
JERRY DIAS
National President
Président national

MICHEL OUIMET
Quebec Director
Directeur québécois

PETER KENNEDY
National Secretary-Treasurer
Secrétaire-trésorier national

December 6, 2013

Sent by email and fax charles.sousa@ontario.ca – fax 416 325 0374

Dear Minister Sousa
The Hon. Charles Sousa
Minister of Finance
Government of Ontario
7th Floor, Frost Building South
7 Queen's Park Crescent
Toronto, Ontario M7A 1Y7

Re: Cancellation of Financial Services Tribunal Hearing
FST File No. P0521-2013
Navistar Canada Inc. Non-Contributory Retirement Plan
Reg. No. 0351684

Late yesterday afternoon our union received what can only be described as an unprecedented and extraordinary letter from the Registrar of the Financial Services Tribunal (FST). The letter advised of the cancellation of the hearing set to determine the appeal made by Navistar Canada Inc. of an order made by the Superintendent of Pensions (FSCO) in connection with the pension benefit entitlements of former employees of Navistar represented by Unifor and its Locals 127 and 35. Our union was advised as follows:

We regret to advise you that effective December 10, 2013 the Tribunal will not have the minimum number of members required under the Financial Services Commission of Ontario Act to act and in particular to conduct hearings.

We were advised yesterday that the process for appointment of an additional member or members by the Lieutenant Governor in Council is unlikely to be completed before that date. Accordingly, the hearing of this matter will have to be postponed until a future date after at least one additional member has been appointed under the legislation. We will contact all parties at that time so that new dates for the hearing can be set.

The hearing was set to start on December 9 and continue on the 11, 12 and 16th of December. It is next to impossible for our union and the affected members and former employees of Navistar in the Chatham community to understand how such a state of affairs could arise. How is it that the provincial government and your Ministry, in particular, cannot assure the appointment of a sufficient number of members of the FST to permit the FST to do its work and meet its mandate. Certainly the expiry of the term of members of the FST is well known well in advance.

In the spring of this year the office of the Superintendent of Pensions of FSCO issued an order which directed Navistar to wind-up in part its pension plan for unionized employees on terms, which in large part reflected the submissions our union consistently made to FSCO. The partial wind-up of the plan was necessitated by the restructuring and ultimate closure of the company's heavy truck facility in Chatham, which began in November 2008 and concluded on July 28, 2011.

Over 1,000 workers lost their jobs due to this restructuring initiative and closure. Navistar exercised its right to appeal the order of the office of the Superintendent. Needless to say, all of the affected plan members have been patiently and anxiously waiting for the hearing of Navistar's appeal to the FST so that their respective pension entitlements could be finally determined by the FST.

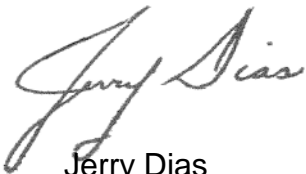
Again, we fail to understand how a straight-forward administrative measure could be missed such that an important hearing must be cancelled. Regrettably, the office of the Registrar cannot provide us with details of the failure. In any event, the appropriate make-up of the FST is a responsibility of your Ministry and the government.

We insist that every step be taken immediately to insure that the FST is constituted at once to permit our hearing to proceed forthwith.

This unacceptable and extraordinary state of affairs cannot stand. It is an unbelievably poor reflection of the competence and credibility of your Ministry and by extension the provincial government.

Please contact me immediately with an update as to how this matter is being remedied.

Yours truly,



Jerry Dias
National President

jd:rlcope343

copies: Hon. Kathleen Wynne, Premier of Ontario (sent by fax – 416 325 9895)
Andrea Horwath, Leader NDP Ontario (sent by fax – 416 325 2770)
Tim Hudak, Leader, Progressive Conservative Party Ontario (sent by fax – 416 325 0998)
Rick Nichols, MPP, Chatham-Kent (sent by fax – 416 325 9000)
Ken Lewenza, Bob Chernecki, Lewis Gottheil, Jeff Wareham, Cathy Wiebenga, Sonny Galea, Joe Lucier, Doug Wright, ,
Rhonda Booth, Registrar FST (sent by fax – 426 226 7750)
Alex Smith, Counsel – Navistar (sent by fax 416 865 7380)