

Via Email

May 8, 2022

David Sanders and Marc Paquette
Toronto Hospitality Employees Union – CSN
120 Adelaide Street East, Suite 200
Toronto, ON
M5C 1K9

Dear Mr. Sanders. and Mr. Paquette:

Re: Toronto Hospitality Employees Union – CSN and Fairmont Royal York

The Ontario Labour Relations Board (the “Board”)

We are in receipt of the materials being distributed by UNITE HERE Local 75 seeking to try to raise doubts in the minds of bargaining unit employees before the vote that has been set by the Ontario Labour Relations Board (“OLRB”).

First, Local 75 tries to create doubt about your status as a union. As we have previously advised, the process for a trade union to be recognized by the OLRB is quite a straightforward process and happens when the union file their application for certification. We have been through this routine process many, many times before. In this case, we have already filed all of the necessary material and documents with the OLRB to prove your union status and we are very confident that Toronto Hospitality Employees Union – CSN will be recognized shortly as part of the process of being certified.

Next, Local 75 suggests that there is no guarantee you will be able to bargain a collective agreement with Fairmont Royal York and raises questions about what happens to existing grievances when THEU-CSN is certified. Again, this is nothing more than an attempt by Local 75 on the eve of the vote to try to raise doubts amongst the employees rather than running on their own record.

The reality is – and we have filed numerous similar displacement applications over the years including for CSN – the winning unions invariably successfully bargain collective agreements that improve upon the existing collective agreements. As you know, once the application was filed there is a statutory freeze under the *Labour Relations Act* that froze the terms and conditions of work at the hotel and it is from that starting point that you will bargain once you win the vote.

Further, it is common practice for employers to recognize the existing grievances after a union wins a displacement application and we expect that Fairmount Royal York Hotel will do so in this case. In any event, those outstanding grievances may be the subject of collective bargaining and

can be resolved at the bargaining table where they can be resolved quickly and effectively rather than languishing through arbitration which is always a slower process.

At the end of the day, the “questions” or “concerns” Local 75 has tried to raise just before the vote have no merit - they are intended to scare and confuse employees rather than run on a positive campaign on their own record. We remain very confident that you will succeed in getting trade union status and after winning the vote will be successful in negotiating an improved collective agreement and resolving any outstanding grievances that Local 75 has not been able to resolve. In the meantime, the statutory freeze is in place to protect all workers and ensure that will be your starting point for bargaining once you win the vote.

Yours truly,

GIBSON&BARNES LLP



Robert Gibson
RG/jb