position on the issues indicated **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 essential services agreement would ensure that a strike or lockout would provide the supply of services, operation of facilities and production of goods to maintain essential services.
- Identify all **material facts** upon which you intend to rely. (Please note that you may not be allowed to present evidence or make any representations about any material fact that was not set out in the Reply and filed promptly as required by the Board's Rules of Procedure, except with the permission of the Board.)

4. Describe in detail any additional issues that the respondent believes **remain outstanding** between the parties.

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5. If not provided by the Applicant, please provide:
- 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.
 - Organizational chart regarding the work of the bargaining unit.
 - Number and classification of managers the employer intends to deploy.
 - Number and classification of other persons who would not be considered replacement workers under the Act.

Affidavit Evidence

If possible, attach affidavit evidence in support of your position.

If attached, the respondent confirms that the material facts in support of its position are set out in the affidavits filed with this reply. The Affiants shall be made available for cross examination at any hearing.

❖ Attached Affidavit(s) sworn by:

AFFIDAVIT OF SERVICE

A completed copy of this reply has been provided to the applicant on

Provided to:

Delivery Method:

Address of delivery:

Served by:

(name and title)

Signature: