

Local 298 Newsletter

Issue #1 Volume 8

cep298@monarch.net

www.cep298.com

January 2004



HUNGRY IN HAZELTON Unions send Christmas -- Thanks!

Hampers arrive for Christmas

On the Saturday before Christmas a five-ton truck and a van -- loaded to the gunnels, left Super Valu in Smithers and headed up the highway bound for Hazelton.

There were Christmas hampers for 73 families who have had no work while blockading the Carnaby Mill.

CEP National, CEP Locals from across the western region, and the UFCW 247 all sent generous contributions.

(continued on page 8)

Published by CEP Local 298

623 Enterprise Avenue.

Kitimat, B.C. V8C-2E5

Phone: (250) 632-3231

Fax: (250) 632-2636



Editorial

Who Are The Real Terrorists?

By Don Klie

Over the last few months Maher Arar, the Syrian born Canadian citizen, has been in the news. This young man had the misfortune to be travelling through the United States of George Bush.

Actually, travelling through is not the correct term; he was merely making flight connections in a New York airport on his way to Montreal from Tunisia and for some reason was detained by American immigration and then deported to Syria. Arar had not been in Syria for 15 years. He left Syria with his family when he was 17 years old.

He went to university and studied hard, and eventually obtained a masters degree in telecommunications. He met his wife, Monia, at McGill University. They fell in love and eventually married in 1994. Monia has a PhD in mathematics. They have two children; a daughter 6 years old and a son 20 months.

He was a consultant for The MathWorks, a company located in Boston, Massachusetts, USA. He had traveled several times in the states and was considered to be a very valuable employee for the company. He had worked for them since 1999 and in 2001 moved back to Ottawa from Montreal and started his own consultation company.

He used to travel with a sales representative of The MathWorks as the technical consultant to help sell the company's software. From their web page is the following description of their business:

"The MathWorks is the leading developer and supplier of technical computing software in the world. Employing more than 1,000 people, The MathWorks was founded in 1984 and is headquartered in Natick, Massachusetts, with offices and representatives throughout the world. The company has been profitable every year since its inception and is privately held."

Arar was vacationing with his family in his wife's home country of Tunisia when in September 2002 was contacted by The MathWorks and asked to assess potential consulting work for one of their customers. He was traveling back to Montreal when the U.S. immigration authorities diverted/kidnapped him.

Arar eventually ended up in a Syrian prison being tortured for over a year. He was finally released in October 2003 and no one has yet been able to explain exactly why this model citizen and, up to September 2002, a success story was treated this way.

Not only were the American immigration authorities involved but so were the FBI and the RCMP. One can only assume that the FBI has access to all of the intelligence networks in the states, especially when it comes to suspected terrorist. And perhaps these agencies don't want to divulge too much information for fear that the "terrorist" would learn too much about their methods.

But, who really are the terrorists in this story? And, why aren't they being held accountable for their actions?

Is it any wonder we have so many laws that protect the guilty, when supposedly well meaning people and agencies treat decent people this way? I mean, aren't the police agencies like the RCMP and the FBI there to help, serve and protect us? Are they really this incompetent? And, if they did make a mistake (and a colossal one it seems to be) why can't they just admit that they did, apologize to the man and his family, and then do the investigation that is needed to make sure they don't make the same mistake again?

Terrorism is a terrible thing. No one will ever forget September 11, 2001 and the site of the twin towers being hit by the two airliners and then collapsing. Governments were right to respond in an aggressive manner. But, when a terrible thing like what happened to Maher Arar occurs, the government and responsible agencies must take corrective action in the same aggressive manner. Arar, and those like him, must be apologized to, properly compensated (if ever there could be an appropriate compensation for the kind of torture he endured) and corrective action taken so that it doesn't happen again.

If anything, I'm sure Arar and his family and friends would find some comfort if they knew that the mistakes that were made were exposed and then corrected.

After looking at the information about, Arar's life and job, he doesn't seem to fit the terrorist mold. He has a young family, a good job, good business associates and friends, connections to the communities that he's lived and worked in. He had traveled several times to the United States without setting off alarms. The terrorist from 9/11 didn't have roots in the community, didn't have good paying jobs or family members close by.

One thing is for sure, the harder the authorities try to hide their mistakes the worse it will look. It would be far better to expend time, energy and money on finding out why things went so wrong and then correcting them instead of trying to deny any wrong doing.

Executive Officers For 2004

		<u>Tel #</u>	<u>Work Local</u>	<u>Job Title</u>
President	Don Klie	632-7571	2367	Pipefitter
1st. Vice President	Frank Verde Sr.	632-2924	2213 or 2367	Shiploader/Labourer
2nd. Vice President	Jack McCamy	632-5658	3513	Spare Board
Financial Secretary	Mary Murphy	632-5201	3451 or 2568	First Aid/Stores
Recording Secretary	Dino Stamatakis	632-7199	2213 or 2356	Shiploader/Labourer
Inside Guard	Gary Ewanski	632-2743	2213 or 3519	Shiploader/Labourer
Outside Guard	Elvis Resendes	632-5888	2368	Pipefitter
Trustees	Gary Drake 3yr	632-2905		Lubrication Mechanic
Trustees				
Trustees	Dan Belleville 1yr	632-5935	2367	Pipefitter
Chief Shop Steward	Ilona Kenny	632-4244	3451 or 2568	First Aid/Stores

Committees

Standing: Frank Verde Sr., Dan Belleville,
Committee Ed DaCosta, Ilona Kenny, Jack McCamy

Wage: Frank Verde, Jack McCamy,
Delegates Dennis Urbanowski, Don Klie, Mary Murphy

Job Evaluation:Dave Burrows, Jack McCamy

Rehabilitation &: Mary Murphy 3yr
Reintegration Steve Welsh 2yr

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

Pensions:Gary Drake, Don Klie, Gary Ewanski

Sunshine Committee: Dorothy Birkett

Contracting Out:.....Ed O'Halligan, John Miller,
Dennis Urbanowski Dino Stamatakis

Central Safety:.....Mary Murphy, Dan Belleville,
Alfie Poellot, Angus MacLeod

Apprenticeship:John Burget, Dennis Urbanowski,
Lawrence Closter

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

Shop Stewards

Chief Shop Steward	Ilona Kenny
Yard & Stores	Mary Murphy
Janitorial	Kelly Ruff
Raw Materials	Mike Holland Arnie Carrita
Steam Plant	Andy Sanwald Richard Crockart
Pulp Mill	Dave Burrows Kevin Read
Shiploaders	Dino Stamatakis Wayne Fulljames
Warehouse\Dock	Jason Smith Angelo Marrelli
Maintenance	
Pulpmill	Al Hummel
CRU	Elvis Resendes
Paper Maint.	Dan Belleville
Electrical	Rick Wittmann
Inst. Mech.	Pablito Mendoza
Millwrights	Steve Dudra

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:

U

FOR UNION!

This newsletter is solely for the entertainment and information of the members of CEP Local 298.

Union Office Hours:

9:00 am to 5:00 PM
Monday to Thursday
Closed Friday, Saturday
And Sunday
Phone 250-632-3231
Fax 250-632-2636
Email: cep298@monarch.net

Signed articles appearing in this newsletter express the view and opinions of the authors. They are not necessarily the policy of the CEP or views shared by Local 298, its executive, or the editor. Articles and letters are encouraged and should be handed in to the union hall. You can E-mail your articles or contributions to the editor at cep298@monarch.net, or donklie@telus.net. All contributions become property of the union and must be signed. Contributors should note if they wish their material returned.

Editor: Don Klie



**Deadline for submissions
February 2004 Newsletter -
February 12, 2004**



President's Report

A Sense Of Pride At Being Able To Help Others

by Don Klie

I would like to thank all of the members who came out to vote on the Notice of Motion regarding sending financial support to CEP Local 789. While a majority of the members supported the motion it wasn't enough as it required a two-thirds majority to carry.

Several people indicated that if the motion didn't get the required mandate that they would voluntarily donate the money. Therefore, Local 298 is making arrangements to have a temporary dues increase for anyone who volunteers. The temporary increase will be until the first week after the strike is over and will be forwarded to the Vancouver regional office for the account that has been set up to pay the members of Local 789 the additional support. Anyone wishing to volunteer will be required to contact the union hall secretary, Pat Howes (632-3231, Monday through Thursday, 9:00 a.m. to 5:00 p.m.) The amount will be \$16 per pay and will start as soon as possible.

Local 789 maintains a very good up to date web page and I would encourage anyone wanting to know more about their situation to visit www.cep789.ca.

On January 9th, 2004 Domtar announced that they were shutting down one of their two paper machines and that approximately 60 union jobs and 20 staff jobs would be cut. While the announcement came as little surprise, because there had been speculation for some time that this might happen, the manner in which the company made the announcement was very poor. Brian Payne, the CEP National President, was informed of the shutdown before representatives of Local 789, plus the news was on the radio before the company officially informed Local 789. Also, while there is never a good time to announce the shutdown of a machine and the layoff of several jobs, the company's timing is obviously aimed at putting more pressure on the members of Local 789 to accept the company's inferior offer.

A copy of Local 789's President's update on the situation is re-printed in this edition of the Newsletter for your information.

Our local has always had trouble agreeing to temporarily increasing our dues to help out other CEP locals that were on strike. This type of scenario first came up in 1994 when the employers in the old primary pulp and paper industry forum were successful at breaking apart from province wide



bargaining. The union's response to this was to go with target/pattern bargaining. That is, the union pulp and paper caucus selected the target company to negotiate with and would do its best to achieve the contract demands that the whole of caucus had agreed to. While the caucus was not allowed to participate in the face to face negotiations they were privy to all of the information and were the body that had the authority to authorize whether or not the company's contract offer was acceptable to the group as a whole.

If the caucus decided that the company's offer was not satisfactory then the caucus could advise the negotiating locals to turn the offer down and force a strike or lock-out. The caucus locals also accepted the responsibility of providing extra strike support to the members who subsequently were put on the picket line. It would be inappropriate to put a group of members on the picket while the rest of the members of caucus were still working and collecting a paycheck without offering more financial support to the striking members.

In 1994, what was then the Fletcher Challenge locals were selected as the target group and eventually went on strike for approximately 6 weeks. At the time the caucus rules hadn't fully tied all of the participating locals to provide the funds for the extra strike pay. Plus, there were other problems at the time most notably the unexpected strike at Port Alberni and the whole TNL situation.

Eventually the caucus did institute a levy for all of the members that weren't on strike to help supplement the strike pay of those that were on strike. Our local put up a Notice of Motion to raise the extra funds and like this time, while there was a majority who voted in favour of providing the extra assistance, the motion failed to reach the necessary two-thirds majority.

A list of volunteers was established at that time and some extra money was sent.

In 1997 the same Fletcher Challenge locals were the target group again and eventually went on strike. This time the caucus rules were more clearly spelled out and they were voted on by each local. If you agreed to be part of caucus you had to agree to pay for the extra strike assistance. Eventually, the Fletcher locals went on strike, for over nine months, and each of us were assessed an extra \$50 per pay during the strike. This assessment did not require an extra vote as per our by-laws because our local had already been bound by the rules of caucus on this issue.

At the end of the strike the caucus locals decided to continue raising extra funds, \$25 per pay, to pay for the costs of the medical benefit coverage that each striking member had incurred. We are all familiar with having to pay back those costs.

However, the original rules of caucus stated that we would provide the extra assistance until one week after the strike, just like the strike pay. That meant that our local had to again post a Notice of Motion to raise the extra money. Again, that motion got the majority support from the membership but not the necessary two-thirds for the motion to carry.

At the time part of Local 1123, the members who were employed by Timber West, the saw mill that is part of the Campbell River/Elk Falls Pulpmill and Papermill complex but spun off by Fletcher Challenge, continued on strike for a few more weeks. Also, we had a Notice of Motion that was still in effect that required each member to pay \$15 per pay until the contract at the target group was settled. That assessment had been set aside while we were being assessed the \$50 per pay. Therefore, we did continue to send some assistance to the caucus strike support, but only until Timber West settled with Local 1123.

Each time we have voted on these Notice of Motions to raise the dues to support these other locals I have voted in favour. In the first two cases I believed that since the Fletcher Challenge locals had to go on strike to negotiate our contract we were beholden to help these members. It isn't right for those members to bear the whole costs of negotiating a contract that we basically got for free. We continued to work the whole time they were on the picket line. And remember, in 1997 those locals were out for over nine months, and they needed our help to pay off their medical premiums.

We have just been through a tough strike of our own. All of us now have an idea of what the Fletcher/Norske locals went through. I am disappointed that we couldn't get enough support to pass this motion.

Our members showed that we had what it takes to fight a tough, intransigent employer. We also showed that when we were on the picket line we were prepared to answer the call for assistance at the Carnaby mill site.

I believe that most, if not all of us felt a sense of pride and wellbeing after having stood on the line with our brothers and sisters from Carnaby. I also believe that most of the members feel a sense of pride about how we conducted ourselves during our strike at Eurocan. I had hoped that that would translate into enough support to pass this most recent Notice of Motion.

I respect the opinions of those who didn't support the motion, I just don't agree with them.

There were those who said that since Local 789 didn't send any financial support to us during our strike they didn't want to send money to them. Others noted that we weren't part of caucus so we don't have any business sending them help. Also, we have our own bills to pay, especially our medical benefit premiums to the National, and no one is helping us.

Firstly, I think that giving assistance to Local 789 would demonstrate to others that we are good union members (I'm not saying that Local 789 were not good union people for not assisting us or that those who don't want to send money their way are not good union members; also individuals are not judged solely on one act but on all of the things they do). I feel a sense of pride in being able to help them in their time of need and that makes me feel good about myself.

Secondly, when we chose not to participate in caucus we did so mainly to be able to better address our situation at Eurocan. We didn't leave the CEP. They continued to support us; Jim Dixon was here on several occasions; the National gave us an interest free loan to cover our medical benefits; they never interfered with any of our decisions or challenged our right to receive strike pay. The deal we eventually got was the CEP caucus pattern and, in fact, we were able to use the no-concessions argument to back Eurocan off their demands for concessions. We are tied inexorably to the caucus and should do what we can to support other locals in achieving the same deal we got.

Also, in previous negotiations there were locals who historically didn't participate in the CEP caucus (voice but no vote) because of its history of being the primary sector pulp and paper industry locals in B.C. However, when the call came out in 1994 for assistance those other locals provided financial assistance to the striking locals. That's a pattern that I would like to follow.

Thirdly, we've all got bills to pay and, maybe, loans to repay because of the strike outside of what we owe the National. While it is true that no one has offered to help us pay off that loan I believe they never will even think about helping us if we don't help others who are in need.

Lastly, I believe it is very important for Local 789 to achieve the pattern. In hindsight, it was a bit reassuring that, when Richard Longpre, our mediator, first interceded in July, he asked at the outset when

we were going to reduce our demands and accept the pattern agreement. The implication was the same as what had happened in the Prince Rupert situation back in 1995. Mediators/arbitrators will gravitate to what is standard in the industry (the Norske pattern set a baseline that even the mediator was prepared to accept). Therefore, it is important not just to Local 789 that they maintain the pattern but also to all of the other locals in the industry.

I would encourage all members to volunteer for the \$16 per pay contribution to Local 789. Please contact the union hall as soon as possible.

(The following article was copied from the web page of CEP Local 789. Editor.)

We Continue Our Struggle To Achieve The Pattern

Greetings All,

By now you will have, no doubt, heard the news. That is if we can call it news. Domtar says they are pulling the plug on the #1 Paper Machine. Not exactly earth shattering given that we knew they intended to do this even before the strike began but, sad just the same.

We (the Executive) were called on Wednesday evening and asked to attend a meeting in New Westminster the following evening for an important announcement. In typical low class, Dickens/Moran fashion, we got the news an hour or so before the meeting. We heard it on NW98 along with the rest of the world. NW had been contacted earlier in the day. Our National President had been contacted and was asked to comment before the local union was given the courtesy of knowing.

What does this mean? It means nothing has changed. Dickens has no class and he never will have. Even during the tension of a labor dispute a mill manager should recognize that the loss of so many jobs warrants immediate contact with the organization that represents most of those being affected. Not this bunch. When challenged on this at the beginning of our meeting, they had no response at all.

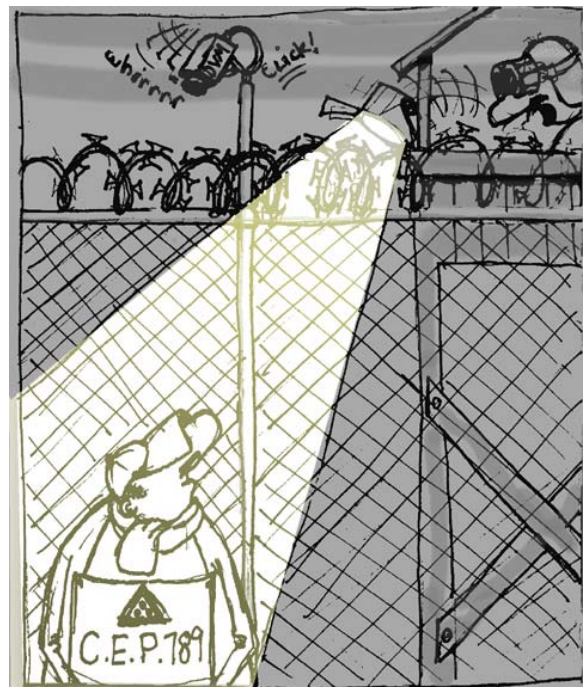
Their presentation to us began with the same mechanical, pre-packaged, regurgitated crap we have been listening to for the past year. Off-shore competition, U.S. Dollar, low costumer base, blah, blah, blah, have necessitated the shutting down of the #1 Paper Machine in order to improve the efficiency of our mill. Essential grades will be moved to other mills. All other grades will be dropped.

They estimate that some 60 union jobs will be affected. Most of the jobs being affected would be those associated with the #1 line, obviously, but other areas such as the Coater/ #2 line will also see some manning changes. They hope this action will impress upon us the need to "rally around" their efforts to improve the mill. Sound familiar? Those of you who wondered if they learned their lesson last time now have your answer. That was as specific as they would get. The mechanics of the downsizing will be worked out at standing committee after the strike is over. So at this point it is useless to speculate as to who will be eligible for severance and how soon they can get it. We do know that when the severance is given, it will be according to the terms of the collective agreement.

From there the company went on to say that they felt it was important for the sake of those being affected to bring about a speedy conclusion to the labour dispute. When asked for our opinion on that, we replied that we were prepared to continue negotiations but that our position was unchanged. The pattern must be in place for us to return to work. They said they would be calling us in the next few weeks.

So what does all this mean? Who knows? Why are they announcing this now when they made it clear before the strike that this would be happening? Is #1 really dead? Will it really affect 80 jobs (60 union/20 staff)? Is this another attempt to shake our resolve during the strike? I guess only time will tell. One thing is certain. The mentality of those who have managed this mill into the sorry state it is now in has not changed.

Fortress Domtar



In the mean time, the strike continues. We will wait for them to contact us to continue negotiations. Please attend our next membership meeting for further details. (Tuesday, Jan 13th at 3:30 pm).

These past few months have been a very eye opening time for the members of this union. They have washed away all the rhetoric and bullshit that have gone on in our mill over the past few years. This membership has now had the opportunity to witness, first hand, the unprofessional, incompetent, arrogant management in this mill and we all know that the only chance we have to save the rest of our jobs is for that condition to change. The work force that Domtar will get back after this strike will be a far different one than the group that reluctantly walked out on November 18th, 2003. We are now completely unified. Not only in our demand for a fair collective agreement, but in our recognition of the need for significant change in the leadership of this mill. It is undisputed both inside and outside the chain link fence that separates us from our livelihoods.

Local 789 has just completed its first Christmas/New Years on the picket line. There was no self-pity, no fear, no second-guessing. Each day that passes brings about stronger bonds within the membership. Each day brings about a clearer vision of how we must support one another back in the mill in the same manner as we have on the picket line. Anyone who thinks it will be business as usual had better give his or her head a shake.

So, for now, we continue our struggle to achieve the pattern. Those with less seniority who expect to be displaced as a result of this announcement should try to remain optimistic. The true number to be laid off is yet to be determined. I know many senior people are considering whether or not they ever want to return to work for this company. The severance process could greatly reduce the number of people involuntarily displaced. So, hang in there. It is far too early to predict what will happen.

We will keep you posted on any new developments. See you on the line.

Mike Fenton

(President, Local 789)



(continued from the front page)

(Christmas at Carnaby...)

Bill Goodacre and his wife Mary Etta from Smithers Super Valu stayed up most of Friday night and put together the hampers. Mo Azaz, President of Local 404 with the help of some local members and some good Samaritans hauled the hampers and distributed them to the Carnaby families.

Mo said he was overwhelmed by the generosity of so many people and so were his members. "My phone didn't stop ringing all night," said Azaz. "People were phoning saying they just couldn't believe the wonderful surprise."

Dave Coles sends a message of thanks

The Christmas season is a time for giving, for remembering those less fortunate than ourselves. The tremendous support of unions to our Carnaby workers puts real meaning to the slogan of the Labour Movement, "What we desire for ourselves, we wish for all".

On behalf of the workers at Carnaby and the CEP, I want to thank you all. The moral and financial support workers have given to "Christmas in Carnaby", and throughout the Carnaby Mill workers struggle for justice, has put into practice the meaning of solidarity.

Goodacre Still a Community Activist

Bill Goodacre, who in the early 80's was the coordinator of the BC Federation of Labour Unemployment Action Centre, and in the 90's was NDP MLA for Skeena is still a community activist.

Goodacre is now working in the family business at Super Valu in Smithers and is carrying on a family tradition of helping the community. When asked if he could put together the hampers for the Carnaby Workers his answer was without hesitation. "What do you want and when do you want it?" Thanks Bill!!!

New Year Brings New Hearing in February

New Skeena will be back in the courts in February to provide the judge with its plan to reopen the mills at Carnaby, Terrace and Prince Rupert. At hearings held in early December the CEP sought leave to proceed with the arbitration, for severance pay for Carnaby workers despite the fact that New Skeena had filed for protection under the Companies' Creditors Arrangement Act. The judge granted New Skeena until early February to come up with a financial plan. Watch for updates.

Joint Occupational Health and Safety Report

(The following is a sample of some of the material handed out at the November 2003 Joint Union-Management Safety Conference in Richmond, BC. Editor.)

YOUNG WORKER PROGRAM - WCB

Why focus on young workers?

There are more than a quarter million young workers in British Columbia who, like all workers, have a right to a safe and healthy workplace. Young workers, particularly young male workers, are at a much higher risk of injury than other workers. More than half of workplace accidents involving workers aged 15 to 24 occur during the first six months on a job with almost 20 per cent occurring during the first month.

Without the knowledge and experience of older workers, it's more difficult for youth to recognize potentially risky situations and equipment. Eager to please and unwilling to make waves, young workers may be hesitant to question the safety of work procedures or ask for proper safety training. Many feel pressured to complete a job quickly and can be swayed by peer pressure, regardless of the risk involved.

A sense of invincibility and confidence makes it easier for employers to assign dangerous tasks to young workers. And without a thorough understanding of their rights or responsibilities as workers, youth may be reluctant to ask questions or refuse to perform an unsafe work practice.

How frequently are young workers hurt on the job?

Far too often. Here are the facts:

- Each day in B.C., 34 young workers are hurt on the job, or one every 42 minutes.
- Every week, five of these young workers are permanently disabled in workplace accidents. In 2002, five young male workers were killed in work related accidents.
- Workers between the ages of 15 and 24 reported 8,630 workplace injuries in 2002. Many go unreported.

Is there a trend in young worker injuries?

While overall young worker injuries and fatalities are on the decline, serious injuries - permanent disabilities - such as amputations, broken backs and third degree burns are not.

	Fatals	Injuries per working day	Permanent disabilities per working week
1999	9	44	5
2000	6	44	5
2001	5	42	5
2002	5	34	5

Are young workers injured more often than older workers?

Sadly, yes. Males under the age of 25 are at the highest risk for a workplace injury in B.C. - seven out of every 10 young worker claims are from young males. The injury rate for young male workers is about 30 per cent higher than the overall injury rate in B.C. This means about one of every 21 working young males are hurt on the job in our province.

Young women are injured on the job far less frequently than young men - one in 63 young female workers was injured on the job last year. One reason for the difference is that young males tend to work in areas where there are more hazards. Also, in 2002 the number of employed young males increased at a more rapid pace than that of females.

Who is responsible for young worker safety?

Anyone involved with young workers has a stake in promoting a safe and healthy work environment. Employers, supervisors, unions, educators, parents, community groups and young workers themselves must share the responsibility. As the most vulnerable members of our workforce, young workers need extra support in making safe and healthy choices on the job. Like all workers, they need to understand their rights and responsibilities in the workplace.

In what industries are most young workers injured?

Industries with high young worker claim counts, costs and duration receive special attention from WCB. For 2003, WCB is looking specifically at Retail/Hospitality (Restaurants, General Retail, Supermarkets and Department stores), Manufacturing (Wooden truss manufacture and Fish processing/reduction), Forestry (Cable or hi-lead logging, Helicopter logging, Shake block cutting and Integrated logging) and Agriculture (Ranching).

What specific initiatives are being undertaken by the WCB to reduce the injury rate of young workers?

- Partnerships with existing health and safety industry associations and/or employers and

workers in the sectors with high young worker injury rates/claims

- Ongoing research with young people and stakeholders on why and how young workers are injured on the job and what can and should be done to reduce the risks young workers face
- Strategic partnerships in young worker education, training and best practices (i.e., Student WorkSafe, a comprehensive K-12 health and safety curriculum; a new Young Worker Certificate program; and Young Worker Safety Awards for youth and employers)
- Awareness initiatives with industry, labour, parents, educators, youth, government and community organizations (i.e., Annual safety awareness campaign; BC Student Voice forums; youth to youth theatre performance on young worker health and safety; presentations by injured young workers; new young worker video; parent resource materials and workshop)
- Multi-stakeholder initiatives including a Young Worker multi-stakeholder Steering Committee and Working Group with representatives from industry, organized labour, government, parents, educators, community groups and youth; Support/Advisory group for seriously injured young workers and their caregivers; and a Speakers Resource network of volunteer speakers

What resources are available to young workers?

- **Prevention Information Line**

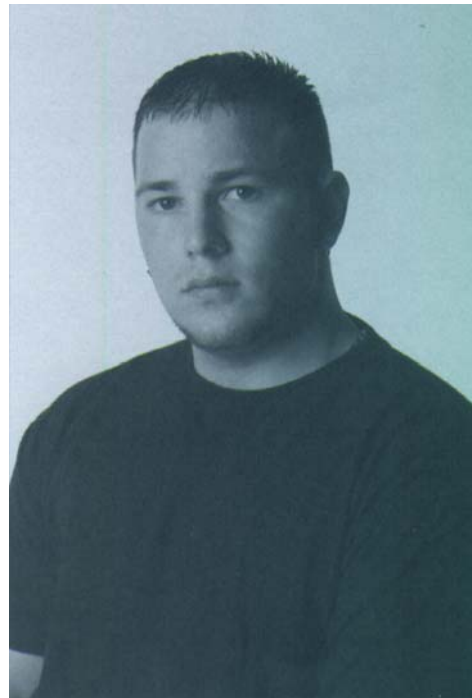
The WCB offers support for workers and employers who have questions or concerns about occupational safety and health. The Prevention Information Line at (604) 276-3100 or toll-free in B.C. at 1 888 621SAFE (7233) can provide information on safety and health, or is available to report concerns anonymously.

- <http://youngworker.healthandsafetycentre.org>
A comprehensive web site dedicated exclusively to the safety of young workers. It includes a broad range of information for youth, parents, educators, employers and other stakeholders.

For more information, please contact: Karen Zukas

Manager, Strategic Initiatives (Young Worker program) Prevention Division, WCB
(604) 276-5159 or toll-free in B.C. at 1 888 621-7233, local 5077

(The following article is the story about a young man who had the bad fortune to be involved in a horrific accident at work. Michael Lovett travels around the province with the WCB airing a video about four youths who have been injured and disabled at work. He was in Kitimat last spring for the CSSE Safety Conference. Editor.)



Michael Lovett

All Michael Lovett wanted from his first job was to earn money to buy his own vehicle. But instead, a serious workplace accident cost him a leg and left him walking on an artificial limb.

An active, fit 18-year-old, Michael had just finished high school and landed a job at a sawmill in Mission. He started on the green chain sorting lumber, then was offered a graveyard shift on the cleanup crew. He was eager to please, and wanted his co-workers to be surprised at how well he worked.

"It was a big, intimidating mill and I wasn't watched," he says. "I was trained by a guy my age on cleaning the conveyer, and was kind of thrown in there to do the job. I was told to clean the conveyer while it was moving so it would take less time. I was young, and didn't think about the possibility of injuries that could happen to me. I just wanted to get my job done."

November 9, 1999 was a cold rainy night and Michael was proud to be wearing new coveralls. He had to climb up to clean a conveyer, and when he finished he needed to jump down about six feet. As he went to jump, he slipped and one of his pant legs got caught in the conveyer's roll feeder and his leg began being sucked into the machine, dragging his whole body into the path of the blades.

"I was very scared," he says. "I thought I'd have to watch myself die going through the conveyer, and was most scared that I was going to be alive when the blades went through my head." Suddenly, a link broke off the engine's chain and the machine stopped before his whole body could get sucked in. "That link breaking is the only reason I'm here today," Michael says.

It was 3:30 in the morning and the pouring rain was loud. Michael was screaming, but it was a half-hour before help arrived. "Finally the rescue team welded me out," he describes. "They were picking apart the machine to find what parts were my leg and what were bark. I was so scared at what it might look like I didn't even look at my leg."

Michael was in the hospital for a month. His leg was cut off and he sustained significant damage to his knee, had a metal rod inserted in his thigh, had nine surgeries and 12 blood transfusions. He's undergone extensive, painful physiotherapy, with "razor-sharp pain" as he learned to walk on the artificial leg.

"I felt mutilated, like a freak," he says. "I was standing on one leg looking down at this stub and I felt ugly. I was worried my girlfriend would think I was gross and would want to leave me."

Now Michael lives with his girlfriend, but she has to do a lot to take care of him. "It makes me feel a little helpless that I need her to look after me, do lots of things for me," Michael says.

Every morning, Michael has to put on a liner over his stump, then put on his prosthesis. "I can tell you right away if it's going to be a good day with my leg or not," he says. "I don't go out much, because by 8 o'clock, when my friends say let's go out, I want to take my leg off because I'm sore. It's something I deal with every day."

"I feel a lot older than I am, like I've lost my youth. I didn't get to do all the things my friends do. It's hard for me to sit and watch my friends play football. I used to wrestle. I used to be Mr. Active. That's been taken from me."

Michael can't walk ten minutes without needing a rest, and lives with lots of pain. "This is something I have to live with," he says.

He cautions other young workers to take every necessary precaution. "Watch what you're doing and make sure you're safe. Work is not like school. There isn't anyone watching out for you like your teachers did. Don't put your life into someone else's hands," he adds. "Legs don't grow back."

BLACK LIQUOR

by Brian Kohler, CEP National Rep - Health, Safety and Environment

To chemically make pulp from wood, the cellulose fibres which are in the wood must be released. This is done by dissolving the lignin which acts as a "glue" to hold the fibres together. In the Kraft pulping process a caustic solution of sodium hydroxide and sodium sulfide called "white liquor" performs this function in a vessel called a digester.

Spent pulping liquor in Kraft mills is called "black liquor". The black liquor which results from the initial

digestion and washings of the pulp is still caustic but is now rich in lignin; and also contains turpentine, mercaptans and other sulfur compounds, and "tall oil", a mixture of rosins, oleic acids and linoleic acids.

In most Kraft mills, the black liquor is concentrated in several stages and then burned in the recovery area of the mill. Besides producing heat for steam, burning the black liquor allows some recovery in the furnace of chemicals such as a mixture of sodium sulfide and sodium carbonate (called "smelt") which is in turn treated with water and lime to produce fresh white liquor that can be used in the digester.

Black liquor is a corrosive, caustic liquid. It can cause chemical burns to the skin and eyes on contact, or damage the lungs and upper gastrointestinal tract if mist is inhaled or swallowed. In addition, it may be mutagenic (capable of causing genetic changes).

As with any chemical hazard, control at the source is preferred to controls at the worker. In most modern mills, these parts of the process are enclosed and worker exposure is minimized. Where possible worker exposure to black liquor still exists, additional control measures may be needed. The source of the exposure should be sealed or at least adequately hooded and ventilated to prevent worker exposure to steam, hydrogen sulfide, mercaptans and other toxic gases.

Plastic Peril

by Dennis O'Leary
Alternatives Journal, Spring 2003,

A LABORATORY accident has led researchers to conclusive links between a common food-packaging agent known as BPA (bisphenol A) and reproductive disorders in mice. Even traces of the compound – 20 parts per billion in drinking water – altered eight percent of mouse eggs. Under normal conditions, about one percent of eggs will be defective.

Although it is not yet determined whether BPA has a similar effect on humans, the results are disturbing because even brief exposure at very low doses was found to disrupt the growth of mouse embryos, killing them or leading to genetically abnormal offspring. Like many other chemicals known as "endocrine disrupters," BPA appears to affect reproductive functions because it mimics the chemical activity of the female sex hormone estrogen.

The discovery resulted from research not initially related to BPA at all, but from the use of a particularly harsh detergent to clean a set of plastic water bottles and mouse cages. The bottles and

cages were causes of aneuploidy, an error in cell division, which causes spontaneous miscarriages and birth defects in people, including Down's syndrome, and is also associated with a series of cancers. On noticing an alarming increase in aneuploidy among laboratory mice after the detergent leached BPA from the plastics, the researchers set up several experiments to test the effects of the chemical compound.

BPA is used in the manufacture of hard, clear plastics. Toxicologists say the chemical leaches from plastic food and drink containers, including baby bottles and cookware, as they age, especially when they are microwaved or cleaned with harsh detergents.

The results were published in the latest edition of *Current Biology*, 13 (2003), pp. 546-53. A companion paper describing the accident was published in *Lab Animal*, 32 (2003) pp24-27.

Follow up: For more research and information on BPA, see www.ourstolenfuture.org.

Dennis O'Leary is a science writer based in Toronto.

Should We Be Drinking Chlorine?

Chlorinated water: are short-term gains worth long-term pains?

by Cliff Turner
Watershed Sentinel – April/May 2001

"The dynamic growth of chlorine chemistry during the 1950s and 1960s represents a decisive mistake in 20th-century industrial development, which would not have occurred, had our present knowledge of the environmental damage and health risks due to chlorine chemistry been available then." **German Council of Experts for Environmental Issues, 1990.**

Chlorine is considered a public health panacea, a cure-all. Popular opinion is that the benefits always outweigh the risks. No doubt that chlorine treatment of water is necessary in an emergency or for disinfection of water system. But residual in a water distribution system saves inspectors from looking for sources of contamination. Like other antibiotics overuse can make the cure worse than the disease.

Chlorine is no longer effective in controlling some types of microorganisms. The fecal-oral route

of bacterial like cycles has allowed some bacteria and their mutants to thrive. The organisms only need to evolve or perfect their defenses to the barrier of chlorine. To do this, some bacteria form cysts or slime and some exist in a symbiotic relationship with microorganisms that can live in a chlorinated environment. For these reasons outbreaks of *Cryptosporidium*, *Giardia*, *Helicobacter Pylori* and other pathogens are simply not controlled by chlorine in our sewage or drinking water. It is reasonable to assume that over time more dangerous bacteria will develop these defenses, especially if we allow the fecal-oral route of disease transmission to be checked only by chlorine.

Careless use of our surface and ground water for sewage disposal and for drinking water has resulted in BC's well-deserved reputation for the most water-borne illness in Canada. BC Health bureaucrats have mastered the art of denial and misinformation regarding these problems. The accepted Public Health reaction to the problem of sewage contaminated water is to add chlorine and go back to sleep.

The continued use of chlorine is justified by risk arguments comparing the short-term results of disease prevention versus the long-term chlorine side effects. The hazards of the Endocrine Disrupting Chemicals cannot be compared to the benefits of the control of water-borne diseases. Basic sanitation or other less harmful water disinfection methods can effectively control water-borne disease. But the damage from chlorine compounds is not as easily contained or evaluated.

Disinfection of drinking water (or sewage) is a use of chlorine with major health and environmental impacts. Chlorine combines with the organic matter in water to produce hundreds of organochlorine byproducts. The dirtier the water, the more compounds are formed. Among the best understood are the carcinogenic trihalomethanes (THMs), including chloroform. Chlorinated effluents from sewage plants and pulp mills have caused severe damage to fish and aquatic ecosystems. A number of studies have linked chlorinated drinking water to bladder cancer, colorectal cancer, birth defects, low birth weight, and changes in fat metabolism that can lead to high blood cholesterol and increased risk of cardio-vascular disease. By relying on chlorine as a disinfectant, we have traded serious public health problems – infectious diseases – for new ones – chemically induced diseases. Some municipal drinking water systems are occasionally checked for THMs. But when the water is the dirtiest, and the THM levels would be high, the water is not tested.

In British Columbia, as in most jurisdictions, it is against the law to allow chlorinated drinking water to get into a fish-bearing watercourse. The toxic effects of chlorine compounds on aquatic life are well known, but what about irrigation systems using

chlorinated drinking water, as is common in the Okanagan? What about water main flushing or firefighting use of chlorinated drinking water and water main leaks and breaks? In BC, due to selective enforcement of environmental laws and some statutory exemptions, most transgressions are overlooked. Of course, if a small company or a working class citizen were caught spilling chlorine, the 'crime' would bring the full weight of the law with heavy penalties. For example, at the Walkerton Ontario investigation, the higher socio-economic suspects are praised (Medical Health Officer), while the lower-paid workers (the utility workers) are condemned, and even their pensions are cancelled. In a just society the blame would be placed on the individuals that knew the risks, and were being paid to protect the public.

Cliff Turner is Executive Director of the British Columbia Ground Water Association and a graduate of the Ryerson Public Health Program.

Chlorine Conflict

Residents of Erickson, BC, treasure their clean water and do not want it chlorinated.

**By Shirley Roburn
Alternatives Journal – Spring 2003**

THE small town of Erickson, BC, located in the Arrow Creek watershed of the Kootenay Mountains, has been the locus for one of the most dramatic water use conflicts in Canada, featuring a 55-day blockade of a chlorination plant, the dissolution of the municipal water regulator by the provincial government, and a historic community referendum on water treatment. At issue is how to best ensure the safety of drinking water.

Most municipalities in Canada treat their drinking water with chlorine as it is the cheapest and most widely available method for purification. But chlorination can involve health risks. Exposure to cancer-causing trihalomethanes (THMs), produced when chlorine combines with the organic materials often present in surface water, are a particular concern. THM warnings have been recently issued in many towns across the country, particularly in Newfoundland and Nova Scotia.

Many residents of Erickson maintain that there is no need to chlorinate their water - if the watershed remains undisturbed by industrial activity. Since 1929, when domestic water use began, drinking and irrigation water from Arrow Creek has never been chlorinated.

Until the 1990s, local people, with the support of district regulatory bodies, largely kept logging, mining and other industrial activity out of the Arrow Creek watershed altogether. But in July 1997 the Creston

Valley Forest Corporation was given a community forest license to log Arrow Creek. One month after this license received official approval, the East Kootenay Community Health Services Society issued an ultimatum for the Erickson Improvement District to begin chlorinating Arrow Creek water before public distribution.

Many area residents were incensed. In their view, the chlorination order was closely linked with plans to log in the watershed: without further water treatment in place, road building and logging activity would increase turbidity and pollution in the creek to the point where the water was no longer potable. End water users would pay for the cleanup of degradation caused by industrial activity.

District trustees, forced to comply with orders from the Ministry of Health, installed a chlorination facility in the spring of 1999. On April 29 of that year, over 120 area residents under the banner of the Water Action Group set up a rotating blockade of the facility. Following the 55-day standoff, the chlorination order was put on hold for a year and a half while the involved parties and their lawyers attempted to negotiate a settlement. In January 2001, the provincial government put the district into receivership on grounds of incompetence, replacing the elected body with an appointed trustee. The Erickson Improvement District has now been permanently absorbed by the Regional District of Central Kootenay.

A year later, community members approved the construction of a water treatment system that would not involve chlorination. Since then, the province has unilaterally 'announced plans for a \$9.6 million membrane filtration plant. Membrane systems involve passing water through filters with a pore size smaller than the substance being removed. Many residents are concerned that the high cost of building and operating this type of treatment system will be passed on to them. This fear is well founded. Water costs are expected to more than double, according to Hans Cunningham, chair of the regional district.

But even more frustrating for residents is the possibility that chlorine will be used anyway. The regional district has committed to working towards water that is clear of any chemicals. But new provincial water standards may require them to use chlorine in conjunction with the new system. Across rural BC, communities are watching the situation in Erickson closely for hints about what their own futures hold.

Shirley Roburn has a Masters degree in environmental studies from York University and works at the Society Promoting Environmental Conservation (SPEC) in Vancouver.

Another Timely Point of View

I came upon this little article while surfing for some other information. I think it is worth reading and have obtained permission to put it in our Newsletter.

It's not about the Pulp and Paper Industry at all but that doesn't much matter. If you have hung around Safety Professionals for any length of time, what becomes apparent is that safety is safety is safety. I also declined the publisher's offer of putting in the graphics, because I'm pretty sure most people are familiar with the Accident Pyramid graphic. I wanted to focus on the article and what Eurocan is doing today with the SAFOR training, how you feel about it and the bottom line question. Will today's actions really stop the accidents from happening in our mill?

Ilona Kenny

Reevaluating the Incident Pyramid

by Bob Eckhardt

Concrete Products, May 1, 2003

The safety triangle, commonly known as the safety pyramid or accident pyramid, has recently come under attack from safety professionals. It was originated in 1931 by H.W. Heinrich and detailed in his book, *Industrial Accident Prevention: A Scientific Approach*. Widely accepted for over 70 years, the safety triangle serves to illustrate Heinrich's theory of accident causation: unsafe acts lead to minor injuries and, over time, to major injury. The accident pyramid (Figure 1) proposes that for every 300 unsafe acts there are 29 minor injuries and one major injury.

Since unsafe acts are difficult to record accurately and Heinrich's theory seems logical, the safety pyramid remained unchallenged for decades. Its widespread acceptance sent safety managers and company presidents in pursuit of unsafe acts under the assumption that if they could control unsafe behavior then the major injury would not occur. In the end, despite targeting unsafe acts through behavioral systems and a variety of difficult-to-administer programs, the major injury still occurred, given enough man hours.

Over the years, a number of safety managers modified the safety pyramid to create a more quantifiable construct based on Heinrich's theory, as illustrated in Figure 2.

Over time, a greater accumulation of accident data suggested that the pyramid is not an equilateral triangle at all; depending on a company's safety culture, it may take any one of a variety of shapes, as identified in Figure 3. For example, companies

that attribute blame to employees for incidents tend to have fewer minor and more major injuries.

In some cases, the diagrams began to look more like inverted pyramids or even squares. Stated in a not-so-delicate manner in numerous articles was the observation that Heinrich's theory was just that — 'theory.' The hypothesis of the safety triangle was apparently never tested. Although the logic of his theory seems indisputable, Heinrich did not cite studies or provide supporting data.

A March 2003 *Journal of Professional Safety* article, entitled "Severe Injury Potential," by the highly esteemed safety consultant Fred Manuele indicates that safety professionals should indeed focus on preventing fatal accidents as well as the unsafe act. He says, "Many accidents that result in severe injury are unique and singularly occurring events in which a series of breakdowns occur in a cascading effect."

While few safety professionals doubt that many factors contribute to the occurrence of an incident, the key elements or indicators of fatal accidents in the concrete products industry have been related to the following:

- Not following lockout/tagout procedures, or not establishing lockout procedures for employees to follow.
- Not having established, written, safe operating procedures in place for a given function, e.g., a laborer enters the top of a silo to break loose bridged-over material.
- Not having adequate physical safeguards in place for a given process, such as unguarded bottom-feeding stockpiles.
- Conducting unsafe practices for convenience, since the risk is perceived as insignificant.
- Operating mobile equipment in an unsafe manner (perhaps previously allowed, or ignored, by supervisors).

Traffic accidents.

Each of the above indicators includes multiple underlying causes. These factors suggest that preventing the fatal accident does not depend primarily upon plant inspections in order to write up a mundane list of small items, such as frayed wires and machine guards. While frayed wires and machine guards in need of replacement can result in serious accidents, the fact remains: they seldom do. The focus of this type of inspection is typically not the prevention of the rare fatal incident, but rather, OSHA compliance. Easy-to-remedy and cheap-to-repair items are generated by safety supervisors who know the potentially severe, adverse political effects of identifying underlying management error, the need for possibly expensive training, failures with orientation, and similar costly issues.

The problem of ignoring the causes of fatal accidents is compounded when management becomes obsessed with the accident record — the dreaded lost-time accident count! Usually considered a freak incident, the rare fatal injury may be excluded from the accident count by one means or another. Many safety professionals are now focusing their efforts on preventing the fatal injury, i.e., focusing on Heinrich's incident pyramid from the top down rather than the bottom up.

Renowned safety consultant and professor Dan Petersen wrote in his second edition of *Safety Management*: "If we study any mass data, we can readily see that the types of accidents resulting in temporary total disabilities are different from the types of accidents resulting in permanent partial disabilities or in permanent total disabilities or fatalities. The causes are different."

Focusing on the top down, however, can be expensive. Such an approach means conducting a thorough evaluation and step-by-step Job Safety Analysis (JSA) followed by the development of a written Safe Operating Procedure (SOP) for every job in each plant. Because plants are seldom identical in equipment or production demands, a qualified safety professional should spend time with crew members evaluating and documenting their specific duties. Accordingly, employee training should be conducted on the basis of the JSA and SOP so that the requirements of each job are thoroughly understood.

Whenever an employee is observed not using a safety procedure, the oversight should be addressed immediately. As well, the supervisor should practice self-examination: Is the employee performing out of urgency to meet stringent production demands perceived as required by management. A more action-oriented pyramid could be developed as indicated in Figure 4.

FIGURE 4: Identify a level of importance in preventing catastrophic injury

Importance	Action
Most important	<ul style="list-style-type: none"> • Evaluate equipment and provide all available safety equipment and process equipment necessary to eliminate hazards • Evaluate processes and procedures, developing detailed Job Safety Analyses and Safe Operating Procedures
Least important	<ul style="list-style-type: none"> • Provide training • Develop a written safety program for compliance

Developing the JSA and SOP are not desk jobs. If JSAs and SOPs are poorly developed merely to satisfy an administrative requirement, more damage can be done to the safety effort than if they were omitted completely.

A practice that sorely damages a safety effort is blaming all injuries on the employee. Another of Heinrich's theories is "multiple causation," i.e., all accidents occur as a result of many factors or multiple causes. Based on this theory is the "Root Cause Analysis" used in incident investigations whereby the obvious physical circumstance of the incident is investigated to determine its cause, and what led to that, and so forth, until no further upstream or lateral factors can be identified. To avoid litigation and the obvious political ramifications of following the cause upstream, many companies simply identify the cause of most incidents as employee error or failure to follow safety rules. This simple — and somewhat dishonest defense — is brutal to employees and their families and may generate long-term "attitude" problems among other employees.

© 2003, PRIMEDIA Business Magazines & Media Inc. All rights reserved. This article is protected by United States copyright and other intellectual property laws and may not be reproduced, rewritten, distributed, re-disseminated, transmitted, displayed, published or broadcast, directly or indirectly, in any medium without the prior written permission of PRIMEDIA Business Corp.

Advice from your cat

Internet/CALM

Invite yourself to dinner.

Don't drool.

Scratch when it itches.

Be entertaining, strike poses and wiggle your ears.

Jump right into the middle of things.

Ask for attention.

Feel no guilt.

Ignore television.

Yawn like you really mean it.

Find a good lap and curl up in it.

Be soft.

Be cool and mysterious.

Make people wonder what you do at night.

Be good at finding things in the dark.

**To CEP Local 298:**

We would like to thank you for the very nice Christmas basket of goodies we received. It was very much appreciated. We also like to take this opportunity to wish all the members of the local a very Happy and Prosperous New Year.

Sincerely
Linda & Rick Wherry

Thank you for the Christmas basket, it is greatly appreciated.

May I wish all CEP 298 members a safe and healthy New Year!

Art Pilkington

To Local 298

Wish the hell I was back in the roll shop, too much work to do back here (ha ha). Enjoying every minute.

Best wishes and much happiness at Christmas and in the New Year

Howie Tavenor

Thank you 298 for a wonderful Christmas basket of goodies.

God Bless all of you, Merry Christmas and Happy New Year

Joe Farias

Wishing you all a wonderful Christmas and all the best for 2004.

Albert Reinjfell & Family

To CEP Local 298

Thank you very much for the beautiful basket, everything is so nice! We also would like to wish everyone a wonderful holiday season & all the best in 2004.

Willy & Shirley Buysse.

To Local 298

Our thanks to you for the Christmas gift basket. As each year comes and goes, it is always nice to receive a gesture of kindness. I would like to wish all the brothers and sisters of Local 298 a very Merry Christmas and a prosperous Happy New Year.

Happy Holidays!!!
Beryl & Lloyd Hubbard

To The Executive & members of CEP Local 298

Thank you for the beautiful gift basket.

Sincerely
Dorothy Birkett

To all the Brothers & Sisters of CEP Local 298:

Merry Christmas & all the best in the New Year 2004.

V. Omejc

To CEP Local 298:

Thank you Brothers & Sisters for the beautiful basket. It is always nice to be remembered.

Thank you again.
Clovis Amado

To CEP Local 298:

We at the Kitimat Child Development Centre would like to take this opportunity to express our appreciation for the generous donation of \$500.00 sent to us by the CEP Local 298. All the best to you and your organization in the New Year!

Respectfully
Maryanne Pankhurst
Accounting Administrator
Kitimat Child Development Centre

Thank you to Local 298!

We have enjoyed the Christmas basket full of cheer. We wish you all the best of health and lots of success in your jobs.

Thank you

George & Socorro Juergensen

To Local 298:

Thank you for the gift basket.

Happy New Year.

Lauri Asikainen

To CEP Local 298:

It was so nice to receive the Xmas basket and talk to Don for a moment. We really appreciated receiving it.

Many Thanks

Ann Minaker

Retirement Celebration

On Friday, November 28th, 2003 Eurocan held a retirement celebration for the following Union members: Clovis Amado – welder, John Garcia – carpenter, Bruce Griffiths – equipment operator, Peter Martin – lubrication mechanic, Sean O'Driscoll – carpenter, Esther Pretulac – first aid attendant/counterperson, Rick Wherry – pipefitter and Ari Yrkki – paper mill central control operator. On December 31st, 2003 Bruce Campbell – millwright/tool crib attendant retired.

I was fortunate to have known and worked with most of these individuals. As a pipefitter there are many jobs that I do that involve the services of a welder and on many occasions I worked with Clovis. And, for the last 10 years or so he and I have been assigned to the Papermill maintenance department. Clovis is an avid sports fan, especially soccer (football) and, from what I've been told, makes a very good blueberry wine.

Rick Wherry was a shift pipefitter since 1984. He was one of the journeymen that I apprenticed under. He was a methodical worker who did his job in what seemed to be an effortless manner. He was a very good craftsman who was keen about his vehicles and camping around Francois Lake.

Sean O'Driscoll, our resident leprechaun, always had a joke to tell or a rumour to pass on. In the mid 80's he and I played squash many times together and he gave as good as he got (even though he is

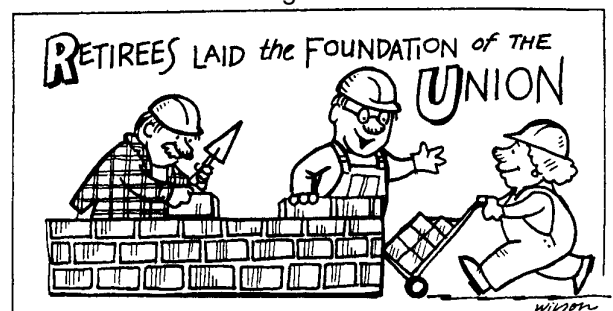
16 years my senior). Sean was a regular at union meetings and was never afraid to let you know what he thought or to challenge the Executive to be more proactive.

Peter Martin was also assigned to the Papermill maintenance department and I had many occasions to work with him. Peter was a very conscientious worker. Before coming to work at Eurocan in the early 70's he was an equipment operator and logger. One story Peter used to tell was of when he was a young man working in the bush and was asked if he would climb the tree and cut the top off. Peter was not too comfortable working from heights but was convinced by his boss to give it a try. So, if you can imagine him climbing up this tree for the first time with the saw and axe and getting everything ready and then finally the top of the tree falling over. What the supervisor had neglected to mention was that the remaining tree would sway quite a bit as a result of the top tipping over. Peter never forgot that ride and I believe it was the last one that he did.

Bruce Campbell will be hard to replace in the tool crib. He jealously protected the tools as if they were his own. I believe that our tool crib is second to none and much of the credit goes to Bruce. While some had problems with Bruce's gruff manner most tradesmen seem to agree that it is a trait shown by many tool crib attendants. While Eurocan can be credited with allotting the money necessary to purchase the tools it was Bruce's commitment to the job that saw that the tools were properly maintained and he would order or try to get the tools that the trades requested.

Esther Pretulac was a long time first aid attendant and part of the team that made Eurocan's first aid group second to none. She put as much passion and effort into her profession of first aid as she does into hobbies of golf and skiing. She was also suspected to have been responsible for the many decorations that used to appear around stores at Halloween, Christmas, Valentines' Day, Easter, etc.

I'm sure that many others have stories of their own regarding these individuals and have fond memories of them. On behalf of the members of Local 298 we would like to wish all the best for these retired members and hope that retirement meets every expectation that we all have been hoping for since we started working.





Johann Wilhelm (Willy) Frisse

On November 13, 2003 Willy Frisse passed away. It came as a shock and surprise to all of us who knew and remember him. It is thought that Willy had been working in his workshop at night and had accidentally severely cut his leg. He was found in the morning on the floor in the bathroom by his wife.

Willy has many friends still working at Eurocan. He was very active in the affairs of our Union and will always be remembered and respected for that. Willy held various positions on the union executive and at one time was president of the Local 298. He was a unique and colourful character who was never short for words. He often said that if you asked him the time he would not only tell you the time but would also tell you where and when he bought his watch and who made it.

At times such as these we mourn the death of our friend and loved one while at the same time we celebrate the life that we shared. We would like to express our condolences and hope for the best for all of Willy's family.

(The following announcement was posted by Eurocan November 19, 2003. Editor.)

The Company regretfully announces the passing of Eurocan retiree, Johann Wilhelm (Willy) Frisse. Willy passed away on Thursday, November 13th, 2003 in Langley, B.C.

Willy, a long-term employee, and a unique and colourful character, joined Eurocan on November 16th, 1970 as a Utility in the Traffic Department. He transferred to the position of Shiploader-Labourer on July 1st, 1972, a position he held until his retirement on January 3rd, 1989.

A Memorial Service for Willy [was] held at St. Joseph's Catholic Church in Langley on Wednesday, November 19th at 10:00 a.m. At the request of Willy's family, donations in lieu of flowers can be made in his memory to a charity of your choice.

The family has also shared that Sympathy Cards are welcome and can be mailed as follows:

c/o Mrs. Margarette Frisse
1337 - 200th Street Langley,
Langley, B.C.
V2Z 1W5

Our prayers go out to Willy's wife, Margarette Frisse, and to their adult children Barbara, Elizabeth,

Andreas, Conrad and Dorothea and their families. Their sadness is shared by Willy's many friends at Eurocan.

Alfred (Hookie) Martin

(The following announcement was posted in the Northern Sentinel. Editor.)

Alfred Lawrence (Hookie) Martin died December 3, 2003 at the Kitimat Multi Care Centre after a long and courageous battle with cancer. He was born April 27, 1938 in Amherst Nova Scotia and graduated from Amherst Regional High School. Worked several years in Toronto and upon his return to Amherst became sextant of The First Baptist Church for over fifteen years. Upon coming west Hookie spent 24 years with Eurocan as a Sawfitter and later as a Shiploader, retiring in 1998.

The family was blessed this September to have a visit with Hookie. He will be sadly missed by family and friends.

He is survived by his mother Marjorie Martin and his son Vaughn (Lisa) Martin all of Amherst and his daughter Cindy Deleon and grandson Chase of Toronto, sister Jackie (Keith) Fowler of Prince George, and Lucie (Ben) Bishop of Amherst. He was predeceased by his father, Thorley Martin and Aunt Margaret Martin.

Cremation has taken place and a memorial [was] held Thursday December 11th at the United Church in Kitimat at 3:30pm. The family would appreciate donation to the Lung Association or Charity of Choice.

(Hookie was a colourful character and has many friends at Eurocan and Local 298. At times such as these we mourn the death of our friend and loved one while at the same time we celebrate the life that we shared. We would like to express our condolences and hope for the best for all of Hookie's family. Editor.)

Leopold (Poly) Jachner

Recently the Union was informed that Poly Jachner passed away. Poly was a retired member of Local 298 Living the Creston, BC area. He started at Eurocan on January 23, 1971, when our local was a member of the International Brotherhood of Pulp Sulphite & Paper Mill workers. He worked for several years as a Shiploader/Labourer before retiring July 15, 1994.

At times such as these we mourn the death of our friend and loved one while at the same time we celebrate the life that we shared. We would like to express our condolences and hope for the best for all of Poly's family.

In Memoriam

One of the benefits that CEP Locals 298 and 1127 are proud to provide for our members is the monetary tribute we pay to the surviving spouse or family when a member passes away. Printed below is a copy of the bylaw concerning this subject.

Article IX

Section 1: This local shall have representation at funeral services of all deceased members interred at the local cemetery. Such representatives to be appointed by the President or his/her authorized agent. A wreath shall be sent.

Section 2: When called upon to do so, the President or his/her authorized agent, will make all necessary arrangements for the funeral, in this district of a deceased member in good standing who dies without kin, provided further that in the event of any financial cost to the local, the local shall pay these costs.

Section 3: In the event of the death, of a member or retired member of local 298 or local 1127, who remain in the Kitimat/Terrace area, each member of both locals 1127 & 298 will be assessed one (1) hour card rate. These monies to be collected through payroll deductions and be given to the widow or family of the deceased by the local president or his/her designate.

Section 4: In the event of the death of a member or retired member of Local 298 or Local 1127 who does not live in the Kitimat/Terrace area, each member of Local 298 and Local 1127 will be assessed one (1) hour card rate. These monies to be collected through payroll deductions and be given to the surviving spouse or retired member must notify the Local of their address change(s) and upon death, the surviving spouse or immediate family member must notify the Local within three months of the death. Immediate family member is defined as parent, sibling, children or dependent.

Section 5: When a member or retired member of this local dies, the President shall as the first order of business at the first following meeting, call the members to their feet and they will stand with bowed heads for a short period in respect of their departed Brother or Sister, and the Charter shall be draped for one (1) month from that date. A letter or card shall be sent to the next of kin.



Carnaby Picket Line

(The following letter was sent to Dave Coles by Peter King after the bailiff had seized the rolling stock equipment at the Carnaby sawmill. Editor.)

To CEP National office

Re: Carnaby CEP Local 404

November 19, 2003

On Tuesday evening November 18, 2003 out at the Carnaby picket line as we stood and watched the last of the equipment was being loaded up. Mo Azaz president of CEP local 404 made the last official phone call from the radio telephone out at the Carnaby site to Dave Coles to let him know what was happening and to decide what to do next. After a lengthy discussion they agreed the line was finished. And to move on to plan "B" We packed up and Mo Azaz and local 404 went back to town.

CEP Local 298 committed "win, lose or draw we would stand with CEP Local 404 until the end and the last person standing there would be a local 298 member." I watched Mo Azaz pull out in his car and turn left and head to Hazelton and then I followed him.

The fight is not over we went into Hazelton and met with Gitksan People on how to stop Dan Veniez from selling off all the logs. To keep the jobs in the area by keeping the Carnaby mill open. CEP local 298 agreed to work with CEP local 404 the Gitksan People and Jack Cram.

Peter G. King
President, CEP Local 298

Rol-Land Workers win vote

Directions/UFCW/CALM

Mushroom factory workers in Kingsville, Ontario have voted overwhelmingly to join UFCW and challenge provincial laws that say they can't.

The historic Ontario Labour Relations Board-sanctioned vote was finally counted in September following delays by Rol-Land farms, the \$50 million-a-year operation that employs about 270 workers. Hearings by the OLRB will now try to determine if the workers are eligible for UFCW Canada certification.



Grievance Report

VACATIONS MUST BE TAKEN BY APRIL 30TH

by Don Klie

Standing Committee is scheduled to meet on Wednesday, January 21, 2004.

As reported in the October 2003 edition of the Newsletter the Company and Union discussed the issue of employees' vacations. The Company had emphatically told us that they would not, under any circumstances, allow for vacations to be extended past the April 30th cutoff date. The Union very much agreed with this.

We did remind the Company that they were the ones that cancelled all vacations the day the strike started. We also informed the Company that we would not allow anyone to sell their vacations back to the Company. The Company did state, in a manner suggesting that they were complaining, that there weren't enough weeks left before April 30, 2004 to allow for all of the time to be taken off.

We therefore agreed with the Company to put a cutoff date of October 3rd for employees to rebook their time off and advised the Company that they should schedule any outstanding vacations not applied for after that date. We requested that the Company tell us by the end of October if there were any problems with scheduling the time off. At the last meeting in December the Company noted they might have problems accommodating everyone's vacation. We requested that the Company make a list of problem areas and bring it to the next Standing Committee meeting. We also requested a copy of all the time that was available to be taken off prior to the December's meeting to see if the Company had actually made an attempt to schedule anyone's vacation.

It is the Union's position that the Company was aware of the problem the week we returned to work from the strike and that immediate action was required. If the Company did not take that action then it is our opinion that they were negligent and are responsible for meeting all the conditions of the contract.

The Union has been made aware that the staff in certain departments in the mill have been telling their employees that the Union has approved the selling back of vacations. This is not true. Everyone will be required to take all of their allotted vacation time. Employees are allowed to bank up to a maximum of two weeks per year up to a maximum of six weeks in the vacation bank. Other than that all employees will be required to take their vacation prior to May 1st.

No Vacation Sell Back!

Listed below are the grievances currently being discussed and their status. If anyone has a grievance that is not listed or wishes more information please contact one of the representatives on Standing Committee or myself. Please note that several grievances are currently at fact finding but have not yet been listed here.

Grievances at Arbitration

Trina Martin – filed Nov. 1/01 – case #01-49 – unjust discipline; insubordination, indefinite suspension and two-day suspension.

CEP Local 298 – filed Nov. 14/01 – case #01-53 – unjust discipline, "Do-not-rehire" put on employees' file after employee laid-off. Arbitration date Oct. 20 & 21, 2003. In a preliminary ruling the arbitrator has determined that she does not have jurisdiction to hear the case of J. Contumelias. The arbitrator noted that Ms. Contumelias was not disciplined during her term of employment in 2000 and that there was no DNR on her file, merely that Ms. Contumelias was placed farther down the hiring list. However, the arbitrator ruled that J. Begin had the right to representation and has directed the parties to exchange particulars and any relevant documents and if they are unable to reach a resolve then the matter can go back to arbitration. **The Union has appealed this decision to the LRB and are currently waiting for a ruling which is expected by the end of the month.**

Joe Rego, Gus Stamatakis, Ernesto Carreiro – filed Oct. 15/02 – case #02-62 – violation of wage rates.

Grievances at Standing Committee

John Kenny – filed Nov. 22/01 – case #01-67 – - unjust discipline, violation of Safety agreement.

The Company has offered to meet with three union representatives during the week of Jan. 12th to discuss the issues of this grievance.

Ed O'Halligan – filed Nov. 22/01 – case #01-68 – unjust discipline, violation of Safety agreement. **The Company has offered to meet with three union representatives during the week of Jan. 12th to discuss the issues of this grievance.**

CEP Local 298 – filed Jan. 4/02 – case #02-05 – Seniority and Job Transfer violation, Steam Plant/Pulpmill Joint Utility Pool.

Brian Liberman – filed Sept. 5/02 – case #02-56 – unjust discipline.

CEP Local 298 – filed May 28/02 – case #02-48 – Safety and flexibility violation; supervisor assigning work to instrument mechanic who didn't have the necessary training to do the work. **The Company has offered to meet with three union representatives during the week of Jan. 12th to discuss the issues of this grievance.**

Don Klie – filed July 16/02 – case #02-58 – unjust discipline, verbal warning for alleged neglect of duty.
Gord Mitchell - filed Sept. 19,2002 – case #02-64 – violation of overtime distribution procedure.

Jaswant Dhillon – filed Sept. 2002 – case #02-63 – violation of overtime distribution procedure.

Jasbir Virk – filed Sept. 2002 – case #02-66 – violation of overtime distribution procedure.

Dennis Urbanowski – filed June 27/02 – case #02-55 – C/O violation, “stick in the eye” – flexibility.

Jose Rego – filed Sept. 19/02 – case #02-70 – O/T distribution violation.

Gary Riley – filed Sept. 19/02 – case #02-71 – O/T distribution violation.

Gus Stamatakis – filed Sept. 28/02 – case #02-72 – O/T distribution violation.

Ilona Kenny – filed Nov. 17/02 – case #02-67 – supervisor harassing employee.

Carlos Eguia – filed Nov. 18/02 – case #02-73 – O/T distribution violation.

John Miller – filed Dec. 17/02 – case #02-68 – C/O violation – moving concrete block barricade.

Grievances at Fact Finding

Jason Smith – filed Dec 19/02 – case #02-78 – Failure to provide work as per Rehab and Reintegration Program and Light Duty.

John Miller – filed Dec 17/02 – case #02-79 – Failure to Notify; slaker scaffold.

John Miller – filed Dec. 17/02 – case #02-80 – C/O violation – fabrication of sewer grizzly for main breezeway; failure to notify.

L. N. Foulds – filed Jan. 22/03 – case #03-02 – violation of Light Duty provisions.

Elvis Resendes – filed Feb. 10/03 – case #03-03 – O/T distribution violation.

Kevin Gentile – filed Feb 17/03 – case #03-05 – Chemical employee doing union work.

Jason Smith – filed Feb. 19/03 – case #03-13 – Discrimination.

Elaine Roik – filed Feb. 28/03 – case #03-08 – Seniority rights violation and excessive shift changes.

Schikowski, Dudra and C. Gardner – filed Mar. 3/03 – case #03-17 – O/T and C/O violation.

Jack McCamy – filed Mar 7/03 – case #03-09 – Steam Plant/Pulp Mill utility position violation.

Arnie Postman – filed Mar. 17/03 – case #03-10 – Safety and training violation.

Shari Thomas – filed Apr. 17/03 – case #03-11 – staff doing hourly work.

Claus Rosner – filed April 24/03 – case #03-18 – failure to provide work.

CEP Local 298 – filed Apr. 30/03 – unjust discipline – J. Ventura re: train collision.

Tony Grant – filed May 12/03 – case #03-14 – unjust discipline.

Elvis Resendes – filed Oct. 23/03 – O/T distribution violation; failure to follow call-list.

CEP Local 298 – filed Nov. 10/03 – C/O violation; contracting out the hauling of domestic garbage without notice.

CEP Local 298 – filed Nov. 10/03 – C/O violation; contracting out to Rain Coast Cranes without notice.

CEP Local 298 – filed Nov. 10/03 – C/O violation; contracting out boom-lift truck without notice.

CEP Local 298 – filed Nov. 10/03 – employer wrongfully seizing the Union's and employees' possessions without permission or notice.

CEP Local 298 – filed Nov. 11/03 – violation of safety training; Union does not support the SAFOR program as a safety program. Union and Company are to comply with established safety rules as amended by the Joint Safety Committees.

CEP Local 298 – filed Nov. 12/03 – C/O violation; the Company giving annual notice of contracting certain jobs instead of each time there is a requirement for the work to be contracted out, i.e.: radio repair, cranes, hydro mechanical, etc.

Completed Grievances

(After the most recent chemical spill that was investigated by the Ministry of the Environment the Union sought a written legal opinion of just exactly what the rights and responsibilities were for our members who were required to be interviewed. The following is that legal opinion. Editor)

Can I Plead The Fifth?

Re: Environmental Spill Investigation

Dear Mr. King:

You have advised us of a recent environmental spill currently under investigation by the Ministry of Water, Land and Air Protection Environmental Protection Branch (the "Branch"). It is our understanding that the Branch will be interviewing union members on Monday, November 24, 2003. Further, you have advised us that the Branch Investigator may read out a "Miranda" type warning to each individual prior to the interview.

Given the above situation we advise the following:

1. An individual is under no requirement to speak to the Investigator. If, however, a person who agrees to answer questions is concerned about future criminal charges, that person may seek the protection of the *Evidence Act*, RSBC 1996, c.124. Section 4 of the Act states:

(1) In this section, "witness" includes any person who testifies in the course of any proceedings authorized by law.

(2) A witness must not be excused from answering a questions or producing a document on the ground that the answer or the document may tend to incriminate the witness or any other person, or may tend to establish his or her liability to a civil proceeding at the instance of the Crown or of any person or to a prosecution under any Act.

(3) If a witness objects to answering a question on any of the grounds referred to in subsection (2), and if, but for this section or any Act of Canada, the witness would have been excused from answering the question, then, although the witness is by reason of this section or by reason of any Act of Canada compelled to answer, the answer given must not be used or receivable in evidence against that witness in any civil proceeding or in any proceeding under any Act.

This means that as long as an individual informs the investigator that they are seeking the protection of section 4 of the Act, they can not be charged criminally or under any other proceeding based solely on the evidence they provide to the investigator. The Investigator may, however, use the information provided to further the investigation.

2. If, at any time, an individual becomes uncomfortable, the person may decline to answer the question, or any further questions.

3. Participation in the Investigation is the choice of the individual member and is not a matter for the Union to decide. While stewards may advise members of their rights, they ought not give members legal advice. If a member is concerned, they should be counselled to seek legal advice.

Please feel free to contact us should you require anything further.

Yours truly,
VICTORY SQUARE LAW OFFICE

Flight risk?

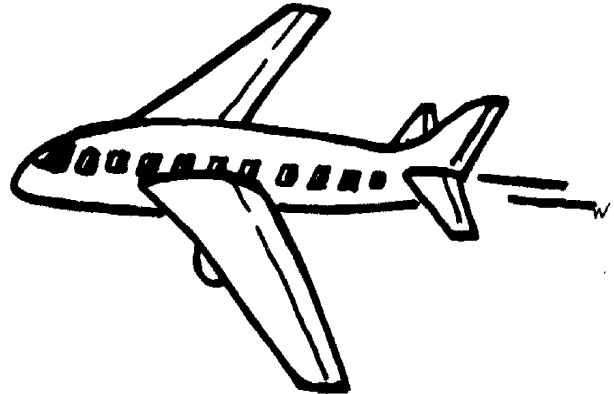
Labor Notes/CALM

South Korean labour activist Lee Sung Woo-who lost both legs and one arm in a workplace accident-was recently jailed for organizing workers in the construction industry. Despite his missing limbs, he was subsequently labeled a "flight risk" and denied bail.

Miscalculation

Internet/CALM

At New York's Kennedy Airport, a public school teacher was arrested trying to board a flight. He had in his possession a ruler, a protractor, a setsquare, a slide rule and a calculator.



At his morning press conference, U.S. Attorney General John Ashcroft said he believed the man was a member of the notorious Al-gebra movement. The FBI charged him with carrying weapons of math instruction.

"Al-gebra is a fearsome cult," Ashcroft said. "They desire average solutions by means and extremes and sometimes go off on tangents in a search of absolute value. They use secret code names like 'x' and 'y' and refer to themselves as 'unknowns.' We have determined they belong to a common denominator of the axis of medieval with coordinates in every country."

"As the Greek philanderer Isosceles said, 'There are three sides to every triangle,'" Ashcroft declared.

He continued, "I am gratified our government has given us a sine that it is intent on protracting us from these math-dogs who are willing to disintegrate us with calculus disregard. Murky statisticians love to inflict plane on every sphere of influence."

"Under the circumstances, we must differentiate their root, make our point and draw the line," he warned. "These weapons of math instruction have the potential to decimal everything in their math on a scalene never before seen unless we become exponents of a higher power and begin to factor-in random facts of vertex."

Ashcroft added, "Read my ellipse. There's one principle of certainty-though they continue to multiply, their days are numbered as the hypotenuse tightens around their necks."

When asked to comment on the arrest, President George W. Bush said, "If God had wanted us to have better weapons of math instruction, he would have given us more fingers and toes."

Rogers Contract Settled

The Communications, Energy and Paperworkers Union of Canada has reached a tentative agreement with Rogers Cable covering cable TV technicians and installers employed throughout New Brunswick.

"Ownership of the cable business in New Brunswick has changed as often as the weather during the past ten years, said Ervan Cronk, CEP Atlantic Region administrative vice president. "Our members have become quite accustomed to changing the logo on their uniforms. This is our first agreement with Rogers and, although it did not come easy, we hope it's the beginning of a good and lasting relationship with this employer."

The 85 workers employed at Rogers, members of CEP Local 875, had voted strongly in favour of strike action last month. The tentative agreement came on the heels of that vote and with the help of a conciliation officer.

"It is unfortunate that we had to seek a strike mandate from our members in order to advance bargaining," Mr. Cronk said. "But the reality is that the strong support we received from the members is what produced this settlement."

Terms of the agreement include wage increases ranging from 9% to 17.2% over three years, increased vacations and improvements to job security provisions.

Work Law

Message from the courts

by Tim Gleason/CALM

The Supreme Court of Canada has released a flurry of labour law decisions in recent months that show where workplace law may be going. The Court has upheld the notion that workers' legal rights override what may be in a contract. The Court has also suggested that fairness before process should rule in arbitrations.

The *Parry Sound v. OPSEU* case (September 2003 LNG) sent a clear message that employees' statutory rights should be upheld by arbitrators, despite technical arguments or collective agreement provisions to the contrary.

Similarly, the Court sent a strong message to the Nova Scotia courts that a discriminatory workers' compensation scheme could not be sustained.

The top court has also issued two decisions concerning the rights of criminals in the workplace.

The first, and most significant, case dealt with the issue of a grievor's right to re-try a criminal conviction in the context of a discharge grievance. An employee of the City of Toronto had been convicted of sexually assaulting a child with whom he

was employed to work. When the city fired him, his union grieved. In the arbitration, the grievor argued he had not committed the sexual assault. The arbitrator allowed the union to advance this argument and found that the city had not proven the facts underlying the conviction (the city had not called the child to testify).

The courts at every level disagreed with the arbitrator. They found he should not have allowed the union to re-try the court's finding of guilt. When the case reached the Supreme Court of Canada, that court issued a scathing judgement, calling the arbitrator's approach a "blatant abuse of process" and seemingly closed the door on such "collateral" attacks in the future.

But the Court also suggested that, in some circumstances, fairness might demand a more flexible approach. Although the Court expressed significant disagreement with the arbitrator, it suggested that "There are many circumstances in which the bar against relitigation... would create unfairness. If, for instance, the stakes in the original proceeding were too minor to generate a full and robust response, while the subsequent stakes were considerable, fairness would dictate that the administration of justice would be better served by permitting the second proceeding to go forward rather than by insisting that finality should prevail. An adequate incentive to defend, the discovery of new evidence in appropriate circumstances, or a tainted original process may all overcome the interest of the original decision."

The Court again considered the interplay of criminal and labour law in a decision respecting alleged discrimination on the basis of a record of offences. In that case, a grievor was jailed following a conviction for fraud. Subsequently, he was terminated and a human rights tribunal found that he had been unlawfully discriminated against. Again, the courts disagreed, and the Supreme Court of Canada suggested that the protection against this sort of discrimination should be interpreted narrowly and that it did not prohibit discrimination on the basis of the result of the conviction-incarceration.

Despite its narrow construction, however, the Court did suggest that the policy basis for the prohibition itself was important, stating that "In the case of employment, the courts must take a firm stance against discrimination based on criminal record. The saying 'once a criminal, always a criminal' has no place in our society. Individuals who have paid their debt to society are entitled to resume their place in society and to live in it without running the risk of being devalued and unfairly stigmatized."

For those of us in the labour community, some these decisions are not all that surprising or groundbreaking. Arbitrators have long embraced statutory employment rights. Even though the Court has now expressed a somewhat harsh view of

convicted criminals, it's also clear that the door has been left open, if only a sliver, for arbitrators to place fairness before process and to look beyond a criminal conviction to achieve a just result in the workplace.

If nothing else, the Supreme Court has collected the various opinions and condensed them into a couple of judgements, providing us with a convenient starting point in our search for answers to these questions.

- *Tim Gleason practises law with Sack Goldblatt Mitchell in Toronto. For more information on labour law issues, visit the firm's web site at www.sgmlaw.com*

Quarantining dissent

How the Secret Service protects Bush from free speech

James Bovard, Sunday, January 4, 2004
San Francisco Chronicle

When President Bush travels around the United States, the Secret Service visits the location ahead of time and orders local police to set up "free speech zones" or "protest zones," where people opposed to Bush policies (and sometimes sign-carrying supporters) are quarantined. These zones routinely succeed in keeping protesters out of presidential sight and outside the view of media covering the event.

When Bush went to the Pittsburgh area on Labor Day 2002, 65-year-old retired steel worker Bill Neel was there to greet him with a sign proclaiming, "The Bush family must surely love the poor, they made so many of us."

The local police, at the Secret Service's behest, set up a "designated free-speech zone" on a baseball field surrounded by a chain-link fence a third of a mile from the location of Bush's speech.

The police cleared the path of the motorcade of all critical signs, but folks with pro-Bush signs were permitted to line the president's path. Neel refused to go to the designated area and was arrested for disorderly conduct; the police also confiscated his sign.

Neel later commented, "As far as I'm concerned, the whole country is a free-speech zone. If the Bush administration has its way, anyone who criticizes them will be out of sight and out of mind."

At Neel's trial, police Detective John Ianachione testified that the Secret Service told local police to confine "people that were there making a statement pretty much against the president and his views" in a so-called free-speech area.

Paul Wolf, one of the top officials in the Allegheny County Police Department, told Salon that the Secret Service "come in and do a site survey, and say, 'Here's a place where the people can be, and we'd like to have any protesters put in a place that is able to be secured.'"

Pennsylvania District Judge Shirley Rowe Trkula threw out the disorderly conduct charge against Neel, declaring, "I believe this is America. Whatever happened to 'I don't agree with you, but I'll defend to the death your right to say it'?"

Similar suppressions have occurred during Bush visits to Florida. A recent St. Petersburg Times editorial noted, "At a Bush rally at Legends Field in 2001, three demonstrators -- two of whom were grandmothers -- were arrested for holding up small handwritten protest signs outside the designated zone. And last year, seven protesters were arrested when Bush came to a rally at the USF Sun Dome. They had refused to be cordoned off into a protest zone hundreds of yards from the entrance to the Dome."

One of the arrested protesters was a 62-year-old man holding up a sign, "War is good business. Invest your sons." The seven were charged with trespassing, "obstructing without violence and disorderly conduct."

Police have repressed protesters during several Bush visits to the St. Louis area as well. When Bush visited on Jan. 22, 150 people carrying signs were shunted far away from the main action and effectively quarantined.

Denise Lieberman of the American Civil Liberties Union of Eastern Missouri commented, "No one could see them from the street. In addition, the media were not allowed to talk to them. The police would not allow any media inside the protest area and wouldn't allow any of the protesters out of the protest zone to talk to the media."

When Bush stopped by a Boeing plant to talk to workers, Christine Mains and her 5-year-old daughter disobeyed orders to move to a small protest area far from the action. Police arrested Mains and took her and her crying daughter away in separate squad cars.

The Justice Department is now prosecuting Brett Bursey, who was arrested for holding a "No War for Oil" sign at a Bush visit to Columbia, S.C. Local police, acting under Secret Service orders, established a "free-speech zone" half a mile from where Bush would speak. Bursey was standing amid hundreds of people carrying signs praising the president. Police told Bursey to remove himself to the "free-speech zone."

Bursey refused and was arrested. Bursey said that he asked the police officer if "it was the content of my sign, and he said, 'Yes, sir, it's the content of your sign that's the problem.' " Bursey stated that he had already moved 200 yards from where Bush was

supposed to speak. Bursey later complained, "The problem was, the restricted area kept moving. It was wherever I happened to be standing."

Bursey was charged with trespassing. Five months later, the charge was dropped because South Carolina law prohibits arresting people for trespassing on public property. But the Justice Department -- in the person of U.S. Attorney Strom Thurmond Jr. -- quickly jumped in, charging Bursey with violating a rarely enforced federal law regarding "entering a restricted area around the president of the United States."

If convicted, Bursey faces a six-month trip up the river and a \$5,000 fine. Federal Magistrate Bristow Marchant denied Bursey's request for a jury trial because his violation is categorized as a petty offense. Some observers believe that the feds are seeking to set a precedent in a conservative state such as South Carolina that could then be used against protesters nationwide.

Bursey's trial took place on Nov. 12 and 13. His lawyers sought the Secret Service documents they believed would lay out the official policies on restricting critical speech at presidential visits. The Bush administration sought to block all access to the documents, but Marchant ruled that the lawyers could have limited access.

Bursey sought to subpoena Attorney General John Ashcroft and presidential adviser Karl Rove to testify. Bursey lawyer Lewis Pitts declared, "We intend to find out from Mr. Ashcroft why and how the decision to prosecute Mr. Bursey was reached." The magistrate refused, however, to enforce the subpoenas. Secret Service agent Holly Abel testified at the trial that Bursey was told to move to the "free-speech zone" but refused to cooperate.

The feds have offered some bizarre rationales for hog-tying protesters. Secret Service agent Brian Marr explained to National Public Radio, "These individuals may be so involved with trying to shout their support or nonsupport that inadvertently they may walk out into the motorcade route and be injured. And that is really the reason why we set these places up, so we can make sure that they have the right of free speech, but, two, we want to be sure that they are able to go home at the end of the evening and not be injured in any way." Except for having their constitutional rights shredded.

The ACLU, along with several other organizations, is suing the Secret Service for what it charges is a pattern and practice of suppressing protesters at Bush events in Arizona, California, Connecticut, Michigan, New Jersey, New Mexico, Texas and elsewhere. The ACLU's Witold Walczak said of the protesters, "The individuals we are talking about didn't pose a security threat; they posed a political threat."

The Secret Service is duty-bound to protect the president. But it is ludicrous to presume that would-

be terrorists are lunkheaded enough to carry anti-Bush signs when carrying pro-Bush signs would give them much closer access. And even a policy of removing all people carrying signs -- as has happened in some demonstrations -- is pointless because potential attackers would simply avoid carrying signs. Assuming that terrorists are as unimaginative and predictable as the average federal bureaucrat is not a recipe for presidential longevity.

The Bush administration's anti-protester bias proved embarrassing for two American allies with long traditions of raucous free speech, resulting in some of the most repressive restrictions in memory in free countries.

When Bush visited Australia in October, Sydney Morning Herald columnist Mark Riley observed, "The basic right of freedom of speech will adopt a new interpretation during the Canberra visits this week by George Bush and his Chinese counterpart, Hu Jintao. Protesters will be free to speak as much as they like just as long as they can't be heard."

Demonstrators were shunted to an area away from the Federal Parliament building and prohibited from using any public address system in the area.

For Bush's recent visit to London, the White House demanded that British police ban all protest marches, close down the center of the city and impose a "virtual three-day shutdown of central London in a bid to foil disruption of the visit by anti-war protesters," according to Britain's Evening Standard. But instead of a "free-speech zone," the Bush administration demanded an "exclusion zone" to protect Bush from protesters' messages.

Such unprecedented restrictions did not inhibit Bush from portraying himself as a champion of freedom during his visit. In a speech at Whitehall on Nov. 19, Bush hyped the "forward strategy of freedom" and declared, "We seek the advance of freedom and the peace that freedom brings."

Attempts to suppress protesters become more disturbing in light of the Homeland Security Department's recommendation that local police departments view critics of the war on terrorism as potential terrorists. In a May terrorist advisory, the Homeland Security Department warned local law enforcement agencies to keep an eye on anyone who "expressed dislike of attitudes and decisions of the U.S. government." If police vigorously followed this advice, millions of Americans could be added to the official lists of suspected terrorists.

Protesters have claimed that police have assaulted them during demonstrations in New York, Washington and elsewhere.

One of the most violent government responses to an antiwar protest occurred when local police and the federally funded California Anti-Terrorism Task Force fired rubber bullets and tear gas at peaceful protesters and innocent bystanders at the Port of Oakland, injuring a number of people.

When the police attack sparked a geyser of media criticism, Mike van Winkle, the spokesman for the California Anti-Terrorism Information Center told the Oakland Tribune, "You can make an easy kind of a link that, if you have a protest group protesting a war where the cause that's being fought against is international terrorism, you might have terrorism at that protest. You can almost argue that a protest against that is a terrorist act."

Van Winkle justified classifying protesters as terrorists: "I've heard terrorism described as anything that is violent or has an economic impact, and shutting down a port certainly would have some economic impact. Terrorism isn't just bombs going off and killing people."

Such aggressive tactics become more ominous in the light of the Bush administration's advocacy, in its Patriot II draft legislation, of nullifying all judicial consent decrees restricting state and local police from spying on those groups who may oppose government policies.

On May 30, 2002, Ashcroft effectively abolished restrictions on FBI surveillance of Americans' everyday lives first imposed in 1976. One FBI internal newsletter encouraged FBI agents to conduct more interviews with antiwar activists "for plenty of reasons, chief of which it will enhance the paranoia endemic in such circles and will further service to get the point across that there is an FBI agent behind every mailbox."

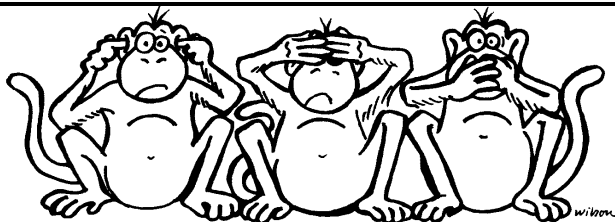
The FBI took a shotgun approach toward protesters partly because of the FBI's "belief that dissident speech and association should be prevented because they were incipient steps toward the possible ultimate commission of act which might be criminal," according to a Senate report.

On Nov. 23 news broke that the FBI is actively conducting surveillance of antiwar demonstrators, supposedly to "blunt potential violence by extremist elements," according to a Reuter's interview with a federal law enforcement official.

Given the FBI's expansive definition of "potential violence" in the past, this is a net that could catch almost any group or individual who falls into official disfavor.

James Bovard is the author of "Terrorism & Tyranny: Trampling Freedom, Justice, and Peace to Rid the World of Evil." This article is adapted from one that appeared in the Dec. 15 issue of the American Conservative.

©2004 San Francisco Chronicle



Corporate Crime Index

CCPA Monitor/CALM

Corporate crime is rampant but is seldom punished, and then only through fines that most corporations build into their operating costs.

In Canada, such fines are accepted as legitimate business costs for tax-reduction purposes. Criminal charges are extremely rare, no matter how many deaths or injuries result from corporate misconduct.

Among the worst corporate crimes are the tobacco industry's suppression of evidence about the link between its product and lung cancer, heart disease and emphysema; the conspiracy of several U.S. companies, including General Motors, Standard Oil and Firestone, to eliminate eco-friendly inner-city rail transit systems in more than 100 U.S. cities; and the concealment for decades by the lead-additive industry of the toxic effects of leaded gasoline, particularly in children.



The fines levied on corporations and executives—even for the most horrific misdeeds—fail to make the penalty fit the crime or even to serve as an effective deterrent. The 10 investment banks involved in the recent stock scandals in the U.S. were fined a total of \$1.4 billion, but this amount, though large, was just three per cent of their annual earnings. Stock analyst Jack Grubman, who was fined \$15 million, made \$67.5 million in the previous three years.

The FBI estimates that all individual robberies in the U.S. total about \$3.8 billion a year, compared to as much as \$400 billion in corporate health-care fraud.

Bribery is a common corporate crime. In 2002, the Canadian engineering firm Acres International was convicted of bribery to promote a dam project in Lesotho and fined \$2.2 million.

Peddling dangerous products is also a frequent corporate crime. In the U.S., companies were forced to recall 344 unsafe products in 2001, including child car seats, turkey meat and exercise machines. In 2002, Johnson and Johnson was forced to stop selling its heart-burn drug Propulsid after it was connected to 80 deaths. In August 2001, Bayer withdrew its popular cholesterol drug Baycol, which was linked to 100 deaths.

(The following is a copy of the oral reasons for judgment in our court case with Eurocan during the strike. In the end the judge dismissed Eurocan's application and awarded us court costs. That means, Eurocan had to pay our lawyers' fees and other legal expense for defending ourselves in court. Editor.)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Oral Reasons for Judgment The Honourable Mr. Justice Brooke August 15, 2003

**BETWEEN: EUROCAN PULP & PAPER CO., a
division of WEST FRASER MILLS LTD.
PLAINTIFF**

**AND: COMMUNICATIONS, ENERGY &
PAPERWORKERS UNION OF CANADA,
LOCAL 298 ITS MEMBERS, SERVANTS
AND' AGENTS AND PERSONS UNKNOWN
DEFENDANTS**

**Counsel for Plaintiff: P.D. McLean
Counsel for Defendants: M. S. Brown**

**Place and Date of Hearing: Vancouver, B.C.
August 15, 2003**

(1) THE COURT: The plaintiff applies, pursuant to Rules 44 and 45 of the **Rules of Court** and s. 39 of the **Law and Equity Act**, R.S.B.C. 1996, c. 253 for an interlocutory injunction:

- (a) restraining the defendants from obstructing, blockading or denying ingress or egress to any persons or vehicles entering or leaving the plaintiff's place of business at Kitimat;
- (b) enjoining interference with business, contractual or economic relationship between the plaintiff and its customers, suppliers and others;
- (c) enjoining creating a nuisance in, at or near the premises at Kitimat; and
- (d) ordering, aiding, abetting, conspiring with or counselling any person or persons, to commit any of the acts previously referred to. In addition, the plaintiff seeks a police enforcement provision.

[2] I will refer to the plaintiff as "Eurocan" and the defendants as "the Paperworkers" or "Paperworkers".

[3] The application is brought in the context of a lawful strike that has been ongoing, as I understand it, since May the 27th or 28th of this, year.

[4] An earlier application was made by the plaintiff for injunctive relief, and that came before my brother Mr. Justice Fraser on the 9th and 10th of June, 2003, and resulted in Reasons for Judgment on the last named date. His Lordship declined to order the injunction sought by Eurocan and declined to hang the sword of contempt over the Paperworkers. In doing so, he emphasized the importance of the alternate recourse Eurocan had to the assistance of the police and the corresponding duty of the police to prevent the blockage of public rights of way. In addition, His Lordship found that the picketers were acting unlawfully in blockading the access to the Eurocan site and specifically in refusing access to specifically named people. Finally, it was ordered that the Reasons for Judgment be circulated amongst those on the picket line and the police.

[5] Matters seemingly remained unremarkable until the 12th, 13th and 14th of August. On the 12th of August, Eurocan engaged a truck to deliver sulphuric acid to the site. The R.C.M.P. were in attendance and assisted the driver of the truck in gaining access to the site. Two day later, on August the 14th, the same truck driver, the same truck and a fresh load of sulphuric acid arrived at the site.

[6] I have the affidavit of Craig Driedger, who says that he was approached by a member of the R.C.M.P. who told him that the R.C.M.P. would not assist him in crossing the picket line because they were having to attend each time a truck attempted to cross. The member also requested, according to Mr. Driedger, that he not try and force the vehicle through the line.

[7] Mr. Driedger then deposes, and I am paraphrasing what he says, that he approached the picketers, told them that he wanted to deliver the load and was told that he was "not getting through" and that he should "take my load and go back home." Mr. Driedger, again, sought assistance from the police and, when they declined, he left the property and this application was brought.

[8] In the interval, between the Reasons for Judgment of Mr. Justice Fraser and the events of August the 12th and August 14th, the assistance of the police was sought and obtained. The sergeant involved on the evidence before me was Sergeant Perry.

[9] As part of the material filed by Eurocan, Exhibit "E" to the affidavit of Dawn Wong, is found a

copy of a message from a Sergeant Laurie, the police labour communications officer for E Division at Vancouver. Amongst other things, Sergeant Laurie says that the police attempt to remain neutral between the employer and the union, but, and I quote:

In my view, if we assist the company in this way, we are giving up our neutrality and it will appear so to all involved, including the union. Our policy states that we will take a neutral stand and, further, that we will encourage participants in the dispute to seek civil remedies for civil issues.

He goes on to say:

I believe that it is time for the employer to seek an injunction to deal with the issue of access to the site. In this way, the police will not be asked to assess whether the risk of a peace breach is less important than the risk to the environment or the risk to property damage.

That seemingly accounts for the position taken by the member on August the 14th that I have earlier referred to.

[10] The Paperworkers provided an unfiled and unsworn, at this juncture, copy of an affidavit by counsel - - or through counsel, rather, that of Don Klee (sp), who deposes to observing a video tape of the incident of August the 14th. He also deposes to his own conduct as first vice-president of the Paperworkers Union and says with respect to the events of August the 14th, that the tape discloses that, in conversation between the truck driver and Mr. Klee (sp), the truck driver said:

I don't suppose you guys are going to let me in and go unload this one last load, eh?

Don Klee (sp) responds:

We don't want to.

The truck driver then says:

Okay. I was just instructed to ask and that's all I can do. No problem.

[11] The affidavit goes on to say that the truck driver returned to speak with the R.C.M.P., there is some discussion recorded, and a member of the Paperworkers says, "Take your truck and bring it home" and the truck driver says, "I guess I'll back out of here."

[12] Of some importance, Mr. Klee (sp) deposes to the role of the picketers on the picket line. He says that:

CEP 298 members were allowed to temporarily halt traffic through our picket line for the purpose of communicating with the occupants of vehicles. I said I understood that CEP 298 members were allowed to try and encourage people not to cross the picket line, CEP 298 members must allow for such passage.

In substance, Mr. Klee (sp) says that the driver of the truck containing the acid did not insist on his right of passage and did not attempt to cross the line.

[13] In the elaborate and highly choreographed *pas de deux* that often exists between an employer and its union, the union, it is said, has two fundamental powers, the first the withdrawal of labour, and the second, picketing.

[14] The importance of picketing is set out by Chief Justice McLachlin in the ***Retail, Wholesale and Department Store Union, Local 558 v. Pepsi-Cola Beverages (West) Ltd.*** Case where at paragraph 32 she says this:

Picketing, however defined, always involves expressive action. As such, it engages one of the highest constitutional values: freedom of expression, enshrined in s. 2(b) of the ***Charter***. This Court's jurisprudence establishes that both primary and secondary picketing are forms of expression, even when associated with tortious acts... The Court, moreover, has repeatedly reaffirmed the importance of freedom of expression. It is the foundation of a democratic society.

[15] Counsel for Eurocan also points out the Chief Justice McLachlin says at paragraph 103 the following:

At this point we may usefully review what is caught by the rule that all picketing is legal absent tortious or criminal conduct. The answer is, a great deal. Picketing which breaches the criminal law or one of the specific torts like trespass, nuisance, intimidation, defamation or misrepresentation will be impermissible, regardless of where it occurs.

[16] Clearly, the importance of the relationship between employers and employees in our society has been recognized by the legislature of this province and the Parliament of Canada the

legislature of this province and the Parliament of Canada in establishing specialized tribunals to deal with matters arising between employers and their bargaining units while limiting the courts to exercising their jurisdiction where the ordinary law of the land, including the tort law, is violated.

[17] In this case, the Paperworkers say that the threshold of a fair question to be tried has not been crossed, that on the evidence tendered by the Paperworkers they will endeavour to persuade those who wish to cross the picket line to think twice and perhaps change their mind and not cross the line, but that their passage will not be obstructed. She points to the conduct of the Paperworkers after the pronouncement of the Reasons for Judgment of Mr. Justice Fraser, in, first of all, dismantling the physical blockade and, secondly, removing the list of interdicted persons who were not permitted to enter the premises.

[18] The nature of the injunction Eurocan seeks is broadly cast, and while two forms of order have been tendered, one with and one without a police enforcement clause, it must be remembered that any injunctive relief requires an evidentiary basis and at least a *prima facie* case by the applicant. I am not satisfied that Eurocan has made out that *prima facie* case.

[19] At this juncture, the labour dispute has been on going for more than two months. At this juncture, it had been peaceful. The police have endeavoured to comply with the order of Mr. Justice Fraser, which suggested that it was for the police to ensure that the public way was kept open, not for the court.

[20] The police, through Sergeant Laurie, have commented upon the importance of preserving their neutrality, and it bears mentioning that one of the reasons for that is to maintain the credibility of the police should any enforcement steps be necessary in the event injunctive relief is granted and a party enjoined is in breach and thereby in contempt of the order of the court.

[21] On August the 14th, clearly the police did not assist the driver of the truck in entering the premises of Eurocan; Sergeant Laurie had said as much. I am not satisfied that the driver of the truck did make a reasonable effort to cross the line. The video, which I have not seen, nor has counsel for Eurocan, may offer further evidence of what transpired and may provide a better evidentiary foundation for the injunctive relief Eurocan seeks.

[22] The Paperworkers recognize the importance of acid being delivered to the site. No issue is taken with that. Mr. Klee (*sp*) says that if Mr. Driedger or

any other operator of a truck presents himself at Eurocan's premises at Kitimat that they will not ultimately prevent the driver of the truck from accessing those premises.

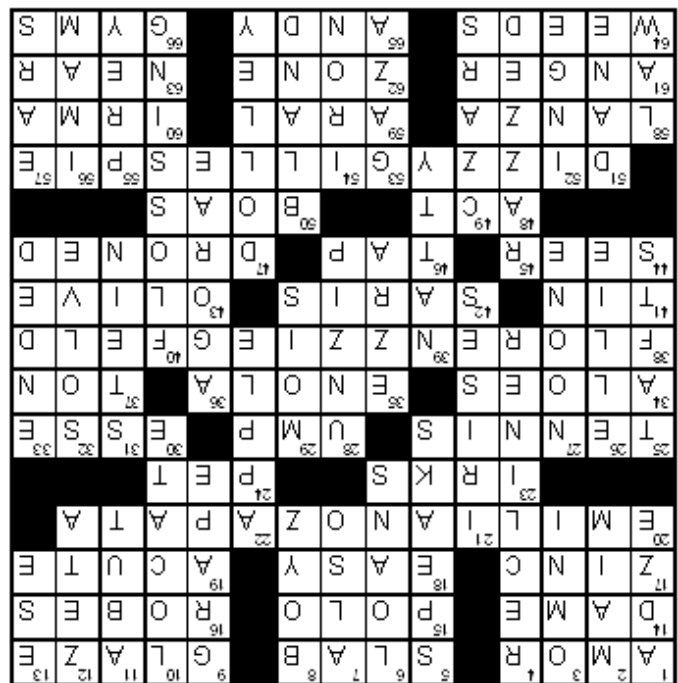
[23] It is within the proper scope of the Paperworkers' rights of expression to endeavour to persuade the operator of the truck either not to deliver the acid to the premises or to take some other action. Insofar as Eurocan is concerned, the freedom of action of the Paperworkers in that respect is protected by the **Labour Relations Code**, R.S.B.C. 1996, c. 244.

[24] I agree with what Mr. Justice Fraser said in his oral Reasons of June the 10th, referring to the words of Madam Justice Southin in an article written before she became a judge, that before the court exercises its jurisdiction in granting an application for injunctive relief there must be something serious and weighty before it ties the donkey in the road.

[25] In the result, the application of Eurocan is dismissed with leave to revive it and its application for short leave on viewing the video that I understand will be delivered to it by the Paperworkers.

[26] Costs will be in the cause.

EDITED BY TIMOTHY E. PARKER
COPYRIGHT 2003 UNIVERSAL PRESS SYNDICATE



By Fran & Lou Sablin
"MAKING Z's"

"MAKING Z's" By Fran & Lou Sabin — Edited By Timothy E. Parker

ACROSS

- 1 Chubby love child
- 5 Diamond rubber?
- 9 Take a shine to?
- 14 Margot Fonteyn, among others
- 15 Sport for mallet-swingers
- 16 Ceremonial garments
- 17 Blue-white element
- 18 A snap
- 19 Kind of angle
- 20 Mexican revolutionary
- 23 Proves troublesome
- 24 Favorite
- 25 It features fast service
- 28 Plate cleaner
- 30 Existence, to Caesar
- 34 Fugard's "A Lesson From ____"
- 35 First name of a famed plane
- 37 Weigh station figure
- 38 Follies were his specialty
- 41 Flatfoot's badge material
- 42 Calcutta wraps
- 43 Martini addition
- 44 Visionist
- 46 Beer source
- 47 Went on and on and ...
- 48 Play subdivision
- 50 Some neck pieces
- 51 Bebopper extraordinaire
- 58 Mellifluous Mario
- 59 Sea of Kazakhstan
- 60 MacLaine role
- 61 Inspire wrath
- 62 Court defense
- 63 Handy to
- 64 Hoe target
- 65 "60 Minutes" name
- 66 Pep rally sites, often

DOWN

- 1 Lumberjack's tool
- 2 Incapacitate
- 3 Front of a bus?

- 4 Easy chair
- 5 Vocalizes
- 6 Shark's concerns
- 7 To boot
- 8 "____ N the Hood" (1991)
- 9 Soda selection
- 10 Put in place
- 11 Juxtapose
- 12 Salonikan's sixth letter
- 13 Japan closing
- 21 Van Gogh opus
- 22 It's big in NYC
- 25 White House residents, 1909-13
- 26 Jock Ewing's wife
- 27 "There's ____ here but us chickens!"
- 28 Expand, as a compressed file
- 29 Juillet et Mai
- 31 Pilsner holder
- 32 Puzzlers do it!
- 33 Drew to a close
- 35 Book before Nehemiah
- 36 Greek gathering places
- 39 Dressed to the nines
- 40 Brushing partner
- 45 Made fun of
- 47 First Lady Madison
- 49 Bygone leaders
- 50 Lacking a kick
- 51 Jutland citizen
- 52 "Picnic" creator
- 53 Strip in the Middle East
- 54 Monopoly token
- 55 Hares, to hounds
- 56 Prayer leader in a mosque
- 57 Where to find anvils
- 58 Legal field

© 2003 Timothy E. Parker & Universal Press Syndicate

