



LOCAL 298 NEWSLETTER

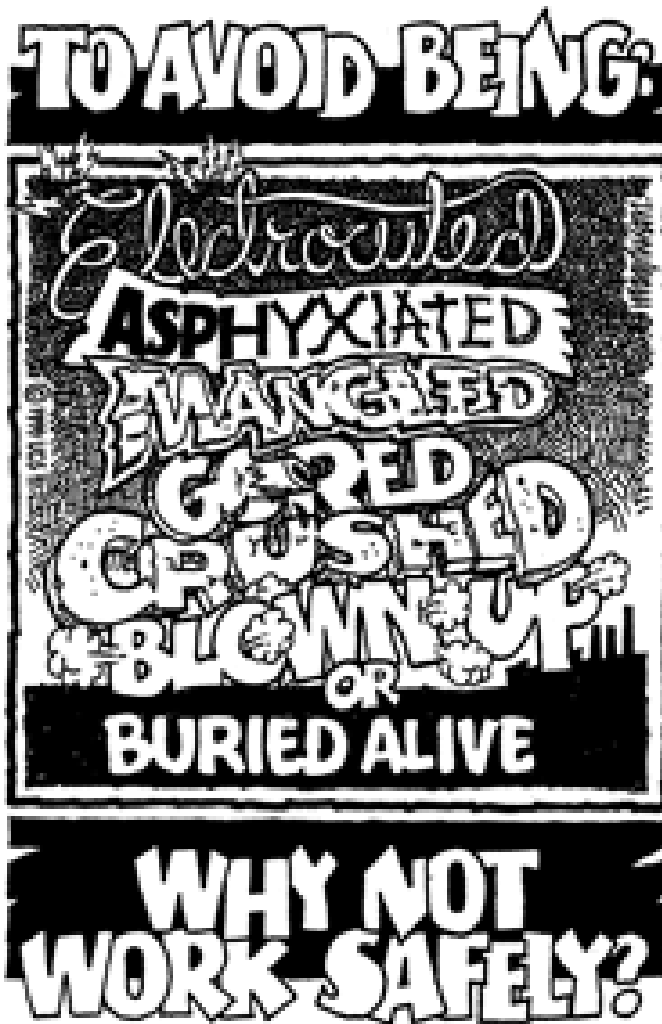
"What We Desire for Ourselves, We Wish for All"

Issue #4 Volume #11

cep298@monarch.net

www.cep298.com

May 2007



OVER THE NEXT SEVERAL WEEKS THERE WILL BE A LARGE NUMBER OF NEW EMPLOYEES WORKING IN OUR MILL. THE SHUTDOWN WILL SEE HUNDREDS OF CONTRACT EMPLOYEES AND THE COMPANY WILL BE HIRING SEVERAL TEMPORARY WORKERS. THERE WILL ALSO BE SOME SUMMER STUDENTS. PLEASE DO YOUR BEST TO MAKE THIS PERIOD OF WORK A SAFE AND PROSPEROUS TIME FOR EVERYONE!

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Executive Officers For 2007

| | | <u>Tel #</u> | <u>Work Local</u> | <u>Job Title</u> |
|--------------------------------------|------------------|--------------|-------------------|---------------------|
| President | Mary Murphy | 632-5201 | 3451 or 2568 | First Aid/Stores |
| 1st Vice President | Randy Dobson | 632-7222 | 3513 | Steam Plant |
| 2nd Vice President | Don Klie | 632-7571 | 2367 | Pipefitter |
| Financial Secretary | Rick Wittmann | 632-7623 | 3466 or 3472 | Electrician |
| Recording Secretary | Dino Stamatakis | 632-7199 | | Shiploader |
| Inside Guard | Dan Bellville | 632-5935 | | Pipefitter |
| Outside Guard | Bill McEwan | 632-3183 | | Lagger |
| Trustees | Paul Jeffery 3yr | 639-0139 | 3513 | Steam Plant |
| Trustees | Dave Andrews 2yr | 632-2932 | | Instrument Mechanic |
| Trustees | Derek Smith 1yr | 639-3022 | | Millwright |
| Chief Shop Steward | Steve Dudra | 632-3850 | 2375 | Tool Crib Attendant |

Committees

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

Wage: Don Klie, Mary Murphy
Delegates Randy Dobson

Job Evaluation:Kevin Read, Ralph Johnston,
 Arnie Carrita

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

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

Pensions:Gary Drake, Don Klie, Gary
 Ewanski

Sunshine Committee: Dorothy Birkett

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

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

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

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

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

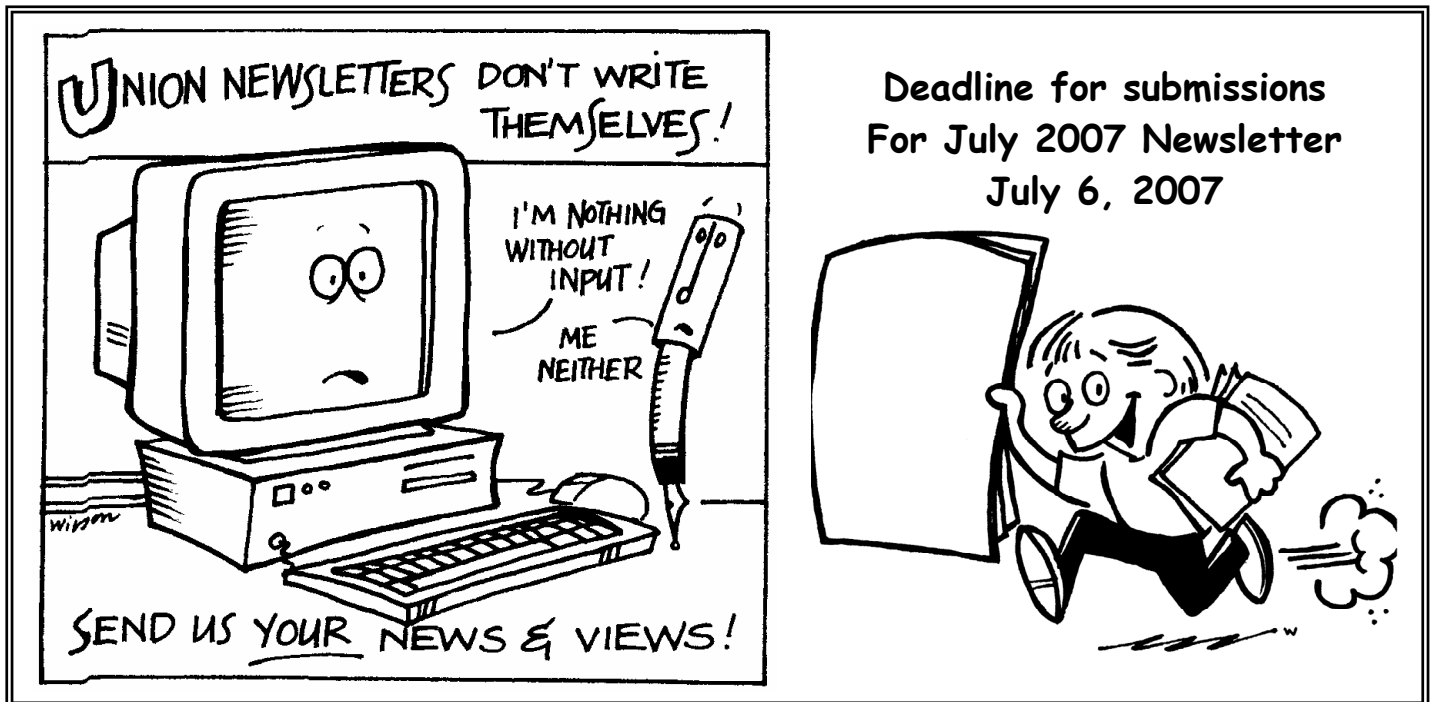
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Editor: Don Klie



2ND Vice President's Report

Leadership, Planning, Training & Motivation

By Don Klie

As many have heard the Company's plans for the shutdown regarding the overtime that would be offered to employees is changing this year from years past. The Company has informed the Union that it plans to try to limit overtime to only where it is needed. That is, maintenance will be offered and working 12-hour shifts all of the way through the shutdown. Obviously, with all of the contractors on site and the large amount of work that needs to be done in the short time span, working our own maintenance crews overtime is the most efficient use of available forces. The Company has said that it will advise its maintenance crews to take at least one day off during the shutdown in order to try to avoid fatigue and burnout.

As for the production crews, we are aware that some might not be offered overtime through the entire shutdown. And, the casual-hire labourers that the Company always employs for the shutdown, the plan is to work them on 8-hour shifts, around the clock, 40-hours per week. Similar to the maintenance crews, the Company is concerned that with such a long shutdown the production crews and casual hires would experience fatigue and burnout which could lead to unsafe working conditions, and more importantly, an inability to man up (using overtime) for the start up.

The Company informed the Union that they have already contacted several of their experienced casual hires and run the 8-hour shift, 40-hour week by them and most seem pleased with the shift.

While I wasn't privy to the conversations taking place with the prospective casual hires, I can imagine the gist of the conversation. "Hello, this is Eurocan calling regarding the shutdown work. We are offering 8-hour shifts, 40-hour weeks; are you interested in working the shutdown?" I wonder what would happen if the prospective employee said that they would rather work 12-hour shifts.

The real test as to whether or not the casual hires are pleased with the prospect of working only 8 hour days with no overtime would have been to ask them the following, "We are offering 8-hour shifts, 40-hour weeks or 12-hour shifts, 84-hour weeks; which shift would you prefer to work?"

Regarding our own crews and the work that is available, it has long been the position of the Union that if the Company has work that needs to be done, offer that work to the fulltime employees first. Before



going out onto the street or to outside contract firms, make sure all of our people are gainfully employed. We are the people that make this operation a success and have a vested interest in seeing that the job gets done in the safest, most efficient way. Once it is determined that our crews are fully utilized, then go outside and offer work to others.

The Company has said that the length of this shutdown, proposed for June 11 to June 26, 2007 makes it much different than past shutdowns; that our crews will be significantly stressed and that could risk people's safety. I believe the trick to safety is setting high standards, providing good leadership, having well trained employees and having good morale. Once that is established, the way to have a safe shutdown, no matter how long it is, is to properly plan the work that needs to be done and to address any issues that arise in a timely fashion. That way frustration and wasted time are at a minimum. Properly motivating your crews and following the above will address safety and production concerns better than trying to limit people to meet some other goal.

The other goal I am referring to is the Company's desire to save money.

It is obvious that the Company wants and needs to get the best bang for its buck. A project the size of the upcoming shutdown will tax our mill significantly; but, as the Union continually advises management, listen to your people, involve them in the decision making process; they have good ideas and want to get the job done right.

Most people, if trained properly, know their limits and will act accordingly. Most people take pride in their work and with the right motivation, planning, training and leadership will do the job right, and safely.

In the past we have shown the Company that their focus on saving money (and cutting down overtime) only extends the work and costs more money in the long run (the best example of this are the digester overhauls).

The worst thing the Company can do is to poorly plan the shutdown and have their employees standing around while we watch contractors doing our work. We believe that the Company can provide the necessities for a good shutdown and it would be far easier and better if it encourages and promotes its employees participation.

The Company said they have experienced problems (both here and in other mills) where sufficient numbers of employees didn't work overtime when they were needed for startup. We have all seen how the startups are managed around here. "Murphy's Law" usually reigns supreme: if something can go wrong, it will, and at the worst possible time. And, on top of that employees will be sent running in several different directions at the same time. It's no wonder some people don't want to work the startups. I believe the best way to ensure that there are enough people for startup is not to limit people's overtime opportunities but to show them you are properly prepared for the job at hand; that requires good planning, good training, good manning, good morale and good leadership.

WAGE CAUCUS RECOMMENDATIONS

With the recent ratification of the CAW-Alcan labour agreement, wage demands should be fresh in everyone's mind. There is just under one year left in our current contract and the CEP Pulp and Paper Wage Caucus is meeting at the end of the month to start to make preparations for the next round of bargaining.

Several months ago a sub-committee of the wage caucus was created with the mandate of investigating what our response should be to the precarious situation our forest industry was/is in. We were seeing a number of pulp and paper mills closing, along with several saw mills but at the same an increase in raw log exports to the States. We also began to experience a serious fibre shortage, mainly on the lower coast, but also predicted for the rest of the province once the clear cut of pine beetle wood was exhausted.

Eventually the committee would return to the Wage Caucus empty handed because, after exploring the issues, found themselves lacking information and direction. The Wage Caucus reinforced the sub-committee's mandate but also added (at the request of the sub-committee) an extra challenge – bring forward recommendations for the next round of negotiations.

Having been given that task, admittedly a bit vague as to exactly what would result, with potential for exploding in their faces if the recommendations weren't what caucus members wanted, the sub-committee has made three recommendations.

Without wanting to be too critical of the efforts the sub-committee has given, the recommendations only deal with the bargaining process, possible strike pay and health and welfare benefits, and a process to start building a fund to put the Caucus in a better position to pay those benefits.

One of the issues in the upcoming negotiations will be the need to address the labour shortage situation in Western Canada. With the oil and gas industry in the biggest boom it has ever seen, being closely followed by the mining and metals industry (see the recent CAW contract), there will be extreme pressure on the pulp, paper and lumber employers to offer wage and benefit packages sufficient to not only attract new employees but to retain current employees. There are many in the skilled trades who see that their skills are being undervalued in our industry. While many of these individuals are long term employees and thus less likely to go to more profitable employment, this particular group is nearing retirement very quickly. Some may take early retirement so they can both collect retirement and get the higher wages. The replacement workers, many of who will be apprentices, could be less likely to stay loyal to an industry that doesn't seem interested in investing in Canada.

The next round of negotiations will be the best time to work on improving working conditions in the mill. With employers looking to save whatever money they can, getting the company to look at the reduced workweek (eg. four tens) or other such items that would not significantly increase operating costs. Other issues such as retiree benefits, while increasing the cost of operating, would be a way to encourage workers to stay around, but could allow for the company to delay some spending until later, possibly better economic times.

Also contained in the recommendations were the proposed changes to the Wage Caucus Rules of Order to Govern Negotiations. The date for Locals to declare if they want to be part of the Caucus for negotiation is July 25, 2007.

Sayings

Internet/CALM

I used to have a handle on life, but it broke.

Consciousness: That annoying time between naps.

Procrastinate now!

I smile because I don't know what the hell is going on.

Paid Leave Scheduling

The scheduling of paid leave in the maintenance department went through an overhaul by management last year. The Company reviewed its numbers of employees in each area and adjusted the numbers allowed off at any one time.

Each of the trades does the scheduling of vacations a bit different from each other. Most use a form of rotation for selection. At some set point the rotation selection ends giving way to an opportunity for seniority selection to be used. This all occurs prior to May 1st. After that date it is first come, first served.

There have been a few problems over the years which generally get worked out. Each year though there are situations that arise that, in the past, didn't cause any problems but in the current year needed to be worked out.

One issue that arose this year was the priority given to paid leave other than vacations. The consensus in the maintenance department appears to be that floaters, lieu time, banked time off and deferred statutory holidays were scheduled by seniority prior to May 1st, and afterwards by first come, first serve. Also, the priority of the paid time off was in order as follows: vacation, floaters and lieu time, banked time and deferred statutory holidays. Lieu time is considered and paid the same way as floaters and so is considered equal to floater time.

There will be occasions that arise when there will be problems or conflicts with the above procedure and the best thing you can do is contact your Union representative and try to get a resolve to the problem.

The Union has requested the maintenance department to implement this procedure and, unless we receive any other input on this item, it will be signed off at the next Standing Committee meeting.

Liberals join Tories to kill labour bill

NDP/CALM

With workers' rights at stake, Liberal leader Stephane Dion joined the Conservative government to kill legislation that would have levelled the playing field for workers in federally regulated industries during a strike," said NDP labour critic Libby Davies.

Bill C-257 had strong Liberal support at second reading, but the bill to ban replacement workers during a strike lost the final vote after 29 Liberals switched their vote from yea to nay.

"Almost 80 Liberals and 20 Conservatives voted in favour of the bill at second reading. At last night's final vote, only one Conservative stood his ground, and close to 30 Liberals, including Dion, followed Harper's lead to kill this bill," Davies said.

The legislation would have brought labour stability and evened the playing field for workers and employers. Under similar long-standing laws in B.C. and Quebec, the number and length of labour disputes has declined while economic investment has soared.

"Workers' rights have been chipped away at in Canada over the past 25 years. Now, more than ever, we need to ensure that the collective bargaining process is protected," said Davies.

A cheap labour strategy for employers

BCFL/CALM

The announcement by the federal and provincial governments of the expansion of the Temporary Foreign Worker Program in February is just a cheap labour strategy for employers, says Jim Sinclair, president of the B.C. Federation of Labour.

The program is being expanded to allow employers to bring workers to Canada for up to 24 months. That's an increase from the previous period of 12 months.

"This program does nothing to build our immigration system or invest in the skills training our country needs," Sinclair stated.

"This program is simply about driving down wages, wiping out workers' rights, and entering a race to the bottom that Canadians want no part of," added Sinclair.

Sinclair also expressed concern that despite many instances of reported abuses and exploitation of workers in Canada under the program, there is nothing to ensure that even the most basic labour standards are monitored and enforced.

"Many of these workers are afraid to complain because they know they'll be shipped home if they do," said Sinclair. "Every step the government has taken is to make it easier for employers to find and exploit cheap labour."

"It's shameful that there are no measures taken to help workers access their basic rights."

"This isn't about a labour shortage, it's about a shortage of bosses willing to pay decent wages and respect workers' rights," concluded Sinclair.



Hi Mary and the executive

It's neat getting the newsletter and browsing through it. Appears things haven't changed much (if at all) in the contracting out area. I read with interest Don's summation of the "underpayment" of dues issue. I agree, that when the dues payment structure was changed from an hourly payment to a % of pay, it became a bit of a nightmare. Having said that, I think the executive made a wise decision to pay the money. As for the convention floor, Don is exactly right, in fact, very seldom does the floor overturn a recommendation from the committee. I chaired the constitution committee in Toronto and to say it was a (political) learning experience, would be an understatement. One thing I find discouraging as a long time member, is when I look at the list of new members and the same names appear month after month as being "non-initiated", these members should be told what is required of them, maybe a by-law change to the extent of, "Must be initiated not later than thirty(30) after probation date. I know you have to provide ALL the contract provisions from day of hire, but it's discouraging to see a member's name in the "grievance" list as well as the "non-initiated", in the same issue.

Bill Whitty
Retired Member

It Just Might Possibly, Could Be True:

In consideration of the disclaimer put out by Local 298, I feel obliged to explain a bit of stuff. The stories are my own recollections from thirty-five years of being in the employ of Eurocan Pulp & Paper Co. So long as there is no personal injury or embarrassment directed towards any individual, I will not allow the truth or reality to get in the way of telling a good story. The stories are a combination of fact and fiction, sort of factional. Like for instance, the story titled "What Car?" - Yes, a car really did get buried by a loader in the early seventies. The "Ticket To Ride" story, yes, there really was a fire, and yes, there really were plane tickets involved. "Checks &

Balances" - the people involved already know how much of it is true.

But enough about that stuff. I am setting up a contest with a prize, not available in any stores, if you can match all the nicknames to the real names you win a prize. Drop off your answers to the union office by the end of September and I'll let you know the winner.

Match the following nicknames to the real people:

Blinky _____,
 Woody _____,
 Magoo _____,
 Bhips _____,
 Lunch _____,
 Figs _____,
 Me _____,
 Anybody _____,
 Quest _____,
 Dallas _____,
 Roloids _____,
 Blackcloud _____,
 Froggy _____,
 Cookie _____,
 Bananas _____,
 What _____,
 Peewee _____,
 Stick _____,
 Highpockets _____,
 Mumbles _____,
 YaYa _____,
 Smokey _____,
 The Buffalo _____,
 Ditch _____,
 Berries _____,
 The Golddust Twins _____.

I'll let you know if there are any real winners out there.

Till then, this is the Old Dog Sayin
"Keep yer feet dry!"



Standing Committee Report

Manning Level Far Below Safe Levels

By Don Klie

The last Standing Committee meetings were May 4 and 15, 2007. Some of the issues discussed at the recent meetings are as follows:

- 1) **Floater** – The Union's position is that people will take their floaters and that no one will get their floater entitlement paid out to them without taking the time off. In 2004 the Union and Company agreed that any floater time that was left at the end of the year (that is, April 30th) would not be paid out. Employees were encouraged to schedule their floaters well in advance of the cutoff date and any floaters that were scheduled to be taken off would be forfeited, both time and money. However, it was also agreed that there could be circumstances such that the parties would agree to extend the period of time to allow the floater(s) to be taken. Examples of this are,
 - i) if an employee had scheduled the time off well in advance and then became injured or ill such that the individual was off work and collecting disability pay on the day(s) the floater(s) was(were) scheduled and the employee was unable to reschedule the floaters to be taken prior to April 30th;
 - ii) if a new employee earned their entitlement to floaters at a point in time which made it impossible for the Company to grant the appropriate time off;
 - iii) if the employee had previously scheduled the floater(s) and the Company cancelled it(them) and then didn't provide adequate time for the floater to be rescheduled;
 - iv) if the employee had tried to schedule the time off but the Company would not or could not approve any of the requests.

The Union has recommended to all of its members that you should schedule all of your floaters, lieu time or other such time off well in advance of the April 30th cutoff date. A person will always have the opportunity to cancel the requested time off if necessary as long as there is an opening on the new date being applied for. The contract allows for all paid time off to be paid out only after a person has been off work on Weekly Indemnity for a year and is going on Long Term Disability benefits. Anyone encountering problems with this issue are encouraged to contact a member of the Standing Committee.

- 2) **Maintenance Floaters** – Over the past few years the Company has modified how it manages time off requests and in the maintenance department. Vacations are scheduled according to a mixture of rotation selections followed by a period of seniority choices, and finally, after May 1st, on a first come first serve basis. While the policy deals with vacation selection it hasn't adequately addressed the issue of scheduling other paid time off. The Union has proposed that prior to May 1st, vacation request would be followed as above and would have the first preference. Floaters, lieu time and banked time would be assigned by seniority prior to May 1st and the preference would be in order as listed here; vacation, floaters, lieu time, banked time. The Union had requested that this procedure be applied to this year's time off requests but the Company requested that this issue be addressed in terms of what would occur next year. The Company indicated that our request would cause a lot of disruption to arrangements that have already been planned and approved. The Union noted that it would seek the input from its membership to see if any other issues needed to be addressed regarding approved time off prior to putting its position in writing.
- 3) **Statutory Holidays falling during vacation period** – The contracts states that "*...an employee's vacation shall be exclusive of a paid holiday as recognized by the Labour Agreement. Therefore, if one or more such holidays fall within the employee's vacation period, he will be required to take the comparable number of additional days off. The employee shall only receive the pay for such recognized paid holidays falling within his vacation period when he takes the required additional time off.*" The Company indicated that it was their policy to require people to schedule their vacation days off so that if the stat fell within the vacation period then the vacation would have to be split to include the Friday before or the Monday after the requested vacation time off. In the past some departments have considered this splitting of the vacation as counting towards the total number of people off for the week and have refused to allow others to apply for a week's vacation in that time period because the one day of the week had met the maximum number allowed off. The maintenance department provided clarification of the issue stating that a person could select either Friday or Monday, before or after the vacation, and that the one day increase of people allowed off would not negatively affect the number off on vacations scheduled for that week. The Union took the position that the wording in the contract didn't restrict when the employee could take the day off, only that the statutory pay for that day would not be provided to the individual until they had taken the

- day off. To the Union this means that the individual could schedule to take the time of later. The Company disagreed with this position.
- 4) **Transfer of vacation entitlement between divisions of West Fraser** – West Fraser has a policy that allows for individuals who go from one division of the Company to another without a break of service to transfer the seniority only as it pertains to vacation entitlement. The Union has requested that this benefit be provided to two long term Eurocan employees. This issue has been discussed in previous years and because West Fraser would not ensure that this benefit would be provided to Local 298 members at any and all of its divisions the Union took the position that we would not allow this benefit to be received by future employees. At the time the Union took this position there were a number of employees receiving the benefits. The then current employees were allowed to continue receiving the benefit. Unfortunately, the two employees in this current issue did not come forward at that time and request that they receive this benefit.
- 5) **Pay cheque overpayment** – As a point of information the Union informed the Company that the Employment Standards Act does not allow for unilateral deductions from an employees pay. From the Act it reads “(1) *Except as permitted or required by this Act or any other enactment of British Columbia or Canada, an employer must not, directly or indirectly, withhold, deduct or require payment of all or part of an employee's wages for any purpose. (2) An employer must not require an employee to pay any of the employer's business costs except as permitted by the regulations. (3) Money required to be paid contrary to subsection (2) is deemed to be wages, whether or not the money is paid out of an employee's gratuities, and this Act applies to the recovery of those wages.*” While the Company said it had information that this interpretation of the Act was relatively new and supposedly being appealed, they did say that when there is an issue of overpayment on a person's cheque, payroll contacts the supervisor who contacts the employee. If the employee is unable to payback the amount on the next cheque the employee is referred to payroll to work out a repayment plan. If anyone has a problem regarding overpayment reimbursement please contact your Union representative. While the Company can't unilaterally deduct money from a person's cheque they are entitled to be reimbursed for any overpayment. If the Company and employee can't reach agreement on how the repayment should be made the Company must file a grievance to deal with the issue.
- 6) **Summer Students** – The Union and Company have signed a Letter of Understanding regarding summer students waiving access to Articles XXI – Seniority and XXII – Job Security between the period of April 15th and September 15th. The Company also provided a copy of their selection process which allows for the Union's participation.
- 7) **Maintenance overtime** – Regarding the issue of the Company employing Shiploader/Labourers to work overtime assisting maintenance employees prior to canvassing the maintenance employees, the Company refused to agree to the Union's position. The Company's practice might violate the Bull Session Agreements with regard to the Company's commitment to distribute overtime fairly. I would encourage all members of Local 298 to adhere to the Union's position regarding the fair distribution of overtime.
- 8) **Banked Shift Differential paid out on separate cheques** – The Union has requested that the banked shift differential benefits be paid on a separate cheque, either at Christmas or in July. The Union was of the opinion that this used to be the practice and was uncertain of why and when it was discontinued. The Company said they were of the opinion that it had never been done on separate cheques. However, Local 1127 members receive this benefit on a separate cheque, or if appropriate, on the vacation cheque if it is scheduled for the same time the banked shift differential is to be paid. The Company was concerned because it increases their payroll costs to cut separate cheques.
- 9) **Excavator** – The Union again raised its concerns about how the new excavator was being used. Concern was expressed that there seemed to be forces in management trying to sabotage the success of the excavator. Both sides agreed it was in their best interest to do all they could to ensure the excavator was a success.
- 10) **Price Trigger Trust Fund** – The Union is still waiting for the Company to hand over the money from the Price Trigger. The latest information from the Company is that they are having their accountants and lawyers investigate the tax implications of handing the money over to the Union. It is curious that one division of West Fraser (Cariboo Pulp and Paper) readily handed this money over to its employees and yet this division seems a bit more reluctant. It might appear that there is a rift in the West Fraser family aside from the Union and management.
- 11) **Steam Plant Job Re-Tasking** – The Union has a requested a special meeting with the Company to work out the issues around the re-assignment of job duties in the Steam Plant now that the Turbo Generator is online. The department is still trying to recover from the manpower shortage that resulted when the Company allowed the manning level to

fall far below safe levels. Several times over the past year the Steam Plant has had to run short. Training of the new employees has been rushed and the resultant strain on employees is very evident. The additional stress of the Turbo Gen coming on line and the fine tuning needed to keep the boilers producing is taking its toll on employees and we have seen people transferring out of the department and/or leaving the mill altogether.

- 12) **4th Class Steam Tickets in the Pulpmill** – The Company has advised the Union that they are continuing to search for a solution to the problem of getting firing time for Pulpmill employees who are working on their 4th Class Steam Tickets. The Company noted that the issue is being discussed with the Boiler Branch and they are hopeful a resolve to the problem can be worked out. **In the meantime, the Union's position on this issue is that until the Company can give the Pulpmill employees qualified firing time, the requirement to get a 4th Class Steam Ticket in the 18 month period is not in force.**
- 13) **Stores Manning** – The Union raised the issue of the shortage of manning in Stores. The Company has supplemented the crew with Shiploader/Labourers when available, but on several occasions the department runs short or is unable to clear employees to attend Union business. Over the past few years the department cut one job merged with the First Aid department. The Company then reduced the department by attrition to its target number. Since that time, in order to keep up with the workload the Company has tried a number of moves to try to maintain services. We have seen the arrival of vending machines, janitorial supplies delivered around the mill and to the assistant superintendent's office, and material bypassing Receiving and being delivered straight to #1 Stores (relying on the suppliers to be honest and error free).
- 14) **Raw Materials' Supervision** – The Union raised its concern regarding the supervision in Raw Materials. Since management reduced its supervisors by 4 in the Traffic department there has been a lack of supervisory attention in the area. It appears that the Company is trying to unilaterally implement a lead hand position in the Raw Materials area. The Company was informed that the contract does not contain provisions for lead hands and that if they need relief supervision in the department then they must follow the contract. Otherwise, if the Company needs more supervision in the area they will need to hire more supervisors or rearrange their coverage.
- 15) **Shutdown manning and hours** – The Company informed the Union that for the upcoming shutdown they were looking at working the temporary hire labourers/standby employees on an

8-hour day, 40-hour week schedule. The Company was looking at saving money and preventing burnout of the temporary hires. The Company is concerned that with the length of the shutdown there could be some serious safety issues with fatigue of its employees and especially the temporary-hire labourers. The maintenance department will be working 12-hour days but management will be advising employees to take at least one day off during the shutdown in hopes of preventing burnout and fatigue. The Union noted that in the Steam Plant employees weren't being offered overtime throughout the whole shutdown and expressed concern there might be some backlash. The Company said again they were concerned with employee burnout and noted that in past startups manning shortages, due to people refusing to work overtime, caused severe stress on the people who were there having to do all of the work. The Company knows it has a problem but refuses to address the issue; what they have done is blamed the employees for not wanting to work overtime. The issue is that shutting down and starting up the equipment requires proper planning and proper manning. Too often people are run off their feet trying to shutdown or startup the equipment. People don't want to work at those times because the workload is managed so poorly.

- 16) **High School Students Work Experience** – The Company informed the Union that the Rotary Club was organizing a work experience for selected high school students to spend a day at the mill site partnering up with employees in the students' chosen career interest. The expected date for this work experience was in September or October.

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

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.

Case #06-49 George Schibli – April 12th, 2006 – Denied Family Responsibility Leave.

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

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

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

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

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

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

At Standing Committee

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.

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.

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

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

Case #06-74 CEP Local 298 – Aug 21st, 2006 – Article 43 & Others. – Job Transfers.

Case #06-75 Mike Keating – June 24th, 2006 – Article 11 – Overtime Distribution.

Case #06-76 Contracting Out Committee Dec 22nd, 2005 – Failure to Notify – Westcan wearing ring.

Case #06-77 Contracting Out Committee Dec 8th, 2005 – Failure to Notify – Westcan pump shaft.

Case #06-78 Contracting Out Committee Dec 19th, 2006 – Failure to Notify – Westcan ring spacer for felt roll guide.

Case #06-79 Contracting Out Committee Dec 15th, 2005 – Failure to Notify – Westcan pump shaft.

Case #06-80 Contracting Out Committee Jan 19th – 23rd, 2006 – Failure to Notify – Zanron Drive shaft.

Case #06-81 Contracting Out Committee Dec 2005 to Jan 2006 – Failure to Notify – Zanron Heat exchanger tube plugs.

Case #06-82 Contracting Out Committee Jan 10th, 2006 – Failure to Notify – Zanron Shaft dryer drive gear.

Case #06-83 Contracting Out Committee Dec 29th, 2005 – Failure to Notify – Zanron Shaft Joy Precipitator.

Case #06-84 John Burget – Prior to August 29th, 2006 – Article II (a) – Staff doing hourly work.

Case #06-85 Contracting Out Committee June 15th, 2006 – Failure to Notify – 101 Pump shaft 3196XL (PO# 2010605050).

Case #06-86 Contracting Out Committee

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

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

Case #06-88 Contracting Out Committee
July 24th, 2006 – Failure to Notify – Zanron Shaft Joy 1-35317-L (PO# 2010605960).

Case #06-89 Contracting Out Committee
Sept 14th, 2006 – Failure to Notify – Westlund – Fabricate Hog Blow Line (PO# 2010607125).

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

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

Case #06-93 Contracting Out Committee
June 7th, 2006 – Failure to Notify – Rain Coast Crane moving a Container.

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

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

Case #06-97 Chris Campbell – Dec 7th, 2006 – Job Posting

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

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

Grievances at Fact Finding

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

Case #07-03 George Schibli – January 16th, 2007 – Company forcing employee to use banked time to cover absence from work caused by mud slide on Kitimat-Terrace highway

Case #07-04 Walter Sanwald – September 29th, 2006 – Denied Posting to Traffic.

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

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

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

Case #07-09 Jim Eyre – January 21st, 2007 – Terminal OT Call List Violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Completed Grievances

Don Kelly – Sept 16/05 – case #05-41 – improper cancellation of floater. **Withdrawn without prejudice or precedence.**

Jurgen Schiemann – Nov 9/05 – case #05-59 – Duty to Accommodate. **The Union accepted the Company's offer to reimburse grievor for 3 days of sick leave pay. Resolved without prejudice or precedence.**

Case #06-69 Tim Schmidt

June 19th, 2006 – Article 1 and Others – Call List OT Violation. **The Union acknowledged that the difference in overtime hours indicated that the Company was doing its best to distribute overtime in a fair manner and that a discrepancy of such a small amount would be addressed in the future through the proper use of the call list (the Union acknowledge that there didn't appear to be an attempt to subvert the call list procedures in this case). The Company agreed that the special skills provisions in the overtime guidelines did not apply in this case and that in the future, when canvassing the crews for overtime would ask individuals who had scheduled time off for the period in question if they wanted to work the overtime (giving the employee the opportunity to rearrange the time off if so desired).**

Case #06-90 Len Hanson

Feb 5th & 7th, 2006 – Travel Money?

Note: I received this on Nov 15th, 2006. **Company offered and Union accepted 6 hours (half day) of pay for travel time. Resolved without prejudice or precedence.**

Worklaw

TILMA more than trade

by Charlene Wiseman/CALM

A New interprovincial trade agreement could have profound effects on everyone, by restricting the ability of provincial governments to serve the public interest.

In April 2006, Alberta and B.C. entered into a Trade, Investment and Labour Mobility Agreement (TILMA). Other provinces may sign on at any time.

Although TILMA's objectives are to promote inter-provincial trade, investment and labour mobility, the overwhelming majority of government measures that could come under TILMA scrutiny have little to do with these objectives.

TILMA imposes a blanket prohibition on all government measures that "operate to restrict or

impair" trade, investment or labour mobility (unless such measures are exempt under the scheme). This could prevent provinces from passing laws or implementing programs that serve the public interest, such as environmental controls and health care insurance plans. There is a risk these measures could offend TILMA on the basis of their indirect effects.

TILMA defines "government" very broadly, including agencies and Crown corporations, municipalities, school boards and other academic entities, health providers and social service agencies. This means that all actions taken by these bodies must comply with the sweeping restrictions imposed by TILMA.

To ensure that government and public institutions comply, TILMA accords private parties the right to invoke arbitration to challenge measures that are alleged to offend TILMA constraints. Private parties may claim up to \$5,000,000 in damages arising from each challenged government measure. Because countless individuals and corporations may assert private claims, they may proliferate and exert enormous pressure on governments to abandon or weaken a broad and diverse array of public policies.

TILMA also expands the scope of foreign investor rights that can be asserted under NAFTA. And, these rights are bestowed on American and Mexican investors without any reciprocal gains for B.C. or Alberta investors in the United States or Mexico.

There is no plausible rationale for TILMA. In Canada people are free to live, work and invest anywhere they choose. There are no customs stations along provincial borders and no tariffs on inter-provincial trade. Inter-provincial trade is a federal responsibility, and the courts have consistently struck down provincial measures that interfere even indirectly with such trade.

Nevertheless, the Conference Board of Canada has published several papers promoting TILMA.

"Labour standards and codes" are exempt from TILMA's provisions, which may make it seem that unions will not be affected. However, to the extent that hospitals, schools, social services agencies and other organized entities are subject to TILMA, trade unions will experience its effects.

There is an obvious and compelling case for informed public debate about TILMA before any further steps are taken to expand it.

- Charlene Wiseman practises labour law with Sack Goldblatt Mitchell in Toronto. For more information on labour law issues, visit SGM's website at www.sgmlaw.com

***"It is not enough to have a good mind.
The main thing is to use it well."
Rene Descartes***

Ontario gov't excludes Northern communities from "species at risk" hearings

THUNDER BAY - "The Ontario government is intent on appearing to do the right thing for political gain when it comes to its "species at risk" act, but it clearly has not been listening to those who stand to lose the most from it."

That statement from the Ontario Vice-President of Canada's largest forestry union, Cec Makowski.

In response to a direct question from the Communications, Energy and Paperworkers Union of Canada at a round-table meeting in Thunder Bay yesterday, Ontario's Natural Resources Minister David Ramsay said that public hearings on the bill would be held in Toronto only.

"The Liberal government is isolating itself from those most impacted by its decisions," says Mr. Makowski. "The government has abandoned the communities of Northern Ontario where workers in forest-dependent communities have already been devastated by the crisis in that sector.

"CEP members and others in these communities have some major concerns about the proposed legislation - concerns they will not be permitted to air, thanks to the Ontario government's decision to hear only from Torontonians.

"We need significant public consultation to occur all across Ontario, not just in Toronto," he adds, noting that "all stakeholders -- unions, environmentalists, municipal leaders, Aboriginal groups, farmers, and others -- should have an opportunity to air their concerns.

"It's an important piece of legislation, but it needs to be thought through."

Two "Temporary Foreign Workers" Dead, Four Injured in Tar Sands Accident

Two dead, four injured in roof collapse at job site north of Fort McMurray
<http://www.oilweek.com/news.asp?ID=8643>

FORT MCKAY, Alta. (CP) - Two workers were killed and four others injured Tuesday when a roof collapsed at a Canadian Natural Resources Ltd. job site north of Fort McMurray.

The company said in a news release that the 2:30 p.m. accident involved a roof support structure at the tank erection site of the Horizon Oil Sands Project.

"All authorities have been notified of this incident," the company said in a news release.

"The site has been immediately secured and injured workers are receiving appropriate medical attention by the on-site medical staff."

A worker told CTV Edmonton it was windy and the large tank just flew apart.

"I heard this horrible noise, just crashing steel, smashing, crashing, and I looked over and I saw bunch of steel flying, these huge towers they use for holding up the tank roof," the unidentified worker said.

All workers were evacuated from the site, the worker said.

Gil McGowan, president of the Alberta Federation of Labour, said he received a few phone calls from union members at the site.

"They told us there'd been an accident on the Horizon site involving temporary foreign workers from China brought in by CNR or one of their contractors to work on a big tank farm on the Horizon site," McGowan said.

"Our understanding is that one of the big tanks collapsed and in the process at least two workers were killed and as many as four were injured."

McGowan said he did not know what caused the collapse.

"That's all we got before our members' cell phones were confiscated by management."

Barrie Harrison, communications officer for Occupational Health and Safety, also said it's not clear what happened.

He could not confirm if the workers were from China and did not know their ages or gender.

Harrison also said he doesn't know the extent of the injuries to the four workers, but they were taken to hospital.

Health and safety officers were on their way to the site and once there, will secure the site to do their investigation. Harrison said they may order the shutdown of the work site or shutdown of equipment.

The Horizon project is being developed over a seven-year period on a 46,500 hectare site 70 kilometres north of Fort McMurray.

Canadian Natural had recently introduced direct charter flights to Cape Breton and Newfoundland for workers commuting to jobs on the project.

Horizon workers generally work three or four weeks at the camp-like site with eight days off, during which they are flown home.

Canadian Natural Resources said last summer it was expecting to double its 2,500-person workforce.

The company had also been flying skilled workers in from Quebec, New Brunswick and Newfoundland to meet labour shortages and using a mix of union and non-union labour on the site.

Second accident at northern Alta. work site; labour group wants action

**By: The Canadian Press
May 15, 2007**

CALGARY (CP) -- A second accident at a work site where two foreign workers were killed last month has members of the Alberta Federation of Labour calling for government action.

Delegates at the federation's biennial convention voted unanimously Sunday for a resolution calling for the immediate shutdown of the Canadian Natural Resources Ltd. tank farm site 70 km north of Fort McMurray.

Federation president Gil McGowan said all work should stop until government health and safety inspectors determine the work site is safe.

The storage tank that collapsed Saturday night was next to the area where a similar tank collapsed last month, killing two temporary workers from China and injuring four others.

There were no injuries Saturday but McGowan said there are reports of problems with a third tank on the Horizon project site.

"We think it's reasonable to assume that if the first two tanks collapsed, others may be at risk of collapsing as well, and that's why we think that all the operations of this particular contractor need to be shut down right now," McGowan said.

"For the labour movement, the safety of workers is the biggest priority. Had this happened during the work day, we could have seen a repeat of last month's tragedy."

Occupational Health and Safety officials said no one was injured in the second incident because the area was still under a stop-work order from the previous accident on April 24.

A government spokesman said it would be premature to shut down the whole site.

"The investigation is ongoing," said James Frey of the Employment and Immigration Department.

"It doesn't necessarily raise any new questions. (The investigation) will continue until we're satisfied that we (have) as much information as we need."

But McGowan said there is an urgency to the federation's call.

"We have between 10 and 12 other tanks that are being constructed by exactly the same contractor with the same building materials, with the same construction practices," he said of the contractor, Sinopec Shanghai.

Witnesses said a roof support structure inside the tank -- which is among several incomplete

structures on the tank farm -- gave way around 6:30 p.m.

"I can't believe that this has happened three weeks after a similar tank roof crashed and killed workers," said Tim Brower, business manager of International Brotherhood of Electrical Workers Local 424.

"We're just very thankful that nobody was killed or injured."

Barry Salmon, also of the electrical workers' union, said employees at the Horizon site reported there weren't enough wires to hold the tank upright.

Ordinarily, 40 cables are placed around a huge oil container under construction, Salmon said, adding that workers on the site said this one had less than 20.

A spokesman for Canadian Natural Resources Ltd. could not be reached for comment.

"The Worst Shooting Rampage in American History?": A Native Perspective on Virginia Tech

A Native Perspective on Virginia Tech Headlines

by Kat Teraji; April 26, 2007 - Znet
<http://www.zmag.org/content/showarticle.cfm?SectionID=30&Ite...>

Bury my heart at Wounded Knee, Deep in the Earth, Cover me with pretty lies - bury my heart at Wounded Knee. Didn't we learn to crawl, and still our history gets written in a liar's scrawl. They tell 'ya "Honey, you can still be an Indian d-d-down at the 'Y' on Saturday nights."

- lyrics to "Bury My Heart at Wounded Knee," written by Buffy St. Marie

"The worst shooting rampage in American history." "Massacre and Mourning, 33 die in worst shooting in U.S. History," and "Rampage called worst mass shooting in U.S. history." "What first appeared to be a single shooting death unfolded into the worst gun massacre in the nation's history." You've seen and heard these headlines and reports all week as the media provided non-stop coverage of the tragic shooting of 33 people at Virginia Tech University on Monday.

"The worst in U.S. history." Really? It is certainly the worst shooting on a college campus in modern U.S. history. But if we think it is the worst shooting rampage in U.S. history, then we are a singularly uneducated nation.

"I can't take one more of these headlines," said Joan Redfern, a member of the Lakota Sioux tribe who lives in Hollister. We met at First Street Coffee to talk while we scanned Internet stories. "Haven't any of these people ever heard of the Massacre at Sand Creek in Colorado, where Methodist minister Col. Chivington massacred between 200 and 400 Cheyenne and Arapaho Indians, most of them women, children, and elderly men?"

Chivington specifically ordered the killing of children, and when he was asked why, he said, "Kill and scalp all, big and little; nits make lice."

At Wounded Knee Creek in South Dakota, the U.S. 7th Cavalry attacked 350 unarmed Lakota Sioux on December 29, 1890. While engaged in a spiritual practice known as the "Ghost Dance," approximately 90 warriors and 200 women and children were killed. Although the attack was officially reported as an "unjustifiable massacre" by Field Commander General Nelson A. Miles, 23 soldiers were awarded the Medal of Honor for the slaughter. The unarmed Lakota men fought back with bare hands. The elderly men and women stood and sang their death songs while falling under the hail of bullets. Soldiers stripped the bodies of the dead Lakota, keeping their ceremonial religious clothing as souvenirs.

To say the Virginia shooting is the worst in all of U.S. history is to pour salt on old wounds—it means erasing and forgetting all of our ancestors who were killed in the past," Redfern said. "The use of hyperbole and lack of historical perspective seems all too ubiquitous in much of the current mainstream media," Redfern said. "My intention is not to downplay the horror of what has happened this week in any way. But we have a 500-year history of mass shootings on American soil, and let's not forget it."

This is only the most recent mass shooting massacre in a long history of mass shootings in a country engaged in a long love affair with firearms and very little interest in gun control.

Let's not forget our history and the richness of our Native roots. While spending time on the 1.5 million acre Hopi Reservation in Arizona, I met families living in homes they have occupied for over 900 years. On the surface, it looks like a third world country: you will observe many homes without running water, travel unpaved roads, and notice that there are no building codes. But sitting in a Hopi home being served a delicious lunch cooked by a proud Hopi working mother, I experienced so much more: the continuity of a long and deep heritage, a sense of the sacred, an artistic expertise, and wisdom about many things that remain a mystery to my culture.

Most of all, may we never forget all those innocent civilian men, women, and children who lost their lives simply for being in the wrong place at the wrong time, just as the students happened to be this

week in Virginia. May we always remember the precious humanity of these students, but may we also never forget the humanity of those who lost their lives simply for being born people Native to this country.

TRUCK DRIVERS COVERED BY WORKERS' COMPENSATION LAW – CIVIL SUIT FOR DAMAGES BLOCKED BY COMPENSATION SCHEME

www.lancasterhouse.com

The Facts:

On August 12, 1998, Daniel Entz, a worker driving a semi-tractor with a flatbed trailer unit loaded with bales of hay on a highway near Lethbridge, Alberta was killed in an accident caused by Darren Buckley, a trucker driving a tractor-trailer loaded with bananas bound for Calgary. Buckley had consumed as many as nine beers in a nearby cocktail lounge shortly before the collision. He was subsequently convicted of two counts of impaired driving causing death.

The vehicle that Entz had been driving consisted of a tractor that was owned by Jack Indenbosch and a trailer that was owned by Bosch's company, Bosch Excavating. While Bosch Excavating was primarily engaged in trenching and excavating, it also occasionally provided trucking services. When the tractor-trailer unit was not being used to haul equipment for the primary business, Indenbosch would use it to earn additional income. At the time of the accident, Entz – who had previously worked for Bosch Excavating for approximately two weeks in the spring laying pipe – had been hired by Indenbosch to haul a load of hay between two farms.

Section 18(1) of Alberta's Workers' Compensation Act provides: "If an accident happens to a worker entitling the worker or the worker's dependants to compensation under this Act, neither the worker, the worker's legal personal representatives, the worker's dependants nor the worker's employer has any cause of action in respect of or arising out of the personal injury suffered by or the death of the worker as a result of the accident (a) against any employer, or (b) against any worker of an employer in an industry to which this Act applies when the conduct of that employer or worker that caused or contributed to the injury arose out of and in the course of employment in an industry to which this Act applies." The Act does not apply to farming.

In November 2002, the Assessment Review Committee of the Alberta Workers' Compensation Board determined that, at the time of the accident, Entz was engaged in trucking, an industry to which

the Act applies. This meant that Entz's estate was barred from proceeding with a civil action against Buckley if the latter had been acting within the scope of his employment. In fact, in November 2002, the Claims Service Review Committee of the W.C.B. ruled that Buckley had removed himself from his scope of employment when he drove in an intoxicated state. Both rulings were appealed to the W.C.B Appeals Commission by Entz's estate and by Buckley respectively.

In two decisions in 2004, the W.C.B. Appeals Commission held that the accident occurred not in trucking, but in farming, an industry to which the Workers' Compensation Act does not apply, and that Buckley's intoxication-caused accident did not arise out of his employment. Each of these decisions meant that Entz's estate could sue Buckley. The latter applied to the Alberta Court of Queen's Bench for judicial review of both Commission decisions.

A judge of the Alberta Court of Queen's Bench found that the Appeals Commission had relied unduly on a 1998 letter of inquiry about the situation from the lawyer for Entz's estate, who had referred to Entz as "a temporary employee hauling bales of hay in the course of his employment for a farmer, Jack Indenbosch." In fact, the judge noted, Bosch Excavating was primarily engaged in trenching and excavating services, and also provided occasional trucking. It was only when the trailer was not occupied hauling equipment associated with excavating and trenching that it would be used to haul hay, and then only for the purpose of earning an income and turning a profit on the trailer, which was owned by the trenching company. Nevertheless, while finding that the Commission "discounted the only objective evidence before it with respect to the employment status of [Entz]," the reviewing judge ruled that the Commission's decision that Entz was in the farming industry, and therefore not covered by the Act, could not be quashed because it was not patently unreasonable.

However, the reviewing judge did overturn the Commission's decision that Buckley was not in the course of his employment because he was drunk. In the reviewing judge's view, Buckley's intoxication was not the sole cause of the accident. There was a clear employment hazard (the ever-present risk of a motor vehicle accident), without which the accident would not have occurred. Buckley and his employer, whom Entz's estate sought to sue, appealed the judge's decision with regard to the agricultural status of Entz, while the WCB appealed the ruling that Entz's estate could sue because Buckley was in the course of his employment despite his drunkenness.

The Decision:

The Alberta Court of Appeal quashed the finding that Entz was engaged in agriculture, ruling that the Commission's reasoning was so riddled with errors that it was, contrary to the trial judge's finding, patently unreasonable. On the other hand, the Court upheld the lower court decision that Buckley was in the course of his employment even though he was drunk, holding that the scheme of the Workers' Compensation Act did not call for determinations of moral blameworthiness in matters of this sort.

Writing the unanimous decision of a three-member panel of the Court, Justice Frans Slatter held that, in determining that Entz was engaged in agriculture, the Appeals Commission "incorrectly identified the options open to it. It misinterpreted the Board policy on the definition of farming. It unreasonably relied on evidence that had no weight. It unreasonably disregarded other evidence which was probative. It came to the unreasonable conclusion that Entz was engaged in farming at the time of his death, merely because he was hauling an agricultural product for a company, the shareholder of which happened to own a ranch."

Slatter determined that the Commission wrongly "felt constrained to decide whether [Entz] was engaged in 'trucking incidental to farming', or 'trucking incidental to excavating'. Neither the Act nor the policies of the WCB require that the problem be characterized this way, or that there are only two possible options. There was a third possibility, that [he] was simply engaged in casual trucking, unconnected with either the farming or excavating operation.... By eliminating the possibility that Entz was engaged in trucking simpliciter, the Appeals Commission lost sight of the real issue."

Slatter found that the Commission fell into absurdity in its interpretation of a WCB policy that defined farming as encompassing "all activities relating to seeding, cultivating harvesting of crops along with storage and transportation of the produce." Contrary to the Commission's view that this policy applied even where the employer transporting the produce had no role in its production, Slatter held that "[o]n its plain reading, this policy only applies to produce that is produced by the employer's farm, and is transported by the employees of that employer." He observed that Buckley "would not be considered a farm worker simply because he was hauling bananas, even if one of the principals [of the transport company] happened to own a farm. It is the activity (trucking) that is the key to coverage, not the nature of the product being transported (hay, bananas, or non-agricultural products)." Taking into account the other errors that the reviewing judge had identified with regard to appraisal of the evidence, Slatter ruled that "[w]hen all of the errors made are combined, the

decision of the Appeals Commission on [Entz's] file can only be described as being irrational and patently unreasonable."

In upholding the reviewing judge's other ruling, that Buckley was in the course of his employment despite being drunk, Justice Slatter held that "[t]he workers' compensation scheme ... is not intended to pass judgment on morally blameworthy conduct, nor to deter irresponsible and criminal activity like impaired driving. Its purpose is to compensate injured workers, and to protect workers and their employers against suits, in exchange for the premiums paid.... To preserve the integrity of the scheme, the statutory bar against actions by injured workers must be maintained, even where the conduct of the employee or employer is morally reprehensible."

Addressing the question of whether a worker's moral blameworthiness in an accident can remove him or her from the course of employment for the purposes of compensation and immunity from civil suits, the court decided that it cannot. Moral blameworthiness is limited to a minor role in the workers' compensation system, the Court stated. For example, the Court noted that the Workers' Compensation Act's definition of "accident" in s.1(1) includes "a wilful and intentional act, not being the act of the worker who suffers the accident." This definition means that, if a worker suffers due to an accident caused by the willful and intentional act of someone else, the worker is covered. On the other hand, a worker will not necessarily be covered if he or she suffers an injury as a result from his or her own wilful and intentional act; in essence, this is no "accident" at all. Moreover, the Court explained, while this section "shows an intention to exclude certain wilful and intentional acts," the definition "does not, of course, seek to eliminate all acts that are literally intentional and wilful. Driving a truck down the highway is obviously an intentional and wilful act. Even driving a truck while impaired, or while not wearing one's glasses, is a wilful and intentional act. What must be wilful or intentional to fall under this exception is the causing of the accident or the damage. Thus, if Buckley had intentionally run his truck into the police cruiser, that would be an incident that is not an 'accident'." The Court concluded: "While the definition of 'accident' shows that moral turpitude might play some role in defining the outer edges of the workers' compensation system, the exception to the definition of 'accident' has no application in this case. It is not suggested that Buckley intentionally drove into the police cruiser, so both his and Entz's injuries arose from an accident."

Turning to s.19 of the Act, which the Court identified as "[t]he second provision of the Act that brings morally blameworthy conduct into play," the

Court noted that this section provides that someone who suffers an injury primarily as a result of his or her own "serious and wilful misconduct" is not entitled to compensation. The section states, however, that a worker who is seriously injured is entitled to compensation in spite of misconduct. In effect, only those with minor to moderate injuries will be penalized under this section. Moreover, the Court continued, while section 19 denies compensation to workers who engage in serious and wilful misconduct if they suffer only minor injuries, section 18, which bars a worker with a compensable injury arising out of and in the course of employment from suing any employer or any worker, contains no such exception for accidents that result from misconduct. Thus, the Court concluded, since the Act specifically bars compensation for minor injuries due to misconduct, but makes no mention of misconduct when it confers immunity from civil suits for accidents arising from employment, morally blameworthy acts would not, under the Act, remove a worker's immunity from civil suits. Moreover, the Court stressed, such an interruption would be inconsistent with the scheme of the Act and the no-fault principle underlining it. The Court therefore concluded as follows: "The direct question ... is whether elements of moral turpitude can be brought into play in determining whether an employee is 'in the course of employment'. To do so would undermine the no-fault basis of the workers' compensation system, and would be inconsistent with other provisions of the Act. As previously discussed, the Act gives moral turpitude only a very limited role. Section 19 denies compensation to workers who engage in serious and wilful misconduct, but only with respect to their own minor injuries. The inference of s.19 is clearly that other employees who are injured by that serious and wilful misconduct are covered.... [Moreover], [w]here morally blameworthy conduct is specifically mentioned in one section, but not in another, one assumes that it is not a factor in the latter section. Accordingly, it is an error to interpret s.18 by reading into it the misconduct provisions of s.19."

Comment:

In determining whether a worker and his or her employer will be denied the protection of the statutory bar against actions by injured co-workers if their conduct is morally blameworthy, the court in this case relied upon the "historic trade-off" underlying the workers' compensation statute, and the no-fault nature of the scheme as a whole. In doing so, it reaffirmed the limited role that considerations of moral turpitude may play in such a scheme, describing those limits as follows: "The Appeals Commission's decision that issues of moral blameworthiness can be brought into the analysis in s.18 is in my view

unreasonable. This conclusion is fundamentally incompatible with the no-fault nature of the workers' compensation scheme ... [which] is designed to provide compensation to injured workers. It is not intended to pass judgment on morally blameworthy conduct, nor to deter irresponsible and criminal activity like impaired driving. Its purpose is to compensate injured workers, and to protect workers and their employers against suits, in exchange for the premiums paid.... To preserve the integrity of the scheme, the statutory bar against actions by injured workers must be maintained, even where the conduct of the employee or employer is morally reprehensible."

Full Text: <http://www.lancasterhouse.com/decisions/2007/jan/ABCA-Buckley.pdf>

SAVOIE URGES ELIGIBLE CONSTITUENTS TO APPLY FOR THE DISABILITY TAX CREDIT

OTTAWA – Some Victorians with disabilities may be paying too much income tax because they don't realize they're eligible for the disability tax credit, said Denise Savoie, NDP Member of Parliament for Victoria.

"I urge every one of my constituents who has a disability to investigate whether they're eligible for this credit," Savoie said. "I'm convinced that too few people who are entitled to the disability tax credit realize that it's available."

Those who can't afford professional help preparing their taxes may overlook the credit, and others may believe their disability is not severe enough to make them eligible. There are, however, multiple grounds on which someone may qualify for the credit (see attached fact sheet).

"Ultimately it's up to an individual's doctor and Canada Revenue to determine eligibility. But if people don't even realize the credit exists, they won't bother to ask about it and could miss out on money that rightfully belongs to them," Savoie said.

Other NDP MPs have been working in their ridings to raise awareness about the credit, and have found that many eligible people were unaware of it. In some cases, people with disabilities received thousands of dollars in retroactive refunds. A 2001 Statistics Canada survey of people with disabilities found that 37% did not apply for the credit because they didn't know about it.

"Even if the amount a person collects turns out to be small," Savoie said, "I want to make sure my constituents get what they're legally entitled to."

Those with questions about applying for the credit should contact Savoie's Victoria office (363-3600) or other organizations that offer this assistance, such as the Disability Resource Centre. Application forms are also available at Savoie's Victoria office.

Labour History

The Strikebreaker

Jack London/CALM

After God had finished the rattlesnake, the toad and the vampire, he had some awful substance left with which he made a strikebreaker. A strikebreaker is a two-legged animal with a cork-screwed soul, a water-logged brain, and a combination backbone made of jelly and glue. Where others have hearts, he carries a tumour of rotten principles.

When a strikebreaker comes down the street men turn their backs and angels weep in heaven, and the devil shuts the gates of hell to keep him out. No man has the right to be a strikebreaker, so long as there is a pool of water deep enough to drown his body in, or a rope long enough to hang his carcass with. Judas Iscariot was a gentleman compared with a strikebreaker. For betraying his master, he had the character to hang himself—a strikebreaker hasn't.

Esau sold his birthright for a mess of pottage. Judas Iscariot sold his saviour for 30 pieces of silver. Benedict Arnold sold his country for a promise of a commission in the British Army. The modern strikebreaker sells his birthright, his country, his wife, his children, and his fellow men for an unfilled promise from his employer, trust or corporation.

Esau was a traitor to himself. Judas Iscariot was a traitor to God. Benedict Arnold was a traitor to his country. A strikebreaker is a traitor to himself, a traitor to his god, a traitor to his country, a traitor to his family and a traitor to his class.

There is nothing lower than a strikebreaker.

• **Jack London, from a speech first given before the Oakland Socialist Party Local, April 5, 1903.**

Economics of the minimum wage

by Andrew Jackson/CLC/CALM

The minimum wage debate is heating up again. The NDP and the labour movement are pushing for a minimum wage of at least \$10 an hour. Anti-poverty groups endorse a decent minimum wage as part of an anti-poverty strategy.

Predictably, business and employer-friendly governments claim that a higher minimum wage is an inefficient way of fighting poverty and will come at the cost of jobs.

Ontario Finance Minister Greg Sorbara said a \$10 per hour minimum wage—enough to get a single full-time earner in a big city just above the poverty line—would cost 66,000 jobs.

Studies by economists are endlessly cited on one side or other of the debate. However, even the economists at the Organization for Economic Cooperation and Development (OECD) have now reached consensus that minimum wages set at reasonable levels do not have significant negative impacts on the employment of so-called lower-skilled adults.

The latest OECD Employment Outlook reports “a moderate minimum wage is generally not a problem.” Such a policy can create important incentives to work for people on social assistance, and can lower the cost to governments of supporting the incomes of working poor families.

Since Labour in the U.K. introduced the minimum national wage, the consensus there has been that it had no significant impact on employment. Part of the reason the U.K. minimum wage has worked so well is that it was gradually increased a bit faster than inflation and average earnings, reaching a new and much higher benchmark while giving the job market time to adjust.

Likewise, most recent studies of changes in U.S. find minimum wages at the state level have a minimal effect on jobs. Last October, five winners of the Nobel Prize for economics and more than 650 other U.S. economists endorsed a statement saying that minimum wage increases “can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed.”

At the sector and local level, higher minimum wages provide benefits as well as costs to employers—lower turnover, lower training costs and more experienced workers. Indeed, low-wage employers that retain workers actually pay less than they should if they really calculated the costs of a cheap and disposable workforce. Finally, even if business costs increase a bit, the impact on prices is not enough to appreciably reduce demand.

While there is no hard and fast definition of a reasonable wage floor, one benchmark is two thirds of the median or mid-point hourly wage—which would be more than \$10 in the case of Canada, roughly the level of Canadian minimum wages a generation ago.

France, Italy and the U.K. all have minimum wages, which are much closer to this benchmark than the wages in most Canadian provinces. And, countries with relatively high wage floors (compared to the national median wage) do not necessarily have low rates of employment or high rates of unemployment.

The proportion of full-time workers with low-wage jobs (less than two thirds of the median hourly wage) is 22 per cent in Canada, but just seven per cent in Sweden and nine per cent in Denmark. In 2005, the employment rate (the proportion of the 15-65 age group with jobs) was higher in both Denmark and Sweden than in Canada. And there is, according to the OECD, no relationship between the incidence of low-wage jobs and low unemployment in OECD countries.

In short, countries can have both a decent wage floor and high employment.

Even the negative studies have to be read carefully. Most show a very small impact on total hours worked as a result of often significant increase in minimum wages. It may be the case that the fast food industry shaves total hours of work by a fraction as a result of higher productivity because of a more stable workforce. But a small decrease in hours does not mean that workers are worse off, especially in low-wage sectors like fast-food and retail, where most workers are part-timers or work non-standard hours anyway.

Think about it—if your employer asked you to work one hour less per week in return for a 10 per cent hourly wage increase, what would you say?

• **Andrew Jackson is chief economist for the Canadian Labour Congress.**

Desks are germ magnets

USC/CALM

That clean freak in the next cubicle may be on to something. A study of more than 100 offices in various cities showed that office desks harbour more germs than average workplace restrooms—and the problem increases if the desk belongs to a woman.

Cosmetics, hand lotions, purses, knickknacks and food in drawers all harbour bacteria. Seventy-five per cent of women keep snacks in their desks, according to University of Arizona environmental professor Charles Gerba.

Gerba, who studied the offices for Clorox Co., is quick to point out that women’s desks typically look cleaner— and that overall, the worst germ harbour is a man’s wallet, kept toasty in the back pocket. Still, women’s office furnishings harbour three to four times the number of bacteria as men’s work areas.

I thought for sure men would be germier,” Gerba said. “But women have more interactions with small children and keep food in their desks. The other problem is makeup.”

Gerba said the average desktop has 400 times more bacteria than the average office toilet seat.

The solution? Once a day, grab the hand sanitizer and the disinfectant—but no need to be obsessive, says Gerba. “You don’t have to go crazy with it, but the key areas, desktops, phones and keyboards probably need to be disinfected once in a while,” he said.

Why did the chicken cross the road?

Internet/CALM

Kindergarten teacher: To get to the other side.

Plato: For the greater good.

Aristotle: It is the nature of chickens to cross roads.

Karl Marx: It was a historical inevitability.

Timothy Leary: Because that's the only trip the establishment would let it take.

Captain James T. Kirk: To boldly go where no chicken has gone before.

Hippocrates: Because of an excess of phlegm in its pancreas.

Charles Darwin: Chickens, over great periods of time, have been naturally selected in such a way that they are now genetically disposed to cross roads.

Albert Einstein: Whether the chicken crossed the road or the road moved beneath the chicken depends upon your frame of reference.

Buddha: Asking this question denies your own chicken nature.

Ernest Hemingway: To die. In the rain.



Andersen Consulting: Deregulation of the chicken's side of the road was threatening its dominant market position. The chicken was faced with significant challenges to create and develop the competencies required for the newly competitive market. Andersen Consulting, in a partnering relationship with the client, helped the chicken by rethinking its physical distribution strategy and implementation processes. Using the poultry integration model (PIM), Andersen helped the chicken use its skills, methodologies, knowledge,

capital and experiences to align the chicken's people, processes and technology in support of its overall strategy within a program management framework. Andersen Consulting convened a diverse cross-spectrum of road analysts and best chickens along with Andersen consultants with deep skills in the transportation industry to engage in a two-day itinerary of meetings in order to leverage their personal knowledge capital, both tacit and explicit, and to enable them to synergize with each other in order to achieve the implicit goals of delivering and successfully architecting and implementing an enterprise-wide value framework across the continuum of poultry cross-median processes. The meeting was held in a park-like setting, enabling and creating an impactful environment which was strategically based, industry-focused, and built upon a consistent, clear, and unified market message and aligned with the chicken's mission, vision, and core values. This was conducive towards the creation of a total business integration solution. Andersen Consulting helped the chicken change to become more successful.

Colonel Sanders: I missed one?

A victory for Canadian apparel workers

UNITE HERE/CALM

The House of Commons passed UNITE HERE's motion demanding the government cap the growth of clothing imports from China.

The motion, introduced by Peter Julian, NDP MP for Burnaby-New Westminster, called for safeguard measures to be implemented that would protect workers who have been badly hurt by a flood of clothing imports from China.

"Almost 50,000 workers employed in the apparel industry have lost their jobs in the last three and half years and the government has the tools that can be used to protect those jobs," said Julian.

Alex Dagg, national co-director of UNITE HERE Canada, hailed it as a victory for workers and the apparel industry. "We've been calling on the government to stand up for Canadian jobs," said Dagg. "The House of Commons has listened and voted to level the playing field."

Vas Gunaratna, director of the BC Council of UNITE HERE Canada said, "Peter Julian was the only Parliamentarian who took real action on this matter and we are thankful he stood up for our workers in this industry. Now it is up to the Harper government and the Minister of Trade to act immediately to slow the growth of clothing imports from China, or the deep job losses in the Canadian apparel industry will continue."

Apprenticeship Reviews Making Good Progress

Brian Martin

Vancouver - Five years ago few people sensed any urgency. Now we're trying to play catch-up." With those words Dan Mott, chairman of the Construction Industry Training Organization (CITO) succinctly sums up much of the challenge his group is facing.

CITO is charged with identifying and organizing the training requirements of the construction industry on behalf of the provincial Industry Training Authority. No stranger to trades training, Mott is president of Mott Electric a 77 year-old Burnaby electrical contracting firm. On April 17 he met with a group of industry representatives at the offices of the Vancouver Regional Construction Association.

Among those on hand were men and women representing the B.C. Institute of Technology (BCIT) and Kwantlen University College. Appearing with Mott was George Douglas who came on board as CITO chief executive officer this January. He had previously been dean of trades development at BCIT.

CITO has been operating only since September and has had a CEO for a scant four months. The challenges it has faced have been large. The construction industry represents some 60 per cent of all apprentices in the province.

The apprentices are covered by either 29 or 30 trades depending on who is doing the counting. There is a discussion between CITO and the Industry Training Association whether or not pipe fitters belong under the CITO umbrella. Currently they are considered in the resource industry sector. The difference is important as funding is based on the number of apprentices in any particular sector.

Be it 29 trades or 30 trades, however, reviewing all of them and all the different training and apprenticeship programs attached to them is a big job. At this point two of the construction trades are at the forefront. The electrical trade, said Mott, is 99.9 per cent completed. Next on the list is carpentry which is likely around 20 per cent done.

Four more are in line to be dealt with this year. They are plumbing, roofing, sheet metal and cabinet making.

For each of them input is sought not just from training institutions, of course, but also from employers, organized labour and apprentices. That input is not always easy to get. The industry is currently very busy and employers are sometimes reluctant to take time away from work to deal with training matters. They are equally reluctant to give

their employees time to contribute. It is completely different, as Mott pointed out, to five years ago, when the industry was slow and interest in trades training was near the bottom of its concerns.

In addition, the construction industry can be a fractious group often splitting opinions along various lines including different priorities between open shop and union companies. Mott points out, though, that quality training has always been important to all employers.

"Relationships," said Mott, "haven't always been that great in the past and sometimes there has been finger pointing. We are trying to get past that and produce the best trained workers in Canada. Our customers are the contractors and the apprentices of the province.

Some of the problems CITO have faced are really basic. For example, just how many construction industry apprentices are there in British Columbia? You might think that would be simple. You would be wrong. CITO knows there are supposed to be about 17,000 of them. But only 11,000 have attended trade schools. The other 6,000 are simply "lost in the System". Are they still in the industry but not taking training? Have they left the industry? No one knows. The ITA is currently involved in checking with every apprentice who hasn't made contact in the past 18 months in order to clean up the lists.

Another challenge facing CITO is the large number of students who are now taking first year apprentice training in public secondary schools. First year training is referred to as "foundation training". This is something the construction industry has promoted widely and which CITO very much supports. The problem, Mott points out, is no centralized system exists to keep track of them. Nobody knows how many youngsters are involved, what geographic part of the province they live in, whether they intend to go on to trades training or what trades they are being trained in.

Without that, he says, the colleges and other training institutes have no way of knowing the numbers of students headed their way for second, third and fourth year training in various trades. In addition the construction industry has no way of knowing if the secondary students are being trained in trades for which contractors will be able to provide jobs.

"If 50 schools produced 30 electrical students each," he said, "that would mean 1500 new electricians. "Who is going to hire them all?" The potential scope of the problem and the need for co-ordination comes into focus Mott said when you consider there are hundreds of secondary schools in the province.

In any organization — from a marriage to a giant corporation like General Motors — money is always an issue that has to be dealt with.

The Construction Industry Training Organization is no exception. Developing training programs is expensive. It costs about \$20,000 per year per trade. Each should be re-evaluated every five years — meaning \$100,000 in program development for a five year program.

Mott said he is hoping the government will provide the Industry Training Authority with adequate funding to complete the job it has started. He left the impression however there is still some distance to go.

The Vancouver Regional Construction Association, which represents both open shop and unionized contractors fully supports CITO's activities, says its president, Keith Sashaw.

"There is likely no more important issue facing the industry today than training tomorrow's workforce," Sashaw told the Journal of Commerce.

Proportional representation:

Making your vote count

by Larry French/Education Forum/OSSTF/CALM

The Scandinavian countries elect their governments by means of proportional representation (P.R.). Among the many advantages, one in particular stands out: proportional representation enables women to be elected in significant numbers.

In Canada, the "first past the post." system allows for a winner-take-all scenario in which the person who gathers the most votes, even if he or she is far from gaining an absolute majority, is the only one who is rewarded with a seat in parliament. Frequently, in close three-party races, fewer than 40 per cent of voters succeed in electing a candidate.

The present system confers an immense advantage on our two traditional parties. Minority parties like the New Democrats and those struggling for recognition like the Greens, face an almost impossible battle to see the votes they receive translated into seats.

Reflects the electorate

Proportional representation ensures the makeup of Parliament reflects the will of the electorate as demonstrated by the popular vote. We thus draw nearer to the democratic ideal of government of the people, for the people, by the people.

In Ontario, the government has constituted a Citizens' Assembly on Democratic Renewal that will make recommendations on electoral reform prior to the next election. There will be an election-day referendum to accept or reject the recommendations. The threshold for acceptance is high. The present government, itself elected by only 46.6 per cent of voters, has decreed any new system must gain 60 per cent support. In B.C., a clear majority, 57 per

cent of voters, chose electoral reform. As the threshold for acceptance was also 60 per cent, Canada's first opportunity for proportional representation was denied.

Three forms

There are three major forms of PR. Mixed Member Proportional allows each voter to vote twice. The first is the traditional vote for a riding representative. The second is for a party or a list of candidates identified by party. Seats are then awarded combining those won in the ridings with those assigned after a count of the popular vote. Say there are 50 seats to be won riding by riding, and another 50 assigned to party lists. If Party A wins 20 riding seats but 25 per cent of the popular vote, Party A receives five additional seats for a total of 25. These five seats are either chosen by the electorate by list voting or chosen by the party itself from a pre-published list.

To govern, the Liberals in Ontario, for example, would have had to form a working coalition with one of the other parties, as happens in most of Western Europe. These forms of minority government are more effective than so-called majority governments as they are more sensitive to the popular will.

More women and minorities

Using candidate lists has the advantage of allowing more women, as well as minority groups, to play a leading role. Make a few comparisons. Electoral participation: Norway, 77 per cent, Canada, 65 per cent. Child poverty: Norway, 3.4 per cent, Canada, 14.9 per cent.

The Norwegian minister of finance is Kristin Halvorsen. She manages the oil fund that Norway, like Alberta, formed to preserve the wealth of its oil reserves. The Norwegian fund stands at US\$250 billion. The Alberta Heritage fund, despite decades of oil and gas production, is a puny \$15.4 billion, thanks to giveaway levels of royalties (one per cent for the oil sands production).

Halvorsen recently announced she was banning Wal-Mart and Freeport McMorran from the oil fund portfolio, the first for "systematic violations of human and labour rights," the second for "serious environmental" violations. The finance ministers of Canada or Alberta would never in their wildest dreams consider such a responsible act.

Nor would we witness a scene where a female minister outlines her department's objectives directly to the prime minister in parliament. I am equally sure the Norwegian minister of children's affairs would not tolerate the government clawing back the federal Child Benefit from needy families. She and the other women in Parliament would never allow her government to balance the books on the backs of children.

Proportional representation is the shortest path to the effective government that we so desperately need.

• **Larry French is the retired former director of communications and political action for the Ontario Secondary School Teachers' Federation.**

Puzzle date: Thursday, May 17, 2007



WATER BALLET

By Lucille Evanstone
 Edited by Timothy Parker

ACROSS

- 1) A freelancer may work on it
- 5) "Young Frankenstein" co-star
- 9) Something amazing?
- 14) Western wolf
- 15) Prelude to a solution
- 16) Showing effortless grace
- 17) Effluvium
- 18) Something the euro replaced
- 19) More than occasionally
- 20) Is worse than ever
- 23) Major inconveniences
- 24) Offensive expression
- 25) Dogcatcher's quarry
- 26) Slowly become bald
- 28) Rug texture
- 31) Attested
- 34) Clothes line?
- 35) Boxer's cue
- 36) Question a plumber may ask of noisy kids?
- 39) From the beginning
- 40) Soak up the sun
- 41) Hops kilns
- 42) Neither partner
- 43) Allot
- 44) Hightail
- 45) Old Testament book
- 47) Party supplier
- 51) Demonstrate great affection
- 54) Like Hermes' sandals
- 55) Advocate forcefully
- 56) Nod neighbor
- 57) Observant one
- 58) False god mentioned in Judges
- 59) Delivered by post
- 60) Parts of hospital bills, often
- 61) Getting around well
- 62) Chronic imbibers

DOWN

- 1) Trudge through melting snow
- 2) Lecture hall platforms
- 3) Black hues, in old poems
- 4) Wine bottle accessory
- 5) You don't want to be out of this
- 6) See you in the Sierra Madres
- 7) Juno's Greek counterpart
- 8) Indian flatbread
- 9) Shone brightly
- 10) Cartridge holder
- 11) They keep practicing
- 12) Consider (with "over")
- 13) Suffix with "velvet"
- 21) Swung around
- 22) Tree resin
- 26) Have a premonition of
- 27) It preys from above
- 29) What little things mean?
- 30) "Not only that ..."
- 31) Bridge length
- 32) Port authority?
- 33) Formal headgear for men
- 34) The Sultan of ___ (Ruth's moniker)
- 35) Completely innocent
- 37) Beyond plump
- 38) Antipathetic
- 43) Blade cutters
- 44) In the recent past
- 46) Short choral composition
- 47) Panatela, e.g.
- 48) One place to see clowns
- 49) Momentous occasion
- 50) Charges for use
- 51) ___ gin fizz
- 52) Ointments
- 53) End of shooting
- 54) Emmet or pismire

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