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April 5, 2017

Via Courier & Via Email

Robert Soccio, General Council
Compliance Officer and Director of Human Resources
Navistar Canada Inc.
5500 North Service Road, Suite 401
Burlington, ON L7L 6W6

GRIEVANCE OF UNIFOR AND ITS LOCALS 127 AND 35

This is a grievance filed under paragraphs 8 and 9 of the parties' closure agreement dated April 1 2016. It is also filed pursuant to Appendix A to the closure agreement entitled "Agreement Concerning Post Closure Dispute Resolution Procedure".

The Union delivers this grievance as a Union and Group grievance on behalf of all the affected employees of the Company as set out below.

This grievance states that the Company has violated Article 8 of the closure agreement by failing to meet and fulfill all legislative requirements under the ESA 2000 regarding the payment of severance pay to approximately 76 workers who were "on roll" employees on the union seniority lists as of June, 30 2009. These 76 or so workers were engaged as "TPT" workers in May 2004. They were employed by the Company in that capacity for approximately a year, when in May 2005 they were engaged by the Company as "regular" full time seniority employees. In the Company's statement of position regarding the payment of severance pay, dated May 12 2016, and delivered to the Union the next day, the Company denied these workers entitlement to severance pay, purportedly because these workers had not achieved five years' seniority. It appears that the Company has wrongly calculated their period of employment either as a function of seniority, or as a function of the commencement of the workers "regular full time" status as of May 2005, thus concluding, incorrectly, that the affected workers do not have five years' total employment with the Company.

The Union submits that the period of employment as a TPT worker must be added to and

considered as part of the calculation with respect to the affected workers' eligibility for, and entitlement to severance pay. If the workers' previous term of employment, as a TPT employee, prior to being engaged as a "regular" seniority employee in May 2005, along with the period of employment following May 2005, is long enough to cause a total calculation of five years or more employment, then the affected worker(s) is/are entitled to severance pay under the closure agreement and the ESA 2000, including sections 63-65 there under. The Union submits that indeed these 76 or so relevant workers had more than a five year period of employment with the Company, if their previous term of employment, prior to May 2005 is considered and calculated. Thus these relevant workers are entitled to severance pay under the provisions of the ESA 2000, including specifically section 65 there under.

The Union seeks a declaration that all the affected TPT employees described above are entitled to severance pay pursuant to the closure agreement and ESA 2000; and that the Company has violated the closure agreement by not paying the severance pay in question.

The Union seeks a make whole compensatory remedy to the benefit of all the above-mentioned employees, including interest payable from the date that the employees were severed from their employment.

This grievance also seeks a recognition, adjustment and payment of severance pay compensation due to two workers, Carlyn Crawford, and Larry Pinsonneault who had two terms of employment, not properly recognized by the Company in violation of the ESA 2000; (Section 65).

The attached list provides disclosure of the names and clock numbers of the affected workers. The Union reserves the right to amend the list as may be appropriate to reflect any further information that may come to light upon the verification of the data pertaining to these or other similarly situated workers, with respect to their respective service, seniority, and status and period of employment.

The Union requests production from the Company of the Employee Information Report and or personnel file of each of the affected employees.

Yours truly,



JIM MITCHELL
UNIFOR, NATIONAL REPRESENTATIVE

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