



# LOCAL 298 NEWSLETTER

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

Issue #1 Volume #11

cep298@monarch.net

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January 2007



## *Softwood Sellout*

(The following was excerpted from the November 2006 policy brief as copied from <http://www.policyalternatives.ca/>, the web page of the Canadian Centre for Policy Alternatives. Editor.)

In July, Canada and the United States announced they had reached an agreement to end

their longstanding dispute over the alleged subsidization of US-bound Canadian softwood lumber. Since then, much attention has focussed on the role played by negotiators and elected leaders on both sides of the border in ending the bitter dispute.

*(Sellout... continued on page 23.)*

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## Executive Officers For 2007

		<u>Tel #</u>	<u>Work Local</u>	<u>Job Title</u>
<b>President</b>	Mary Murphy	632-5201	3451 or 2568	First Aid/Stores
<b>1<sup>st</sup> Vice President</b>	Randy Dobson	632-7222	3513	Steam Plant
<b>2<sup>nd</sup> Vice President</b>	Don Klie	632-1352	2367	Pipefitter
<b>Financial Secretary</b>	Rick Wittmann	632-7623	3466 or 3472	Electrician
<b>Recording Secretary</b>	Dino Stamatakis	632-7199		Shiploader
<b>Inside Guard</b>	Dan Bellville	632-5935		Pipefitter
<b>Outside Guard</b>	Bill McEwan	632-3183		Lagger
<b>Trustees</b>	Paul Jeffery 3yr	639-0139	3513	Steam Plant
<b>Trustees</b>	Dave Andrews 2yr	632-2932		Instrument Mechanic
<b>Trustees</b>	Derek Smith 1yr	639-3022		Millwright
<b>Chief Shop Steward</b>	Steve Dudra	632-3850	2375	Tool Crib Attendant

## Committees

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

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

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

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

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

**Pensions:** .....Gary Drake, Don Klie, Gary  
 Ewanski

**Sunshine Committee:** Dorothy Birkett

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

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

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

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

<b>Chief Shop Steward</b>	Steve Dudra
<b>Yard &amp; Stores</b>	Ilona Kenny
<b>First Aid/Stores</b>	Len Hansen
<b>Janitorial</b>	
<b>Raw Materials</b>	Mike Holland Arnie Carrita
<b>Steam Plant and Pulp Mill</b>	Richard Crockart Lucky Bhullar Dave Burrows Kevin Read Jim Harrison Cary Manahan Arnie Lepisto
<b>Shiploaders</b>	Dino Stamatakis
<b>Warehouse\Dock</b>	Jason Smith
<b>Maint. Pipefitter</b>	Al Hummel Dan Belleville

<b>Electrical</b>	Rick Wittmann
<b>Inst. Mech.</b>	Pablito Mendoza
<b>Millwrights/Oilers</b>	Gary Drake
<b>Millwrights</b>	Derek Smith Paul Wilson Paul O'Driscoll

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

**Newsletter Editor:** Don Klie donklie@telus.net

# WARNING!!!

THIS NEWSLETTER IS RATED:

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**FOR UNION!**

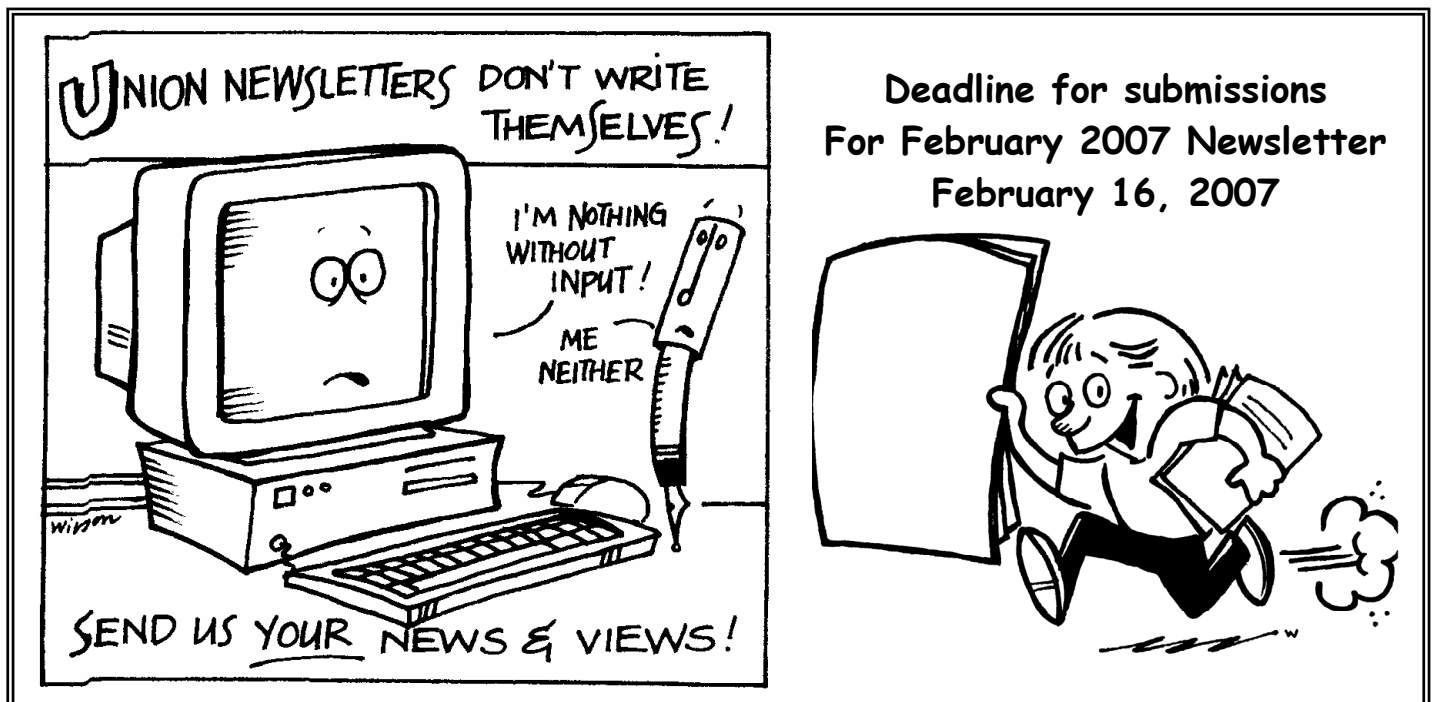
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Editor: Don Klie



## President's Report

## ***New Executive Emphasizes Training and Volunteerism***

By Mary Murphy

I would like to thank everyone who supported me for the position of President for 2007. I'm looking forward to working with the new executive and concentrating on establishing the foundation for the upcoming negotiation year. I would also like to thank the membership for passing all of the executive recommendations at the January 10, 2007 membership meeting; it was a bit overwhelming for the first meeting of the year. Thanks for recognizing that the executive is committed to running union business on volunteer time as much as possible. The membership also recognized that these executive members deserve and have earned the right to attend the necessary training and conferences which will allow them to represent you and the membership to the fullest. That is how we survive these extreme expenses, running the executive and committee members on volunteer time. Their commitment to educating themselves and finding the appropriate resources and support within the system will directly benefit the membership. A projected budget was also reviewed and a request was made for a more in-depth budget to be presented to the membership. Hopefully this will be available at the next meeting.

### **Some recent issues:**

The company requested a meeting with both the Presidents of both locals to discuss an upcoming maintenance audit. The company plans to audit personnel at the mill on:

1. Flexible work practices.
2. Reliability Maintenance
3. The Maximo System.

The company informed us that they would be interviewing at all four of its pulping operations; Eurocan, Cariboo, Hinton, and QRP. A group would be traveling to each mill, and the company wanted to know if the Locals wanted to be involved in the auditing process. We informed the company both locals would participate. One person from each local will attend to interviewing and take part in the documentation. Some will believe that this entire audit is a precursor to negotiations and call it the FLEX audit. I feel we need to take part as we may get some idea on why all this effort is being taken.

AND..., the request came again to allow unloading/loading at our barge ramp at the terminal. A company with four trailers of fish needed offloading. There were many circumstances to review along with our documented position on this



issue. After taking everything into account I, alone, made the decision to allow the offloading/loading to take place. If you disagree with this decision, call me and I will discuss this with anyone who is interested or displeased with my decision.

I would like to thank the executive from last year; it was a pleasure to work with a dedicated group. We had a goal at the beginning of the year, to get our finances in order. We focused on that goal and overwhelmingly succeeded although, we can't lose focus on what got us into that predicament in the first place and we must curb our appetite for spending.

2006 was a good year for me, maybe too good, as Paul Wilson did his part and a lot of my part also. Paul handled all the issues within the Traffic department and also took on most of the issues for Don, when Don was away or busy. He certainly did his share, and although he has offered his support to this new executive, he will not be holding any executive position; he is taking a well deserved break.

I thank Paul for his continued support, and all the other past executive members for their commitment last year. I highly respected how each one of us conducted our business with the up most respect for one another and hope we continue in that direction. Looking forward to a great year.

## ***Ontario forest industry still in crisis says CEP's Makowski***

January 04, 2007

Today's announcement about the potential re-opening of the former Cascades mill in Thunder Bay is "great news", says Cec Makowski, Ontario Region Vice-President of the Communications, Energy and Paperworkers Union of Canada, but should not mask the ongoing jobs crisis in Northern Ontario.



"The people in Thunder Bay, especially CEP members, deserve nothing but congratulations and credit for making this happen," Mr. Makowski said but Premier McGuinty and Natural Resources Minister David Ramsay need to focus now on the rest of the industry.

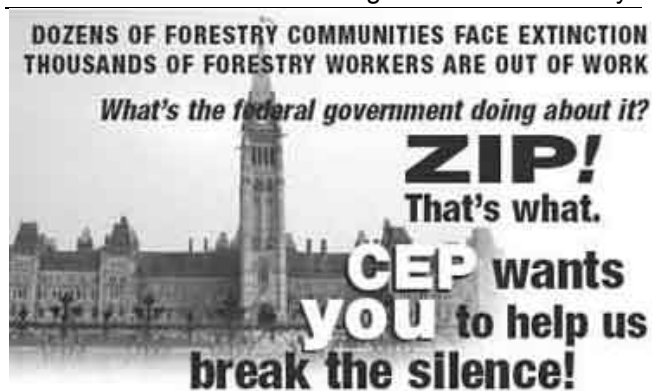
"Both Mr. McGuinty and Mr. Ramsay continue to ignore the collective voice of the municipal councils in 17 northern communities which have demanded a union backed proposal calling for public hearings to solve the jobs crisis in the forestry sector in Ontario," Mr. Makowski added.

"The news in Thunder Bay today is great news. My Union, in partnership with municipal leaders and local business interests, has led the way to restoring several hundred jobs to our community."

"But there are dozens of other communities and thousands of other workers who still face a very bleak future indeed without meaningful provincial government action on issues such as energy and fibre costs," Mr. Makowski said.

CEP is Ontario's and Canada's largest union of pulp, paper and forest industry workers with 150,000 members from coast to coast.

CEP has been spearheading a drive for a national and provincial strategy to revitalize the forest industry and forest based communities through creation of an independent power authority in the North; re-allocation of cutting rights in the case of mill closures and cut backs; and, support programs for the creation of value added segments to the industry.



**January 22 is the National Day of Action for forest jobs.** Canada's forestry industry is in crisis. Thousands of forestry workers are out of work and dozens of communities face extinction. The federal government is silent in the face of this crisis and in fact has not implemented programs to assist the industry that were proposed by the previous government.

CEP wants you to help us break the silence! We want the federal government to adopt a national strategy on forest sectors renewal that will create job stability and economic rejuvenation. [TAKE ACTION NOW!](#)

If you go to the CEP National web page at [http://www.cep.ca/index\\_e.html](http://www.cep.ca/index_e.html) you will find the above message. Simply click on Take Action Now and fill out the form and send it into our MP, Nathan Cullen.

## ***CEP accuses Catalyst of Smoke and Mirrors CEP fights concessions***

**November 30, 2006**

**VANCOUVER** – The Communications, Energy and Paperworkers Union is wondering what one of its largest employers in BC is really up to.

Recently Catalyst Paper announced a potential investment of \$25 million to upgrade the CTMP plant in Port Alberni. This would make the mill the lowest cost producer of its paper products in North America.

"Catalyst will receive a full return on their investment of \$25 million within 2 ½ years without any concessions from us," states CEP Local 592 President Jim VanDusen. "They will earn \$170 per tonne more than they currently do at our mill. This represents about \$21 million per year above their present earnings and they still want concessions from my members."

Catalyst has announced job elimination for 125 workers whether the CTMP plant investment goes forward or not.

"Concessions from the workers will not save those jobs for us and the community," states CEP Tyee Local 686 President Dale Marcellus. "So if they are going to be making such a profitable investment why are they still asking for concessions, with respect to municipal taxpayers and the employees at the mill?"

Catalyst has been demanding tax concessions from the Port Alberni municipal government. The City has offered them a deal worth about \$1.5 million over 5 years. Catalyst says this is not enough.

"We are sure wondering what game Catalyst is playing," states CEP Western Region Vice President, Don MacNeil. "They talk about investing money to improve operations and increase profits but for some reason they are still demanding concessions from our members in Port Alberni rather than just simply going ahead with this lucrative investment. If they think for one minute that they are going to get concessions from our members just to improve profits for shareholders, they have another thing coming."

2<sup>nd</sup> Vice President Report***Stand By Your Principles***

By Don Klie

At the end of November 2006 I had the privilege to attend the CEP BC Provincial Council meeting in Vancouver (unfortunately there was a boil water advisory on at the time plus a snow storm hit the area delaying my flight back to Kitimat). The Council is an organization within CEP and membership is open to all CEP Locals in BC and the Yukon. The Council usually meets biannually and discusses issues that are common to all sectors of the CEP. The idea for the Provincial Council was to provide for a way that would allow all CEP member Locals to meet on a more regular basis than just the Constitutional convention, which happens every two years.

(Just a note: the Pulp and Paper Wage Caucus is another organization within the CEP, specifically the Western Region of the CEP, and it deals with contract issues within the Pulp, Paper and Forest sectors of the CEP. Previous to the formation of the CEP, when we met at Wage Caucus, or any other function, all of the member Locals of the CPU in the region were invited to attend and thus a provincial council wasn't needed. Now, each sector of the CEP has its own wage negotiation division and thus has an opportunity to meet and discuss issues on a regular basis, but only amongst that particular sector.)

On the agenda for the Fall Council meeting was a BC Security Commission presentation on investor protection, a presentation on the issue of bonding for organizations from a representative from Working Enterprises Insurance, a one day session regarding Duty to Accommodate provided by Sarah O'Leary (a CEP member who happens to be a lawyer who is employed by the BCGEU and handles WCB appeals for their members), a report from the just elected CEP West Region Vice President, Don MacNeil, Local reports and some housekeeping issues.

***Don't Get Scammed***

The BC Security Commission report was a short and sweet presentation about how not to get scammed when investing your money. There were 5 salesmen pitches they said to watch for:

- **Guaranteed high returns – No Risk!** – the advice was there is no such thing;
- **Insider tips – Get in now!** – don't, it's a pressure tactic to get you to invest;
- **Offshore investment – Tax free!** – you can defer taxes but you can't avoid them;



- **Profit like the experts!** – secret prime bank markets don't exist; and
- **Great investment opportunity – Your friends can't be wrong!** – oh yes they can, don't be a victim.

They advised that before investing that you do your homework. Learn as much as you can about what you're investing in; check different sources for information; get it in writing; know yourself and your investment – know the risks you're taking and know your risk tolerance; and always be suspicious of payments to individuals or private companies and advice to cash out current investments.

For questions about or problems with an investment or a financial adviser, call the BC Securities Commission at 604-899-6854 or 1-800-373-6393.

***Bonding (not Bondage)***

Early last year the CEP National office sent out a memo informing the Locals that the National would no longer be carrying bonding insurance for all of the Locals as the premiums had become too expensive. However, the CEP constitution requires Locals to have bonding insurance.

My first question was, "What is bonding?"

For the answer to that question the BC Council brought in Diane Baker from Working Enterprises Insurance. Simply put, bonding insurance is for covering losses caused by crime within the organization; that is, theft by an employee(s) or organization representative(s).

It was noted that this type of crime is usually discovered after several months or years when

someone notices an unexplainable pattern and investigates.

In order to get this type of insurance the organization has to put into place certain standard practices. Things like having two people sign all cheques (our Local does this); regular independent audits (our trustees do quarterly audits); knowing your employee(s) and having background checks. One of the things that were noted as being a plus for unions was that the officers are usually elected by their membership and therefore have attained a certain level of credibility among members.

One thing that was a bit disconcerting regarding this issue was that the National did not, at the time, have any position or advice on what was required by the Locals. They seemed to be in as much confusion as the rest of us, but did say that the issue would be addressed at the first meeting of the new executive sometime this month.

## **Duty to Accommodate**

As noted earlier, Sarah O'Leary is a CEP member and a lawyer employed by the BCGEU and handles WCB appeals for their members. Sarah also voluntarily instructs a workers' advocate course for the CLC Winter School at Harrison Hot Springs.

Early in the session Sarah mentioned that with the assistance of Gert Leslie, a CEP Local 1119 worker advocate, a contact list and web based "chat line" had been established to connect CEP worker advocates and discuss issues among the group (a great idea especially in view of the fact that we have communication as part of our union name).

The session was very informal with individuals being able to raise issues that they had come across at their own Locals and receive advice on.

There are 3 leading cases that have set the current standards in regards to duty to accommodate. The first two, known as Central Alberta Dairy Pool and Renaud involved issues of religion and whether or not an individual had to work on certain religious days. The third, known as Meiorin, involved issues of standardized physical tests applied to a female forest firefighter.

Basically, an employer cannot discriminate against an employee based on race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person (between the ages of 18 – 65) or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person, and must accommodate the individual unless the employer is able to meet the following 3 point test:

1. Is there a bona fide occupational requirement which is rationally connected to the job which the individual cannot meet;
2. Is the requirement or rule a "good faith" based requirement; and,
3. Is it impossible to accommodate the employee without incurring undue hardship?

In Renaud both the employer and union were found equally liable for the redress owed to Renaud. The union at one point had refused to modify the collective agreement to allow for an individual to be paid straight time for working on Sunday. The court ruled that the employer could not contract out of its duty to accommodate, but also the union was required to be part of the accommodation. In fact, it is now established that there are three parties to an accommodation, the employer, the union and the individual. All must be prepared to lend something to the accommodation if necessary.

In Meiorin the court said, "...the employer must establish that the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer."

In the United States an undue hardship has usually been interpreted as, "if it costs more money, that's an undue hardship". However in Canada, things such as number of employees, size of business, actual cost of accommodation when compared to the amount of money the business makes, etc., must be considered before undue hardship can be established.

Another interesting point, we were told that individuals with certain illnesses or disabilities are considered "protectable" disabilities under the Human Rights Code. Employees with such diseases as cancer, migraines and other long term illnesses cannot be terminated based on non-culpable reasons. However, short term illnesses and absences caused by different injuries are not protected. Also, individuals with alcoholism and/or drug addiction are similarly not protected unless they are in a recognized treatment program.

## **New Man on the Job**

Don MacNeil, Western Region Vice President gave a very short speech. He has been traveling a great deal since becoming the Western Region VP and is in the process of organizing his office, executive and staff representatives. As mentioned earlier he didn't have much to say on the bonding issue and stated that the National Executive would be

dealing with the issue at their first meeting. He did advise the Locals to be extra vigilant regarding their financial affairs until bonding was reestablished.

Brother MacNeil did introduced Angelo Marchetto, a staff representative covering the newly merged construction sector. Brother Marchetto provided some information regarding an attempted raid on that part of the CEP by the painters' construction union. There was a belief that the painters' union was being encouraged by the employers, considering that the painters had recently negotiated an employer friendly contract and were trying to force that contract on the CEP Local.

It was emphasized that the intent of the CEP's move into the construction industry was not meant as an attack on the building trades unions but as an effort to confront and stop gains being made by organizations like the Christian Labour Association of Canada (CLAC) and other "merit" shops. The CEP is focusing on the unorganized workers in that industry in order to give them better representation and protection.

### **Reports from around the Province**

There were several interesting reports from the other Locals. In the December 2006 Newsletter I have previously written about the Wage Caucus Local reports from the Caucus meeting in early November 2006.

From the other sectors we heard about the difficult bargaining that was going on with the BCTF Administrative Staff employees and the BCTF. It was very ironic considering that these employees very strongly supported the teachers in their fight against the BC Liberal government in 2005, along with many other unions, only to now have the BCTF management come after these individuals with their concessionary demands on their own employees. The demands were described as contract stripping, the same description the BCTF used when battling the government.

It's very sad when we see other union organizations treating their own employees as poorly as they themselves were treated by their own employers – hypocrisy comes to mind. The Local was seeking to gain parity with teacher federation union staff employees in other provinces.

In our own local we have only one employee, and while that employee does not belong to a union we have followed the principle of what we desire for ourselves we wish for all. Our union hall secretary's pay rate and benefits were established long ago and tied to our contract; that is, she is paid the base rate and receives all of the benefits that we receive.

### **Trusteeship - Not a ship worthy of trust**

In a report from Local 1997 representing about 50 workers at Husky Energy in Prince George, we heard of the problems that Local faced when they were put into trusteeship by the National. While there were few details of the reasons for the trusteeship we were informed that the Local had been in that state for about 18 months.

Previous to the National convention in Vancouver Local 1997 had no idea to when the trusteeship would end and they had had great difficulty getting any information or having communication with the trustee.

It appears the trustee was a retired CEP staff representative with several years experience. However, it seems that the trustee either didn't understand the nature of his job or received little or no direction on what was expected of him from the National.

When a Local is placed in trusteeship all of the money collected for dues is immediately sent to the National, and, according to what we were told, no money was set aside for the running of the Local. Things like fighting grievances and keeping the membership informed and attending to any training or union conferences had to be done at the individual's expense.

Also, a Local in trusteeship is not allowed to attend any conferences or courses put on by the National. (In fact, at one meeting of CEP Locals they attended they were advised that they were not supposed to be there. You can imagine how they must have felt after having taken their own time off and paid their own way and then to be told they weren't welcomed). It is surprising that the members in this Local didn't just call up another union and asked to be raided, or worse yet, ask the LRB for permission to decertify.

As a Local they had helped to certify other employees with the CEP in the Prince George area – West Fraser Electrical, Speedy Printers and the Prince George Citizen. However, as part of the trusteeship it was deemed, by the powers that be, that those three groups should be spun off to another composite Local, CEP Local 2000. (Obviously, Local 2000 was very happy to have the new members, and the revenue that goes with it.)

When these representatives learned of the constitutional convention being held in Vancouver they knew they had to seize the opportunity. Knowing that they weren't supposed to be there they said, "*The idea of people running for office seems to let them lend an ear and listen when under normal circumstances they would not. From our National President to National Reps to Rank and File Board,*



people were very receptive. As a result the tentative date for the removal of Local 1997 from trusteeship is Dec 7th, 2006."

At the Provincial Council meeting they were warmly welcomed and glad to be there. I was very impressed with the fact that they had shown such dedication to the union movement in general and the CEP in particular. Their determination was quite inspiring.

While they had to deal with the trusteeship they were also experiencing threats from the employer. *"Husky Energy over the past decade has waived the threat of plant closure. To date all the environmental updates to meet the new sulphur emission standards have been completed, so the threat of Plant closure is not as intimidating and frightening and the members feel a lot more secure especially heading into collective bargaining."*

They were also able to maintain the union committees such as safety, contracting out, EFAP, process realignment, etc. and pursue the issues necessary for protecting their members. And, recently they were in part responsible for organizing a joint meeting with other CEP Locals representing Husky employees in the Western Region for the purpose of coordinating upcoming wage negotiations.

When Don MacNeil opened up the floor for questions I was very critical of what had been allowed to occur with Local 1997. These individuals seemingly were denied due process. The CEP seemed to have forgotten about them, even though they were still taking their dues, both National and Local dues. The CEP has a responsibility to operate in a professional manner and an organization the size of ours, with the principles we espouse, must do better in the future. MacNeil did assure us that the issue would be reviewed and a report released on what happened and what would be done to prevent a recurrence.

## LOCK or DELOCK???

On January 5<sup>th</sup> and 6<sup>th</sup> of this year there was a grievance arbitration hearing regarding an employee being unjustly disciplined. The grievor received two disciplines, one being for an alleged lockout safety violation. The Company's position at the arbitration regarding the lockout safety violation was that the WCB regulation requires that when doing a group lockout, also known as a keybox procedure or lockout board, two individuals are responsible for doing the delock and that they must do exactly the mirror image of what was done for the lockout. That is, if a valve is closed and locked out, the locks must be taken off and the valve opened when doing the

delock. Or, as in the case at hand, if a drain valve is opened (but not locked) it must be closed during the delock process. The Company said the WCB regulation required during the delock that the two individuals must each verify that each valve, power source, or whatever has been set back to the original state for running.

So, not only are two individuals supposed to verify and sign off on each isolation point during the lockout of the equipment (including the opening and clearing of drains but not locking), two individuals must also verify that the locks have been removed from each point and all the drains closed; only then has the procedure been done according to the WCB regulations and, supposedly, our own lockout policy.

Going into this arbitration the Union knew there was some controversy on this point. Prior to the discipline the Union had been aware that the Company had never taken the position that the delock had the same requirement to involve two individuals. The Union was aware of occasions when our members had been requested by their supervisors to do the delock on their own. Usually the individual would protest the request only to be told that there was nothing in the policy that required two people. To our knowledge, this scenario did not happen very often.

Subsequent to the discipline there was a meeting of the Lock Committee where this very issue was raised. At that meeting the Company officials, which included the Safety Officer and the Superintendent of Safety, could not point to any policy or regulation that would require two people to do the delock, and thus they could not understand how the discipline could be based on such a nonexistent policy or regulation. They did however agree to look into and clarify the issue.



Returning to the hearing, we were a bit surprised that the Company took the position that the WCB regulations required two to do the delock.

However, only two days later, at the Annual Central Safety Kickoff Meeting, high ranking Company officials were again stating that there was no policy or requirement for two individuals doing the delock. At the meeting the issue was referred back to the Lock Committee.

The Lock Committee has had this issue since June 2005 and, Jack Patrick was assigned at that

meeting to investigate the issue. It's been a year and a half and it's apparent that neither Jack Patrick nor the Lock Committee can resolve this issue.

The Union did contact Dennis Clare regarding this issue and he did acknowledge that Doug Petersen, the Company's instructing witness at the arbitration, was surprised when, at a management meeting, he heard that Company officials were taking the position that there was no requirement for two individuals to do the delock. Mr. Clare did commit to review the situation in order to clarify the Company's position.

Returning to the grievance and the unjust discipline; it is unreasonable for the Company to discipline someone for violating a nonexistent policy or regulation. It is unreasonable for the Company to discipline someone for violating a policy that the Company has inconsistently applied or hasn't brought to the employee's attention.

## ***UNREASONABLE Workload***

The grievor in question also received discipline for alleged misrepresentation of the facts – two drain valves were mistakenly left open which led to other problems and a delay in getting back up to production. On the day in question there were several other problems. The Company's own records recorded issues of poor planning, under manning and unforeseen complications arising because of isolation problems.

The poor planning was caused by the mistakes made by management, not the employees.

At the arbitration the supervisor who handed out the discipline attributed the under manning situation to the fact that employees on their days off would not come in for overtime – basically putting the blame for under manning on the employees. Instead, the Company should have recognized they didn't have enough people to do the work and canceled some of the work or extended the shutdown.

The unforeseen problems, rotork valves would not actuate electrically and required manual closing, valves did not hold and an alternate lockout had to be used, increased the amount of work that the under manned crew had to do.

When investigating the issue of the drain valves being left open the Company did not consider any of this evidence.

Throughout the processing of the grievance it was very obvious that there were members on both sides of whether or not the Union should have proceeded to arbitration with this grievance. In dealing with the issues of this grievance it was apparent to me that the Company was very inconsistent with their position and that they had poorly investigated a complicated issue. The

Company did their job poorly and they tried to lay blame for that on only one person.

The Company's investigation into the matter was done only to justify the discipline they wanted to hand out. The investigation was not about trying to prevent a recurrence.

Both valves that were mistakenly left open were either unsafe to access or required significant effort in order to access safely; and prior to the line shutdown there had been no planning done to provide that safe access to those valves. That is, for one of the valves the only way to access it safely was for a scaffold to be built; and even then it would still be very hard to access.

At the arbitration the Company would not acknowledge that the valve was unsafe to access, even though the supervisor who had given the discipline had stated in his response to a Hazard Report on that very issue a few months later, "*Do not use this drain valve above the Fiber Salvage tank until safe access has been provided.*"

For the other valve a pull chain was needed for the valve, or a step ladder if one could be found, was needed.

I am happy to be able to report today that for the one drain, an air actuated valve has replaced the manual valve and the other valve now has a pull chain.

The safety issue with these valves had been known for several years, so much so, that the crews had developed the practice of not opening those two valves. There is ample evidence that the Company knew of the unsafe conditions and had, for several years, done nothing to correct those unsafe conditions.

Another issue that the Union discovered was that the lockout sheet used for isolating the 422 washer line had several errors on it – that is, on the lockout sheet several of the isolation valves were identified with numbered tags as well as a general description. The Union brought this issue to the attention of the Pulpmill who looked into the matter quickly and developed procedures for preventing a recurrence of the problem in the future.

Also on the lockout sheet, there was a requirement to open (but not lock) a number of drains valves but did not identify each valve needing to be opened. For example, on the washer vats there are two drain valves but the sheet does not specifically identify the valves, only the washer vat number. As mentioned earlier, a practice had developed amongst the crews not to open the valves that were unsafe to access. However, on the day in question, those two valves were opened. Only one of the two people doing the delock was made aware that the valves were open but he didn't remember being given that information.

Both employees were given discipline for the delock issue. The grievor was given extra discipline for misrepresenting the facts because he mistakenly said the valves were closed. Also, he was later asked to go and check the valves and, because of the environmental conditions in the area at the time, only discovered one of the valves to be open.

When you take into account all of the issues and factors that were existing on the day of the incident, it is easy to see that what resulted was an unreasonable work load creating an atmosphere which would lead to mistakes being made. And, it is the Company that was responsible for creating the unreasonable workload.

## ***Board upholds Steelworker certification at T-D Canada Trust***

### **USW District 6/CALM**

It's been almost two years since the Canada Industrial Relations Board (CIRB) certified the United Steelworkers (USW) as the bargaining agent for 114 employees at several branches of TD-Canada Trust in Sudbury. But that hasn't stopped the bank from attempting to turn the clock back.

An appeal decision by the CIRB, however, has again upheld the 2005 decision to certify the Steelworkers and dismissed the bank's appeal. "...the board finds there was no failure by the original panel to respect a principle of natural justice, and there was no error of law or policy that cast a doubt on the interpretation of the (Canada Labour) Code," said the decision.

As was their right, a small group of workers at the bank's branch in Lively, Ontario, did not sign union cards during the organizing campaign in 2004. The ultra-conservative National Citizens Coalition got involved and promoted their cause as "Free the Lively Seven." The coalition's website called for donations to fund the campaign against the Steelworkers, citing a number of so-called facts that the labour board found had no merit.

The CIRB upheld the original panel decision based on the board's long-standing practice, "which has been reaffirmed on numerous occasions, to ascertain the wishes of employees by way of membership cards as at the date of the application for certification.

The CIRB decision upheld that "the original panel made its assessment and did not consider that there were serious concerns respecting the accuracy and reliability of the membership evidence, and was satisfied that the evidence was not obtained through

any unlawful means or by way of intimidation or coercion."

The workers' first collective agreement, reached last January, contains wage increases and a baseline of rights not enjoyed by non-union financial service workers. The TD-Canada Trust employees now have the right to overtime pay, severance provisions, job posting language and a grievance procedure.

## ***Personal habits may not be private*** **UCS/CALM**

The 21st century is a new frontier when it comes to many workplace rules. Changes in fashion, health awareness and technology have influenced the worker and human resource departments in ways no one dreamed of 20 years ago.

"Lifestyle discrimination" has become a growing issue, according to a report in the Washington Post. Lifestyle discrimination is the practice of some employers to consider off-work behaviour when disciplining or even firing employees.

Weyco, Inc., an employee benefits firm in Michigan, randomly tests nicotine levels in workers and fires those who will not quit smoking—even outside the workplace. Recently, the company expanded the policy to include spouses, who must take smoking cessation classes or the worker pays a monthly fee.

The company justifies the rule by pointing to the health costs of smoking. The policy is legal in Michigan, one of about 20 states in the U.S. that allow "employment-at-will."

Lewis Maltby of the National Workrights Institute says lifestyle discrimination "sounds good when you talk about it in the context of smoking. But what about people who drink, ride motorcycles, sky-dive and have a promiscuous sex life?"

## ***Another huge fine for Wal-Mart*** **UCS/CALM**

For the second time in less than a year, an American jury found that Wal-Mart unlawfully withheld wages from workers who were pressured to skip breaks and work off the clock.

The latest case stemmed from a class-action lawsuit on behalf of 187,000 Pennsylvania workers. The jury found that Wal-Mart must pay \$78 million to its current and former employees in that state for violations that occurred from 1998 through May 2006.

The company said it will appeal, and issued a statement that "systems have been improved over the years to help ensure that all associates receive their scheduled breaks."

But downplaying the problem will not help, say attorneys for the workers, who predicted that the judge in Pennsylvania may increase the huge fine by \$62 million for damages, because the jury also found the company acted in bad faith.

**JOHS Report*****No Job Is So Important...*****By Dan Belleville**

*(The following report is of the November and October 2006 JOHS meetings. Editor.)*

MSI updates---David Coates started the meeting and gave us updates on what has been accomplished over the past year with the MSI program. He also gave a description and the purpose of the "Discomfort" survey, as well as some information on some of the jobs they are working on to prevent MSI's from happening. As you may be aware, if the injury a person gets could have been caused by repetitive work, a MSI report is filled out and is sent to Coates to see if he can change something in the work performance to prevent further injuries. Also, if someone wants to they can choose to meet with him or not to talk over the job to see if something can be done.

***REVIEW INCIDENT INVESTIGATIONS***

281-022---Acid Pump Check Valve came apart because vibration caused the cap to become loose and blow off. Luckily no one was injured and we believe there have been some changes there and we are looking into it to see if they have been completed.

Another Incident happened when an employee was cleaning an electric drill while it was still plugged in. He was using a welding rod to knock off the shavings that got caught in the teeth of the hole saw. The rod got caught in the teeth causing the workers glove and hand to be drawn into the rotating drill. Someone was nearby and came rushing over to help and ended up pulling the plug before the situation became worse. We can't stress enough that all electric tools should be unplugged before working on them or changing parts. It doesn't matter if you've worked with tools for two years or forty years, an incident could happen in a instant if you forget to turn the power off.

An incident occurred in the Papermill when an employee breaking a tail down at the Clupak had the paper running across his arm causing a burn to the skin. This could have been a more serious incident had the paper rapped around his arm and pulled him into the machine. Don't try and tell me this couldn't have happened because there are cases where workers have been pulled into machinery because of being caught by moving parts. The use of proper equipment must be used to keep ones arms and legs out of harms way.

There were also a couple of knife cuts that could have been prevented if the person would have taken the time to use the proper gloves.

There was a foreign substance entering both eyes of a worker while working at the Calendar Stack area and feeding the sheet down into the pulper pit. The Incident says nothing can be done because it would take a Capital project to build something to prevent this. It sure would be a shame to have some one lose a eye or two and all the Company could say is we knew there was a problem but we couldn't get the money to solve the problem. And yet, they say there is not a job in here worth getting hurt over and losing time.

A grating was removed and another worker stepped into the open hole. When grating is removed we should all make sure the area is taped off and tagged until the grating is replaced.

The Incident that surprises me the most was involving a motor vehicle the went spinning off the road and ended on it's side in the ditch. We read in the report that another person had slipped in the same area earlier and another person had notice frost in the same area and nothing was noted until after the fact. The worker was coming from the dock to the mill and when he crossed over the overpass hit a patch or ice that sent him into a fish tail and into the ditch on its side facing in the opposite direction. The Driver was wearing his seatbelt and wasn't hurt badly. What amazed me when I reviewed the truck was the damage to the truck yet the air bags didn't go off. My first thought was we bought these trucks with the money we saved by saving on the use of colored paper clips, and maybe we didn't save enough to have the air bags installed. However, I was told that there are several reasons why they might not have gone off. It still makes me wonder because of all the cat backs we do here to save pennies.

***REVIEW MINUTES from OCT 17/06  
MEETING***

06-018 Pulp MTCE--Hit Natural Gas Pipe Line---- This is something we have to talk to Rick McKenna to see if the survey was done on the gas lines through out the mill. That was a task he was to have done and it is taking forever to find out the answers.

06-013 Pulp Mtce--MSI Injury---- This incident had to do with the Star Feeder in the Hog Building. We have to also check with R. McKenna to see if everything has been done.

06-032 Paper Mtce----procedure put in place to ensure catwalks and handrails are installed properly. Patricia sent for follow-up in July and we are still waiting for a response. What's the hold up? Don't they care or don't they have the time?!



06-042 P&R---Pain to lower abdomen---The suction valve will be relocated during the water wash. We have to check with Al Green to see if it has been done. Please Al when you read this if no one has asked the question can you let me know so we can complete this item if it has been done.

## ***Safety Improvement Fund***

### **For Capital Items**

Freight elevator for Administration Offices---This will take money from the 2006 & 2007 budget to complete and this has to be okayed by the WADE committee. If this is not allowed, PM #1 Mist Reduction will be done.

### **Major Maintenance Items**

- 1) Modifying wall between 3rd press and first dryer to allow Bobcat access
- 2) Dry End Hatchway---Roll up doors to be installed
- 3) CMP lifting anchors to be installed
- 4) Recovery Boiler Transit removal to use up the remaining money

**Platform Grating**---L. Condon states this is part of the building maintenance program. So I guess this means we shouldn't see ladders or platforms get in the same condition as what happened in the Raw Materials Area along the long belt to access the blow lines swing stations. I guess this means the Planners and the Supervisors of their areas will be checking and planning the repairs constantly as needed. I thought Wayne had said they were hiring a Carpenter for a building maintenance crew but again a lot has been said in the pass.

**Audit on Doorways--Falling Ice**---Frank Parlee said he checked on the ice buildup and noted all our roofs are flat and ice shouldn't build up if the drains are kept in good condition. We told him of areas that steam or condensate blows out of pipes in some areas that does cause build up of ice, and he will be looking at these areas again.

**Terminal ---Roll fell off Product Truck**---Craig wrote a letter and gave it to Jack to take to upper Management to respond. Now Jack wants to do a risk assessment first before sending the letter. This has been going on for a year or two and the JOHS just wants a response to why the Company will not fix the trucks to haul paper safely. We all know the problem starts at the Paper mill and they refuse to deal with it because it will take time and money. And, at this time production records are more important then our safety. It appears nothing will be done until someone is killed or seriously hurt and someone has to come and tell the families and friends that they are

sorry. Interestingly, the answer to the letter from the JOHS was supposed to be back to us within 21 days, not months.

**Training Regarding Alarms & Lights**---This was put again on the Capital Plan and was taken off Oct 17/06. I believe this was on the agenda when I first started on the Central Safety Committee in 2000. Paul is to strike up a Sub Committee to address the alarm system. It would be nice to get something that would allow everyone to hear the alarms and escape safely should something happen. But don't hold your breath because this could be a long, long, long way off. I hope I'm wrong but remember, Paul had this same task when he was our Safety Coordinator years ago.

**Safety Captain/Supervisor training**---Yahoo it happened just in time for the elections of our new Safety Captains. The training for these people is supposed to take place in Feb 2007. Now that they have a plan maybe they can plan it.

**Safety Mgmt System**---Six top ranking sent to Jack are:

- 1) Eurocan Standards---Revision of Health & Safety Manual
- 2) Safety Department Resources
- 3) Incident Investigations ---New tracking System
- 4) Hazard I. D. & Risk Assessments---Providing Training
- 5) Employee Training---Paul Low training programs to bring in someone to do CBT training and tracking.

6) Indoctrination---Revise the entire program for the Safety Indoctrination and ask the committee to be involved in the changes.

**Safety Work Orders**---Update on the system next month. Hopefully we can find a way to catch up on these because we are way, way, way behind on getting these caught up. I guess the Supervisors couldn't follow up on the ones they put in or don't have the time or resources.

**Mill Conditions Clean Washrooms**---The Union wants the lunchrooms and washrooms cleaned every day in all areas. The Company has let areas go for days without having a Janitor assigned to the area. Their own Doctor Smith told them when Mary John was in charge that this had to be done. Yet the Company has assigned Shiploaders to clean up the yard and not do Janitorial work. I was told by Neil and Craig that they would see that all areas would be covered by available Shiploaders and overtime would not be a factor if other Janitors had to work overtime to cover the position. Therefore, we didn't proceed with a grievance because of their word. But, the next meeting we had and this time it was with Bob he said he was told not to pay overtime to have the vacant Janitorial position filled. So, you tell me who are we to believe because as a Country Boy my Dad told me

if you can't take someone at their word, they can't be trusted.

**Door Numbers (Chris Howe)**----Chris wanted to know if all door had a number so people could respond to the area in case of a Emergency. Paul Low did an Audit and updated the mapping and it has been sent to engineering to be printed up.

**SSP Revision (Dan)**----I wanted any incident investigation that had to be done or changes that were noted in any investigation be attached to the follow up to make sure they had been done and are correct. Jack said he would put out a memo asking that this be done.

**WCB Representation (Mary)**----When any WCB Officer comes on site to do any investigations or inspections Local 298 wants a representative from the Union's JOHS committee. Several years ago we had an issue when Twyla Hurley was here. So we invited the WCB officers to our meeting and they told the Company that the JOHS member was the person from the Union to accompany them on site.

## ***NEW ITEMS***

**Certifying of Fall Arrest Harness**----The tool Crib is supposed to supply this piece of equipment, which we need to use to do our jobs safely. Also, this area has lifting devices that need to be checked and stamped and recorded yearly as safe to use. Well, the Company has failed to provide the training or the time to have these pieces of equipment certified. But, since this topic was put on the agenda they have responded well. Let's hope they follow up with their responsibility. WE need the Supervisor of the area to do his job and make sure there is time allotted to deal with these safety issues.

**Turps --Lots of odor lately**----I brought this up as an item because it seems that there are many cases where the turps seem to be leaking constantly endangering our members health. I thought the turps were directed to the kiln to be burned and we wouldn't be exposed. But an operator said there is a vent on top of the roof that is dumping the turps out and we are getting exposed. He then said this stack should be vented into the boiler to make it a close system to prevent exposure. The Question to the Company is why isn't this being done or looked at?

**SO2 System Changes**----When Angie took over the responsibility of the Additive Employees she noted that training and the use of Scott Air Packs for hook up and disconnecting rail cars was not done to regulations. So we had meeting to decide what was needed and how to proceed. There was a risk assessment done by Rick McKenna and it was decided that each employee doing this job had to get his own mask. There were to be changes made to make the job safer and to update improvements. Yet, up to today little if anything has yet to be done to

my knowledge. I know I have my mask but many have not and they are concerned, and rightfully so. The Company has again dropped the ball and expect things to happen on there own. The biggest problem is they sit in their offices or at meetings and we are the ones that risk our lives and want something done.

**Training for Shift Trades People**----This item seems to be a big problem. If we are days and there is training going on we are needed for coverage because the day workers are being trained and no training is done on night shift. Now when we are asked to run equipment the Millwright on my shift has to tell the Supervisor that he can't because he hasn't had any training on these pieces of equipment for years. I've used some of the equipment because I feel I know enough to do the job but also need refresher training to stay in compliance with the safety regulations. This may have been good enough in the pass but today it is probably not so.

**Seat Belts for Transporters**----Chris Howe wanted to know what the position of the Company and the Committee was on this issue. Most vehicles require the use of seat belts where accidents could happen. Workers are concerned that if the Transporter was to roll over and there was no roll bars you had no chance to escape. Chris said if we made it so that the transporter was not allowed to drive off the paved areas or flat services the roll over issue would not exists. I checked with the Mechanic who installed the seat belts and he did it by the Manufacturers Standards. He was more concerned if a person ran into or someone backed into then with a pick up because of the height .Well this may have to go to WCB to decide if we can get a exception or not.

## ***THE END HAS COME***

I have one more meeting this year and I will be stepping done from the Joint Health & Safety Committee. I feel there are a lot of young members that are very interested in this position and it's time to move over and let them get involved and benefit from the education of this position. I would like to thank my fellow workers for letting me represent them for the last six years. It was a pleasure and sometimes a challenge working with everyone to get things done. Some of the battles seem to go on forever and many still are, but we have improved in many areas and improvement can still be done. I hope I've helped over the years and have made people aware that safety is for all and all must help to look after one another. Safety today should be a way of life not just a thought.

**Yours truly**

**Dan Belleville**

**PS this Country boy will still be watching the hen house.**

*(The following report is of the December 2006 JOHS meeting. editor.)*

At this meeting Local 1127's new committee members started; Local 298's members for 2007 will start in January and we wish them all the best.

Also the Company said that from now on a senior manager will rotate each month and attend the Joint Health and Safety Meeting. This will be good because this means Management is now trying to show us that they are committed to safety. At this meeting David Stein sat in and Denis Clare came in later to the meeting and both got involved in many of the topics. This is the first time in many years that I have seen the Manager go to meetings and show lots of interest and I hope it does continue.

*(Personally, I believe there will be little improvement. Safety is a continuous endeavour. If one manager takes an issue on at the meeting he attends, it will be several months before he returns to the meeting to report on the progress or resolve of that issue. What we really need from upper management is a representative that has the respect and authority to ensure that the lesser management people attending the meeting actually do what has been assigned to them. A prime example of this is the issue of the product truck and the letter that was supposedly to be sent to upper management. We're still not sure if the letter was ever sent. It was sent to a consultant for review and risk assessment, but not upper management. What we need from the Company at Central Safety is someone who has the authority to ensure that whatever positions the Company takes, they follow through on them. I don't believe that a rotating senior management representative will accomplish that. I hope I'm wrong. Editor.)*

This meeting we decided to start with the agenda items so we could get through them to end the year.

**Safety Improvement Fund**----We were told that we dumped the Freight Elevator for the Administration Office because the cost from last month jumped from \$350,000 to \$725,000. Also, Management said they bought the Fire Truck before they lost the safety capital money from the safety fund. The Union doesn't mind that the Company bought the new fire truck because everyone knows how unreliable the old one was. But Denis had said at an earlier meeting that it was the Company's responsibility to provide a reliable fire truck whether by repairs or getting a new one. There were other things that the money could have been used for that were on the list. This money was put to good use because we needed the truck but this is something the Company should have provided anyways. I do think that this money was lost, and I don't think it was used for what it was intended for.

When we first got this money (\$500,000) we were told it was to be used for safety items that the

Committee felt would benefit everyone. This was to be spread around and used for safety items that the Company wouldn't spend the money on and we felt should be done. Then all of a sudden restrictions were put on, ½ had to be for Capital Projects and ½ for Major Maintenance Projects that have to be approved by the Company's WADE Committee. A great deal of the money has been spent and it has been put to good use and spread around; many have benefited from the improvement, however, I'm afraid that now the Company has decided that all the items must be "scored" the money will not be spent the way it was intended for. This money is now being used to put forward projects that the Company couldn't get past in their own departments' yearly agendas. I feel like the Company is trying to use the Committee to fund projects that they must do to provide a safe workplace.

Well, the Major Maintenance items that were decided are all in progress and will proceed as planned.

**Insulated Gloves**----This issue became very apparent when we got that early cold spell and many workers couldn't get these warmer gloves to do their jobs outside. Stores doesn't stock them in the vending machines or on the shelves because of cost. Raw Materials and the Dock have some for their own crews and are reluctant to hand them out. Management said they would check with John Malo to deal with this issue; and open up his wallet. Remember, it is the Company that has to provide the Safety items for us to do the work, and you should be asking the Supervisor to provide them before you start.

**Raw Materials (new Employees and Training)**--The Union wants to know why employees are getting hurt within the first couple of weeks while being trained. These switchmen are the busiest workers on site and the proper training must be done to prevent them from getting hurt. This issue has shown up on many of the new incident reports and the root cause has not been noted. Crag Sears said he would look into it and bring the training procedures to the next meeting.

**Communication (radio)**----I wanted to know why our radio's don't seem to work all the time. Sometimes you receive and can't communicate or, can communicate and can't receive. Many times someone is relaying messages to someone else because they are not heard. The day we had a SO2 leak I tried to call and no one heard, so I had to go to the Papermill Maintenance Supervisor and have him call First Aide to let them know of the leak in the area. This could have led to someone walking into a dangerous area so, it should be addressed quickly.

**Snow Removal**----The loaders used to remove the snow all around the mill create a slipping hazard by pressing down on the snow leaving an icy surface.

The sanding truck should be in operation at the same time to salt and sand the areas. We, the Union Reps, don't think this department has enough general equipment operators to deal with the heavy snowfalls. When Don Dawson ran the department he had more laborers and equipment operator's to deal with the problems and could plan better.

**Review Lost Times For the Year----**We would like to know where these are happening so we can deal with the hazard's. The Company has been very successful at getting our members lost times disallowed such that we don't know where the problems may lie.

**Tracking & Trending of Injuries----**Mary wants to focus on the chart to see if departments are having problems in more areas then others. Examples: hands, feet, backs, knees or eyes.

**Set Up Kick Off Meeting to set Goals for Next Year----**Jack is to set up a meeting at the Guest House to set up new goals and make plans for the coming year.

**Hazard Reports----**Last year we set up the DAPC Maintenance to deal with the tracking of these reports. This way they could be tracked and when they where completed could be sent off to the JOHS and the UNION HALL. In the past there were so many Hazard Reports made out that just seemed to vanish into thin air and no one knew they existed. All I wanted to know is how it was working and if we knew of any ones that where outstanding. Everyone wanted to know if I heard of any that I had an issue with, but no one seemed to have any answers to how we were doing or if they had seen any. I know there was one on the platform for the Soot Blowers and I believe it's done and I will have to check at the Union Hall to see if we have received anything. If anyone has put a hazard report in this year, let me know so we can check and see if the system is working.

**SO2 Leak Notice----**It was good to have this item put in the REAL NEWS to let our workers know of the hazard in the SO2 unloading area. Trouble is the news letter doesn't come out the same day it happens and by that time, we could be picking up bodies. The next day on nightshift I asked some of the workers in the Steam Plant and the Pulpmill if they heard how the leak was stopped from the rail car. To my surprise they said that they didn't know that there was a leak there. This is an area that both these departments could send their workers to do a job and may not be aware of the danger. As soon as a leak was reported all areas should have been notified to stay out of the area. If my radio had been working this may have helped but still all control rooms should be contacted to pass on the warning. This is one thing that I hope the Safety Department gets to right away.

## Incident Investigations

A couple of incidents in Raw Material Department that C. Sears is to bring back to look at for the Committee to review; these incidents could have been avoided if the proper equipment had been used. It has been told many times that there isn't a job here that is worth getting hurt over. So, take your time, get the proper tools or equipment and help if needed to, and get the job done in a safe productive manner.

John Malo even witnessed an employee slipping on the ice and landing hard on his buttocks. We have to take time to salt the areas that we walk on. Yes, the ice can be covered by freshly fallen snow or that expensive sawdust that blows around the mill. Also make sure your boots have good grips and are in good condition; replace them each year if they are wearing out.

There was an incident where a worker was clearing a plugged line and when the plug let go his arm got spayed with air containing rust and slug. When removing any plugged line you should always treat it as under pressure and stand clear of the opening or brake the line so it bows away from you or any one else.

## Minutes from Nov.21/06

**06-058-Foreign Body to Eyes----**Mike Rekedal was to do a risk assessment, then hopefully he can get something done to prevent this hazard from happening. We need to do something quickly before someone losses an eye because they are very important to everyone. I'm just waiting to see how the risk assessment goes because of how easy it is to lose an eye and also because of our eye policy.

**06-062 Crush Injury to Left Finger----**Sent back to Papermill, unreasonable expectations on corrective actions; also waiting for follow up.

**06-065 Terminal- Roll fell off Product Truck----**Jack said he did a risk assessment and the risks are low and the Company says it's a risk they are willing to manage with!! The Union would still like the letter answered in writing from Management. The Union believes it has gone as far as we can to deal with this and will ask the WCB to deal with it.

**Mill Conditions Clean Washrooms----**The Company agrees with the Union on the Expectations of cleaning the washrooms and lunchrooms daily.

**Inter Company Safety----**Talked with Alcan Rep's about sending employees once a year to each others Joint health and Safety Meetings. We are waiting to hear from Alcan to see they think this is possible.

**Seat Belts for Transports----**there was a lot of talk for and against the use of the seat belts but in the end the majority voted to have the workers wear them.



Well these are a few of the items talked about at this meeting; we ran out of time but I was happy we got all the new issues on the agenda. The old issues that were not addressed will continue on the minutes and be addressed later.

I won't be on the Health and Safety Committee this year but like everyone else we are all a member of the Union and should represent safety at all times.

gain I wish one and all the best and have a safe 2007 year. And may God bless you also.

Sincerely yours  
Dan Belleville

## **RETIRED . . . . .**

Working people frequently ask retired people what they do to make their days interesting.

Well for example, the other day Marilyn and I went into town and went into a shop. We were only in there for about 5 minutes. When we came out, there was a cop writing out a parking ticket.

We went up to him and said, "Come on man, how about giving a senior citizen a break?"

He ignored us and continued writing the ticket.

I called him a turd. He glared at me and started writing another ticket, for having worn tires.

So Marilyn called him a shthead. He finished the second ticket and put it on the windshield with the first. Then he started writing a third ticket.

This went on for about 20 minutes. The more we abused him, the more tickets he wrote.

Personally, we didn't care. We came into town by bus.

We try to have a little fun each day now that we're retired.

Its important at our age.

## **Dear Tech Support,**

Last year I upgraded from Boyfriend 5.0 to Husband 1.0 and noticed a distinct slow-down in overall system performance - particularly in the flower and jewelry applications, which operated flawlessly under Boyfriend 5.0.

In addition, installation of Husband 1.0 seems to have uninstalled many other valuable programs, such as Romance 9.5 and Personal Attention 6.5, and then installed such other undesirable programs as NFL 5.0, NBA 3.0. and Golf Clubs 4.1. Conversation 8.0 no longer runs, and Housecleaning 2.6 simply crashes the system. I've tried running Nagging 5.3 to fix these problems, but to no avail. What can I do?

Signed, Desperate

## **Dear Desperate:**

First keep in mind that Boyfriend 5.0 is an Entertainment Package, while Husband 1.0 is an Operating System.

Please enter the command: "http: I Thought You Loved Me.htm" and try to download Tears 6.2, and don't forget to install the Guilt 3.0 update. If that application works as designed, Husband 1.0 should then automatically run the applications Jewelry 2.0 and Flowers 3.5.

But remember, overuse of the above application can cause Husband 1.0 to default to Grumpy Silence 2.5, Happy Hour 7.0, or Beer 6.1. Beer 6.1 is a very bad program that will automatically download the Snoring Loudly Beta. Whatever you do, DO NOT install Mother-in-law 1.0 (it runs a virus in the background which will eventually seize control of all your system resources).

Also, do not attempt to reinstall the Boyfriend 5.0 program. This is an unsupported application and will crash Husband 1.0.

In summary, Husband 1.0 is a great program, but it does have limited memory and doesn't work with new applications well. You might consider buying additional software to improve memory and performance. We recommend Hot Food 3.0 and Lingerie 7.7.

Good Luck,  
Tech Support

## **Chinese organizing foreign firms**

### **Labornotes/CALM**

China's central government recently revealed proposed legislation to expand protections for residents of China who work for foreign corporations.

The new rules will make union recognition easier at foreign-owned firms, set up protections against arbitrary firings, and provide collective bargaining rights for unions on issues such as layoffs and holidays.

The American Chamber of Commerce, on behalf of American corporations doing business in China such as General Electric, Nike, Dell and Ford, has begun extensive lobbying against the changes. The legislation is expected to go into effect in May 2007.

Since the end of August, the government-affiliated All-China Federation of Trade Unions has organized all 66 of Wal-Mart's stores in the country. The official Chinese press has stated that it expects 60 per cent of 150,000 foreign-owned firms to be unionized by the end of the year.

Some independent observers remain skeptical, however, about the extent to which government-affiliated unions will buck employer interests. In its report on the Wal-Mart union drive, China Labor Bulletin stated that the ACFTU "rarely if ever intervenes on the side of workers when disputes arise with management or in cases of worker protest and unrest.



**Dear CEP Local 298:**

The Foster Parents Association really appreciated the great gift of money that you donated to the Children's Party.

**Carrol Fokuhl  
Foster Parents Association**

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**To Locals 298 & 1127:**

I cannot thank you enough for your very kind words and generous cheque. This is a difficult time for me and all of you have made it easier.

**Thank you again  
Edith Stubbs**

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**To CEP Local 298 & it's members:**

Thank you one and all, for the very nice Christmas cheer basket from Local 298. We wish you all the best in health and a very prosperous year.

**Thank you again  
Socorro & George Juergensen**

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**Seasonal Greetings to all the members of Local 298**

Congratulations go to Mary Murphy on her new presidency. Mary, as well a big THANK YOU to you for the delivery of the Christmas hamper. I have enjoyed meeting up with some of the retirees. So far, I have enjoyed my retirement working on my 30 footer and will keep on slugging it 'till I get it in the water next summer. All of you have a safe and merry season.

**LOU HASELMEYER**

**To Local 298:**

A big thank you for the Christmas basket.

**Bruce Griffiths**

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**To CEP Local 298**

**Dear brothers and sisters,** I just finished reading the newsletter for the month of December. It is always with great pleasure that I do it. It is good to stay in touch. I would like to take this opportunity to wish you all a very happy Christmas and a prosperous New Year.

**Clovis Amado**

**P.S.:** If any of you ever happen to be in the area you're welcome to stop by or call me. My address is 27071 26A Ave. Aldergrove, B.C.  
Phone 6046077628 or Cell 6043080274

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**To CEP Local 298:**

**The Lord works wonders through wonderful people like you!!**

Thanks for the kind donation. The Bread of Life Soup Kitchen is kept alive through community support. We are just a group of volunteers who decided to help in our community. We provide approximately 100 meals a week to those in need. Safeway donates approximately \$100,000.00 a year in day old bread & pastries. A little plug for Safeway. It is through your kind support that we can finance the rest of the needed supplies - cups, bowls, soup ingredients etc.

**Ron Dame  
Director  
Bread of Life Soup Kitchen**

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**To CEP Local 298:**

We would like to take this opportunity to thank you for supporting the Kitimat Child Development Centre. Your generosity is greatly appreciated. We hope that you have a happy holiday season.

**Kitimat Child Development Centre Association**

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**To CEP Local 298:**

Thank you for the fruit basket, very nice.

**Thanks again  
Dave Burrows**

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**Dear Brothers & Sisters:**

Wishing you a beautiful holiday season and a new year filled with peace & happiness. Thank you for the gift.

**Hans G. Thodt & family**

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**To CEP Local 298:**

Merry Xmas to all. Best wishes for the New Year and thank you for the Xmas gift.

**Sincerely**  
**Wayne Strain**

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**Hi Don:**

I would like to thank the Local 298 membership for the wonderful bucket of Christmas "Goodies". Even though this message will not appear until the January edition of the Newsletter, Lynn and I would like to wish all members of the Local and their families a very happy, healthy and prosperous New Year. I would also like to thank you for sending us a copy of the Newsletter every month. It's very informative and is very interesting to read.

**Thank You**  
**Rick Wherry**

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**Dear Brothers & Sisters:**

Merry Christmas and a prosperous New Year. Thanks for the lovely gift of goodies. We appreciate it very much.

**Sincerely**  
**Joao & Maria Ventura**

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**To all of you CEP Local 298:**

Hope you all have a (had) a great holiday season and all the best in 2007. Thanks so much for the lovely basket of goodies. So nice that you've remembered us all these years. Willy's so happy when he gets a chance to talk to any one of you, he enjoyed working with you all and has so many good memories.

**Thanks**  
**Willy & Shirley Buysse**

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**To my Brothers & Sisters in CEP Local 298:**

Thank you for the gift basket. Best wishes for the holidays and an accident free New Year in 2007.

**Vinko Omejc & family**  
**To CEP Local 298:**

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Thank you very much for the Christmas basket. Merry Christmas and all the best to each one of you and your families in the New Year.

**Bernie DaSilva**

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**To the Members of CEP Local 298:**

My wife and I would like to thank you for the Christmas gift basket, it was thoroughly enjoyed and appreciated.

**As ever**  
**Angus & April McLeod**

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## ***Thanks, But No Thanks***

As you may have heard; some of us 25 and 30 year Employees have returned our service awards gift, which we received last September, back to the Company. I returned my gift with the following letter attached, which I would like to share with you.

**To whom it may concern,**

I am returning my 25 years of service award back to the Company in order to have my voucher amount under Employer paid benefits, removed from my next pay check.

I would like to take this time to thank the Company again for the wonderful awards dinner that was held for us last September. It was very apparent that there was much effort put into the meal, decor and the celebration of that night. The gift catalogs that were handed out, was a nice opportunity for us to purchase something that we may not normally buy ourselves. It made us feel very appreciated for the many years of dedicated service that we supplied to the Company.

I can understand that when the Company gives a gift, they may add the amount of that gift on to the Employee as earnings. That would be fine, as long as it is a fair market value. I chose the telescope as my gift. I know it is easier to spend money, when the money is not yours. But I feel that you should always try to get the best value for the dollar, no matter whose dollar it is that you're spending. So after seeing the amount of \$765.51 on my pay stub for gift voucher and looking on line and seeing the telescope was anywhere from \$300.00 to as low as \$179.99, I was taken aback. I don't know what the Company paid for the gift, but if it was \$765.51 I'm sorry to say that they got hosed and it was wrong to add that amount onto my taxable income.

Therefore, with no disrespect to the Company, I must say thanks, but no thanks and return the gift back to you. If you feel the need to discuss this matter any further, you can come and see me on "D" shift in the CMP control room where I am currently working.

**Thank you,**  
**Uli Thomschke**

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Dear Editor;

December 5, 2006

I have never written to an editorial but today I must. I have been an employee at Eurocan for almost 30 years. West Fraser Co. decided to throw a long term party for their 25 and 30 year employees at the beginning of this year. The party and gathering of old friends; dinner and drinks; a festivity to remember I assure you! Well all ends well and the thanks appreciated, But alas to my utter surprise the thanks hasn't ended.....

On November 30<sup>th</sup> I received my check stub in the mail opening it I noticed a new item under Employer paid benefits The usual stuff there Dental, Pension, but this new one just called "VOUCHER" not sure of what it was so I called payroll to see what it was all about. They seemed a tad reluctant as to say what it was and transferred me to another department which in turn I was told that I would be called by someone to explain. About an hour later I was contacted by Mr. John Malo, on a speaker phone I assume as there was an echo sound as he spoke. I was then told what this item was .... He stated to me that it was from the "GIFT" and other things I received from the "Celebration" they put on for us? He also went on to say that I knew about this????? I was never told I would be TAXED on the LONG SERVICE GIFT and other "THINGS". To my amazement this VOUCHER was for \$850.36. I received a camera, which I might add was a nice little unit so I decided to buy one for a family member at \$199.00. I went on to express my disbelief and amazement at being taxed on a gift. He then told me that a memo will be sent out today explaining what our options are.... Hm, I lamented to myself. I wondered what I was going to do; do I have to give my "GIFT" back as to not be hit with an \$850 tax slap or are they going to make this a real gift of service? "The later I think not..." I wait with baited anticipation to read this memo by Mr. Malo .

One burning question to me is that if this was a gift, great ... but why am I being taxed on the item "VOUCHER" at \$850.36 when the article I received cost \$199.00? Was I being taxed for the Drinks ... Meal... MHZ this makes very little sense to me? My explanation from Mr. Malo really didn't make sense either...

**Confused.....**  
**Mike Holland**

**P.S.:** As a long time worker of almost 30 years I wanted to say Thanks but NO Thanks for the wonderful gift I received last year at the Eurocan Pulp Mill 25 years of service.

I didn't know by going and excepting this gracious gift I would also be taxed for \$850.36 to my income the last time I bought a gift for my family I never told them they had to pay the taxes much less MAKE THEM PUT IT TOWARDS THIER INCOME....

So, Thanks but no thanks I will be returning the "GIFT" West Fraser so graciously gave me as I never realized that I would end up paying twice as much for the "GIFT" as I would have if I would have outright bought it with MY HARD EARNED MONEY!

*(I wonder what Eurocan and/or West Fraser have done with all the returned gifts. Now that the gifts aren't worth anything they could probably be given away for free, maybe as door prizes or safety awards. Editor.)*

**From the Old Dog**

## *Volunteers and Stuff*

In the spring of 1971 my supervisor in the Wood Recovery section of the Eurocan Woodmill said to me "you're the Safety Captain so you've got to go for training today at 4 o'clock."

When I arrived at the training trailer along with four or five other Safety Captains, we were warmly greeted by the municipal fire chief, who told us what a noble thing it was to be a volunteer firefighter.

After telling us about the different classes of fires, we were each given a real spiffy looking hard hat sticker that said "Volunteer Firefighter" in big shiny letters.

A couple of days later, with my sticker in place on my hard hat, a fire occurred in the Woodroom section of the Woodmill. As I rushed to the fire I was stopped by my supervisor who explained to me that I was the Wood Recovery volunteer, NOT the Woodroom volunteer and I was only allowed to fight fires in Wood Recovery and nowhere else.

For those that don't know, or weren't aware this was the beginning of the Eurocan Volunteer Firefighters and current ERT. No training, no equipment, just a shiny sticker for the hardhat.

**This is The Old Dog saying**  
**"Keep yer feet dry"**

## *Cut rates*

**Internet/CALM**

Two barbershops on the same street were competing for business.

One put up a sign advertising haircuts for seven dollars.

His competitor put up one that read "We repair \$7 haircuts."





Good things CEP local 298 does throughout the year for their members and past members....something to be proud of.

100 baskets of Xmas cheer were delivered to CEP Local 298 members in the area who have retired, members on LTD, and members who are sick and off work.

My partner (*Harry*) and I had an enjoyable day meeting with the retirees at Tim Horton's in Terrace; some which we hadn't seen in years. It was great to catch up on the activities and likewise they were glad of all the new and old news which had not reached them this year. They all provided me with emails, requesting news of our members be sent to them. They wished CEP Local 298 members happy holidays, and many thanks for the treats.

Thanks to Wilf Butters for delivering the rest of the baskets in the Terrace Area.

Also, a big thanks to Bill McEwan who delivered ALL the baskets in the Kildala area, and most of the baskets in the Nechako and Whitesail area. Thanks to Oscar Grand who took care of delivering the baskets to Kitimatt Village. The three of you brought much appreciated cheer from our members, and I appreciate all your help.

**In Solidarity, Mary**

## ***Blessed by the Pope***

**Guild Report/CALM**

Twenty-five years ago, Pope John Paul II issued his encyclical called "On Human Work."

The formal statement from the Vatican declared that "unions are an indispensable element for white collar workers."

## ***Canadians prefer education to tax cuts***

**NDP/CALM**

Two recent polls show the Conservatives are out of touch with Canadians' preference for greater federal investment in post-secondary education.

One poll, conducted by Decima Research for the Canadian Association of University Teachers and the Canadian Federation of Students, reported that 56 per cent of those surveyed preferred reducing tuition fees to the Conservatives' promise to cut the GST by a further one per cent.

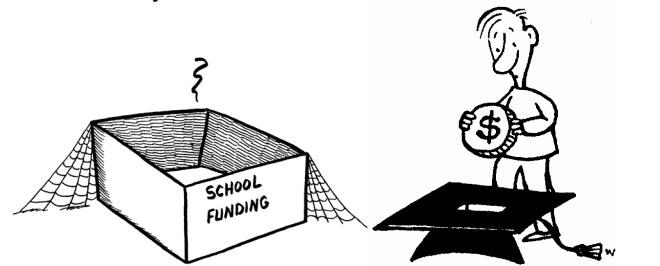
"The Conservatives have a single-minded obsession with tax cuts that is not shared by the majority of Canadians," says NDP MP Denise Savoie, the NDP's critic for post-secondary education. "Canadians know tax cuts don't lower tuition, hire new faculty, or create new apprenticeships."

"The Conservatives have promised investment in post-secondary education for almost a year, but all they've delivered are tax cuts. Tax cuts don't magically equip Canadians with the skills or knowledge they need to be competitive," added Savoie.

More than one-third of respondents in the Decima poll also said the single most important thing the federal government could do to improve the Canadian standard of living is invest in post-secondary education and training.

A second poll, by the Canadian Council on Learning, found that 87 per cent of Canadians agree that "a highly skilled and educated workforce is the single most important thing Canada needs to ensure its economic future." Ninety-two per cent of respondents agreed that the cost of higher education should not be allowed to obstruct qualified students who wish to pursue post-secondary studies.

"Clearly, Canadians see education as essential in both the economic and the social sense," Savoie said. "By ignoring the issue of access, this Conservative government is leaving too many Canadians behind and jeopardizing our country's ability to compete economically."





## Julia Anne Minaker

July 20, 1938 - December 31, 2006

*In Loving Memory of*



*Julia Anne Minaker*

*1938 - 2006*

(The following was copied from the January 12, 2007 edition of **The Northern Connector**. Editor.)

On December 31, 2006, Ann Minaker, age 68 years, passed away peacefully following a courageous battle with cancer.

Ann was predeceased by her father John, sister Olga and son Paul. Ann is survived by her loving husband Ron of 46 years; her mother Ruby Stashniak; her sons Ron (Jackie, Sarah, Kevin), Perry (Susan, Samuel, Rebecca), Tim (Kirsten, Zachary, Brock); Paul's children (Daina, T-Jay, Tanner, Hope and Jacob); and numerous aunts, uncles, nieces, nephews and cousins.

Born in Kitwanga, July 20, 1938, Ann moved to Kitimat and married Ron on May 9, 1960. Ann held numerous positions in the community, such as working at Shop Easy, Super Valu and tree planting.

Ann later retired from Eurocan following a 20 year career as an Occupational First Aid Attendant. Ann also touched the lives of so many people through her work with Hospice, Healing Touch and the Kitimat Marine Rescue Society.

Ann was a wonderful daughter, sister, wife, mother, grandmother and friend. Her loving nature and compassionate soul extended to many in the community. We wish to thank all the people who supported our family through this difficult time, including the staff of Kitimat General Hospital. With special thanks to Dr. Huang, Shelley Apps, Nancy Pelley, Torild Legg, Else Hofer, Wanda Tayes, Donna Rinquina, Linda Skogstad and Father Pier. Thank you to everyone for the cards, flowers, and food. Lastly, a very special thank you to our cousin and Ann's best friend Edna McLellan, you are our rock.

Funeral services were held on January 4, 2007 at Christ the King Catholic Church with Father Pier officiating. Thank you to the Catholic Church for the mass, beautiful music and refreshments.

In lieu of flowers, donations may be made in Ann's memory to the Canadian Cancer Society or the Kitimat Hospice Palliative Care Association.

(The following was copied from the Eurocan notice courtesy of Carole Gagnon. Editor.)

Ann retired on January 6, 2001 from the Mill Stores-First Aid Department after 20 years of dedicated service. Ann originally joined Eurocan on September 29, 1980 in the position of Pulp Tester Trainee in our Technical Department. She transferred to the position of First Aid Attendant on May 25, 1981. Ann was laid off due to the Woodmill closure on September 10, 1982. She returned to Eurocan as a casual First Aid Attendant in late 1982 and in 1983, then assumed the permanent position of First Aid Attendant on January 1, 1984, a position she held until her retirement.

## Using text-messaging

### UCS/CALM

The American Federation of Teachers reports it is the first union to use electronic text-messaging to provide time-sensitive information to its members.

The union's first message was a request for members to mobilize for AFT-endorsed congressional candidates during the U.S. mid-term elections in November.

"Technology can be a powerful amplifier of our efforts," said AFT President Edward J. McElroy. "Text-messaging builds on something our union does very well—we inform, we mobilize and we effect positive change."

## ***THE COMPANY THAT STOLED THE CHRISTMAS SPIRIT!!!***

Once upon a time in a small beautiful valley in a little village in northern B.C. many came from far and wide to celebrate working for a Company for 25, 30 and 35 years.

The spouses also were invited because they also had a very important part in aiding the workers to get to work day after day.

This Big, big, big Company brought in the BIG BOYS to tell these employees how important they had been to the Company in the past and how all were needed in the future if they were to survive the hard times ahead.

To show how important and appreciated the Company was, they gave gifts to one and all and hosted a meal fit for Kings. All went home happy and worked hard like little bees for the next year. Yes they produced better than ever and production records fell like bowling pins. Some injuries occurred but the brave little workers stay to do their part to keep the costs down.

A big project went way, way over budget but the workers joined together and found ways to save this huge Company money and sacrificed precious time off to have this project completed.

The cookies and milk treats had already been made to celebrate yet another record production for the whole month. But money was needed because this Company needed more mills in a foreign country to expand its wealth.

Accountants way, way up in the dark corners of the Company had to find ways to get money quickly.

They meet at the huge Guest House and an idea quickly came to their minds; that was lets claim all those gifts on our taxes. We can charge the workers for an extra earning benefit and we can recover the money spent.

So three weeks before Christmas all the hourly workers had extra money taken off their pay checks to pay the extra taxes. This still left a short fall of ready cash needed so they took cash right off their staff pay cheques.

These mean people thought, "So what if the people felt like they had paid for their own gifts. They should be happy, they have a job to go to anyways".

But to their amazement they couldn't believe within the next couple of days a steady stream of gifts were brought back and their offices soon became over filled.

Yes these workers were willing to work hard and hold onto these over priced and many with flaws because they thought they were gifts given with love at heart.

The workers said the Company could have these gifts back and sell them on the open market and get more money to pay for what ever they needed.

The joyful season of Christmas was tainted and many hoped to get their money back in time to Save CHRISTMAS.

This Company can't be named because it might interfere with the purchase that is taking place. But if you guess correctly your name may be entered into a draw and you will have a chance to win a prize under five hundred dollars that will include taxes, shipping and any engraving needed.

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### **Now that's a Country Story Dan Belleville**

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*(Sellout... continued from the front page)*

Comparatively little has been said, however, about how the deal, which passed first reading in the Canadian House of Commons in September, will hurt specific provinces. Or how individual provinces, in an effort to appease the powerful US softwood lumber lobby, may have tied the hands of their respective forest industries and forestry-dependent communities by making premature changes to provincial forest policies.

This document addresses some of the major impacts that the Softwood Lumber Agreement will have on BC's forest industry and the province's forest-dependent communities.

## ***The Softwood Dispute at a Glance***

The latest softwood lumber dispute between the US and Canada began in August 2001, when the US announced that Canadian softwood lumber producers would pay duties on all US-bound lumber. Two months later, the penalties were increased. In five years, the US received more than \$5 billion in countervailing and anti-dumping duties. The duties came after a previous five-year softwood lumber agreement between the two countries ended.

At the heart of the dispute were US allegations that stumpage fees charged by BC and other Canadian provinces to companies logging publicly-owned timber were too low, and thus constituted a subsidy.

Despite subsequent rulings by trade panels convened under the North American Free Trade Agreement and the World Trade Organization that were generally favourable to Canada's position that its forest industry was not subsidized, the Canadian

and US governments agreed in April 2006 to a framework agreement to end the dispute.

Under the new agreement, \$4 billion of the \$5 billion-plus in duties paid by Canadian companies will be returned, with the US keeping the rest. The agreement calls for export taxes to be paid on US-bound shipments of Canadian softwood lumber once prices fall below a certain level and/or exports exceed certain thresholds or quotas.

These restrictions on unfettered market access came despite significant changes to provincial forest policies, changes that may not have had to be made in light of the trade panel rulings, and despite a growing number of legal victories that generally went Canada's way. Had Canada simply stayed the course, it is likely that a clear legal and trade victory would have resulted – a far preferable outcome for Canada than the terms of the new agreement.

## *January 22, 2007 Day Of Action*

The Communications, Energy and Paperworkers Union of Canada (CEP) is Canada's forest union. We represent 55,000 workers in pulp and paper mills, sawmills, board and box plants and forestry operations. Most work in small forest-dependent communities.

The forest industry is one of our most important industries, providing jobs, directly and indirectly, for more than 900,000 workers.

Over the last 3 years, more than 10,000 jobs have been lost in the forest industry, and dozens of communities are facing economic ruin.

The federal government has been silent in the face of this crisis and has cancelled programs proposed by the previous government to assist the forest industry.

Forest companies are exploiting the climate of crisis to eliminate capacity at the expense of productive mills, good jobs and local economies. Some are even demanding wage concessions from the union at the bargaining table even though they will make very little difference to overall costs.

The National Day of Action for Forest Sector Jobs is the result of a resolution adopted by delegates to the CEP's national convention in Vancouver last fall. The resolution calls for CEP Locals to plan actions on January 22 to pressure the federal government to address the crisis and protect jobs.

CEP believes the following steps must be taken immediately to begin addressing this crisis:

- A forest industry summit of governments, industry and trade union leaders to address the crisis and to protect jobs.

- A federal government stabilization fund of \$10 billion for silviculture, to protect jobs, save mills and to provide labour adjustment programs for workers impacted by layoffs.

## *CEP to forest industry - No Concessions*

The Communications, Energy and Paperworkers Union of Canada plans to serve notice on forestry sector companies that it will fight any attempt by industry to undermine or claw back provisions in the current Eastern Canadian pattern agreement.

"I will be in touch with the major players in the sector, including Abitibi Consolidated and Bowater, to let them know we have no intention of negotiating concessions to our existing wages or benefits," said Dave Coles, national union president.

"We are prepared to work with industry to gain government support to solve the real problems underlying the jobs crisis in the forestry sector," Mr. Coles added. "Those problems include the high value of the dollar; uncompetitive energy costs; and, lack of investment by industry."

"The wage and benefit portion of operating costs in any mill across this country is amongst the smallest cost item for employers and they know that. We have had more than one employer tell us we could work for nothing and he would still close his mill because the union contract was not the real problem."

The strong anti-concession stand flows from a two day meeting of leaders from more than 90 CEP Locals from across Eastern Canada which wrapped up in Montreal on Tuesday.

"Our Local leaders are telling us to draw a line in the sand. And that is exactly what we intend to do," Mr. Coles said.

The 150,000 member CEP is Canada's largest union of pulp, paper and forestry sector workers.

Delegates to the Montreal gathering heard that upwards of 7,000 CEP members have lost their jobs in the recent past due to complete and partial mill closures right across the country and that dozens of communities are facing financial chaos because of lost tax revenue.

The union is spearheading a nation wide campaign to get the federal government to adopt a national forest strategy to include money for research and development; creation of alternate end uses of the resource; investment in silviculture initiatives to ensure the sustainability of the resource; and, adjustment programs for workers, families and communities hardest hit by the crisis.



## Standing Committee Report

## ***Company Takes Away Employees' Paid Time Off – Disgusting!!!***

By Don Klie

Some of the issues discussed at the recent Standing Committee meetings are as follows:

- 1) The Union raised the issue of the Terminal contracting out First Aid prior to exhausting the call list. The Union pointed out that there were other options that should have been investigated prior to contracting out the work. The Company said they would review and respond.
- 2) The Union requested the Company review an employee's request for a second pair of prescription safety glasses. The employee in question required a pair of glasses designed to be worn with a half face respirator, but also requested a second pair of safety glasses designed for times when the respiratory wasn't being worn. Company to review and respond.
- 3) The Union again raised the issue of problems at the Terminal because the Assistant Superintendent was performing the duties of the supervisors. In particular, the grievance process states that the employee is to communicate any dispute or complaint to the supervisor. Also, it is the supervisor that is to deal with the grievance at the first stage. The Union requested that the Company follow the appropriate protocol when supervising the employees.
- 4) The Union expressed its displeasure with the way the Company handled the "Long Service Awards" issue. While the Union acknowledged and appreciated the effort that went into the dinner and celebrations, in the end the employees ended up having to pay for the gifts they received.
- 5) The Union expressed its disgust with the Company regarding the Company requiring employees, who were unable to attend work because of the road closure, to apply for paid time off in order to cover the day off. There is no provision in the contract that would require a person to do that. The Company referred to a policy from the early 1990's as supporting the position they were taking. However, that policy refers to times where employees apply for time off; not when for times when employees are unable to make it to work due to circumstances beyond their control, and certainly not retroactively. The Union advised that grievances would be filed if the Company took anyone's paid leave and applied it to the day in question.
- 6) The Union requested that when the Company does a process investigation and involves senior management representatives at the meeting that a senior Union representative also be allowed to attend. The Union made the Company aware of an issue involving the Barge Ramp being investigated. The Company said they would review and respond.
- 7) The Union again raised the issue of the CN train showing up at quitting time at 4:00 p.m. and holding up traffic for several minutes. The Company says they need to track the times that the train is holding up traffic for extended periods and then report that to CN. Employees have been advised to phone Bob Matiowsky to report such occurrences.
- 8) Over the past several weeks Alcan has been requesting to use Eurocan's barge facilities (due to the fact that their barge facilities were undergoing major repair). While there were few occurrences the fact that our crews, while being paid for being present during the times when the barge was there, weren't being used to actually do the loading or unloading. The Union expressed its displeasure with this procedure and put the Company on notice that, since it was a continuing occurrence, we wanted our people to be doing that work. The Company agreed and advised that they had already informed Alcan.
- 9) The Company advised the Union that the Stores Vending Machine suppliers had been made aware that the responsibility for stocking the machines belonged to Eurocan employees. The Union said it would monitor the situation to ensure that it was our members who performed those duties.
- 10) Purchase of an excavator – the Union made the Company aware that they would only honour the letter of understanding regarding the waiving of our right to grieve certain issues concerning the excavator if the Company agreed to a 3 year time limit on the letter. The Company said they would review and respond.

## ***Grievance Report***

Listed below are the grievances currently being processed and their status. If you would like to know more about a particular grievance or if your grievance isn't listed please contact the Chief Shop Steward, Steve Dudra or one of the other Standing Committee members.

## **At Arbitration**

**CEP 298** – Nov 12/03 – case #03-21 – Annual notification of Equipment leased or rented coming with operators. **Arbitration July 26 and 27, 2006.**

**CEP 298** – Nov 10/03 – case #03-23 – Raincoast Cranes- failure to notify. **Arbitration July 26 and 27, 2006.**

**CEP 298** – case #04-56 – Contracting out violation. Contracted out 'emergency' 1700 loads of gravel' replacing the workforce. **Arbitration July 26 and 27, 2006.**

**Contracting Out Committee** – 2003 to 2004 – case #04-57 – Failure to notify. Heat exchanger tube plug.

**On hold pending outcome of CEP 298**

**Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**John Miller/Contracting Out** – Sept 10/04 – case #04-59 – Letter from Company re: Contracting out notification of change of practice in Stores on the purchase of manufactured shafts. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – Feb 16/04 – case #04-60 – Failure to notify. Contracting out shaft to 101 Industries. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – Aug 9/04 – case #04-61 – Contracting out violation. Failure to notify. Morse taper shaft contracted out to 101 Industries.

**On hold pending outcome of CEP 298**

**Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – Aug 20/04 – case #04-62 – Contracting out violation. Failure to notify re: stuffing box contracted out to Zanron. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – July 5/04 – case #04-63 – Contracting Out violation. Failure to notify re: drive shaft contracted out to Zanron. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – April 15/04 – case #04-64 – Contracting Out Violation. Failure to notify re: repulper stub shaft assembly. Contracted to Lakelse machine shop. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – Dec 8/03 – case #04-65 – Contracting Out Violation. Failure to notify re: repulper stub assembly. Contracted to Lakelse machine shop. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – June 17/04 – case #04-66 – Contracting Out Violation. Failure to notify re: shaft contracted out to Zanron. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Contracting Out Committee** – Sept 20/04 – case #04-67 – Contracting Out Violation. Failure to notify re: shaft to 101 Industries. **On hold pending outcome of CEP 298 Contracting Out Committee – case #04-001-014 – Contracting out of Stores Stock items.**

**Dino Stamatakis** – Mar 4/05 – case #05-18 – failure to accommodate.

**Claus Rosner** – Apr 8/05 – case #05-26 – unjust discipline. **Hearing dates – January 5 and 6, 2007.**

**Contracting Out Committee** – Jun 14/05 – case #05-34 – failure to properly notify; TL&T - lighting on the chip piles.

**Don Kelly** – Sept 16/05 – case #05-41 – improper cancellation of floater.

**Case #06-49 George Schibli** – April 12<sup>th</sup>, 2006 – Denied Family Responsibility Leave.

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

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

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

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

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

## **At Standing Committee**

**Mark Schumann** – Feb 1/05 – case #05-07 – Not replacing a replaceable position.

**Contracting Out Committee** – Jan 13/05 – case #05-09 – failure to notify. On hold pending grievance 04-001 outcome.

**Contracting Out Committee** – Dec 6/04 – case #05-10 – failure to notify. On hold pending grievance 04-001 outcome.

**Contracting Out Committee** – Dec 9/04 – case #05-11 – failure to notify. On hold pending grievance 04-001 outcome.

**Contracting Out Committee** – Oct 14/04 – case #05-12 – failure to notify. On hold pending grievance 04-001 outcome.

**Contracting Out Committee** – Dec 28/04 – case #05-13 – failure to notify. On hold pending grievance 04-001 outcome.

**Contracting Out Committee** – Mar 2/05 – case #05-23 – failure to notify. On hold pending the outcome of annual notification grievance.

**Contracting Out Committee** – Mar 2/05 – case #05-24 – failure to notify. On hold pending outcome of annual notification grievance.

**Ken Fleming** – Mar 11/05 – case #05-30 – company not providing training.

**Contracting Out Committee** – Sept – Oct /05 – case #05-45 – failure to properly notify – ceramic tiles for floor in Engineering.

**Jurgen Schiemann** – Nov 9/05 – case #05-59 – Duty to Accommodate.

**Contracting Out Committee** – Sept to Dec /05 – case #05-65 – failure to notify re stocking of janitorial supplies around the mill.

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

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

**Contracting Out Committee** – May 10/05 – case #05-69 – failure to notify – dry end pulper shaft. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – May 16/05 – case #05-70 – failure to notify – Joy precipitator rapper shaft. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Jul 25/05 – case #05-71 – failure to notify – 3196XL Pump Shaft. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Aug 25/05 – case #05-72 – failure to notify – A151 4140 - HT/250-300 Pump Shaft. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Sept 30/05 – case #05-73 – failure to notify – Stuffing Box, M&D Reactor. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Oct 20/05 – case #05-74 – failure to notify – DWG F-910432-10 Drive SHAFT. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Jul 22/05 – case #05-75 – failure to notify – Plates for Papermill Rolls. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Aug 29/05 – case #05-76 – failure to notify – Bushing, Nut, Gland, Shaft. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Sept 19/05 – case #05-77 – failure to notify – Shaft & Nut, Sleeve. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Sept 19/05 – case #05-78 – failure to notify – Plates custom cut for 423 Fork truck. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Nov to Dec/05 – case #05-79 – failure to notify – Fabrication of top cyclone wear plates. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Nov 7/05 – case #05-80 – failure to notify – Side Plate B-11777 Bingham pump. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Nov 10/05 – case #05-81 – failure to notify – Pump Shaft PSE - 300, Thrust Ring PSE - 300. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

**Contracting Out Committee** – Nov 17/05 – case #05-82 – failure to notify – Wearing ring Pump Z-R500, Shaft 341848. On hold pending the outcome of the arbitration regarding Stores Stock grievance.

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

**Case #06-41 Mike Holland** – March 18<sup>th</sup>, 2006 – Not Working to Expectations.

**Case #06-61 Jason Smith** – July 5<sup>th</sup>, 2006 – Article 1 and Others – Unjust Discipline.

**Case #06-62 Contracting Out Committee** – 2005 – 2006 – Article 1 and Others – Contracting Out Violation – Failure to pay Code of Ethics.

**Case #06-65 Contracting Out Committee** – April – May 2006 – Article 1 and Others – Contracting Out Violation – Failure to Notify DJ Containers hauling Garbage.

**Case #06-66 Contracting Out Committee** – May 8<sup>th</sup> – 11<sup>th</sup>, 2006 – Article 1 and Others Contracting Out Violation – Failure to Notify Kitimat Iron Installation of Temporary Elevator for Steam Plant.

**Case #06-69 Tim Schmidt** – June 19<sup>th</sup>, 2006 – Article 1 and Others – Call List OT Violation.

**Case #06-73 Greg Adams**

July 24<sup>th</sup>, 2006 - Article 1 and Others, Article #18 – Floaters.

**Case #06-74 CEP Local 298**

Aug 21<sup>st</sup>, 2006 – Article 43 & Others. – Job Transfers.

**Case #06-75 Mike Keating**

June 24<sup>th</sup>, 2006 – Article 11 – Overtime Distribution.

## **Grievances at Fact Finding**

### **Case #06-76 Contracting Out Committee**

Dec 22<sup>nd</sup>, 2005 – Failure to Notify – Westcan wearing ring.

### **Case #06-77 Contracting Out Committee**

Dec 8<sup>th</sup>, 2005 – Failure to Notify – Westcan pump shaft.

### **Case #06-78 Contracting Out Committee**

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

### **Case #06-79 Contracting Out Committee**

Dec 15<sup>th</sup>, 2005 – Failure to Notify – Westcan pump shaft.

### **Case #06-80 Contracting Out Committee**

Jan 19<sup>th</sup> – 23<sup>rd</sup>, 2006 – Failure to Notify – Zanron Drive shaft.

### **Case #06-81 Contracting Out Committee**

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

### **Case #06-82 Contracting Out Committee**

Jan 10<sup>th</sup>, 2006 – Failure to Notify – Zanron Shaft dryer drive gear.

### **Case #06-83 Contracting Out Committee**

Dec 29<sup>th</sup>, 2005 – Failure to Notify – Zanron Shaft Joy Precipitator.

### **Case #06-84 John Burget**

Prior to August 29<sup>th</sup>, 2006 – Article II (a) – Staff doing hourly work.

### **Case #06-85 Contracting Out Committee**

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

### **Case #06-86 Contracting Out Committee**

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

### **Case #06-87 Contracting Out Committee**

July 10<sup>th</sup>, 2006 – Failure to Notify – Westcan Pump Shaft ( PO# 2010605617 ).

### **Case #06-88 Contracting Out Committee**

July 24<sup>th</sup>, 2006 – Failure to Notify – Zanron Shaft Joy 1-35317-L ( PO# 2010605960 ).

### **Case #06-89 Contracting Out Committee**

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

### **Case #06-90 Len Hanson**

Feb 5<sup>th</sup> & 7<sup>th</sup>, 2006 – Travel Money?

Note: I received this on Nov 15<sup>th</sup>, 2006.

### **Case #06-91 Dan Belleville – Nov 5<sup>th</sup>, 2006 – Over Time Distribution**

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

### **Case #06-93 Contracting Out Committee**

June 7<sup>th</sup>, 2006 – Failure to Notify – Rain Coast Crane moving a Container.

### **Case #06-94 Dino Stamatakis**

Nov 6<sup>th</sup>, 2006 – Article XXX Unjust Discipline

### **Case #06-95 Dino Stamatakis**

Nov 1<sup>st</sup>, 2006 – Supplement #7 Unjust Discipline

### **Case #06-97 Chris Campbell**

Dec 7<sup>th</sup>, 2006 – Job Posting

### **Case #06-98 Andrea Lee**

Oct 30<sup>th</sup>, 2006 – Posting to Steam Plant

### **Case #06-99 Robert Tomkinson**

Sept 29<sup>th</sup>, 2006 – Unjust Progressive Discipline

## **Completed Grievances**

**Contracting Out Committee** – January 18<sup>th</sup>, 2006 – case #06-16 – failure to notify – 2 Rain Coast Cranes on site. **The Company offered, and the Union accepted, \$1000 to resolve this grievance.**

**Contracting Out Committee** – January 19<sup>th</sup>, 2006 – case #06-18 – Rain Coast crane at toxic pond. **The Company offered, and the Union accepted, \$1000 to resolve this grievance.**

**Case #06-40 Darcy Dawson** – March 18<sup>th</sup>, 2006 – Not Working to Expectations. **Withdrawn without precedence or prejudice.**

**Case #06-59 Ship loaders** – Shutdown – Article 1 and Others. **Withdrawn without precedence or prejudice.**

## ***Drug testing: random saliva swabs not permitted***

(The following article was copied from [lancasterhouse.com](http://lancasterhouse.com). Editor.)

Random drug testing has little if any place in Canadian workplaces, even safety-sensitive ones, according to a recent arbitration award that scrutinizes Imperial Oil's drug testing policy at its Nanticoke, Ontario refinery.

The company had suspended random drug testing in 2001 after the Ontario Court of Appeal ruled, in *Entrop v. Imperial Oil*, [2000] O.J. No. 2689 (QL), that random drug testing offends the Ontario Human Rights Code. Because random drug testing using urinalysis "cannot measure present impairment," Imperial Oil's policy was held to discriminate against employees on the basis of "perceived disability" by treating them all as addicts. As "no tests currently exist to accurately assess the effect of drug use on job performance and ... drug testing programs have not been shown to be effective in reducing drug use, work accidents or work performance problems," the court concluded that "random drug testing for employees in safety-sensitive positions cannot be justified as reasonably necessary to accomplish Imperial Oil's legitimate goal of a safe workplace free of impairment." However, the court upheld random alcohol testing for employees in

safety-sensitive jobs because a breathalyzer can prove "actual impairment of ability to perform or fulfil the essential duties or requirements of the job, as opposed to merely detecting the presence of substances in the system." See Lancaster's Human Rights and Workplace Privacy Reporter, July/August, 2000.

In July 2003, having discovered a newly available swab test that could accurately measure marijuana levels in saliva indicative of actual impairment, Imperial Oil reintroduced random drug testing for employees in safety-sensitive positions. The Communications, Energy and Paperworkers Union of Canada, Local 900, representing employees of Imperial Oil's Nanticoke, Ontario refinery, launched a policy grievance challenging the company's action.

### ***Random saliva swabs not allowed under "Canadian model," arbitrator rules***

In a December 13, 2006 award, issued following eight days of hearing, a board of arbitration chaired by Michel Picher ordered the company to halt all random drug tests at its Nanticoke refinery. The chair forcefully ruled that "subjecting all employees to random drug testing by means of a [saliva] swab test simply cannot be reconciled with the well established, predominant Canadian arbitral jurisprudence which holds that, in a safety sensitive working environment, drug and alcohol testing can be required of an individual employee by his or her employer only where there is reasonable and probable cause to do so, or where there has been an accident or incident which would justify such a measure."

After reviewing the arbitral jurisprudence, Picher identified five basic principles that are "tantamount to a Canadian code for drug testing in a safety sensitive workplace," and which "have become widely accepted and applied," as follows:

- No employee can be subjected to random, unannounced alcohol or drug testing, save as part of an agreed rehabilitative program.
- An employer may require alcohol or drug testing of an individual where the facts give the employer reasonable cause to do so.
- It is within management's rights under a collective agreement to require alcohol or drug testing following a significant incident, accident or near miss, where it may be important to identify the root cause of what occurred.
- Drug and alcohol testing is a legitimate part of continuing contracts of employment for individuals found to have a problem of alcohol or drug use. This is the only exceptional circumstance in which the otherwise protected employee interest in privacy and dignity of the

person must yield to the interests of safety and rehabilitation, to allow for random and unannounced alcohol or drug testing.

- The cases generally recognize that an employee's refusal or failure to undergo an alcohol or drug test in the three circumstances described above may properly be viewed as a serious violation of the employer's drug and alcohol policy, and may itself be grounds for serious discipline.

In sum, Picher explained: "Arbitrators have concluded that to subject employees to an alcohol or drug test when there is no reasonable cause to do so, or in the absence of an accident or near miss and outside of the context of a rehabilitation plan for an employee with an acknowledged problem is an unjustified affront to the dignity and privacy of employees which falls beyond the balancing of any legitimate employer interest, including deterrence and the enforcement of safe practices." Observing that over the last two decades, "[t]he reported [Canadian] jurisprudence is devoid of any serious incidents or accidents attributed to workplace drug use," Picher wrote: "That would suggest, as a general rule, that the balancing of interests approach evolved by Canadian arbitrators has been an appropriate, measured and ultimately effective response in balancing the rights of employers and employees in this sensitive area... To the extent that those employers and industries have functioned well and have operated safely without apparent difficulty by holding to reasonable grounds as the basis for demanding a drug test, there is little reason to conclude that random, unannounced drug testing of all employees is, of necessity, an essential element for a successful alcohol and drug policy."

### **Deterrence must be balanced against privacy, arbitrator concludes**

In arbitration caselaw, random drug testing is prohibited even if it detects current impairment since it violates employees' dignity and privacy. Distinguishing Entrop on the basis that "that which is permissible under human rights legislation may not be permissible under a collective agreement," the chair observed that it is "fallacious to believe that arbitrators have ruled against random drug testing merely because the predominant form of testing, urinalysis, could not prove impairment." Rather, the Canadian arbitral position on drug testing in the workplace is based on "a balancing of interests approach, seeking fairly to allow employers that margin necessary to ensure safety while preserving to employees, particularly to employees who have given no reason for suspicion of impairment, a modicum of dignity and privacy."

Adopting this "considered and responsible approach," Picher declared: "The dignity, integrity and

privacy of the individual person is among the most highly prized values in Canadian society.... That reality is deeply reflected in the law of employment and labour relations in Canada. It is therefore not surprising that, as contrasted with developments in other countries, the federal and provincial governments in Canada have not rushed to enact legislation or regulations authorizing employers to alcohol or drug test their employees." Noting that even the police cannot force breathalyzer tests on Canadian citizens unless they have reasonable grounds to do so, the chair stated: "We believe that it should not be lightly inferred that by the mere fact of an employment contract an employer can assert an extraordinary authority which government itself does not claim." Similarly, the chair added: "To the extent that the obtaining of oral fluids by means of a [saliva] swab in the context of a criminal investigation can only be accomplished by obtaining a judicial warrant, it becomes difficult to understand on what basis a private employer can assert the right to obtain the same material by random search, without at least the minimal justification of reasonable cause."

Emphasizing that saliva swabs are "highly intrusive, to the extent that they can open the door to the entire DNA mapping of the individual concerned," the chair concluded that "absent reasonable cause, no employee in Canada should be subjected to that scenario without clear contractual consent or the extraordinary and constitutionally justified provision of a statute or regulation."

Finally, Picher rejected the employer's contention that the deterrent effect of random drug tests justified their use in the workplace, declaring: "No doubt corporal punishment would also have a deterrent effect, but a free and civilized society puts limits on the value of deterrence. In a safety sensitive workplace, the assessment of the legitimacy of the random drug testing of all employees, including innocent employees, must involve some balancing of the employer's interest in deterrence against the countervailing interest of employees in being treated with dignity and respect."

The chair concluded that, given the close connection between the "individual's expectation of privacy" and "the dignity of the person," subjecting employees to "mandatory, random, unannounced drug testing, in circumstances which have nothing to do with reasonable cause, cannot be squared with the undertaking in article 3.02 [of the collective agreement] 'to treat employees with respect and dignity,' " nor can it be justified "on a responsible application of the balancing of interests approach in a safety sensitive environment that has carefully evolved over the decades within the arbitral jurisprudence in Canada." Acknowledging that "the balancing of interests approach ... would allow for general random, unannounced drug testing in some

extreme circumstances," for example, if there was evidence of "an out-of-control drug culture taking hold in a safety sensitive workplace," the chair found that the evidence in this case was "manifestly to the contrary." Accordingly, the board declared: "In these particular circumstances we are compelled to conclude that the employer has not discharged the onus of justifying its policy and to find that subjecting innocent employees to mandatory, unannounced, random drug testing is an unwarranted intrusion on their privacy and is an unjustifiable affront to their dignity."

In the result, the board declared that "that part of the Company's Alcohol and Drug Policy which mandates random, unannounced drug testing is contrary to the collective agreement, and must be struck down," and ordered the company "to cease applying it and to forebear from imposing discipline against any employee for failing to comply with that aspect of the policy."

## Comment

As Picher observed, nearly twenty years ago, "it is not within the legitimate business purposes of an employer ... to encroach on the privacy and dignity of its employees by subjecting them to random and speculative drug testing." (See *United Transportation Union v. Canadian Pacific Ltd.* (1987), 31 L.A.C. (3d) 179). Since then, as Picher noted in *Imperial Oil*, the preponderance of Canadian arbitral jurisprudence has "recognized that to conduct a drug test is an extraordinary and intrusive measure, justified only by the touchstone condition of reasonable cause." Indeed, "[t]he notion that under a collective bargaining regime based on bargaining between union and employer it is implicitly open to an employer to subject all employees, regardless of cause, to speculative, random drug testing has been all but universally rejected." To quote Arbitrator Kevin Burkett in *Transportation Communications v. Trimac Transportation Services*, [1999] C.L.A.D. No. 750 (QL): "There is not a single award ... that has given effect to an employer's right to implement mandatory random drug testing. In every case, the employer interest in implementing such a regime has been found insufficient to justify the intrusion into employee privacy such that its policy has been rendered unenforceable." See Lancaster's Human Rights and Workplace Privacy Reporter, January/February, 2000.

For more on this go to

[http://www.lancasterhouse.com/about/headlines\\_jan4.asp](http://www.lancasterhouse.com/about/headlines_jan4.asp) and click on the link, Communications, Energy & Paperworkers Union of Canada, Local 900 v. Imperial Oil Ltd.



# PENSION *facts*

January 2007

## Providing for Your Retirement

### ***Pension Plan Improvements***

The Trustees have agreed, as of January 1, 2007, to implement a number of benefit improvements to your pension Plan. These improvements are a result of the increased employee contributions that were negotiated in the most recent collective agreement in effect from May 1, 2003 to April 30, 2008, as well as the favorable recent experience of the Plan.

### **Earnings Update**

Effective January 1, 2007, the Trustees have agreed to update the earnings used to calculate your pension for service after 1996. At the end of 2006, the Plan Administrator will do a test to determine which of the following calculations results in a higher pension value for you. The calculation resulting in the highest benefit will be your accrued benefit to December 31, 2006.

### **Benefit Accrual Rate Change for Service After December 31, 1996**

Effective January 1, 2007, the benefit accrual rate for service earned after December 31, 1996 has increased from 1.5% of your post-1996 earnings to **1.55%** of your post-1996 earnings, for all members active on December 31, 2006. If you are a TVP who has returned to work, you are not entitled to those improvements on your prior service until you have completed 3400 hours.

### **Flat Benefit Rate Change for Service Prior to January 1, 1997**

Effective January 1, 2007, the flat benefit rate for service prior to January 1, 1997 has increased from \$49.20 per month per year of service to **\$50.18** per month per year of service, for all members active on December 31, 2006.

### **► Earnings Update Calculation**

Your pension value at the end of 2006 will be the greatest of:

Your benefit earned to December 31, 2005 plus 1.5% of your 2006 earnings divided by 12

*or*

1.55% of your total earnings for all the years after 1996 divided by 12

*or*

1.55% of your average annualized earnings for the last five Plan years ending December 31, 2006 (2002 - 2006) times your updated credited service to the end of December 31, 2006 divided by 12



[pulpandpaperpension.ca](http://pulpandpaperpension.ca)

### ***Pension Plan Website***

Don't forget to go onto the Plan's web site at **[pulpandpaperpension.ca](http://pulpandpaperpension.ca)** to see how these improvements will impact your pension. The modeling tool has been updated to reflect these Plan improvements! If you have any questions about the Plan or the web site, contact the administrator by:

Mail: Suite 900, Bentall 5, 550 Burrard Street, Vancouver, BC V6C 3S8  
Toll free: 1 888 384 7555  
Email: [pulp@mercer.com](mailto:pulp@mercer.com)

If you are retiring from active status on January 1, 2007, you will get the flat benefit rate increase and the earnings update.

### *What Can Be Expected In Terms of Future Benefit Rate Increases?*

Since 1999, there have been numerous improvements to the pensions payable from the Plan. These improvements include:

- increases to the flat benefit rate for service prior to January 1, 1997 (\$40 per month to \$50.18 per month per year of service effective January 1, 2007),
- increases to the post-1997 benefit accrual rate from 1.3% to 1.55% of pensionable earnings,
- increases to pensions in pay totaling 4.15% since 1999,
- earnings updates granted every year since January 1, 2003, and
- an improvement to the normal form of pension from a lifetime pension guaranteed to be paid for five years to a lifetime pension guaranteed for 10 years.

These improvements have been paid for in part by your increased employee contributions as well as the favorable experience of the Plan.

There has been considerable news in the past few years about the under-funding of many pension plans in Canada and the United States. Indeed many pension plans have had to reduce the pensions payable to plan members as a result. Almost all of these problems have been caused by poor investment performance relative to the change in pension plan liabilities resulting from dropping interest rates.

Your Trustees have avoided the financial problems caused by dropping interest rates by adopting a special investment policy in the mid-1990s. This policy involved moving most of the pension fund into a portfolio of fixed income assets such as bonds, mortgages and income producing real estate. This portfolio was designed to ensure that promised pensions earned for service to date would be paid with certainty. The investment policy has worked well and, coupled with your employee contributions, the Trustees have been able to improve your pensions significantly while ensuring that the Plan remains in very good financial condition.

In addition to protecting the Plan against dropping interest rates, the investment policy adopted has also provided partial, but not complete protection against the impact of low interest rates on the pension benefits to be earned in the future and that will be funded with future contributions.

The problem the Trustees face with respect to the future is that they are not able to invest future contributions until they receive them. This means that the investment earnings they receive on future contributions are determined only when these contributions are received. To help you understand the impact of this issue, Table I illustrates the value of a "perpetuity". A perpetuity is essentially a pension benefit payable indefinitely.

You will see from Table I that when interest rates are 10%, in order for the investment to pay \$10 per year indefinitely, \$100 would need to be invested; 10% of \$100 equals \$10. Provided that interest rates remain at 10%, this investment would pay \$10 per year indefinitely.

Interest Rate	Amount of Investment Required to Pay \$10 per Year Indefinitely
10.0%	\$100.00
6.0%	\$166.67
5.0%	\$200.00
4.0%	\$250.00
3.0%	\$333.33
2.0%	\$500.00
1.0%	\$1,000.00
0.5%	\$2,000.00

When interest rates are 5%, the amount of money required to pay \$10 per year is \$200 and when interest rates are 4%, the amount of money required to make the same \$10 annual payment increases to \$250. If you look at this from the point of view of the amount of contribution required to purchase a given amount of pension, you get the following rather dramatic result:

Annual Pension Amount	Interest Rate	Contribution Amount Required
\$10	10.0%	\$100.00
\$10	5.0%	\$200.00
\$10	4.0%	\$250.00

In other words, a \$10 annual pension requires twice as much contribution when interest rates are 5% than when interest rates are 10%. If long-term interest rates drop from 5% to 4%, which is close to what happened in 2005, the amount of required contribution increases from \$200 to \$250. This is a 25% increase in the contribution required to provide the same \$10 annual pension.

As explained earlier, while the investment policy adopted by your Trustees has provided some protection against the effect dropping interest rates will have on the cost of future service benefits, it is not complete protection. As a result, if interest rates continue at their current levels or go even lower, increases to the benefit accrual rate, currently at 1.55%, will not likely occur.





## Welcome to New Members

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

<u>Member</u>	<u>Department</u>	<u>Initiated</u>
Kevin Hamilton	Raw Materials	----
Colin Taylor	Steam Plant	----
Mika Vossi	Steam Plant	----
Stephen Stone	Electrical	----
Teresa L. Nyce	First Aid/Stores	----
Scott MacGregor	Terminal Warehouse	----
Steven Boudreau	Pulpmill	----
Chris Campbell	Raw Materials	----
Sonny Muchalla	Instrumentation	----
Dean Campbell	Electrical	----
Deanna Smith	Traffic	----
Lesil Coverdale	Raw Materials	----
Scott Beaver	Inst. Mech.	Yes
Craig Karwandy	Raw Materials	----
Jordan Linteris	Raw Materials	----
Scott Campbell	Pulpmill	Yes
Jeremy Striker	Pulpmill	----
Kurt Muller	Pulpmill	----
Daniel Graziani	Raw Materials	----
Jamie Sussbauer	Janitorial	----
Kevin Louttit	Pulpmill	----
David Payjack	Steam Plant	----

The next General Membership Meeting is at 4:30 pm, Wednesday, February 14, 2007 at the Union Hall, 623 Enterprise Avenue. General Membership Meetings are held on the second Wednesday of every month, except July and August, unless otherwise notified.

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

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

The above benefits are explained in our bylaws booklet.

## Notice

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

## Employee and Family Assistance Program - EFAP

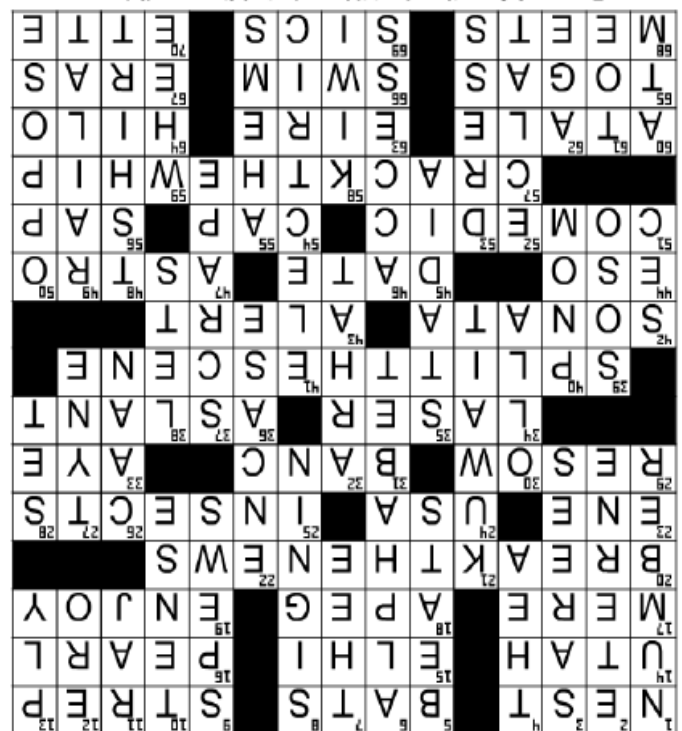
The services of professional counselors are available to all employees of Eurocan through the **EFAP**. Anyone needing psychological or psychiatric counseling, financial counseling or help in any matter can contact the offices of Wilson Banwell in Vancouver, toll free at **1-800-663-1142**.

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

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

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

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Puzzle date: Monday, January 15, 2007

**ACROSS**

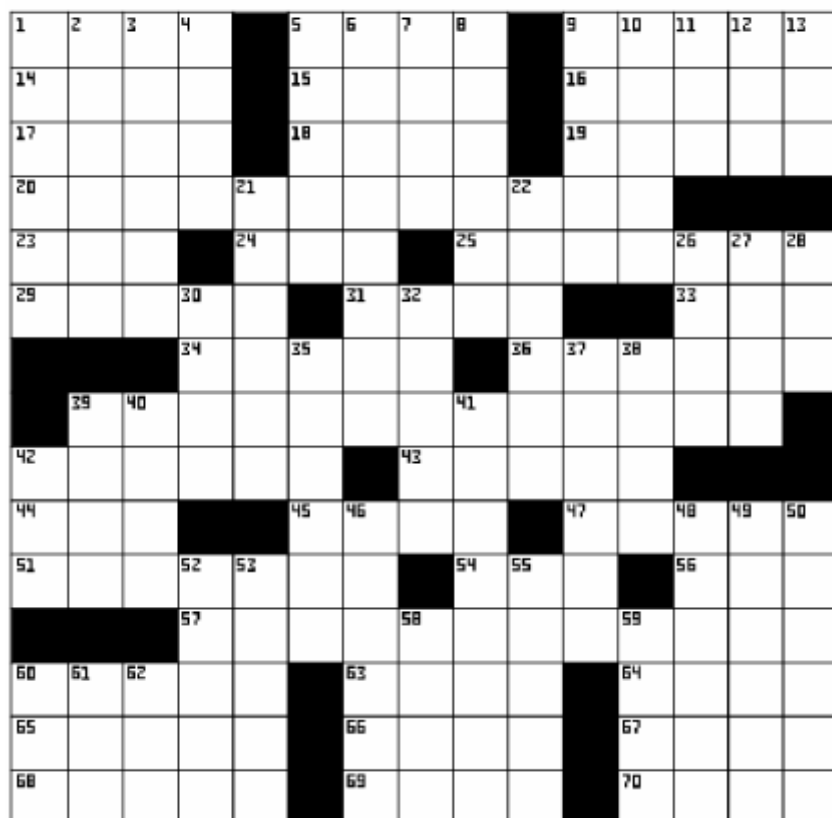
- 1) Bird's-\_\_\_ soup
- 5) Louisville Sluggers, e.g.
- 9) Throat bug, briefly
- 14) Wyoming neighbor
- 15) Grades K-12, for short
- 16) Oyster's gem
- 17) Kind of formality
- 18) Take down \_\_\_ or two
- 19) "Have a good time!"
- 20) Reveal for the first time
- 23) Vane direction
- 24) It's a free country
- 25) They can really bug you
- 29) Plant new crops
- 31) Judge's seat, in law
- 33) Sailor's affirmative
- 34) Printer type
- 36) Like italics
- 39) Leave, in '60s slang
- 42) Beethoven specialty
- 43) Ready for anything
- 44) Paul Anka's "\_\_\_ Beso"
- 45) Dinner and a movie, perhaps
- 47) Elroy's pet on "The Jetsons"
- 51) Meant to be humorous
- 54) Graduating student's headwear
- 56) Maple fluid
- 57) Demand obedience
- 60) "\_\_\_ of Two Cities"
- 63) Leprechaun land
- 64) Hawaiian seaport
- 65) Attire at fraternity blasts, sometimes
- 66) Utilize a sidestroke, e.g.
- 67) Mesozoic and Cenozoic, for two
- 68) Track events
- 69) Orders the attack dogs
- 70) Suffix with "sermon" or "novel"

**SMASHING**

By Henry Quarters  
 Edited by Timothy Parker

**DOWN**

- 1) Musical selection
- 2) Perpetual, in poesy
- 3) Hindu garments (Var.)
- 4) "Take \_\_\_ Train" (Duke Ellington)
- 5) You can dance to them
- 6) Type of soup
- 7) "Of \_\_\_ I Sing"
- 8) Add one's name to a guest book, e.g.
- 9) Gushes, as a volcano
- 10) It can be past or present, in grammar
- 11) British rule in India, once
- 12) "Din" or "ranch" ending
- 13) Tissue layer
- 21) Iraq invaded it
- 22) Put into a sheath
- 26) "Brian's Song" star James
- 27) Daly of "Judging Amy"
- 28) Complete collection
- 30) Pueblo jar
- 32) Buddhist who has attained Nirvana
- 35) Shea and Camden Yards, for two
- 37) Abrade
- 38) "\_\_\_ Make a Deal"
- 39) Mediocre
- 40) \_\_\_ Penh, Cambodia (Var.)
- 41) Running off current
- 42) Wine adjective
- 46) Admittance
- 48) Souvenir garment
- 49) Lambaste
- 50) Offer resistance
- 52) Critical success
- 53) Woman's garment
- 55) Attention-getting sounds
- 58) Fuzzy fruit
- 59) Kid's sliding board cry
- 60) Banking machine, briefly
- 61) Piggy who went to market, e.g.
- 62) Wine consideration

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