



LOCAL 298 NEWSLETTER

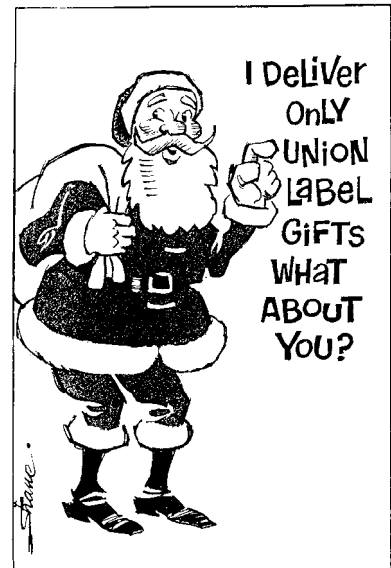
"What We Desire for Ourselves, We Wish for All"

Issue #9 Volume #11

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Executive Officers For 2007

		<u>Tel #</u>	<u>Work Local</u>	<u>Job Title</u>
President	Mary Murphy	632-5201	3451, cell 632-1352	First Aid/Stores
1st Vice President	Randy Dobson	632-7222	3513	Steam Plant
2nd Vice President	Don Klie	632-7571	2367	Pipefitter
Financial Secretary	Rick Wittmann	632-7623	3466 or 3472	Electrician
Recording Secretary	Dino Stamatakis	632-7199		Shiploader
Inside Guard	Dan Bellville	632-5935		Pipefitter
Outside Guard	Bill McEwan	632-3183		Lagger
Trustees	Paul Jeffery 3yr	639-0139	3513	Steam Plant
Trustees	Dave Andrews 2yr	632-2932		Instrument Mechanic
Trustees	Derek Smith 1yr	639-3022		Millwright
Chief Shop Steward	Steve Dudra	632-3850	2375	Tool Crib Attendant

Committees

Standing:.....Randy Dobson, Don Klie
Committee Steve Dudra, Dan Belleville
 Ilona Kenny

Wage:.....Don Klie, Mary Murphy
Delegates Randy Dobson

Job Evaluation.....Kevin Read, Ralph Johnston,
 Arnie Carrita

Rehabilitation &:..Paul Jeffery 3yr, Pat Williams 2yr
Reintegration Steve Dudra 1yr

Employee\ Family:...Mary Murphy, Gary Ewanski,
Assistance Peter King, Ilona Kenny

Pensions:Gary Drake, Don Klie, Gary
 Ewanski

Sunshine Committee:...Dorothy Birkett

Contracting Out:.....Derek Smith, John Miller, Don Klie,
 Kevin Gentile

Central Safety:Pat Williams, Paul Jeffery, Dave
 Andrews, Mary Murphy

Apprenticeship:Paul Wilson, Rick Wittmann, Kevin
 Gentile, Paul O'Driscoll

Women's Committee:...Kelly Ruff, Mary Murphy, Brenda
 Tewnion

Chief Shop Steward	Steve Dudra
Yard & Stores	Ilona Kenny
First Aid/Stores	Len Hanson
Janitorial	
Raw Materials	Mike Holland Arnie Carrita Taylor Cross Steve Krevenchuk
General Equipment Operators Steam Plant	Jim Harrison Arnie Lepisto Lucky Bhullar Kevin Read Debbie Newlove James Scrivens Cade Gardiner
Pulp Mill	
Shiploaders Warehouse\Dock	
Maint. Pipefitter	Al Hummel Dan Belleville Rick Wittmann Pablito Mendoza Gary Drake Derek Smith Paul Wilson Paul O'Driscoll
Electrical Inst. Mech. Millwrights/Oilers Millwrights	

Is there a mistake in this list of shop stewards or committees? If so, please let the office secretary know and we will correct it.

Newsletter Editor: Don Klie donklie@telus.net

WARNING!!!

THIS NEWSLETTER IS RATED:

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FOR UNION!

This newsletter is solely for the entertainment and information of the members of CEP Local 298. The Newsletter is available on the internet at the Local 298 web page or by sending your email address and making a request to the editor.

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Editor: Don Klie

UNION NEWSLETTERS DON'T WRITE THEMSELVES!

I'M NOTHING WITHOUT INPUT!

ME NEITHER

SEND US YOUR NEWS & VIEWS!

**Deadline for submissions
For January 2008 Newsletter
January 18, 2008**

President's Report

Commitments Made And Broken

By Mary Murphy

WAGE CAUCUS UPDATE:

State of the industry, Eastern Canada is looking at a Canada-wide negotiating system, where deficiencies can be addressed, coordinating a plan to place pressure on industries and the government as a whole. Meeting to take place in Montreal, the chair led Caucus down an avenue where Caucus would wait until the meeting to see what the proposed agenda is, and who/what will be part of the go forward plan. Caucus was not willing to wait, and stressed in view of the Local 592 agreement, that we needed to get a solid agenda, so we are not picked off one by one, especially the Catalyst Locals.

Although Local 592 states that they were part of the negotiating, the only grace is the packages for members retiring...there is no increase in manpower with the proposal, but the new employee will not be entitled to the same benefits as the more senior employees. This includes pensions, rate of pay changes based on the amount of time you are forced to take off.

Wage Caucus spent most of the first day dealing with Local 592's tentative agreement, and trying to get Local 592 to postpone the vote scheduled for the day after Caucus. The group was not successful at offering all types of support. Eventually, Local 592 left the caucus, and 686 right behind them. The National was asked to step in and try to get some control over the situation. The vote did take place and the agreement passed 58%. The National is looking at what avenues are available to them to address this situation. But the message has already been sent. May 2007 at Caucus, Pete Rayburn reported the situation affecting Port Alberni, mainly the announcement of the indefinite shutdown of #4 machine, and possible #5 machine affecting 155 members of locals 686 and 592. We spent a considerable amount of precious time reviewing the rules of order and adopting the rules of order before reporting back to our membership, with a deadline set for July 25, to voice our pleasure in or out..... With this declaring commitment to caucus: **Rule #14 NO LOCAL WILL ENTER INTO NEGOTIATIONS PRIOR TO THE COMPLETION OF THE WAGE CAUCUS PRE-WAGE CONFERENCE., AND, Rule #19, no local union shall enter into negotiations on main wage items except with the approval of**



the Wage Caucus. So there was a lot of discussion on why, and the disrespect that this local showed to the Caucus by their actions ...there is no increase in manpower with the proposal...and.... new employees will not be entitled to the same benefits as the more senior employees. This includes pensions, rate of pay as the rate changes based on to the amount of time off you are entitled to and time you are forced to take off.

And there is much more. That said, enough beating up. We need to move on and get a game plan in place. So although there was a schedule, Caucus has determined that we need to have an agenda built and ready before the end of January.

Your new Wage Delegates are: Randy Dobson, Mary Murphy, Dan Belleville and Rick Wittmann.

Your Wage Delegates will meet January 7th to the 9th, preparing our agenda, for presentation to the Vancouver office, January 10th.

Caucus will meet January 14th to January 18th, putting the agenda together. Each and every Local in caucus will be part of all aspects of this procedure. No more small individual committees. This process is time consuming, and the table let Caucus know that the material may not be together. This is the way Caucus wants it handled, and the staff can get their heads around anticipating what material/information that we will need to discuss the issues before placing them on the agenda.

I look forward to working with this group and the entire new Executive for 2008.

The Christmas cheer baskets were delivered to our members who are off sick, on LTD, and Retirees

in the area. The suggestion came that these baskets should be sent out by taxi which would be a huge expense to the local, and we are working on keeping costs down, in light of these types of suggestions. Thanks to Al Hummel, Dan Belleville Terry Nyce and Wilf Butters for their personal touch in hand delivering these baskets of cheer to much appreciated members.

Thanks again for your support. Have a safe and healthy holiday, Mary

A little something to think about, I know that it's difficult without having many choices up north, but when we can.....

Follow the Union Creed:

-I am a union worker and I shall not undermine the welfare of my fellow brothers and sister. Union working people laboured too long and too hard for me to destroy their gains by purchasing non union.

-I am a union family person who has been blessed with a decent living. I have come to enjoy better things because of the devotion, dedication, and desire of those before me, who laboured to provide a standard of living unparallel in the world. I shall not destroy all their efforts and render helpless all the causes they so earnestly fought to win for workers.

-I am a trade unionist and refuse to reward those who have opposed my existence and way of life. I will not permit my union earned dollars to penetrate the walls of those establishments where the union card is the same as a "No Vacancy" or "Not Welcome" As a person who believes in the dignity and rights of people before I buy I shall look for the Union Label, Shop Card, or Service Button. In doing so I will strengthen the security of men and women who believe as I do, in the goals of a free labour movement.

-I am a member of organized labour and will not forget. I would not be able to purchase the amount of products I do without a union job and therefore common sense and deep commitment to the ideals of our movement demand that I purchase those products which will further our cause.

-I will support and strengthen my fellow brothers and sisters by using a simple tool "the Union Label Golden Rule. "Buy union products and use union services as you would have union wages paid unto you."

Anthropologists for labour

The Guild Reporter/CWA/CALM

Anthropologists rarely get any good press; indeed, since Margaret Mead's death they rarely get any press coverage at all.

Viewed by the public as musty researchers of dead or dying civilizations, most people don't realize anthropologist insights can be applied to contemporary society.

Now the American Anthropological Association (AAA) has issued its very first policy brief—and the policy issue it chose is the right of employees to organize unions.

The brief notes that that income inequality in the U.S. is at historic highs, that worker self-organization is at historic lows, and that anti-union consulting firms have become a multi-million dollar industry. It summarizes ethnographic fieldwork by examining management-labour practices in the U.S. workplace to determine underlying dynamics. Their findings won't surprise any union activist.

"This ethnographic research exposed a previously concealed dimension of management-worker communication: actions of consultants that are often extreme and highly coercive," the brief observes. But, it adds, "Because ethnographic research makes visible such factors, it is necessary for making fully-informed policy decisions regarding labour organizing practices."

Translation: Let's stop being ivory-tower academics for a minute and verbalize the real-world implications of our research, which the AAA proceeds to do, in a comprehensive endorsement of employee free choice.

"Anthropology provides sound evidence that current organizing processes do not allow employees to express their desire to join unions because: 1) there are insufficient disincentives to managerial lawbreaking in its resistance to unions; and 2) management uses tactics of intimidation and fear to coerce workers to vote against unions."

A woman's work...

CCPA Monitor/CALM

Women account for 70% of people who live in absolute poverty.

Women work two thirds of the world's working hours, produce half the world's food, and yet earn only 10 per cent of the world's income and own less than one per cent of the world's property.

Second Vice President's Report

Caucus Controversy

By Don Klie

CEP Wage Caucus remains united and determined

The main issue at the December 9 & 10, 2007 CEP Wage Caucus meeting was the tentative agreement between Local 592 (Port Alberni) and Catalyst. Copies of the explanatory document were circulated around our Mill prior to the November 2007 General Membership Meeting. A letter from National CEP President Dave Coles was sent to the Local instructing them not to hold a vote on the agreement until after the Wage Caucus meeting.

While the Caucus tried to formulate an action plan, that would have seen all of the Catalyst Locals meeting with management in Port Alberni, Local 592 considered it too little, too late. And, unless Local 592 agreed to hold off having the vote, there wasn't much the Caucus could do.

What the Caucus did do was to pass a motion requesting Dave Coles to send a letter immediately instructing the Local not to agree to the tentative deal. When that motion passed Local 592 voluntarily left the meeting early, just before lunch on Monday.

Local 686, the paper maker Local at Port Alberni, while not having reached an agreement with Catalyst as of the Caucus meeting, was basically in the same situation as 592. That is, the employer had told the Local, either reach an agreement, or see a second idled paper machine disassembled and sent to India (we were told at the meeting that there were crews at the Mill site disassembling Port Alberni's #3 Paper Machine, which was shutdown in 2005, and being sent to India). Unless the Caucus and 592 were able to come up with some other plan that Catalyst would accept, Local 686 membership had indicated that they would follow suit and negotiate and sign an agreement, very similar to the one at issue.

Local 686 also left the meeting early.

Local 592 had arranged prior to the Caucus meeting to hold their ratification vote the day after the Wage Caucus meeting, Tuesday, December 11th, so there was very little time to manoeuvre or make or arrangements.

Don Boucher, CEP Administrative Vice President for the Western Region, and Bob Hughf, staff representative, attended the special meeting in Port Alberni on Tuesday to try to convince members of Local 592 to reject the tentative deal. However, the



result of the vote was 58% in favour of the agreement.

Over 240 people attended and voted at the two meetings. That figure is very interesting considering that there are currently only 160 members working at the Mill; another 158 people are on layoff, but have the right as members to vote on any proposed deal.

The deal itself wouldn't see any more people being employed, but, because of the enhanced retirement packages, there was a possibility of around 95 people currently laid-off getting back into the Mill. Local 686 indicated that if #4 Paper Machine was restarted (which is a condition of the agreement) they would see an additional 12 people brought back to work. 686 has a total membership of 137, of which about 62 are working steady, with another half a dozen working on call.

Local 592 Caucus representatives stated that they believed that their Mill would eventually be shutdown if action wasn't taken. With only one machine running, there would likely have been more layoffs, or right-sizing, and the viability of the operation increasingly under threat.

Local 592 was able to give an update on the tentative agreement that had been sent out to the other Locals; employees would be able to continue to bank overtime, but the time could only be taken just prior to retirement, similar to what occurs when people take their vacation just prior to retirement.

Other distressing news

On November 29, 2007, AbitibiBowater announced that it was idling or closing several mills,

the Mackenzie mill being one of them. At the Caucus Meeting we were told by Local 402 representatives that this was their last meeting and that they had been told that all of the employees at their Mill, staff included, would be terminated on or before February 29, 2008; there are 173 CEP members and 59 non-union employees. The Mill is not for sale; it is going down to take newsprint off the market. We were told that the mill had been losing money for at least two years. Employees at the two Abitibi sawmills in Mackenzie, approximately 405 workers, have not yet been told they're facing termination so there might be some hope yet that they would be reopened in the future. Abitibi has a record of not reopening a mill it has idled; however, the Mill is being mothballed in an orderly fashion indicating that something might occur with the site or the equipment.

A motion was put on the floor to return all of the money that Local 402 had submitted to the special funds to support any Local forced out on strike or locked-out; that is, the health and welfare fund and the supplemental strike pay fund. There were two main opposing points of view on this issue. Obviously, all of Caucus felt a deep regard for the members of Local 402 and the situation they were. On one side members argued that going into this arrangement Caucus had discussed the issue of various Locals knowing that there were going to be members being laid off, many permanently, who would never benefit from this fund, but who would be forced to pay into it until their last day of work. On the other side it was argued that Local 402 would cease to exist on February 29, 2008; the Local would never be able to sign onto the new agreement. The motion failed. However, Caucus did agree to allow 402 to suspend contributions to the fund.

Don MacNeil, Western Region Vice President, said that since the Gordon Campbell Liberal government was elected in BC there have been 43 sawmill and pulp and paper mill closures. National Representative Karen Cooling has been assigned to represent the CEP on a planning committee consisting of the CEP, Steelworkers and B.C. Federation of Labour for the implementation of a Forestry Campaign that will be broad based and multi-faceted.

The CEP has been taking on the fight in Prince Albert where discussions on restarting the mill have ceased due to the new Saskatchewan Part government's withdrawal of commitments of assisting with the funding.

Eastern Perspectives

Cec Makowski, Ontario Region Vice President (who has announced that he is retiring as of the February 1, 2008) was again present and provided information on the issues from back East, as well as, to discuss the tentative deal at Local 592 and similar issues that occurred in the East.

First, Brother Makowski wanted to comment on the deal between the CAW and Magna International, and stated emphatically that the CEP was overwhelmingly opposed to the deal/arrangement (*an article entitled The Magna sell-out, co-written with Brother Makowski appeared in the Financial Post and is reproduced here on page 11*). He was particularly angry over how Buzz Hargrove had tried to manipulate the media into believing that the CLC was in agreement with the deal. Apparently, Buzz Hargrove had gone to CLC Executive board for approval of the process and was strongly rebuffed by other labour leaders including CEP National President Dave Coles.

In response to the AbitibiBowater announced mill closures the Locals representing the workers at all of the AbitibiBowater mills met in Montréal December 5th and 6th. A result of that meeting was for the Eastern Locals to call a meeting of the full Pulp and Paper Wage Caucus. The intent is to draft an action plan for all Locals to take. Brother Makowski invited the Western Region Pulp and Paper Wage Caucus to attend the meeting so that a truly National Forest Industry Summit action plan could be created and to help develop a national coordinated bargaining strategy. The meeting has been scheduled for February 18, 19 and 20, 2008.

The Wage Caucus passed a motion agreeing to the principle of the concept of coordinated bargaining with the Eastern Locals. Once an official agenda for the meeting has been made it will be sent to all Locals.

Regarding Local 592's situation Brother Makowski referred to a similar situation back East with the, at the time, Abitibi, Belgo mill (*previously reported on in the March 2007 edition of the Newsletter*). The Belgo Local was part of the Eastern Wage Caucus and felt compelled to reopen the pattern negotiated agreement and give several concessions to the employer in what was described as a "survival agreement". The National was unsuccessful at stopping the Local from signing the deal. And as feared, Abitibi took that agreement to the idled Fort William Paper Mill in Thunder Bay and said if the employees wanted to return to work they had to reach a similar agreement. That Local rebuffed the company's efforts. Brother Makowski

noted that the Belgo Mill is one of the Mills that AbitibiBowater has permanently closed and, that the Fort William Mill is currently very near reaching an agreement to restart.

While no one could predict the closure of the Belgo Mill, or possibly the Port Alberni Mill, the fact is that the employer is intent on forcing the employees at the poorer performing Mills to accept a substandard agreement and then taking that agreement to the next Mill and trying to achieve a similar result; all the while not guaranteeing that the Mill will survive. The Caucus was informed that Catalyst told Local 686 that once they were done in Port Alberni, the company would be going to Campbell River to negotiate a similar deal.

Early Call For Wage Agenda

The CEP Western Region Pulp and Paper Wage Caucus has moved the dates for its wage agenda meetings ahead a few weeks so as to be able to attend the National Pulp and Paper Wage Caucus meeting back East. The date for the Western Caucus to meet is now set for January 15-19, 2008. All Locals must have their agenda items into the Western Region office by January 10th. This will mean that all of the suggested items will have to be in and voted on by the membership by this date (*so if you haven't already done so, get your suggestions in*).

Around the Region

Our sister Local 1115 at Cariboo Pulp reported that the mill has been operating very well, with an expected return of 17% on investment. While fibre supply is good, the company is stockpiling chips because of expected downtime at the sawmills. The Mill continues to reduce manning through attrition, but at the same time work is increasingly being contracted out.

At Local 855 in Hinton, West Fraser has continued to reduce jobs and in November announced that the Sawmill would be eliminating the weekend shift and approximately 50 jobs. In the Pulpmill, the company said it was contemplating withdrawing the Letter of Understanding regarding the 10-hour shift agreement.

A few Locals have reported that they are losing tradesmen to other industries. Local 1119 at Port Melon indicated that the company laid-off around 175 members in August and September because of the strike in the forest sector, and as a result some of

their journeymen and apprentices found other work and did not return after the layoff ended.

Local 514, Port Alice, reported that while the Mill continues to make progress with reliability and production rates slowly improving, they still have a shortage of trades people. Several grievances had been filed but put in abeyance while the parties tried to resolve the issue. The company decided unilaterally to address the trades' shortage issue by offering a wage adjustment for tradesmen and steam plant employees. Obviously, employees who didn't get a rate adjustment were upset. The Local continues to press the employer, Neucel, to provide the same wage increase for the rest of the membership.

Recent Election Completes The Executive

I would like to thank the members who voted for me for the position of Vice President. I will do my best to continue to serve the membership and the Local.

Randy Dobson was also elected Vice President, and will again be the First Vice and continue to be the Union Chairperson on Standing Committee. He was also elected as a Wage Delegate.

Rick Wittmann was acclaimed as Recording Secretary and elected as a Wage Delegate.

Dan Belleville was elected as Inside Guard as well as a Wage Delegate and a Standing Committee member.

Cade Gardner was elected as Outside Guard.

Steve Dudra was acclaimed as Chief Shop Steward.

Paul Jeffery and Dave Andrews return as trustees with one position open and to be appointed by the President (and approved by the membership).

The position of Recording Secretary as of yet has not been appointed (no candidates stood for the position).

Railway Crossing STRESS

Last month's Newsletter cover page had a picture of a CN Rail locomotive and a telephone number to call if the train was blocking the crossing at the entrance to the mill for more than five minutes. Eurocan also provided a number in the Reel News which was found at the crossing itself, and it was a different number. Apparently, the number on the cover page of this Newsletter connects you to the CN police, who under the Railway Act have wide ranging powers, just like the regular police force. Also, the

five-minute rule applies if the railway crew is idle for five minutes or more, which usually doesn't happen when they're at Eurocan because they are switching cars further down the track.

Supposedly, there have been several calls made to CN and the railway crews have been getting some feedback/pressure because of the calls.

Obviously, we need CN rail to deliver and transport supplies to us and our product to our customers. The CN workers have to be able to do their job. The crossing at the entrance to Eurocan will be blocked at certain times; this is unavoidable. What we are hoping to be able to achieve is to get a procedure in place that limits the amount of time that the crossing is blocked. One suggestion is that when CN comes in, that they break the train at the chip car/Methanex car division just prior to our entrance and then take the first set of cars into the appropriate site and then later return to get the other cars. This would have the crossing blocked for much less time and when it is blocked, the motorist would at least see some movement of the cars.

Hopefully something can be worked out so that we can all do our jobs with the least amount of inconvenience.

Militant CAW Shelves Strike Weapon and Shop Stewards

(This article was copied from The Pulper, CEP Local 1129's newsletter. Editor.)

Amid a storm of denunciation from trade unionists and even former federal NDP leader Ed Broadbent, the Canadian Auto Workers President Buzz Hargrove announced a new Collective Agreement October 15 which renounces the right to strike and the right to have shop stewards—among other things. Hargrove made the announcement jointly with Frank Stronach, owner of the auto parts giant Magna International (and father of sometimes-Liberal, sometimes-Conservative federal politician Belinda Stronach).

Below is part of an article on the deal by Sam Gindin, who is a former chief economist and Assistant to the President of the CAW. He worked under both Buzz Hargrove and his predecessor, Bob White. He retired from the union in 2000 and now teaches political economy at York University.

* * *

In the neoconservative Canada of the late 1990s, the labour movement needs to become more militant,

less accommodating to the demands of corporations and governments. If this sounds like a return to the days of the 1930s or 1950s, so be it. It's either that or watch decades of hard-won gains disappear. This resistance will mean arrests, charges, maybe even jail terms for some of our leaders and members. But if we are to check this massive wave of unfairness, we simply have no alternative.

-- Buzz Hargrove, *Labour of Love* (1998), pp. 88-9.

Through the 1980s and 1990s, as the attacks on past working class gains intensified, the Canadian Auto Workers Union (CAW) was widely recognized—not just in North America but abroad—as standing at the forefront of working class resistance. With the Magna-CAW Agreement signed on October 15, 2007, the CAW now seems at the forefront of working class desperation and defeat.

This startling agreement raises three sets of questions.

- i) What is in it for Magna?
- ii) What did the CAW get out of this (other than dues)?
- iii) What are the implications for the labour movement as a whole?

Before getting to these questions, it is useful to return to the foundations of independent unionism (still taught in CAW educationals) and consider how they relate to the 'Magna Model' the CAW has turned to.

What are unions as independent organizations?

The contradiction that has always faced working people is that they are dependent on their employers for work, yet need to create a degree of independence so they can address their own, distinct needs.

The foundation for that independence was a democratic organization of workers—a 'union.' It resonated with workers because it was truly 'theirs'; it was a space within which the employer had no say. In practice the innovation of shop stewards, workers elected from various sections of the workplace, was crucial. The stewards represented workers in their daily struggles with management and also acted as mentors and leaders in the development of a culture of solidarity. Against the god of profits and the devil of competitiveness, workers and their unions developed their own understanding of the world and formulated distinct working class values.

But all this would come to naught if workers didn't also have an independent basis of power to offset, if not match the power of the employer. That power rested on the right to withdraw their labour—a basic democratic right that was only reluctantly recognized, and even then limited, by governments and employers. Pierre Trudeau summarized this well in his early years, before he entered formal politics:

"In the present state of society, in fact, it is the possibility of the strike which enables workers to negotiate with their employers on terms of approximate equality...the trade union movement becomes nothing more than one institution among many in the service of capitalism: a convenient organization for disciplining the workers, occupying their leisure time, and ensuring their profitability for business."—The Asbestos Strike (1956).

What's in it for Magna?

Magna has been able to limit the CAW to only three of its 45 units and faces no major organizing drives today. Why then has it suddenly opened the door to the CAW (even if it's on Magna's own terms)? Bringing the union in, even on the company's terms, does mean new administrative headaches (at a minimum, more meetings and consultations take time) and possible hazards for Magna (things are stable now; why risk something blowing up in your face). Other companies, even if they could get the CAW deal, would likely reject it unless the point was to co-opt an actual organizing drive. In fact, its no secret that even most of Magna's top management is not all that enamoured with this new step.

The new relationship to the CAW starts and ends with Frank Stronach. Frank Stronach, Magna's founder and current top officer, has always had a paternalistic vision of workplace relations. Fairness is good as long as he gets to define it. Unions are okay if they are certain kinds of unions. The CAW, which left the American international union in the mid-1980s over how close its leadership had gotten to the companies and how far they had gotten from the membership, was certainly not a potential partner for Stronach. Nor was the Buzz Hargrove of the years following that separation, Stronach's ideal labour leader. But over the past few years Stronach had clearly decided that the new CAW—made desperate by a loss of jobs and with a president vain enough to declare victory no matter the scale of the concessions—does get his stamp of approval. And so Stronach moved ahead to, as he says, "transform North American labour relations."

In the Magna model, these foundations for independent unionism are, to all intents and purposes erased. It is true and important that the company has agreed to open the door to the union contacting its workers. But that comes at the cost of the kind of union the workers can then have.

***** The right to strike is fully erased; it is gone forever.***

As the CAW press kit puts it: "There will be no strikes or lockouts under this system." When the agreement ends, if the members reject the new offer, it goes to arbitration. Period. (The kit goes on to suggest that the strike weapon is, in any case, not really that important.)

***** Shop stewards do not exist.***

The CAW has accepted this. Stewards are replaced by a 'fairness committee' staffed by equal numbers of labour and management reps (who are part of the 'concern resolution process'). The key union rep under this structure is the 'Employee Advocate,' a carryover from Magna's traditional practice who seems to be the formal equivalent of a plant chairperson.

According to the Toronto Star (October 16, 2007), the Employee Advocate is not elected from the membership at large but screened by a committee which included both labour representatives and management(!). To date it is not public information how the final selection is made. This system is reminiscent in some ways to the 'controlled democracy' in communist Europe a while back, where managers—in that case as union members—prepared lists from which the leaders could be chosen.

***** The Magna units will be part of one Canada-wide—effectively Ontario-wide—amalgamated local.***

(This in itself may tend to isolate each unit from interaction with other units in the community). The above Employee Advocates will make up the executive of that local and constitute, along with representatives from the national union, the bargaining committee. The local officers—for example, the President and Secretary-Treasurer—will be chosen by this executive rather than, as in current CAW practice, via a vote of the membership.

***** As for ideology,***

The CAW president has proudly declared his enthusiasm for a 'non-adversarial' relationship, repeating (without embarrassment) all the mushy

clichés about 'teamwork' and 'being in this together' that he not so long ago scorned for their rank hypocrisy.

This, it is important to emphasize, is not just about rhetoric. The attitude to labour-management relations is one of the criteria that will be used in evaluating acceptability for being the Employee Advocate. Trouble-makers—those who challenge the system, 'stir up trouble' and have always been the backbone of independent unionism—need not apply.

The Magna sell-out

The CAW deal is a threat to independent unionism

Wayne Fraser, Sid Ryan, Cec Makowski, Sharleen Stewart, Dave Ritchie And Warren Thomas
Financial Post

As the Ontario Federation of Labour meets in convention next week, the Canadian labour movement faces plenty of challenges. From the collapse of the manufacturing sector to growing economic inequality, it's clear that working men and women have never needed effective workplace representation more than they need it now.

The question is "what kind of representation?" In this age of insecure, contingent work, contrasted with soaring CEO incomes, the best hope of ordinary people to win some dignity and exercise some control over their working lives is independent democratic unionism -- with workers having the right to freely choose their own representatives in the workplace, their own bargaining committees, their own local union officers.

However, within the labour movement itself, this is no longer a universal consensus. The deal struck between the Canadian Auto Workers and Magna International Inc. is a major blow against independent unionism.

There's little doubt that the agreement reached between the CAW and Magna has champagne corks popping in Bay Street boardrooms. Business and economic elites have a lot at stake in the so-called "Framework for Fairness."

It's not hard to see why. The Magna-CAW pact not only eliminates the right to strike, it takes away the right of workers to elect their own representatives without the boss's participation -- a vastly more insidious weakening of workers' rights because of its daily implications.

The CAW has agreed to scrap the election of "stewards" by their co-workers, and replace it with a complex system of "employee advocates" and "fairness committees," unaccountable to the union. Instead, Magna workers who seek to be appointed as "employee advocates" (a maximum of one per factory) are assessed by "fairness committees" made up of management and union members. However, the union members are not allowed to view their roles as "union representatives nor does their role include the representation of employees."

It gets worse. Magna workers are denied the right to directly elect their own local union leadership. We encourage everyone who has only heard the chest-thumping publicity from both Magna and the CAW to read the actual "Framework for Fairness" agreement for yourselves. It will open your eyes.

The deal is defended by the CAW as an innovation and step forward, but it is nothing of the sort. The "framework" is a throwback to the days of Mackenzie King-style "company unionism."

"Company unions," whether the King model or the Stronach-Hargrove model, simply entrench paternalistic styles of management, loved by non-union employers everywhere. They are designed to silence workers' voices and ensure that workers' priorities are in lockstep with bosses' priorities.

The CAW-Magna deal follows the pattern faithfully. And the undersigned union leaders, from a broad spectrum of Ontario's economic life, do not underestimate the potential damage of these dealings.

We do not dispute that the CAW can choose such arrangements. It is free to do so, dependent on its own internal checks and balances. But the blatant publicity effort that has accompanied this deal means that critical comment from other unions cannot be a surprise to anyone.

The Magna-CAW transaction will encourage unionized employers across Canada to slap comparable "deals" on every bargaining table in the years ahead. And non-union employers have been handed a new weapon for stalling organizing drives:

"You don't need your own democratic voices or the right to strike — the CAW says so!"

It seems pretty clear that this deal will help production and employment to flow out of the Big Three auto assemblers and other auto-parts makers, and into Magna, where workers will lack time-tested union rights and capacities, and where labour costs are significantly lower than in the Big Three. We agree with critics inside the CAW who are deeply concerned about the long-term effects of this deal.

Is there a silver lining? Oddly enough, we believe there is.

The result of the Magna sell-out could mean employers will face a much more militant labour movement in the days ahead. That possibility will certainly be reflected in the debates on the floor of the OFL convention, which promise to be feisty and inspiring.

Our unions intend to put every one of the employers we face on notice that they can forget about trying to import the Magna deal into our existing collective agreements, or into agreements for workers who join our unions in the future. Our activists expect us to continue to strengthen independent democratic unionism, not weaken it. And let us be very clear – we will not give up the right to strike under any circumstances.

We will continue to oppose company unionism with engaged, energized and democratic unionism. It's too bad this fight has been provoked by one union going in the other direction, but that doesn't weaken our resolve. Working people deserve nothing less from us than a full-out commitment to enhancing their rights, not rolling them back.

Wayne Fraser is director of District 6 (Ontario and Atlantic provinces) of the United Steelworkers. Sid Ryan is president of the Canadian Union of Public Employees (Ontario). Cec Makowski is vice-president of the Ontario region of the Communications, Energy and Paperworkers Union of Canada. Sharleen Stewart is the International Canadian vice president of Local 1.01 of the Service Employees International Union. Dave Ritchie is Canadian general vice-president of the International Association of Machinists and Aerospace Workers. Warren (Smokey) Thomas is president of the Ontario Public Sector Employees Union.

Apprenticeship decline disturbing

OFL/CALM

A recent report from Statistics Canada on apprenticeship is a wake-up call for government—especially in Ontario.

The report shows an increase in the number of people pursuing apprenticeship training, but in some sectors, there has been a decline, and completion rates have been virtually stagnant since 1992.

According to the StatsCan report, since 1992 there has been a whopping 12.5 per cent decline in the completion rates in crucial industrial and mechanical trades.

"The loss of manufacturing jobs in Ontario and across Canada is one of the key reasons that Canada is failing to produce qualified trades people," said Irene Harris, secretary-treasurer of the Ontario Federation of Labour.

Although registrations are increasing, the OFL notes that the Ontario government should be concerned that the largest increases in registered apprenticeships were in the categories of "food and services" and "other."

During the 1990s, the Harris Conservative government introduced legislation that allowed companies to hire employees, designate them as "apprentices" and receive a subsidy from government known as the Apprenticeship Tax Credit. Today, the Ontario government considers employees installing hot tubs and working at call centres to be apprentices.

"The fact is apprentices are employees. If there are no jobs—and Ontario has lost more than 250,000 manufacturing and industrial jobs—there cannot be apprentices employed and learning the trade.

"When parents encourage their kids to learn a trade, most would be shocked to learn that today, working a help desk at a call centre now qualifies as a trade," said Harris.

According to the OFL, there are more than 3,000 call centre employees listed by the Ontario government as apprentices.



WAVE OF THE FUTURE

Belleville's Views

Can't Find It In Stores???!?

By Dan Belleville

First of all I would like to thank everyone that voted for me in the recent elections. I'm looking forward to working with everyone this year in which we will be trying to get a new contract out of West Fraser that all can live with. I sure hope we can come to an agreement without having to go on strike because we all lose and time is wasted, but sometimes there is no choice.

Well another year has almost come and gone and we have survived, if not gotten stronger as a Company. Yes, there are a lot of areas hurting but West Fraser has really grown. They have bought mills in Canada and with the huge kick back from the USA tariff they have grown in the USA too.

There are a lot of new faces in Management and hourly employees, and with many workers retiring in the near future this will continue. I guess the so called Dream Team, the ones that looked outside the box, that ran the Dock and Maintenance have left (the Box). I don't know if the rising dollar scared them off or the fact the people were getting wise to their ability (or inability) to run the place. Or is it still that a few people will not let Superintendents run the departments. Like how come they can't get anyone to run Stores? I've heard many reason why by a lot of people, besides who wants to get canned if one of the Managers don't like you.

I see production is way up there and I've been told that this kind of production wasn't expected until 2010. So does that mean that we are so far ahead of our predicted profit that the Company can't deny it? Also, is it right that we have so many orders that we may not be able to keep up and fill them. I sure hope that is so because then the Company will want to negotiate in good faith and not shutdown.

As everyone knows, there are many pulp and paper mills hurting and will not survive or will have to close for a period of time until the market improves. You can be sure that other mills that are in better positions will try and use this situation to lower the standards of our contract in order that they can make huge profits. Woodmills are closing because, they say, they are too old and the high Canadian Dollar is killing them. Mills throughout Canada have to shut down because of no fibre, yet our governments all across Canada are allowing raw logs to flow out of



this country. There used to be a regulated amount that Companies had to cut and supply local mills in order to keep their tree farm licenses. Whatever happened to the national or provincial governments working for the people and the betterment on this country? Look at what is making news headlines, they are handing money to their friends or even taking money for themselves; it's sad!!!

No wonder people don't trust any Government parties of the times. We have many natural resources that other countries want and would die to have. Yet, instead of using it to our advantage the law makers or governments are giving it away to companies to make huge profits and giving to people nothing in return. If only the government would tell the companies that if they wanted to do business in Canada they would have to make sure all our mills were supplied, and only the excess would be exported. Companies that say they can't get backing to build mills would still have to supply local, or the nearest, mills before they could export our raw materials. If this was done the Government would have enough money coming in to fill all Canada's needs instead of just a few rich people. Companies would build new mills to turn the profit they want.

As everyone must have noticed by now the sign that tells us that we are part of West Fraser family is not informing us of anything for the last few months. I don't know if it's broken or if the Company has shut it down to save a few pennies and want to buy more trucks like they did with the coloured paper clips. Or is it because it is a contract year and they don't want to call us family as they try to take things away.

I don't know if it's because we are doing so good and the Company has nothing better to do then try and change our Lockout Policy. But they have called a Lockout Committee meeting and tried to get us to agree to having only one person de-lock if a risk assessment is done and found to be safe. Both Unions said that they didn't want to lower our standards and agree that it will stay at two.

Remember, it was the Company at an arbitration that raised the standard by stating that the de-locking mirrors the lockout. If we give them an inch then we will have some supervisors or higher ups telling workers that it's okay to de-lock this time when it's not safe; we do not want to send mix messages.

The Maintenance Supervisor and Steam Plant Superintendent agreed with the Union because of incidents that had happened in the past. The

Pulpmill Superintendent agreed for the most part but seemed to be more wishy washy.

It's the Papermill Manager that seems to want the changes and I believe it's because he has cut back his manning so much during this Contract that he feels he doesn't have the manpower to follow the Lockout Policy without losing production. The Papermill Superintendent said it was because they use the keyboard lockout to also do lockouts that are five locks or less to save time for maintenance workers and that is why they are asking for the changes. We told them that it was their idea to do this to save time and if this doesn't work don't do it because it only takes one operator to de-lock systems with five locks or less. Paul Lowe called another meeting, I guess because they were hoping we would change our minds or get all the Supervision to agree. Well, when I went to the meeting Paul said it was cancelled and they were sending a letter to upper management from the Joint Health and Safety Committee. This letter must state that both locking and de-locking takes two workers trained in the system being locked out because we haven't changed anything.

One thing that I was very disappointed with was the lack of Commitment to Employment meetings; we had only two all year. We kept asking for meetings and was told that Doug would be setting it up, which never happened until it was too late. This shows us that they wanted to save money that we had to spend rather than save money on Contracting Out. Shame, shame!!!! One of the big items that I see we can save on is to a Vacuum Truck. Mary said in her last article that she didn't see this going anywhere because of the cost. I, on the other hand think that if the Company really looked into what they spend for the use of these trucks each year they would see that the payback would be huge. I really believe that they could hire two more employees and buy a Vacuum Truck and pay it back in two years if not just one. Just look outside, one Company has two trucks on site and another one has one on site all the time. They have their own workers and once in awhile we hire a third truck. We know the work is there and there are so many things that it can be used for everyday; plugged lines; clean sump pump pits; clean out reclaims, and the list goes on and on. I just wonder what's the hold up; lets save, save. There are other things that were brought up that were good ideas but if time is not set aside nothing can be done.

Another item I noticed is that we have a excavator and a rented truck that we are paying for, just sitting idle, and then we Contract Out to have someone use their excavator and truck to move scrap wood from the scrap yard to the Woodmill area to be chipped up later. Then they will be crying no

work for our excavator or extra truck. Sounds to me like very bad planning of manpower and equipment by the Yard Superintendent. If a department is run like this how can a committee do anything to help with the cost of running this mill.

Also, we see are things being deleted from Stores' stock without asking if we need it, and we only find out when we go to get the material to do our jobs that the item has been deleted from inventory. Can you understand why someone deleted the 1/2 high pressure quick connects that is used everywhere in the Papermill and some areas in the rest of the Mill?

Repairable parts for #2 Paper Machine steam joints were not reordered because the resurfacing cost too much. Then, the new parts from Stores weren't reordered because someone put a stop to that item. What happens is no parts to do repairs; lost time on the machine while workers struggle with old parts that we know will only hold for a short time.

Who is accountable for these losses?

We have Superintendents worrying about a worker stopping to eat something because he feels weak and needs to eat, yet he has no problem with us standing around for hours waiting or looking for parts not there.

Again I would like to thank everyone for the support and may you all have a safe and healthy year and watch out for one another.

Just a Country Boy
Dan Belleville

Canadian campaign to ban asbestos

CAW/CALM

RightonCanada.ca, an internet-based public advocacy campaign for human rights, has launched a letter writing campaign demanding that the federal government ban the use and export of asbestos.

Asbestos is a fibrous mineral often used in industrial settings as a fire retardant. If inhaled, its fibres are a health hazard and have been linked to diseases such as mesothelioma and asbestosis.

Many countries have banned the use of asbestos, including the European Union. Despite this, Canada continues to be one of the world's leading producers and exporters of asbestos.

RightonCanada.ca is asking for support for their campaign to send letters to Prime Minister Stephen Harper, and other top government officials, demanding their commitment to ban the use and export of asbestos in Canada and to provide adequate transition assistance for workers in the asbestos industry.

www.RightonCanada.ca



To the members of CEP Local 298:

Thank you for the fruit basket.

Ilona Kenny

To the members of CEP Local 298:

Thank you, the flowers and tasty fruit were much appreciated. I am on the mend and should be back to work soon to start poking needles at you all.

Thank you for your thoughtfulness.
Lynda Bartel

To the members of CEP Local 298:

In response to your Bargaining Survey –

As a retiree, I definitely would like to see everyone, including all the retirees receive the Blue Net Card.

Also, for the retirees, I would like to see the retirees get **at least as much medical benefits** as the members who are still having to put in the daily grind in the plant get. This would include a Dental Plan, which retirees do not have now; at least some coverage for eye glasses & other optical needs, which retirees do not get now; and coverage for medical travel expenses which retirees have to pay out of pocket at the present time.

In Solidarity,
Wilf Butters
Terrace

PS: Also, Mary &/or Don - if no one has done so, a Union Bulletin Board **reminder** might be a good idea, regarding the sending in of your Medical receipts to Blue Cross. I believe receipts from 2006, if still not sent in are still good if posted before the end of December this year. After that, I believe they are just so much paper garbage; and of course, this year's

receipts need to be sent in too. This is just another benefit that we have been able to negotiate for with Eurocan and the hourly employees might just as well have the receipts refunded as let Eurocan keep **THEIR** money.

Thank you CEP Local 298:

Gone but not forgotten, thanks from this old harelip for the Christmas basket.

Walter & Mariane Sanwald

To CEP Local 298:

Thank you for the nice basket, it was greatly appreciated.

Raymond Lapierre

To Local 298:

We would like to thank you for the Christmas Gift Basket, which we received yesterday evening. We would also like to wish all of you a Wonderful Christmas and a Very Happy and Prosperous New Year.

Sincerely
Linda & Rick Wherry

Dear brothers and sisters:

This is the time of the Year when a person thinks about old friends and times gone by when some were still living. It is my great pleasure to wish all of you a very merry Christmas and a prosperous New Year.

Clovis Amado

Seasons Greetings
On behalf of CEP Local 10-B, Kamloops

To all members of CEP Local 298:

Thank you for the wonderful Christmas basket. Myrna & I are wishing you all a very Merry Christmas and a Happy New Year. Wishing you everything merry & bright through Christmas and the coming year.

May you all have a prosperous New Year.
Bob & Myrna Cromack

To Local 298:

Dear Brothers & Sisters

May the peace and joy of Christmas be with you, today and throughout the coming year. Thank you for your Christmas gift hamper.

Brother Hans G. Thodt & Family

Dear Donor

We would like to take this opportunity to thank you for supporting the Kitimat Child Development Centre. Your generosity is greatly appreciated. May we take this opportunity to wish you a safe & happy holiday season.

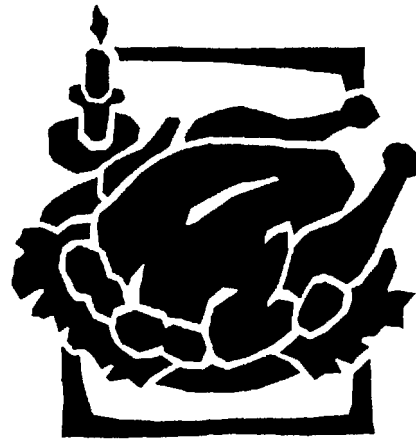
Kitimat Child Development Centre

BOB'S GOT YER TURKEY

On October 12th of 1982, I was sitting in the steam plant control room when Fred picked up a hardboiled egg that was sitting on the desk and said, "This is a very odd looking egg, I wonder where it came from?"

Now, what you should know about the Steam Plant is that sometimes stuff happens or things get said for no particular reason and every once in a while it snowballs.

So when Fred enquired about the egg, he was told it was a turkey egg, and Bob, the senior guy on the crew raised turkeys in his home on Dunn Street, and what's more, he would deliver a fresh killed turkey to each person on the crew just before Christmas.



In early December, Fred was telling Charlie what a great guy Bob was, delivering turkeys to the crew, but when word got back to Bob about the turkeys, he was some choked. If Fred didn't get a turkey, then Bob was a bad guy and if Fred did get a turkey, then everybody else on the crew would want a turkey.

For the next twenty odd years, grievances were filed, complaints were registered, committees were formed, but still, each year at Christmas time somebody, somewhere in the steam house, would be waiting for Bob to deliver a turkey.

This is the Old Dog

**Wishing everybody a happy Christmas
And sayin' ET Tu, Anybody!**

"Electrosmog"

The Guild Reporter/CWA/CALM

The German government is advising the public to avoid using Wi-Fi wherever possible because of potential health risks.

The government is also advising German citizens to use landlines instead of mobile phones, warning of "electrosmog" from a wide range of other everyday products from baby monitors to electric blankets.

The warning coincides with publication of a study in the latest issue of a peer-reviewed journal, Occupational Environmental Medicine, that concluded using a mobile phone for more than 10 years increases the user's risk of getting brain cancer.

The study found that people who have used mobile phones for a decade or more are twice as likely to get a malignant tumour on the side of the brain where they hold the handset. Using a mobile for just an hour every working day during that period is enough to increase the risk.

Standing Committee Report

Stores Leadership Under Stress

By Don Klie

In the October 2007 Newsletter I reported that the Company had employed Jim Labossiere to put in a proposal to the government regulatory agency to allow Pulpmill employees to obtain a Steam Ticket without the required firing time. Actually, Mr. Labossiere, on his own accord, sought clarification from the BC Safety Authority on the interpretation of **Section 19, b) iii)** of the **Safety Standards Act, Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation**, which states "An applicant for a fourth class power engineer's certificate of qualification must have been employed for a period of at least 18 months in the operation, design, construction, repair or maintenance of equipment to which this regulation applies, and have successfully completed a fourth class power engineering course that has been approved by a provincial safety manager or provide proof of having an equivalent technical educational background that is approved by a provincial safety manager." Mr. Labossiere wanted to make sure that the students attending his course at KVI, who also were employees in the Pulpmill, would qualify for writing for the 4th Class Certificate. The Ministry confirmed his interpretation of the Act.

The Union and Company have reached an agreement on the Pulpmill employees having to attain their 4th Class Steam Tickets. The above clarification will be brought to the Company's attention and if any alteration is necessary to the aforementioned agreement, it will be done.

The last Standing Committee meeting was December 4, 2007. A lot of ground was covered, but, because of having so few meetings this year, there is a large backlog of grievances. Some of the issues discussed are noted below:

1) Modified duties – When an employee requires modified duties (also known as light duty) because of some medical or other condition, the employee is responsible for providing the Company with enough information so that the appropriate arrangements can be made. However, in one instance an employee requiring modified duties was inappropriately assigned to work at the Lagoons. The issue was quickly addressed and resolved. At one point, one of our shop steward's was cautioned by a management

official about slander. It is the Union's opinion that management was trying to inappropriately threaten/silence the shop steward. Clearly a mistake was made with the job assignment and it is the Union's and the shop steward's job to make sure that the issue was corrected and that a recurrence is prevented.

2) Manning in Stores/First Aid – The Union again raised the issue of under manning in Stores/First Aid and the poor management of the department. A recent example of this has been the often times when the #3 Stores Counter position is left vacant, either because of the need for First Aid coverage or because of a progression line move-up to cover the manning shortage in Receiving, or there are too few people at #1 Stores. Also, a person on modified duties was assigned to work in #3 Stores on his own with only a couple of hours of training. Also in the First Aid area, the Union recently had to approve the working of 16 hours at the Terminal, where there are 8 First Aid Attendants employed, but the department is still unable to properly maintain coverage. The Company acknowledged they had a leadership problem in Stores and that they were looking to hire a Stores supervisor (the position has been filled on an interim basis for several months).

3) Pension Benefits – The Union sought to clarify the issue of how the new flat rate increase to the Pension Plan benefits affected the members. As of January 1, 2008 the flat rate portion of the pension will be paid at \$54.18 per month per year of service. This only applies to years of service prior to 1997. As of 1997 the new formula for calculating benefits is based on one of three formulas. The formula used for the post-January 1, 1997 pension benefits (after January 1, 1997) is the one that will pay out the most. This allows for individuals who may not have achieved a full year's credit (due to layoff or termination/rehire) to use hours from other years to make up that credit. If you have worked fulltime, the maximum number of hours is 2080 and the formula that uses the last 5 years of service, your average annualized earnings, is the formula that applies.

4) Safety Glasses – The Union again raised the issue of the Company providing a second pair of prescription safety glasses for employees who need to wear respirators while working. Bifocal or progressive lens glasses will fit differently when the respirator is being or not being worn, depending on how the glasses were set up, thus impairing an individual's vision. The Company had said it was the safety department's position that they would not pay for the second pair because respirators were not

mandatory. However, the Union pointed out that there are several jobs in the Mill as well as several areas in the Mill that do require respiratory protection. The Company is again reviewing the issue.

5) Tool Crib – The Union again raised concerns about the Tool Crib. The entire Mill relies on the Tool Crib to supply all of the various departments with tools; however, when tools go missing or aren't returned there doesn't appear to be a system in place to make the responsible department accountable for the tools. The end result is that the missing tools need to be replaced on the Tool Crib budget, a budget which is already too little to handle the needs of supplying tools for the Maintenance department. Supervisors are not being held accountable for their employees who are signing out tools and subsequently not returning them. The Union recognizes the importance of the Tool Crib and the support it provides to allow employees to properly do their work in a safe and efficient manner. The Union requested that the Company review this matter and make the necessary improvements.

6) Employee Survey – employee retention – the Company informed the Union that it would like the Union cooperation with a survey that was being done by a graduate student as part of a thesis. The survey was part of a study designed to better understand ways to improve employee retention in a company. The Union expressed no opposition to the survey as long as it was strictly voluntary and asked for a copy of the results.

7) Job Freezing – The Company informed the Union that a member of the Shiploading crew had provided the necessary medical information to substantiate a request for job freezing.

8) Maintenance paid leave scheduling – The Company expressed concern regarding the Union's proposal for the scheduling of paid leave in the Maintenance department. The proposal, which was approved at a membership meeting basically states that after the vacation rotation selection procedure has completed, all paid leave requests would be scheduled on a seniority basis prior to May 1st, after May 1st paid leave is scheduled on a "first come – first served" basis. The Company expressed reservations about this proposal, fearing it would negatively impact on employee retention. The Union explained that the position put forward was voted on at a membership meeting and that several junior people were at the meeting and voted in favour of the this proposal. The Union also clarified that this proposal dealt only with the scheduling of paid leave

but did not affect the other provisions in the contract with the granting of leave, for example, the requirement that overtime would not be a factor when granting a floater if the request had been filed 7 or more days in advance, etc. The Company is reviewing issue.

9) Shutdown Vacation Time-off Policy – The Company informed the Union that it wanted to change the vacation time-off policy in regards to maintenance during major maintenance shutdowns. The Company's current Mill policy for vacation time-off is, 1 in 7 during prime time, 1 in 9 during non-prime time, and 1 and 13 during major maintenance shutdowns. Usually the Company is a bit more generous with allowing time off, except for maintenance during the shutdowns, for obvious reasons. The Union wasn't aware that there had been any problems with maintenance employees taking time off during the shutdowns, but advised the Company that they could not unilaterally change the policy until the end of the contract; that is, the Company was estopped from changing the policy until the Union was afforded a chance to negotiate on the policy.

10) Lunchroom facilities at Raw Materials – The Union again raised concern about the proximity of the Raw Material Supervisor/Assistant Superintendent's office to the employees' lunchroom facilities at Raw Materials. The Union noted that employees should be allowed to have their breaks and lunches without the interference of Management. The set up at Raw Materials has the Supervisor/Assistant Superintendent's office, and the door to the office, right next to the lunchroom. Often times the Supervisor/Assistant Superintendent will insert himself into conversations the crew are having amongst themselves. This scenario has led to some communication problems on the crews. The Union was contacted recently to help resolve an issue that occurred during the supervisor/crew communications at the start of the shift "tail-gate" meetings when employees expressed their dissatisfaction with certain issues. The Company sees no problem with their staff representatives interrupting employees' conversations and discussions, however, when employees want to state their opinions on issues, the Company takes offence. The Union agrees that there is proper time and forum to discuss certain issues, for example, the shop steward requesting a meeting with the supervisor. The same principle applies to the appropriateness of having the Supervisor/Assistant Superintendent office connected to the employees' lunchroom. The Company said they didn't see a problem with the set up, in fact, the

problem they saw was that their supervisors needed more a hands-on contact with the crew so they would better know what was going on out in the field. The Union cautioned the Company that this was about trying to create and/or maintain a good working relationship in the department and that it is reasonable that employees be given an appropriate area where they can relax and take their breaks and have discussions amongst themselves without unnecessarily being interrupted by management.

11) Apprenticeship expenses –The Company informed the Union that they had paid the appropriated apprenticeship expenses incurred by one of the apprentices who, shortly after completing his school course, left the Company.

12) Pulpmill 4th Class Steam Ticket – As noted above, the Union and Company have reached agreement on issues around the qualifying time necessary for Pulpmill employees to challenge the 4th Class Steam Ticket certification exam. Prior to the above information being provided, the Union and Company agreed that Pulpmill employees would be able to challenge the exam after 18 months of Pulpmill experience plus having completed the appropriate course (BCIT, SAIT, KVI, correspondence course). At the time we also believed that an individual could challenge the exam without the course, but would need at least 24 months experience in the Pulpmill; apparently this option does not exist – clarification on this issue is still required. We had agreed that if the individual opted not to take the correspondence course (or attend BCIT, etc) then they would be required to write the exam at the very next sitting (in Terrace or Kitimat) after the 24-month period had elapsed. As noted above, the Union will be clarifying this issue. What is obvious and will remain as a fact, is that Pulpmill employees who entered the department after May 1, 2003 will be required to obtain a 4th Class Steam ticket. For those particular individuals who have not yet obtain their ticket, and for who the 18-month timeline had put on hold, the start date for the new period, likely to be 24 months, will be December 1, 2007. I encourage all of the affected employees to make arrangements to start the correspondence course and wish them good luck. If there are any questions please let us know.

Grievance Report

Listed below are the grievances currently being processed and their status. If you would like to know

more about a particular grievance or if your grievance isn't listed please contact the Chief Shop Steward, Steve Dudra, or one of the other Standing Committee members.

At Arbitration

John Miller/Contracting Out – Sept 10/04 – case #04-59 – Letter from Company re: Contracting out notification of change of practice in Stores on the purchase of manufactured shafts.

Contracting Out Committee – Nov 25/05 – case #06-11 – failure to notify – Assembly of a Vacuum Head including the Micarta.

Contracting Out Committee – January 5th, 2006 – case #06-12 – failure to notify – Jose excavator work on landfill.

Contracting Out Committee – January 10th & 11th, 2006 – case #06-14 – failure to notify – Jose on landfill.

Contracting Out Committee – January 18th & 19th, 2006 – case #06-17 – failure to notify – Jose excavator on land fill.

Case #06-44 Contracting Out Committee – March 9th, 2006 – Failure to Notify. Rain Coast Cranes @ Hog pile.

Case #06-47 Contracting Out Committee – April 3rd, 2006 – Failure to Notify. Rain Coast Cranes @ Chip Tipper.

Case #06-74 CEP Local 298 – Aug 21st, 2006 – Article 43 & Others. – Job Transfers. **The Company noted that they would unilaterally implement the following policy – “When an employee is displaced from their permanent position or when their temporary posting comes to an end and the Company places them in a vacancy, the one-year restriction for transfer will not be applied... It is the Company’s view however, that new hires that compete for vacant positions in the mill compete and are selected for the posted job vacancy. Previous to the candidate accepting an offer of employment they are notified of the one-year clause in the Collective Agreement and the Company’s application of that section.”**

Case #06-87 Contracting Out Committee July 10th, 2006 – Failure to Notify – Westcan Pump Shaft (PO# 2010605617).

Case #07-01 Craig Karwandy – January 3rd, 2007 – Transfer Denied.

At Standing Committee

Gary Araujo – Nov 30/05 – case #05-67 – improper shift change.

Derek Smith – Nov 30/05 – case #05-68 – improper shift change.

Case #06-76 Contracting Out Committee

Dec 22nd, 2005 – Failure to Notify – Westcan wearing ring.

Case #06-77 Contracting Out Committee

Dec 8th, 2005 – Failure to Notify – Westcan pump shaft.

Case #06-78 Contracting Out Committee

Dec 19th, 2006 – Failure to Notify – Westcan ring spacer for felt roll guide.

Case #06-79 Contracting Out Committee

Dec 15th, 2005 – Failure to Notify – Westcan pump shaft.

Case #06-80 Contracting Out Committee

Jan 19th – 23rd, 2006 – Failure to Notify – Zanron Drive shaft.

Case #06-81 Contracting Out Committee

Dec 2005 to Jan 2006 – Failure to Notify – Zanron Heat exchanger tube plugs.

Case #06-82 Contracting Out Committee

Jan 10th, 2006 – Failure to Notify – Zanron Shaft dryer drive gear.

Case #06-83 Contracting Out Committee

Dec 29th, 2005 – Failure to Notify – Zanron Shaft Joy Precipitator.

Case #06-85 Contracting Out Committee

June 15th, 2006 – Failure to Notify – 101 Pump shaft 3196XL (PO# 2010605050).

Case #06-86 Contracting Out Committee

June 20th, 2006 – Failure to Notify – Stuffing Box (PO# 2010605174).

Case #06-89 Contracting Out Committee

Sept 14th, 2006 – Failure to Notify – Westlund – Fabricate Hog Blow Line (PO# 2010607125).

Case #06-91 Dan Belleville – Nov 5th, 2006 – Over Time Distribution

Case #06-92 Contracting Out Committee – June 5th, 2006 – Failure to Notify – Rain Coast Crane hauling a platform.

Case #06-94 Dino Stamatakis – Nov 6th, 2006 – Article XXX Unjust Discipline

Case #06-95 Dino Stamatakis – Nov 1st, 2006 – Supplement #7 Unjust Discipline

Case #06-98 Andrea Lee – Oct 30th, 2006 – Posting to Steam Plant

Case #06-99 Robert Tomkinson – Sept 29th, 2006 – Unjust Progressive Discipline

Case #07-05 C.O.C. – Jan 17th, 2007 – Contracted Out clean up of CMP spill with a Bob Cat to WIC Construction.

Case #07-06 Brent Ferris – Jan 19th, 2007 – Staff (Ferd Wuensche) doing Hourly work.

Case #07-10 Dino Stamatakis – December 19th, 2006 – Unjust Discipline.

Grievances at Fact Finding

Case #07-11 Gary Klukas – January 31st, 2007 – Progression Line move up for OT.

Case #07-12 Dino Stamatakis – Nov 6th, 2006 & Dec 19th, 2006 – Harassment

Case #07-13 G.E. Operators – Jan 31st, Feb 1st, 2nd, 3rd, 2007 – OT Call List Violation

Case #07-14 Bill Jonkman – Feb 3rd, 2007 – Unjust discipline

Case #07-15 Len Irvine – Feb 5th, 2007 – Contracting Out

Case #07-16 Deanna Smith – Feb 27th, 2007 – Was told Posting was Cancelled.

Case #07-17 Chris Campbell – November 22nd, 2006 – Chris was not allowed to Post for the last First Aid Posting.

Case #07-18 C.O.C. – Nov 24th, 2006 – Failure to Notify – Fabrication of Clarifier Rakes

Case #07-19 C.O.C. – Feb 9th, 2007 – Failure to Notify – Fabrication of Sydra Pulper Shaft

Case #07-20 C.O.C. – Feb 21st, 2007 – Failure to Notify – Kitimat Iron Modifying East Door on Precipitator.

Case #07-21 C.O.C. – March 12th, 2007 – Failure to Notify – Stub Shaft for 421 Repulper.

Case #07-22 C.O.C. – April 2nd, 2007 – Failure to Properly Notify – Sub Contractor, Zanron on Traveling Screens.

Case #07-23 Robert Tomkinson – April 10th, 2007 – employee improperly demoted

Case #07-24 Cary Manahan
April 21st & 23rd, 2007 – Failure to Train Up in Progression Line.

Case #07-25 Rodney Gutknecht
April 29th, 2007 – Contracting Out Belt Replacement of Guillotine

Case #07-27 CEP Local 298
June 11th, 2007 – Eurocan fails to produce Contractors Union Cards.

Case #07-29 CEP Local 298
June 23rd, 2007 – Vessel Entry Procedure Moved to Step 2 on July 15th, 2007 Moved to Step 3 on August 7th, 2007

Case #07-30 CEP Local 298
June 26th, 2007 – Removing Locked Valves from System.

Case #07-31 Laura Carpino
May 31st, 2007 – Call List Violation

Case #07-32 Mike Keating
July 30th, 2007 – Not wanting Work In Kind

Case #07-33 Trina Martin
August 24th, 2007 – Unjust Discipline

Case #07-34 Mary Murphy
August 11th, 2007 – Over Time Violation

Case #07-35 Mary Murphy
August 31st, 2007 – Unjust discipline

Case #07-36 Laura Carpino
July 30th, 31st, 2007 - Lack of Training

Case #07-37 Ilona Kenny
Oct 8th, 9th, 2007 – Call List Violation

Case #07-38 Ron Venman
Week of Sept 17th – 21st – Unjust Discipline

Case #07-39 Lucky Bhullar
Sept 8th & 9th 2007– Call Out/OT

Case #07- 40 Lucky Bhullar
Sept 16th & 17th 2007– Call Out/OT

Case #07- 41 Patrick Williams
Ongoing since July 2007 – Seniority/Progression Line

Case #07- 42 Mary Murphy
Nov 3, 4, 5, 6th 2007 – violation of paid leave procedures.

Case #07- 43 Dino Stamatakis
Nov 4th, 2007 – violation of Call Time procedures.

Completed Grievances

Case #06-62 Contracting Out Committee – 2005 – 2006 – Article 1 and Others – Contracting Out Violation – Failure to pay Code of Ethics. **Resolved, the Company agreed to provide the union affiliation of all unionized contractors that come on site.**

Case #06-66 Contracting Out Committee – May 8th – 11th, 2006 – Article 1 and Others Contracting Out Violation – Failure to Notify Kitimat Iron Installation of Temporary Elevator for Steam Plant. **The Union withdrew this grievance without precedence or prejudice.**

Case #06-84 John Burget – Prior to August 29th, 2006 – Article II (a) – Staff doing hourly work. **Resolved, the Company agreed to involve members of the Instrument Mechanic crew when working on process control equipment.**

Case #06-93 Contracting Out Committee
June 7th, 2006 – Failure to Notify – Rain Coast Crane moving a Container. **The Union withdrew this grievance without precedence or prejudice.**

Case #07-03 George Schibli – January 16th, 2007 – Company forcing employee to use banked time to cover absence from work caused by mud slide on Kitimat-Terrace highway. **Resolved, the Company agreed to reinstate the paid time off and requested in the future that all employees report to work as scheduled or as soon as conditions permitted.**

Case #07-08 Vern Cote – Jan 18th, 2007 – Eurocan using paid time off to cover absence from work due to mud slide (road closure) on Dec 19th, 2006.

Resolved, the Company agreed to reinstate the paid time off and requested in the future that all employees report to work as scheduled or as soon as conditions permitted.

Case #07-28 Traffic Department – 2007 Shut Down – Seniority, Over Time Distribution, Misrepresentation & Double Standard. **Withdrawn without precedence or prejudice.**

Putting fairness back into Canada's tax system

by Marc Lee/CCPA/CALM

Earlier this year, Warren Buffett, one of the richest people on the planet, remarked that his secretary, who makes a lot less money than her boss, actually pays a higher rate of tax. Buffett went so far as to call on the U.S. congress to stop giving major tax breaks to rich people like him.

It would be easy to dismiss this as just another example of the follies of the Bush administration. But a closer look at tax rates in Canada reveals a strikingly similar story.

Calculating the overall tax bill means looking at all the different kinds of income Canadians bring in (what we earn from our jobs, inheritances, employer-provided benefits, the stock market and other investments), as well as all the different taxes that get paid (including income, sales, payroll, property and corporate taxes).

In 1990, Canada's overall tax system was more progressive, meaning families with higher income contributed relatively more through higher tax rates, to help pay for the things that benefit all of us: health care, education, roads, buses and subways.

Truth be told, things flattened out from the middle of the income distribution to the top—families at the top paid about the same share of their income in taxes as families in the middle.

But by 2005, the system had become far less progressive at the bottom of the distribution, and at the very top it became regressive. Staggeringly, the top one per cent pay total tax rates as much as six percentage points lower than families in the middle.

As a number of studies have found, the richest one per cent of Canadians are getting the lion's share of market income gains from a decade of remarkable economic growth. Yet, astonishingly, the richest one

per cent of families also now pay a lower tax rate than the poorest 10 per cent.

A key reason why the most affluent Canadians are getting off the hook so easily is that more of their income tends to come from sources that are not taxed at all (such as inheritances) or only lightly taxed (such as the capital gain from selling stocks).

Historically, income taxes have been an important tool for making sure those at the top pay a fair share, due to brackets that tax income at progressively higher rates.

But Canadian politicians' mania for tax cuts is a big part of the problem. Rather than leaning against greater inequality, the tax system is now reinforcing the growing gap between the rich and the rest of us. Tax cuts have been unleashed into the system at exactly the time when pre-tax incomes surged for the richest 10 per cent of Canadian families.

It's a question of fairness. Most tax cuts have been aimed at income taxes, the progressive part of the overall tax system. Cutting income taxes reduces the progressive nature of the tax system, unless tax cuts are deliberately targeted to those with low and modest incomes—and they have not been.

Moves to a flat income tax, as advanced by right-wing commentators, would inevitably lead to a system that is fully regressive when all taxes are considered. Low-income families would pay higher total tax rates than families further up the income ladder.

That would be wholly unfair, and completely unsustainable. So what do we do?

First, we should acknowledge that there is scope for raising income taxes at the top of Canada's income distribution, so that our tax system once again passes the test of fairness. Canada is nowhere close to hitting tax rates that would have adverse economic consequences.

Second, Canada's preferential treatment of capital gains is unwarranted, and they should be taxed fully as any other form of income. As Bay Street accountant Kenneth Carter commented after holding a Royal Commission on taxation in the late 1960s, "a buck is a buck is a buck."

These basic measures would go a long way towards restoring fairness to Canada's tax system. They would also address growing income inequalities.

Don't just take my word for it—listen to one of the world's wealthiest men. His warning is well worth heeding, no matter which side of the border you live on.

• *Marc Lee is a senior economist with the B.C. office of the CCPA and chair of the Progressive Economics Forum.*

AbitibiBowater to close 8 Canadian mills

Thursday, November 29, 2007
CBC News

AbitibiBowater Inc. announced Thursday the permanent or indefinite closure of eight money-losing mills across Canada as part of a massive reduction in newsprint production capacity.

The company also announced it wants to reopen its Canadian union contracts to "explore ways to reduce overall labour costs and provide enhanced flexibility in the workplace." Salaried employees will also be asked to take cuts.

The list of closures and idlings includes:

- The permanent closure of the Belgo (Shawinigan, Que.) and Dalhousie (New Brunswick) mills.
- The indefinite idling of the Donnacona (Quebec) and Mackenzie (British Columbia) paper mills.
- The idling of two Mackenzie sawmills that support the Mackenzie paper operation.

The company will also permanently close the already idled Fort William paper mill in Thunder Bay, Ont., and the Lufkin paper mill in Texas. The No. 3 paper machine at the Gatineau, Que., facility, which had also been previously idled, will be shuttered for good.

There was no immediate word from the company about the number of jobs lost through this restructuring. But the Communication, Energy and Paperworkers Union estimated at least 1,000 workers would be affected.

In a release, the CEP called for an emergency summit of union and industry leaders in the forestry sector.

"Today's 1,000 or more victims in the mills in Dalhousie, N.B., Shawinigan and Donnacona, Quebec and Mackenzie, B.C., bring the job losses in the sector to over 20,000 in the past two to three years," said CEP president Dave Coles.

Closures 'difficult decisions': company

AbitibiBowater said the closures are painful but necessary.

"These were difficult decisions that were made after careful deliberation and represent the best course of action given the current economic conditions and significant challenge that lies before us," said CEO David Paterson in a statement.

"We are mindful of the impact these decisions will have on the employees and communities affected,

and will be working with them to help mitigate the effects," he said.

The firm said the measures will reduce capacity by about one million tonnes annually.

Montreal-based Abitibi Consolidated and the paper division of Bowater Inc. merged last January in a deal that both companies hoped would return them to profitability.

But the economics of the beleaguered Canadian forest products industry continued to deteriorate throughout this year as the Canadian dollar surged, the U.S. economy slowed and fuel prices soared. That made it increasingly difficult to sell newsprint in American markets.

At the time of the merger, the companies hoped to realize \$250 million in savings over the next two years. On Thursday, that target was raised to \$375 million.

The company also said it would suspend its stock dividend and hoped to raise \$500 million through the sale of assets. It will undertake a further review of its business over the next four months in a bid to cut costs further. It warned that further closures could be announced in 2008.

The Conference Board of Canada issued a report Thursday that estimated Canada's paper products industry will lose about \$400 million this year — the third straight year of losses.

Forest union moves to stop mill closures

December 06, 2007

MONTREAL – Canada's largest pulp and paper union is proposing to head to the bargaining table a year earlier than scheduled in response to the crisis in the forest sector.

Delegates representing Paperworkers from AbitibiBowater adopted the measure as part of an action plan developed at their meeting in Montreal this week. The proposal will be put to a conference of all pulp and paper Local unions in Eastern Canada early next year.

"We're taking the bull by the horns," says CEP President Dave Coles. "As a union there are ways we can help cut costs that don't involve concessions and we want to put them forward." Coles stresses that "re-opening negotiated contracts to cut wages and benefits is definitely not on.

"We want to sit down face-to-face with AbitibiBowater to explore their closure

announcements in detail, including all possible alternative plans for these mills and their assets, early retirements and a transition plan for the affected workers.”

The union is also calling on AbitibiBowater and all major companies to join the union in convening a national forest industry summit to agree on urgent matters to support the Canadian forest industry.

Action Plan

CEP AbitibiBowater Caucus December 6, 2007

1. We call for a meeting of the full Eastern Canadian Pulp and Paper Bargaining Caucus as soon as possible in 2008 where a proposal for early negotiations can be considered.
2. All local unions remain committed to the Dec 2006 Solidarity Statement. Pending a decision on early bargaining, all local negotiations on matters affecting the pattern should be suspended except those which are urgent to address mill or machine closure announcements under the terms of our 2006 statement.
3. CEP Officers will meet with AbitibiBowater senior management and management of other major companies to discuss the economic crisis facing the industry and the possibility of early negotiations, and report back to the full caucus.
4. We demand that AbitibiBowater meet the national union and local unions to discuss their closure announcements, including all possible alternatives for these mills and asset sales, as well as early retirement, transition and labour adjustment measures. Joint union, management, and government task forces on the future of these mills should be established.
5. Each local union shall establish a working group to ensure that the crisis in the forest industry and CEP's proposal for a National Forest Strategy is seen and heard in our communities now and during the next federal election.
6. CEP calls on AbitibiBowater and all other major companies to join the union in convening a national forest industry summit to agree on urgent measures to support the Canadian forest industry.



FORESTRY LIVING THE BIGGEST SINGLE JOBS CRISIS EVER FACED IN ONE SECTOR SAYS CEP

November 29, 2007

The Communications, Energy and Paperworkers Union of Canada will convene an emergency summit of union and industry leaders in the forestry sector to deal with what it calls “the biggest single jobs crisis ever faced in one sector.”

The call for an industry summit comes on the heels of the announced permanent and indefinite closure of four more paper mills and two saw mills announced today by Abitibi-Bowater.

“Today’s 1,000 or more victims in the mills in Dalhousie, N.B., Shawinigan and Donnacona, Quebec and McKenzie, B.C. bring the job losses in the sector to over 20,000 in the past two to three years,” said Dave Coles, president of the 150,000 member CEP. “That would be like shutting the auto industry down in southern Ontario.

“We are beyond anger at the callousness of the Harper government which has ignored our pleas that it convene a national summit of all stake holders in the sector to find solutions to this crisis. It is like they have written off one of the largest job creation industries in the country.”

Mr. Coles said he plans to contact company presidents individually to urge them to attend the summit of both sides.

“The forest industry is in crisis which means hundreds of communities in the heartland of Canada are suffering and it is time for dramatic action. It is time for the bleeding to stop,” Mr. Coles said. “If Prime Minister Harper won’t convene a summit, we will do it ourselves to present a united front on this crisis,” Mr. Coles said.

“We need a national strategy for forestry that will help workers, industry and communities rejuvenate the sector through creation of value added jobs from the resource,” Mr. Coles added. “This is a renewable resource that should be keeping Canadians at work, not putting them on the scrap heap.

“Frankly, industry has brought much of the current crisis on itself. It has refused to invest in new equipment and innovative practices. And that has to change.

“But the real villain behind the mill closures in recent times is the irrational rise in the value of the Canadian dollar. Government has a huge role to play in helping us overcome this situation.”

Tribunal erred in denying remedy to "over-qualified" immigrant, judge rules

Lancasterhouse.com

The Canadian Human Rights Tribunal erred when it denied a remedy to an immigrant scientist who was turned down for a position on the ground that he was "over-qualified," a Federal Court judge has ruled.

The judge rejected the Tribunal's determination that there was no serious possibility that the complainant would have been hired because his qualifications had less "congruency" with the job than those of other candidates. Holding that the unexplained reference to "congruency" was essentially just another way of saying that the discrimination victim was over-qualified, the judge allowed the application for judicial review and sent the issue of remedy back to the Tribunal for redetermination.

The case involved Dr. Gian Sangha, an environmental scientist who had a Ph.D., spoke four languages, had co-authored two books, and taught university for six years in India, but had been trying unsuccessfully to find a permanent job in his field since immigrating to Canada in 1996. When he applied in 2001 for one of four entry-level Regulatory Officer positions advertised by the MacKenzie Valley Land and Water Board in the Northwest Territories, Sangha was among 12 applicants chosen for interviews, and he received one of the highest interview scores. In fact, two of the three interviewers gave Sangha a higher score than several of those who were hired, and one of the two gave him the highest score. However, the employer offered the jobs to other candidates, on the ground that Sangha was clearly over-qualified and would quickly get bored and look for another job. After being forced to take a job as a landscaping gardener in the Vancouver area, Sangha filed a complaint with the Canadian Human Rights Commission, alleging discrimination on the grounds of race, colour, religion, and national or ethnic origin.

In a February 24, 2006 decision, Canadian Human Rights Tribunal Member Grant Sinclair found that the Board's refusal to hire Sangha discriminated against him on the basis of national or ethnic origin, contrary to s.7 of the Canadian Human Rights Act. Sinclair held that "the experience of applying for a job for which one is overqualified, or working in such a job, is disproportionately an immigrant experience....

[T]o the degree that native-born candidates who are rejected on the basis of over-qualification have the option of seeking work more suited to their resumes, this option is largely foreclosed for immigrants. They have already been excluded from suitable jobs and can reasonably expect this exclusion to continue indefinitely into the future. Thus, a policy or practice against the hiring of overqualified candidates affects them differently from others to whom it may also apply."

Finding that Sangha had established a prima facie case of discrimination, which the employer had failed to disprove, Sinclair ordered the employer to pay damages of \$9,500 for pain and suffering. However, dismissing Sangha's claim for appointment to the position and compensation for lost wages in a single paragraph of the decision, Sinclair stated that "[f]or Dr. Sangha to succeed in his claim to reinstatement and for lost wages, he must cross the threshold of showing that there was not just a mere possibility of acquiring the job but a serious one." In this regard, he accepted the employer's submission that other candidates' qualifications were "more congruent" with the job and that "Dr. Sangha does not meet this threshold." Although he did not further pursue the issue of appointment to the job, Sangha applied to the Federal Court of Canada for judicial review of the Tribunal's ruling with regard to compensation.

In his August 31 decision, Judge Yves de Montigny cited the statement of the Federal Court of Appeal in *Canada v. Morgan*, [1992] 2 F.C. 401, that "[t]o establish that real damage was actually suffered creating a right to compensation, it was not required to prove that, without the discriminatory practice, the position would certainly have been obtained. Indeed, to establish actual damage, one does not require a probability. In my view, a mere possibility, provided it was a serious one, is sufficient to prove its reality."

While Judge de Montigny found no error in the Tribunal's adoption of the "serious possibility" test, he found that its assessment of the facts could not withstand judicial review. In De Montigny's view, although "[t]here may well have been other factors beyond qualification that were taken into account in deciding who of the candidates would be offered a position, ... one should not lose sight of the fact that the interview questions themselves incorporated congruency issues such as suitability, educational and professional experience as well as northern experience. In other words, the interview scores already incorporate the criteria that the employer wishes to emphasize."

Noting that "[t]here was very little discussion, both in the Tribunal's reasons and in the [employer's] submissions, of what precisely is meant by

'congruency', de Montigny concluded that "[t]here is room to suspect that this highly subjective criterion is nothing more than a back-door reintegration of the over-qualification factor that was required to be disregarded as being discriminatory." He added that "on the face of it, it is far from obvious that the other candidates were more qualified than Dr. Sangha once the over-qualification factor is completely disregarded, both explicitly and implicitly."

Judge de Montigny allowed the application for judicial review, set aside the decision of the Tribunal, and remitted the matter to Tribunal Member Sinclair for reconsideration in accordance with his decision.

Breach of a contractual provision creating expectation of a psychological benefit entitles employee to damages, tribunal rules

Lancasterhouse.com

Prior to 2006 it had been settled law that, unless there was an independent cause of action, damages were not payable for mental distress resulting from breach of a contract. That changed in 2006 when the Supreme Court of Canada, in the Fidler case, awarded damages for mental distress resulting from an insurer's denial of a disability benefit under an insurance contract. Now, in an important decision, a well-known Ontario adjudicator has made it clear that, following the Fidler case, breach of a provision of an employment contract that creates an expectation of a "psychological benefit" will give rise to an award of damages where an employee, as a result of the breach, suffers mental distress.

The Facts:

In 2005, shortly after starting a new position at the Toronto Jail, Cassandra Charlton, a correctional officer employed by Ontario's Ministry of Correctional Services, received at her home an anonymous letter containing threats ("One by one you'll be taken out") and racial slurs. Charlton's letter was one of several received by Toronto Jail employees from minority ethno-racial backgrounds. Though investigations by both the police and the Ministry of Community Safety and Correctional Services began as soon as the first of the letters was received, the author of the letters

had still not been identified at the time of this decision.

Charlton, a Canadian woman of African descent, was so traumatized by the letter that she went on medical leave shortly after receiving it. While on leave, she continued to receive 100% of her salary from October 2005 to February 2006, and then received a weekly allowance from the Workplace Safety and Insurance Board, which awarded her benefits after determining that she had suffered serious mental stress. The WSIB's allowance was, however, well below her regular salary, and this led to some financial difficulties. Discussions regarding a possible return to work ensued.

A grievance was filed by Charlton against the Ontario Government, claiming reintegration in the workplace to a comparable position in a threat-free environment, as well as compensation for lost wages and mental distress, due to racial harassment, contrary to the Ontario Human Rights Code and her employment contract. Costs were also sought. Although Charlton, as an Operations Manager, was not covered by a collective agreement, she was entitled, under Ontario's Public Service Act, to take a grievance on her own behalf to the Ontario Public Service Grievance Board, a tribunal established to resolve claims by non-unionized employees who were aggrieved about a breach of a "working condition or term of employment" (in this case, a guarantee against workplace racial harassment).

There was little argument over the Board's jurisdiction to direct the employer to reintegrate the grievor, and given ongoing discussions to find suitable employment for the grievor, the Board simply issued a general direction "that the employer make all reasonable efforts to find a position comparable in responsibility and remuneration to the position held by the grievor but in a work environment free of any threat of racial harassment." As for compensation, the only outstanding question was that of the appropriate amount.

The Arguments:

Three key points were in contention. First, Charlton argued that she should be compensated for mental distress. While conceding that some award of damages for distress might be appropriate, the Government maintained that damages could not exceed \$10,000, the maximum amount awardable for mental anguish under s. 41 of the Ontario Human Rights Code. But since its conduct throughout was beyond reproach, the Government contended that the sum awarded should be modest.

Second, Charlton contended that she should be compensated for her economic losses, which included the wages that she would have earned beyond the amounts she received from the WSIB. Charlton also maintained that she should be compensated for the fact that she was forced to sell her house and discontinue her dental benefits due to her reduced income. The Government, however, argued that s. 26 of the Workplace Safety and Insurance Act operated to preclude any further remedy for loss of income.

Section 26 reads: "Entitlement to benefits under the insurance plan is in lieu of all rights of action (statutory or otherwise) that a worker, a worker's survivor or a worker's spouse, child or dependant has or may have against the worker's employer or an executive officer of the employer for or by reason of an accident happening to the worker or an occupational disease contracted by the worker while in the employment of the employer."

Finally, Charlton asserted that she should be awarded costs. The Government disagreed, arguing that the Board should award costs only in cases of egregious misconduct by the employer, and that this was not one of those cases.

The Decision:

Donald Carter, Chair of the Ontario Public Service Grievance Board, held the Government liable for Charlton's lost income and awarded her \$20,000 in damages for mental distress. He did not, however, accede to her request for costs.

Carter began by setting out the sources of the Board's remedial jurisdiction. Section 5(2) of the Ontario Human Rights Code, Carter noted, guarantees freedom from harassment on the ground of race (among other grounds) from the employer, an agent of the employer or another employee; and s. 26 of the Code states that "[i]t shall be deemed to be a condition of every contract entered into by or on behalf of the Crown or any agency thereof and of every subcontract entered into in the performance thereof that no right under section 5 will be infringed in the course of performing the contract". In addition, the Chair pointed out, the Supreme Court of Canada held in *District of Parry Sound Social Services Administration Board v. O.P.S.E.U., Local 324*, [2003] S.C.J. No. 42, that the rights conferred by human rights legislation form an implicit part of all collective agreements. According to Carter, all of the foregoing taken together effectively meant that freedom from racial harassment in the workplace was a term of Charlton's contract, and that the Board had the jurisdiction to remedy its breach.

The Chair stated:

"[E]ven if this Board is not correct in its conclusion that the language of section 26 of the Human Rights Code is sufficiently broad to incorporate expressly human rights guarantees into the contracts that the Crown makes with its employees, these guarantees are at least implicit terms of these individual contract of employment by virtue of the reasoning of the Supreme Court of Canada in Parry Sound. It is this contractual guarantee of freedom from racial harassment that provides the Board with its remedial jurisdiction in this case."

Having so found, Carter considered damages for mental distress. In this regard, he cited the Supreme court of Canada's decision in *Fidler v. Sun Life Assurance Co. of Canada*, [2006] S.C.J. No. 30, for the proposition that, even in the absence of bad faith or an independent actionable wrong, damages for mental distress may flow from the breach of contractual provisions that create an expectation of a "psychological benefit."

The Chair commented:

"The significance of the Fidler decision is that the Supreme Court of Canada has now made it clear that, even in the absence of bad faith, mental distress damages may flow from the breach of contracts that create the expectation of a 'psychological benefit' and that this type of damage need not be based upon an independent actionable wrong. In other words, mental distress damages are not dependent on some form of egregious conduct on the part of the person in breach of the contract but flow directly from the breach of certain types of contractual terms, compensating for the mental distress that flows from the breach ..."

Clearly not all terms and conditions of employment create the expectation of a 'psychological benefit', and damages for mental distress are only available for breach of this type of contractual term. How then does this analysis bear on the facts now before this Board?

In this case there has been a breach of the contractual guarantee of freedom from racial harassment in the workplace. Such a term, in the Board's view, does create an expectation of a 'psychological benefit', since this provision in the employment contract is clearly intended to protect the dignitary interests of the employee."

While agreeing that the Government's conduct in this case was "beyond reproach," Carter found that the guarantee of freedom from racial harassment in

the workplace created an expectation of a psychological benefit, and that this contractual guarantee was breached by what the Chair characterized as "a particularly nasty form of workplace harassment," thereby entitling Charlton to damages. In fixing the quantum, Carter held that the amount should be no less than what was awarded by the Supreme Court in Fidler, that is, \$20,000. Carter rejected any suggestion that the Human Rights Code limited the amount of damages that the Board could award. The Board's remedial jurisdiction, he held, "is distinct from the jurisdiction conferred on human rights tribunals by section 41 of the Human Rights Code, and it should be made clear that the Board is not relying on that remedial provision in fashioning the appropriate remedies in this case. Rather, the remedies in this case flow from the Board's own remedial jurisdiction."

Carter also dismissed the Government's argument that the WSIA precluded any award for lost income. "What occurred here," said Carter, "was much more than an 'accident' as defined by the Workplace Safety and Insurance Act. It was a vicious and hurtful racial slur that not only affected the grievor's health but also caused substantial injury to the grievor's dignitary interests." While Carter agreed that the workers compensation scheme had exclusive jurisdiction over any injury to Charlton's health, he found that it fell to the Board to remedy the injury to her dignity, and that Charlton was entitled to be put in the same position as she would have been in had the harassment not occurred.

Carter, therefore, awarded Charlton the difference between her full salary and the amounts she received from the WSIB, and held that she was entitled to keep receiving her full salary until she returned to work in a position with equivalent compensation. Moreover, while he found that the facts before him did not establish that Charlton sold her house as a result of her reduced income, Carter remained seized of the matter should the parties wish to adduce evidence and argue the matter further. Finally, he did not award Charlton anything for discontinuing her dental benefits, finding that this was Charlton's "own decision."

On the question of costs, Carter held that, in the absence of gross misconduct by the employer, costs were not appropriate. Since the Government showed no bad faith and was even to be commended for suggesting and agreeing to an expedited process that considerably shortened what could have been a lengthy hearing, Carter declined to award costs.

Comment:

In Lancaster's Pension & Benefits E-Bulletin, September 29, 2006, Issue No. 44, we noted that the Fidler case, which dealt with a disability insurance

contract, might well lead to the award of damages for mental distress resulting from a breach of other types of contracts. Given the award of damages in this case for breach of an employment contract, it is likely that damages will be recoverable for mental distress resulting from a breach of a collective agreement, at least in the case of provisions which create an expectation of a "psychological benefit."

Where are the Filipino 11?

CLC/CALM

Recently Canada's Temporary Foreign Worker Program (TFWP) allowed a labour broker to lure 11 skilled trades people to Canada for non-existent jobs.

The workers—known as the "Filipino 11"—are now indentured labour after having to come up with more than \$10,000 each in administrative fees. The fees are to be paid to labour brokers and intermediaries that thrive within the unregulated margins of the TFWP.

Promised jobs in their field at up to \$23 an hour, some sold their homes or took out loans to cover the fees demanded by the labour brokers. Once in Canada, they were "sold" to unscrupulous employers, kept in an isolated rural house, and forced to do menial jobs earning a fraction of what they were promised.

The Economist magazine reported that a Barrie police officer who chanced upon them said, "They were economic slaves. It turned my stomach."

The Canadian Labour Congress first learned of the plight of these workers in September, and filed a complaint with the Conservative government, demanding an investigation.

The government's response said the department that brings in guest workers is "not mandated to monitor the working conditions offered by the employer following entry into Canada."

Meanwhile, there are allegations that the workers were handed from an unscrupulous broker to various employers.

The disturbing story of the Filipino 11 is only one of many cases across Canada involving migrant workers in the construction, health care, service, and agricultural sectors.

The CLC is calling for an immediate moratorium of the government's Temporary Foreign Worker Program until a comprehensive investigation of identified abuse and exploitation cases takes place. Full suspension of the program is necessary until the government acknowledges that it cannot "monitor the working conditions offered by the employer following entry into Canada" and protect these workers.

Welcome to New Members

As new members hire on to our mill there is a requirement for them to be initiated into the Union in order for them to become members in good standing. Both Locals 298 and 1127 require this. Listed below are Local 298 new members:

Member	Department	Initiated
Colin Taylor	Steam Plant	----
Stephen Stone	Electrical	----
Scott MacGregor	Terminal Warehouse	----
Steven Boudreau	Pulpmill	Yes
Dean Campbell	Electrical	Yes
Deanna Smith	Traffic	----
Lesil Coverdale	Raw Materials	Yes
Jeremy Striker	Pulpmill	----
Kurt Muller	Pulpmill	----
Jamie Harker	Steam Plant	----
Fred Hill	Maintenance	Yes
Mike Mailloux	Maintenance	----
Wade Waterman	Machinist	Yes
Dan Hamel	Pulpmill	----
Jean Remi	Pulpmill	----
Brian Perreault	Pulpmill	----

The next General Membership Meeting is at 4:30 pm, Wednesday, December 19, 2007 at the Union Hall, 623 Enterprise Avenue. General Membership Meetings are held on the second Wednesday of every month, except July and August, unless otherwise notified.

New members should also be aware of our strike defense fund, also known as The Futura 298 Account. To sign up for this fund members have to open an account at Envision, Snow Valley Credit Union in Kitimat. Once a month, a member has to deposit at least \$50 into the account. Local 298 will add \$8 per month to the account. Once you accumulate \$1000 it gets rolled into a term deposit of your choice with the maturity date no earlier than the end of the contract. You can access the money and interest collected only during the first month after the contract expires, for a month after the start of a strike, a lockout or acceptance of the contract, or if you quit or retire from Eurocan. Otherwise, withdrawing the money prematurely will forfeit all interest earned. For more information on the account please visit the Kitimat Credit Union.

Also, anytime a member, or retired member of Local 298 or 1127 pass away both Locals take up a collection of one hour's card and pay this tribute to the deceased member's spouse or closest relative. This money is intended to assist the surviving family members with funeral arrangements and any other incidentals.

The above benefits are explained in our bylaws; an updated version of our bylaws can be found online at our web page – <http://www.cep298.com/>.

Notice

For people wanting assistance with their WCB claims, Pat Williams will be providing assistance and can be reached at the Terminal Warehouse First Aid office at (639)-3506 or on his cell at 632-1267.

Employee and Family Assistance Program - EFAP

The services of professional counselors are available to all employees of Eurocan through the **EFAP**. Anyone needing psychological or psychiatric counseling, financial counseling or help in any matter can contact the offices of Wilson Banwell in Vancouver, toll free at **1-800-663-1142**.

The Kitimat office is located in Century House at #330 370 City Centre and the phone number is **250-632-5564**.

There is no charge for these services and all sessions are strictly confidential.

If you want advice about these services you can contact them directly or talk to one of our **EFAP** union representatives: Gary Ewanski, Mary Murphy, Peter G. King (pipefitter), or Ilona Kenny.

For more information about this product, visit www.uelick.com



Puzzle date: Wednesday, December 19, 2007

ACROSS

- 1) Cinematic stinkeroo
- 5) Latin I verb
- 9) Come into conflict
- 14) Wolf's shelter
- 15) George Will's pg.
- 16) Way to go
- 17) Hothead that's an anagram of "ante"
- 18) Was present
- 19) Orderly layout
- 20) "Share the secret!"
- 23) All there
- 24) Charged particle
- 25) "'Tain't" rebuttal
- 28) Agreement to curtail nukes, e.g.
- 31) Chic getaway
- 34) Top story, often
- 36) Hot toddy ingredient, sometimes
- 37) Mocked, in a way
- 38) "Remember your manners!"
- 42) Angled annexes
- 43) Straight away
- 44) Similar
- 45) Bread for a ham sandwich, perhaps
- 46) Disconnects, in a way
- 49) Trip instigator
- 50) Large African antelope
- 51) Memorandum
- 53) "Be honest with me!"
- 60) Arapaho abode
- 61) Parks in the front of the bus
- 62) Dion or Streisand, e.g.
- 63) Signs of things to come
- 64) Something in the air
- 65) Impulsive passion
- 66) Uncorks
- 67) Big top
- 68) Tear violently

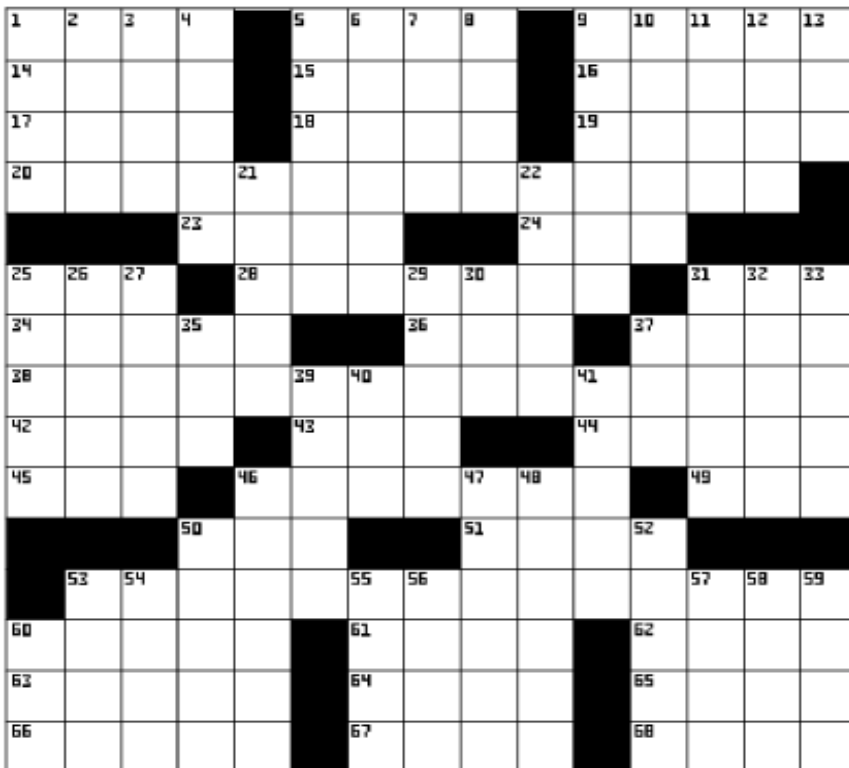


OUT WITH IT

By Diane C. Baldwin
 Edited by Timothy Parker

DOWN

- 1) Botched
- 2) Blue utterance
- 3) Sixties apparel
- 4) Bigwigs
- 5) Certain geologic epoch
- 6) Lets off the hook
- 7) Trucker's rig
- 8) Utopian spot
- 9) Marker alternative
- 10) Italian actress Sophia
- 11) Pervasive glow
- 12) Paparazzi prey
- 13) Attention-getting shout
- 21) Place to find pumpkins
- 22) Home for the Dolphins
- 25) Immobilizing weapon
- 26) Country on the Adriatic
- 27) Genre
- 29) Fish for cod
- 30) Program interruption?
- 31) Throw a wet blanket on
- 32) Fringe benefits
- 33) Tacked on
- 35) Of a thing
- 37) Leather-punching tool
- 39) Boredom
- 40) Thick head of hair
- 41) Social class in India
- 46) Hedger's word
- 47) Together (with "in")
- 48) Kid's racer
- 50) Close or Miller
- 52) Down source
- 53) Interim worker
- 54) Fencing weapon
- 55) Horse pace
- 56) Bonanza vein
- 57) Favus
- 58) Cruel tsar
- 59) Coastal covering
- 60) Inordinately



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Electroshock weapon

wikipedia.org

Principles of operation

Electroshock weapon technology uses a temporary high-voltage low-current electrical discharge to override the body's muscle-triggering mechanisms. The recipient is immobilized via two metal probes connected via metal wires to the electroshock device. The recipient feels pain, and can be momentarily paralyzed while an electric current is being applied. It is reported that applying electroshock devices to more sensitive parts of the body is even more painful. [1] The Maximum Effective Areas for stun gun usage are upper shoulder, below the rib cage, and the upper hip. The relatively low electric current must be pushed by high voltage to overcome the electrical resistance of the human body. The resulting 'shock' is caused by muscles twitching uncontrollably, appearing as muscle spasms. Experts

generally agree that the 'margin' of safety in this case is highly-dependent on the overall health of the person subjected to the shock. The higher the voltage, the more adverse it is.

According to the many sources, a shock of a half-second duration will cause intense pain and muscle contractions, startling most people greatly. Two to three seconds will often cause the subject to become dazed and drop to the ground, and over three seconds will usually completely disorient and drop an attacker for at least several seconds. TASER International warns law enforcement agencies that "prolonged or continuous exposure(s) to the TASER device's electrical charge" may lead to medical risks such as cumulative exhaustion and breathing impairment.[5] Because there is no automatic stop on a taser gun, many officers have used it repeatedly or for a prolonged period of time, thus potentially contributing to suspects' injuries or death.

BARGAINING SURVEY

Please note that this will be the last time this survey will be in the Newsletter. The Wage Delegates will be taking all of the surveys handed in and preparing a list of proposed wage demands to be included as part of the CEP Wage Caucus demands. The list will be voted on and approved by the membership at the January 2008 Membership Meeting prior to be forwarded to the Wage Caucus on January 10, 2008.

The following survey is designed to provide your wage delegate committee with a clear indication as to what the members would like to see at the table for the next round of negotiations. The current collective agreement ends May 1, 2008

Please return your completed survey to your shop steward or the union hall. Listed below are some issues which you can indicate your interest or preference for. You can also add any issue you think important.

Occupation:

Years of Employment:

Shift:

SUGGESTIONS:

Length of next contract:

Wage increase: %

Banked overtime:

Blue Net Card:

10 hour shift proposal:

Retiree full Benefits:

Negotiating incentives:

Suggestions, Concerns, Issues you feel need to be addressed during negotiations.