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February 23, 2010

FILE NO: 543614/000175

**WITHOUT PREJUDICE
 BY EMAIL**

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Attention: Jessica L. Burke

Dear Sirs/Mesdames:

**Re: Hertz Canada -and- Canadian Office and
 Professional Employees' Union, Local 378
 (Unfair Labour Practice Application)**

Further to your letter dated February 22, 2010, we write to inform you that the Employer disagrees with the Union's position that employees with pre-approved and scheduled vacation time are entitled to take their vacation with pay during the course of the strike. Hertz will not approve nor pay vacation pay to employees while they are on strike. This is consistent with the *Labour Relations Code* as it relates to strikes and the economic tools that are used to resolve labour disputes by strike action. It is also consistent with the past practice of these parties: in past strikes Hertz has not paid vacation pay, nor has the Union objected to that.

Yours truly,

Borden Ladner Gervais LLP

By: 
 Gabriel Somjen

GMS:HMH

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