

Kevin Skerrett comments on superintendent's letter

Second, it is very important to note that the Superintendent did not in any way disagree with our legal counsel's observation that the employers have violated the *Pension Benefits Act* and are in breach of their fiduciary obligations to plan members. Rather, he declined to begin *immediate* action to enforce those legal obligations, fully preserving his right to take action in future. In recognizing his option of taking action, the Superintendent has made it clear that he does agree with the unions' view that the employers have broken the law.

Third and finally, for nearly six months the unions have been arguing for a return to the negotiation process that the employers terminated unilaterally. The Superintendent clearly endorses the view that the way to resolve this dispute is not through unilateral employer action, but through a process of fair negotiation. He writes:

*"I am convinced that the best means of resolving differences between the parties to the Plan is through bargaining...I would encourage the parties to engage in those negotiations without delay and within firm timelines."*

This affirmation of the value and necessity of a fair negotiation process is timely. The unions remain committed to engaging in just such a negotiation, in good faith, and where both parties have reasonable access to the plan's actuarial information.