



COAST TO COAST UPDATE
AU COURANT D'UN OcéAN À L'AUTRE
 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
 FRATERNITÉ INTERNATIONALE DES OUVRIERS EN ÉLECTRICITÉ



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May/June 2007

Greetings:

During the past few months a number of our Local Unions in Canada have been conducting elections according to the IBEW Constitution and Local Union Bylaws. In many cases the incumbent Local Union officers have been reoffered and have returned to office by an overwhelming majority or have been unopposed. I say 'well done' to these Brothers and Sisters who work tirelessly with great dedication for the IBEW and their Local Unions. These democratic elections are often the confirmation and endorsement needed from the electorate that makes doing the job worthwhile.

In a few Local Unions the incumbents have been replaced by either being defeated or have not been reoffered. Let me thank these folks for the many hours spent away from their families, and their home-front, in the last three or four years and longer, and also for their efforts to make the work life of their Brothers and Sisters safer, self respecting, honourable, secure and the quest for a higher standard of living achievable. Your work has not gone unnoticed or unappreciated.

Congratulations to the newly elected officers as you take on a tremendous responsibility to represent your peers in a job that yields great satisfaction just knowing that you are doing the right thing. I offer all of you the assistance of the First District Office, long term and newly elected officers alike, to work as a team to get the job done.

During the next year we all have a lot to do. Sometimes we seem to have to keep running faster and faster just to maintain the status quo. The policies and legislation of our elected governments at all levels with such matters as the Trade, Investment and Labour Mobility Agreement (TILMA), the temporary foreign worker issue, and the loss of jobs to the offshore are just a few examples of having our work cut out for us; couple that with our Local Union workload, and you won't be encumbered with a lot of free time.

I'm looking forward to seeing all of you in Victoria, BC

at the All Canada Progress Meeting where we will get a chance to exchange ideas and continue building a better IBEW in Canada.

In solidarity,

Phil Flemming, IVP

Finally! Wage Protection Law Moves Closer to Reality

Taken from the following publication: June 14, 2007 – Canadian Labour Congress (CLC)

OTTAWA – Basic wages and pension contributions' protections for workers when their employer goes bankrupt are closer to reality. The political logjam that has held up long-awaited wage protection legislation for working Canadians finally broke this afternoon. The House of Commons passed amendments to a law originally adopted in the previous Parliament.

"On behalf of all wage earners, the Canadian Labour Congress (CLC) welcomes this move and urges the Senate to match the all-party agreement that made today's progress in the House of Commons possible and pass the amendments without delay," says Ken Georgetti, President of the Canadian Labour Congress.

"This legislation was developed and spearheaded by the Canadian Labour Congress. We have relentlessly pushed to get it through the House in 2005. Then we had to pressure government and opposition parties to come to a consensus on the amendments that will make it work."

"Finally, workers can look forward to desperately needed protection of their wages and vacation benefits when their employer goes bankrupt, become insolvent or moves to restructuring. They no longer have to fear the prospect of losing earnings owed to them while dealing with the blow of the loss of their jobs," explains Georgetti.

Georgetti expressed hope that the federal government would quickly establish the new wage earners protection measures that, among other things, include:

- Protection of Wages: Ensuring that workers get compensation for their unpaid wages which will guarantee payments to employees for any unpaid wages and vacation earned, but not paid, up to a maximum of \$3,000, at the time their employer enters bankruptcy or receivership under the Bankruptcy and Insolvency Act.

Protection of Pension Contributions: Ensuring that arrears in regular pension contributions that have not been remitted to the pension plan by the employers constitute a priority charge over all assets ahead of secured creditors.

“Canadians have been waiting a long time for these protection measures. Over the last three federal elections, workers and their unions have campaigned for similar measures. Today marks a good new beginning and tomorrow can be better. We must keep reminding the decision makers in Ottawa that working people make up the majority of Canada’s citizens, and that Canada does better when working people prosper,” concludes Georgetti.

The Canadian Labour Congress, the national voice of the labour movement, represents 3.2 million Canadian workers. The CLC brings together Canada’s national and international unions along with the provincial and territorial federations of labour and 136 district labour councils.

Web site: www.canadianlabour.ca

New Brunswick Building Trades Fighting Double Breasting

The Building Trades have been lobbying for years to remove the right for contractors to operate both a union and non-union company; this practice is called ‘*Common Ownership*’ or ‘*Double Breasting*’. If a company is organized today, this company can start a new non-union company tomorrow; New Brunswick is the **only** province allowing this unfair and unethical practice.

In early May 2007, the MLA for Rothesay NB, Margaret Ann Blaney (PC), presented a private members’ (Bill 60) on behalf of the New Brunswick Building Trades. Since that time the Bill has passed its first and second readings and is now before the Law Amendments Committee. The IBEW along with other Building Trade’s members, filled the legislative gallery during the second reading of the Bill. The large membership turn out, in a show of support for the Bill, placed a lot of pressure on the Shawn Graham

government to move the Bill to the Law Amendments Committee. The Building Trades locals are turning up the heat by having every Building Trade’s member send a letter or visit their MLA to request support.

On Sunday, June 3rd, 2007 a rally was held by the Building Trades locals in Rockwood Park, Saint John, NB where thousands of members and their families attended along with many politicians both provincial and municipal.

The Building Trades rallied at the New Brunswick Legislature on Wednesday, June 6th, 2007 during the meeting of the Law Amendments Committee.

On behalf of the IBEW Business Managers and the International, we would like to take this opportunity to thank all IBEW members and their families for their help and support in making the rallies such a success. Acknowledgements go to the organizing committees and Dave Stevens of Local Union 502.

Local Union 586, Ottawa ON—Members Demonstrate Solidarity

On Tuesday May 29, 2007 members of the Operating Engineers (OE) Local 793 with the assistance of IUOE International Representative John Payne set up a picket line at a project in the city of Kanata, just west of Ottawa. The members of IBEW Local Union 586 not only respected the OE’s line but offered full support by walking along side their striking Brothers.

At approximately 9:00 a.m., two less than intelligent individuals charged through the line in a van hitting and knocking one of the picketers to the ground. An ambulance and the police were called immediately, and arrived on scene a short time later. First Aid was administered by the EMS and an investigation was started by the police.

The injured picketer was Local Union 586 member Kyle Blair who received several cuts, scrapes and bruises for his efforts. As they say, “no good deed goes unpunished”.

IUOE International Representative Payne contacted IBEW International Representative Tom McGreevy to offer his heartfelt thanks and to congratulate our membership for their dedication to the trade union movement and solidarity with their Brothers from the OE.

Local Union 742, Pembroke ON—Promotes Skilled Trades

On April 20th, 2007, members of IBEW Local Union

742 participated in *Options 2007* in Renfrew, Ontario. "Options" was developed in 2003 to introduce high school students to the skilled trades and the growing demand, opportunities available in the trades, and features local industries that promote skilled trades.

Local Union 742's largest employer, Atomic Energy of Canada (A.E.C.L), set up three booths showcasing the instrumentation, electrical, and electrical fire alarm fields, and Local Union 742 members volunteered their services to develop the displays and provide information to students.

The goal of *Options 2007* was to give young people career information on various trades available in Renfrew County. By introducing Grades 9 and 10 students to the trades, they can tailor their curriculum towards obtaining an apprenticeship or community college trade diploma.

Approximately 2000 students were introduced to this years exhibition of various elements in the different skilled trades as well as giving them the opportunity to ask specific questions to trained trades people.

A.E.C.L's instrumentation booth displayed different control strategies including a programmable logic control that programmed a light box and a level loop, which controlled the level of water in a column.

The electrical booth presented an alarm panel that exhibited various types of alarm systems as well as displayed a range of different tools and wires used in the industry. The electrical booth also provided some hands-on experience by giving visitors the opportunity to strip and cut various types of wires, as well as a display of fire alarm systems.

Over the course of the day, many intrigued students and job seekers flocked to the instrumentation and electrical booths showing interest in the apprenticeship programs offered.

Options 2007 was also a very enjoyable day for the participating Local Union 742 members. It gave the union members the opportunity to introduce the students to the trade they take pride in and also provide them with helpful information to aid them in making informed decisions when choosing the right trade.

Local Union 742 extends thanks to the members who volunteered to participate in *Options 2007* and to International Vice President Phil Flemming and staff at the First District Office for supporting the promotion of our

skilled trades.

Local Union 804, Kitchener ON—Featured on 'Hour Power' Website

As first reported in the last edition of the Coast to Coast, a presentation of the Code of Excellence (COE) program was presented to contractors and client representatives currently working at the Bruce Nuclear Power Plant in Port Elgin, Ontario on April 23, 2007.

The COE presentation that was opened by International Vice President Phil Flemming, and a film outlining the current efforts being made at the Bruce Nuclear site by Local Union 804, is currently the feature article on the 'Hour Power' website. Please take a moment and view this short film by accessing a link on the www.ibew.org site, or by going directly to the 'Hour Power' website at www.ibewhourpower.com.

Local Union 2085, Winnipeg MB—Implements Code of Excellence

Local Union 2085 in Winnipeg MB has recently designated a project for Manitoba Manpower as a Code of Excellence (COE) project. The new building which is being constructed with PCL as the general contractor is to be the most "Green", or environmentally friendly, building in the world.

The signatory electrical contractor is Wescan who is using a crew of IBEW Local Union 2085 members of which 60% came into the Local Union directly through organizing. Wescan is not the only electrical contractor on site, there is a non-union company called Building Solutions and Design (BSD) also present.

Local Union 2085 and Wescan are confident that by using the COE program they can demonstrate to both the client and PCL that the IBEW workers are better trained, more highly skilled, and more productive than their non-union counterparts with BSD.

Local Union 894, Oshawa ON—Code of Excellence Partnership

It was reported in the March/April 07 edition of the Coast to Coast that Local Union 894's membership had voted to adopt the Code of Excellence (COE) on March 15, 2007. On June 13, 2007 Business Manager John Gillett and Division Manager Michael Campbell of Black and McDonald signed a Code of Excellence Letter of Commitment agreeing to designate Darlington and Pickering Nuclear Generating stations as COE projects.

Both IBEW Local Union 894 and Black and McDonald hope that through their partnership and the use of the Code of Excellence program, they can demonstrate to Ontario Power Generation (OPG) that we are their best choice for electrical labour and management expertise.

The Letter of Commitment was executed by Gillett and Campbell following presentations made to all Local Union 894 members currently employed by Black and McDonald on the two sites. Also present at these meetings were representatives from the owner client, OPG. The Local Union 894 members in attendance also signed a personal letter of commitment, as is required by the Code of Excellence program. Any new hires will also be presented the program and required to sign a letter of commitment.

Congratulations and kudos to Business Manager Gillett, the members of Local 894 and Black and McDonald for recognizing the value and importance of the Code of Excellence program.

Court Upholds Restriction On Use Of Agency Workers To Do Bargaining Unit Work

Taken from the following publication: May 2007 – Talking Union (Koskie Minsky LLP, Barristers & Solicitors)

The Ontario Court of Appeal has overturned a decision of the Divisional Court and reinstated an arbitrator's ruling that an employer's use of outside agency workers to perform bargaining unit work "in house" was "implicitly" prohibited by the collective agreement (if those agency workers were used for a period longer than two weeks).

In *Ottawa Hydro v. IBEW Local Union 636*, released last month, the Court of Appeal held that the arbitrator's finding regarding Hydro Ottawa's assignment of work to outside agency workers was not patently unreasonable – notwithstanding the opposite conclusion reached by the Divisional Court. Justice Robert Blair wrote for a unanimous court, "The Arbitrator committed none of the errors attributed to him. Respectfully, the Divisional Court misconstrued the Arbitrator's decision when it concluded that he had amended or rewritten the collective agreement. It erred in two respects in this regard: first, the Arbitrator's decision did not create a new class of employee not provided for in the collective agreement; secondly, the Divisional Court's approach overlooks both the Arbitrator's finding that the work arrange-

ment in this case did not constitute 'contracting out', and the implications of that finding for the interpretation of the collective agreement."

The Court of Appeal pointed out that several arbitration awards have emphasized that "contracting in" is "inherently destructive of the bargaining relationship" and generally contrary to the obligations undertaken by the employer in the collective agreement. These situations are to be contrasted with "contracting out" or sub-contracting situations, "where an integral function or a whole operation of the business of the employer is assigned to an independent contractor; the work is often done off site and, where done at the same location as the bargaining unit employees, usually involves work of a different nature...; the independent contractor controls the work; and the employer has 'effectively abdicated' the work to the outside contractor."

One issue in the case concerned the power of an arbitrator to imply terms into the collective agreement that would restrict management's rights where "residual rights" are reserved under the collective agreement to management. The Court accepted that the arbitrator, indeed, had this power and that this did *not* offend a prohibition in the collective agreement against an arbitrator "adding to or subtracting from or otherwise changing the provisions of the collective agreement."

The Court of Appeal specifically accepted that an implied term is itself a term of the contract – it is not an amendment to or modification of the contract. The Court adopted the following statement from an arbitration award called *Re School District No. 57 (Prince George) and United Brotherhood of Carpenters & Joiners, Local 2106*, where the arbitrator wrote;

"An implied right is not one that is invented by an arbitrator, but rather, is one that arises out of an interpretation of the collective agreement. It is one that is not expressed in absolute terms but that can, nevertheless, be inferred by an ordinary and natural reading of the agreement. Were it otherwise, an arbitrator would not be entitled under art. 4.02[8] to interpret the collective agreement where the meaning was not absolutely clear."

Finally, the Court addressed the argument that the arbitrator's decision under review was contradicted by a host of other arbitration decisions. The failure of a subsequent arbitrator to follow previous decisions, wrote the Court, does not by itself make the subsequent arbitrator's decision patently unreasonable. The doctrine of *stare decisis* has no application in such circumstances.

In each case, the issue is whether the arbitrator's interpretation of the collective agreement is supportable on the record and not patently unreasonable in that context. Lack of unanimity, the Court explained, is the price to be paid for having independent and specialized decision-makers in the labour relations field protected by the standard of review of patent unreasonableness.

IBEW Local Union 636 was represented in this case by Koskie Minsky lawyer Ron Lebi.

Contributions to Political Parties

Effective January 1, 2007, only Canadian citizens and Canadian permanent residents may make contributions to registered parties, registered electoral district associations, leadership and nomination contestants of registered parties, and candidates.

Please note that this is for federal electoral purposes. Neither corporations nor trade unions can make contributions to these entities either directly or indirectly. There is a prohibition for an individual making a contribution if that contribution comes from the resources of another and was given for the purposes of making a contribution. Our members may make contributions to a registered party, as an individual, using his or her own resources.

Contributions can be either *monetary* or *in-kind*. An *in-kind* contribution (also referred to under Section 2 of the Federal Accountability Act) is "commercial value of a service, other than volunteer labour, or of property or the use of property or money to the extent that it is provided without charge or at less than commercial value". Therefore, unions cannot provide phone banks, office spaces or second the services of a member to a registered party for free or at less than their commercial value. Doing so would constitute prohibited contributions under the Elections Act.

Members may, as individuals, provide volunteer labour to a registered party if he or she acts on their own and outside of paid working hours. As a point of interest, volunteer labour is also defined by the Act to include a service provided by a person who is self-employed if the service is one that is normally charged for by that person.

In respect of 'election advertising' sub-section 319(d) provides "the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be....." does not consti-

tute election advertising. So, if a union prepares political materials and distributes it to its members this does not constitute a non-monetary contribution from the union to a registered party and is therefore permitted.

The actual dimension of third party (a union can be a third party under the Act) advertising is still somewhat up in the air. There have been a number of legal actions mainly promoted by the National Citizens' Coalition to the effect that they want to be able to spend whatever money they chose on matters of "public interest" notwithstanding any limits or bans put in place by legislation. The short answer to third party advertising seems to be that third parties can identify themselves, register, be audited, report and be governed by spending limits currently set at \$179,400 in total and \$3,588 per electoral district. Registration is required where more than \$500 is spent on third party advertising.

To recap:

1. "fund raisers" during an election could be construed as third party advertising or as a contribution. So care must be taken;
2. phone banks, donation of space, volunteer labour, etc. is not permitted unless it is "paid for" by the party of candidate at fair market value;
3. direct messages to the membership are not an *in-kind* contribution to a registered party; and
4. third party advertising is permitted subject to complying with Elections Canada's regulations.

2007 National Training Institute (NTI)

Once again the National Joint Apprenticeship and Training Committee (NJATC) is announcing the details for the Annual National Training Institute (NTI). This event is scheduled for August 4-10, 2007 in Knoxville, Tennessee.

This year's NTI will feature several new programs including the latest technologies such as solar, wind and fuel cells as alternative energy sources, systems integration for modern day control systems and building automation. There will be a variety of workshops for all JATC members, trustees, business managers, chapter managers, and of course training directors, plus all the "bread and butter" issues surrounding apprenticeship issues.

Because of all the above, union leadership, JATC leadership, and contractor participation is encouraged to attend. Further information can be obtained at: office@njatc.org.

The Canadian Labour Congress' 2007 Better Choice Campaign

Canadian working families want politicians to listen to them and work for them; that's where the 'Better Choice 2007' campaign starts. It is a campaign to promote the interests of Canadians who work for wages and their families.

Over the next few weeks, whether a federal election is called or not, the Canadian Labour Congress (CLC) and its unions will run the Better Choice 2007 campaign to move forward a series of issues that are important to working people, their families and their communities, with the view of putting them squarely on the next election's agenda – of making them vote-determining.

The CLC executive officers have visited half a dozen communities in three provinces to promote the campaign and deliver the key message of 'who's on your side?' The focus of Better Choice is to encourage working people to talk to one another about the issues, to question federal political parties and candidates on their stand on what matters most to working families, then to vote for the... Better Choice.

Please visit www.betterchoice.ca for more information on the issues and the sections on this site regularly for updates on the issues that are most important to workers.

New Union Savings Real Estate Member Savings Program

Union Savings has teamed up with a leading office of Royal LePage, to provide rank-and-file members of affiliate organizations with a rebate program that will put cash back into the pockets of the members, should they use the program to either buy a home or sell a home.

Details are provided on the Union Savings website: www.unionsavings.ca. Should you require an electronic version of this announcement, please contact Miles Moorhouse, Hitek Print Management via e-mail at: miles@hitekpm.com.

This program is not available through individual Royal LePage offices across Canada, but must be arranged through the Real Estate Members Savings program coordinator at the toll-free number listed on the bulletin.

Harley Davidson Draw Update

The first draw was held at the MS/IBEW Golf Tournament on May 24th, 2007 and **Bruce Harris from Local Union 1802** won the 2007 Dyna "Super Glide" FXD and is currently being shipped to his driveway in Sarnia.

The next "Early Bird" draw will be held July 4th, 2007 at the 1st District Office for a 2007 "Heritage Softail Classic" FLSTC. **The final "Grand Prize" draw will be held on August 29th, 2007** at the All Canada Progress Meeting in Victoria, BC for a 2007 "Road King Classic" FLHRC.

There are just a few raffle tickets left, so remember to contact your International Representative and purchase before the next draw. The next Early Bird prize winning ticket will go back in the draw (as did Bruce's) and will remain eligible for the subsequent prize and the grand prize. Good luck!

Projected Meeting Dates 2007

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| 8/24 - 25/07 | Membership Development Conference
Fairmont Empress Hotel
Victoria, BC |
| 8/27 - 30/07 | First District Progress Meeting
Fairmont Empress Hotel & Victoria Conference Centre
Victoria, BC |
| 10/15-17/07 | Membership Development Conference
Hyatt Regency Hotel
Atlanta, Georgia |
| 10/21-26/07 | Western Business Managers School
Calgary, AB |
| 11/26 -30/07 | IBEW Nuclear Conference
Bally's
Las Vegas, Nevada |
| 12/2-7/07 | Eastern Business Managers School
Ottawa, ON |