

May 4, 2010
TEAM Board Meeting
Executive Director's Report

Bob Linsdell
May 2, 2010

Motion and Direction Updates

- 1. Winnipeg Labour Council Representative:** The WLC President confirmed with the ED that Jo-Anne Pelzer (MTS retiree and former TEAM Board Member) can represent TEAM at WLC meetings.
- 2. Pension Lawsuit Appeal Retainer:** D'Arcy and Deacon has been advised of TEAM's decision to fund one third of the costs, and also of TEAM's other requirements. The revised appeal retainer agreement* now includes regular reporting, early settlement protection, control on bringing in experts, and the contingency option.
- 3. Labour Relations Retainer & Other Legal Fees:** A number of discussions took place with D'Arcy and Deacon regarding fees for labour relations matters and negotiations advice.

General Matters

- 1. Hours of Work Survey:** On March 24th TEAM sent a survey to the membership requesting input on the hours they work and overtime booked or not booked. Almost 250 members responded. The attached summary report* provides an overview of the results. This is a work in progress, and if you have any suggestions for information that we should pull from the data please let the ED know. A full written report about excessive hours is in the works.
- 2. Pension Lawsuit Appeal:** MTS Allstream filed a Notice of Appeal* of the Court of Queen's Bench judgment of January 19th. I understand that MTS wanted more time to file the appeal because their new lawyers didn't know the case. The judge wouldn't allow them more time, advising them to appeal everything; and so it appears they did.

On April 22, 2010 TEAM, in conjunction with the other plaintiffs, filed a Notice of Cross Appeal* with respect to the Court's other determination concerning control over future surpluses in the plan and protection of future accrual of benefits. The three day appeal hearing is scheduled to begin on December 6, 2010.

*Additional information included in the pre-meeting package.

3. **Past TEAM Minutes:** Approved 2009 and 2010 minutes have been uploaded to the TEAM Website.
4. **MTS AGM:** TEAM members, holding almost 40,000 MTS voting shares, appointed the TEAM ED as Proxyholder. The ED will attend the MTS AGM on May 6, 2010.

Board Direction and Requests

1. **Pension Lawsuit Appeal:** At the March Board meeting the Board agreed to cover one third of the cost of the appeal. IBEW has also elected to cover one third of the costs. CEP has chosen to engage a different lawyer to represent them in this appeal. A revised appeal retainer agreement* of April 30, 2010 has been written to reflect the decisions of the unions. The section in the agreement '*Partial Contingency Premium Agreement*' explains how the contingency works. Because one third of the cost is covered by contingency, we have been provided with a related except from the Legal Profession Act*.

The payment term for TEAM has been written to reflect conversations between the ED and D'Arcy and Deacon on this and other legal fees.

Recommendation: That the Board members familiarise themselves with the contingency provisions, and confirm that they agree to the terms. Further, that TEAM pays its share of the appeal costs before year end.

2. **Legal Counsel:** D'Arcy and Deacon has provided a revised 2010 Labour Relations Retainer proposal*.

The retainer agreement also includes a separate cost estimate for the ongoing Human Rights case against MTS. Ivan Holloway is the lawyer working on this file.

Recommendation: That TEAM retain D'Arcy and Deacon as legal counsel on all labour relations and negotiations matters as per the revised labour relations retainer proposal of April 30, 2010.

3. **Brochures:** I have been provided with two brochures for consideration to send to the membership i.e. D'Arcy and Deacon, and Tammy Gauthier realtor (former D&D assistant, and provides them with her real estate deals).

Recommendation: That the Board determine the suitability of these brochures for mailing to the membership.

*Additional information included in the pre-meeting package.

- 4. Winnipeg Labour Council Delegate List:** The WLC has requested that we provide an updated delegate list (three delegates, three alternatives). It was suggested that the individuals that attend most frequently be listed as the delegates. I recommend that every Board member attend at least one meeting, as a guest if not on the delegate list, if nothing else, just to see how the meetings are run.

Current List

Delegates: Misty, Darlene, and Qwin. Alternates: Bob, Donna, and Roland.

Recommendation: That Bob Linsdell and Jo-Anne Pelzer be identified as delegates. Other Board members interested in attending on a regular or occasional basis put their names forward.

*Additional information included in the pre-meeting package.