



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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 First District, CANADA / Premier District, CANADA



January/February 2010

Greetings:

Since this issue of our Coast to Coast is the first in 2010, I want to make sure I wish you all a successful year and trust everything has been progressive and constructive since settling into the new decade. I have had the opportunity to speak with many of you over the last couple of months and I have a sense that many Local Unions are up to the task and looking forward to the continued improvement of our IBEW for the benefit of our membership, their families and our industries.

We have many challenges facing us over the next few years, not the least of all recovering from the downturn in our Canadian economy and job losses, the enhancement and expansion of IBEW market share, organizing, renewal of our collective bargaining agreements, involving of our membership in our political process; municipally, provincially and federally, and the many other Local Union issues that occupy your time and tap your Local Union resources.

To achieve our goals we anticipate our strong, cooperative working relationships will continue with all of our Local Unions, employers and our industry, and political partners as we move forward together. We require the support and understanding of each other for the success that we need to achieve our targets and objectives.

Thanks for your continued support of our IBEW and our initiatives where we need and depend on your involvement and encouragement.

In solidarity,

Phil Flemming, IVP



Concerned About 'Excessive' Medical Requests

(Reprinted from the "Canadian Occupational Health and Safety News" - February 1, 2010 Vol. 33, No. 4 and written by Dan Birch)

Workers at an Iron Ore Company of Canada (IOC) facility near Labrador City are raising concerns about the possibility of an excessive medical information request. The company, which is Canada's largest iron ore producer, asked all of its personnel in safety sensitive positions at the mine and processing facility to sign over access to their "complete medical forms," says George Kean, President of United Steelworkers Canada, Local 5795.

Those who refuse to comply could face disciplinary action, including termination, he says. The safety request and related policy was revealed to workers in the days before Christmas and was to be implemented in January. However, the union contacted the provincial government, arguing the company policy represented an unreasonable invasion of privacy, Kean says.

The province's occupational health and safety branch responded by ordering IOC to delay implementation until the union's concerns were addressed, he adds. "We did hear some concerns from the union and we're looking into them," confirms Vanessa Colman-Sadd, a spokeswoman with Newfoundland and Labrador's Department of Government Services. Describing the case as "very sensitive," she declined to comment as to whether or not the department's OH&S branch issued a compliance order.

A company spokesman did not return calls for comment. Kean reported on January 26 that the union was expecting to hear from the government and/or the company within days about revisions to the policy, which he suggests could apply to over 1,200 workers. The union wasn't fairly consulted about the policy before it was released in December, Kean contends. "There was very little discussion with the employer on it," he says, adding that the policy didn't indicate clearly enough just what medical information the company would be able to access.

Information from the province's Human Rights Commission says that when it comes to worker medical assessments, employers should "limit the amount of information that they receive directly." The commission

guideline adds that “an employer should only ask the examining physician to provide general information on whether the employee can perform the functions of the job, and if not, what the employee’s limitations are and what accommodations can be made by the employer.” Lisa Gallivan, a partner at the Stewart McKelvey law firm in Halifax, agrees that caution must be exercised when accessing employee medical information. “It is key that you look for as little [information] as possible, because all you want to know is that the employee is medically fit” to carry out his duties safely, she says, adding that what is required from a doctor is a note confirming the worker’s fitness. “Of course, in order to get that, you’re going to need to ensure that you’re communicating to that medical provider exactly what that job is.”

Ramifications are possible for workers and employers who are on the wrong side of an information challenge, Gallivan notes. For instance, a worker who refuses a reasonable request for medical info could be disciplined. On the flip side, a company that fires an employee for turning down an unreasonable request could be hit with an unfair dismissal legal action.

Local Union 37 – Fredericton, NB Business Manager Ross Galbraith Voted 2009 Cam Fella Award Recipient *(The following article was published January 5, 2010 in the Standardbred Canada publication)*



Standardbred Canada is pleased to announce that Ross Galbraith, chair of the New Brunswick Horse Racing Industry Association and one of the committee members responsible for the creation of Horse Racing New Brunswick, was voted the 2009 recipient of the Cam Fella Award.

The Cam Fella Award was presented to Galbraith at the annual O'Brien Awards Banquet on Saturday, January 30, 2010 at the Delta Meadowvale Hotel in Mississauga, Ont.

Named in honour of world-class standardbred horse Cam Fella, the award recognizes extreme recent meritorious service to the Canadian harness racing industry.

Galbraith has had a lifelong interest in harness racing and has worked tirelessly as a volunteer over the last several years to ensure that harness racing continues in New Brunswick. He has held numerous leadership

positions in the industry and his efforts culminated in the creation of a not-for-profit central industry organization to run horse racing in the province.

In January, 2009, the newly formed organization, Horse Racing New Brunswick, announced its board of directors and race dates for the upcoming season. After years of ups and downs in the province’s harness racing community, the dream of an industry-run, government-supported body to oversee the future of the sport was finally a reality.

The accomplishments in New Brunswick represent one of the brightest developments in all of Canadian horse racing in 2009.

Dr. Paul Hogan, director of racing for the Maritime Provinces Harness Racing Commission, was quoted in *Trot Magazine* calling the establishment of HRNB “probably the biggest light at the end of the tunnel we’ve seen in a long time.”

It is certainly no stretch to say that the success achieved this year would not have been possible without the tireless efforts, over several years, of Galbraith.

He has been very active as a volunteer in the industry serving on the executive of the Saint John Harness Horsemen’s Association since 2002, and then becoming chair of the New Brunswick Horse Racing Industry Association in 2003. He joined the Board of Standardbred Canada in 2003 and was active in the development of SC’s Strategic Plan. He was a founding member of the Maritime Horse Racing Development Council in 2003 and in 2005 served on the organizing committee of the Atlantic Symposium in Fredericton, NB.

Galbraith focused his efforts on building stronger relationships with industry stakeholders and was at the forefront of many industry presentations to the provincial government and other political parties, to lobby for funding as well as educate the government about the industry through his presentations and tours to racing facilities and farms.

He has given dozens of television, radio and newspaper interviews about harness racing, pitching stories to the media, taking photos of horse racing events and making presentations to the Saint John Board of Trade, Enterprise Saint John, New Brunswick Equestrian Association and the Travel Industry Association of New Brunswick.

In 2004 he was instrumental in lobbying the New Brunswick government to re-establish some funding to the Atlantic Sires Stakes and in 2007 was successful in getting it to commit to a multi-year funding arrange-

ment that more than tripled financial assistance to the industry.

As chair of the New Brunswick Horse Racing Industry Association, Galbraith helped to build consensus among diverse industry stakeholders on matters that were vital to the industry.

Standardbred Canada established the Cam Fella Award in 1997, and fittingly its namesake was the first recipient acknowledging Cam's unparalleled contributions to the sport of harness racing. Past Winners of the Cam Fella Award include: the Honourable Michael D. Harris, former Premier of the Province of Ontario (2000); Minister Mitchell Murphy, Provincial Treasurer for the Province of Prince Edward Island and formerly the Minister of Agriculture and Forestry (2003); Armstrong Bros. Farms (2004) Dr. David C. Reid, former Chair of Horse Racing Alberta (2005); Ralph Klein, former Premier of the Province of Alberta (2006); Ann Curran, creator and co-ordinator of the Mildred Williams International Driving Series (2007); and the incredible pacing horse that re-energized harness racing, Somebeachsomewhere (2008).

A national committee of 16 representing the standardbred community vote by secret ballot to determine the Cam Fella Award winner. A winner must receive a majority of the votes.

Canadian-owned, trained and driven, Cam Fella was an outstanding racehorse in the early 1980s. He won 56 races, over \$2 million in purse money and two consecutive 'Horse of the Year' titles in North America. As a stallion, 'Cam' sired numerous world champions and horses with earnings in excess of \$106 million. Unfortunately, Cam suffered from testicular cancer and in early 1997 was retired from breeding. He died in May of 2001 at the Kentucky Horse Park, where he had lived for several years and served as an outstanding ambassador of the standardbred breed.

The creation of the Cam Fella Award was the harness racing industry's way of ensuring that Cam's contribution to the sport is never forgotten.

Joint Proposal Ratified *(The article was written on February 5, 2010 by First District International Representative Bill Daniels)*

The International Brotherhood of Electrical Workers Construction Council of Ontario (IBEW/CCO) and the Electrical Contractors Association of Ontario (ECAO) has once again ratified the "Joint Proposal" for the 2010 to 2013 collective agreement contract negotiations. The "joint proposal" is a mechanism which allows the 13 construction Local Unions across the Province of Ontario, and their affiliate Contractor Associa-

tions, to negotiate a collective agreement without a work stoppage.

The IBEW/CCO and the ECAO recognize the importance of working together to expand the unionized sector of the construction and service/maintenance industries. Prior to the inception of the "joint proposal" in 1992, the unionized electrical industry was involved in work stoppages almost every other year; for five rounds of collective bargaining. Both parties acknowledged the negative effect these continual work stoppages were having on the unionized electrical industry, and agreed that it was in the best interest of all the industry stakeholders to conclude negotiations as early as possible, without a work stoppage.

The "joint proposal" process facilitates collective bargaining between the IBEW/CCO and the ECAO, earlier than the other building trade affiliates, thereby allowing the IBEW to set the "bench mark" for monetary settlements in the Province of Ontario, while at the same time ensuring the IBEW membership is protected from the effects of other Building Trade affiliate wage settlements through the Post Negotiated Wage Adjustment (PNWA).

The PNWA guarantees that in the event two of the comparison Building Trades agreed to by the IBEW/CCO and the ECAO; achieve higher monetary settlements than that of the IBEW, the IBEW settlement will be adjusted upward to the average of the two highest settlements, to a maximum of \$0.50. Any PNWA applicable for this round of bargaining would be applied one half on May 1, 2011 and one half on May 1, 2012. Provincial negotiations will commence on March 8, 2010 and will conclude on March 11, 2010. If an agreement is not reached by this date, the positions of the parties will be referred to final offer selection on April 1, 2010. The "Selector" will render his decision by April 15, 2010 and that decision will become effective on May 1, 2010.

The adoption of this "joint proposal" process by the IBEW/CCO and the ECAO for collective bargaining in the 2010 round of contract negotiations, illustrates that the commitment achieved in 1992 between labour and management to work together for the benefit of the unionized electrical industry in the Province of Ontario, continues to exist today.

Local Union 804 - Kitchener Involvement with Habitat for Humanity *(The following article was written by IBEW Local Union 804 President, Cornia Hicks)*

The retirees of Local Union 804 have been volunteering their time to Habitat for Humanity for the last six years; Brother Doug Richards, now retired, coordinates

the electrical portion of the projects.

In the past four years this local's retirees have completed nineteen (19) units for Habitat, and will start another three-year project, consisting of sixteen (16) units in April, 2010.

The electrical portions for these builds have been done by IBEW members only. In 2009 there was an all women's build for Habitat; from start to finish women from the Waterloo Region came out and volunteered their time to build this unit.

Five women from Local Union 804 volunteered and did the electrical rough-in on this project; some of these women gave up a double time day to donate their time and be involved as part of promoting IBEW in the area.

These women have already stated that they will gladly return to help the retirees for another Habitat project in 2010.



(From left to right in photo attached: Vesna Pavlovic, Jane Chaikowsky, Diane Roy, Corina Hicks, Jenn Pigozzo.)

Construction Workers At High Risk - With 21 Killed In 2009 At Ontario Job Sites, Critics Renew Calls For Tougher Legislation

(The following article was written by Peter Edwards, Staff Reporter - Jan. 23, 2010 - Fatal Jobs: Part 1 of a series that the Toronto Star is publishing)

The tragedy of four workers who fell to their deaths on Christmas Eve has exposed a secret - 405 construction workers have lost their lives in Ontario since 1990.

Last year alone, 21 construction workers died while on the job. They died in a variety of horrendous ways, from being struck by falling objects, accidentally cut by machinery, electrocuted, or crushed between vehicles.

Union leaders and labour activists believe a lack of proper safety inspections and oversight on the job, and outdated legislation which no longer reflects the reality of modern construction sites, means workers' lives are hanging in the balance.

Poor enforcement combined with the growing use of migrant workers will mean the number of accidents will increase, they say.

"Imagine if 405 paramedics or police officers died on the job over the last 20 years," says Patrick Dillon of the Provincial Building and Construction Trades Council of Ontario, an umbrella group representing more than 150,000 workers.

"Why are these deaths ongoing?" asks Patrick Little of the Laborers' International Union of North America. "We have to ask questions about these deaths or they'll keep happening. Someone has to care about these people."

Each statistic is more than a number. Every fatality is someone's brother, uncle, father or friend, Dillon says. And each death tells its own, usually preventable, story.

Last October, Jamie York, a 35-year-old commercial diver and father who was inspecting a Trenton dam, became trapped by a current and drowned.

Last March, Bradley Ebbers, 19, who had recently started work at a Kanata, Ont., construction site, was crushed to death when he got caught between a large excavator and a backhoe.

Under Ontario law, each of these workplace deaths is subject to a coroner's inquest.

"That is 405 inquests," Dillon says, pausing at the staggering number. "We will not let this drop until we get some sort of change."

The Christmas Eve scaffolding tragedy, which is being investigated by the Ministry of Labour and police, is reminiscent of Toronto's worst construction accident 50 years ago in Hogg's Hollow.

On March 17, 1960, five Italian construction workers died when the cramped, dimly lit underground tunnel in which they were working collapsed at Hogg's Hollow near the York Mills subway station. Their deaths led to a royal commission that eventually led to improved safety and labour laws.

Labour leaders are now making plans to commemorate the 50th anniversary of the Hogg's Hollow tragedy. As they make those plans, they are mindful of the four Eastern European men who fell off a scaffolding stage to their deaths on Dec. 24, 2009, outside an apartment building on Kipling Ave.

Safety on job sites is improving. There are 430 occupa-

tional health and safety inspectors in Ontario now and there are a variety of safety blitzes that have happened in the province, says Tom Zach, a labour ministry spokesman. Recently, a safety blitz on scaffolding sites was announced in response to the Christmas Eve deaths.

Zach says there was a 20 per cent decrease in time lost to injuries between 2004 and 2008 as a result of more proactive inspections.

Ontario's Occupational Health and Safety Act, which gave workers the right to know about job hazards, came after the Hogg's Hollow disaster.

"The OHSA was put in place ... based on business practices in the 1960s," says Dillon. "It needs to reflect the changing businesses of the marketplace."

The only significant update to the act was the right to refuse unsafe work, says Dillon, who adds the act needs to be overhauled, along with the employment and workplace standards acts.

But the construction industry has seen a steady rise of the use of "independent contractors," often foreign, migrant and desperate workers looking to make some fast cash, who fuel the underground economy with a pool of cheap labour.

By using these independent contractors, employers can get around paying benefits or workplace insurance coverage.

Independent contractors are in a grey area outside the health and safety act and the employment standards act. They have no protection.

Labour ministry officials say that inspectors, as part of their ongoing responsibilities, will watch out for the safety of independent contractors.

"That is part of what we do," Zach says.

"There has been an improvement, but more work needs to be done and we need to work with our partners to make it happen. One fatality is one too many."

Dillon points out another glaring safety problem. In Quebec, each worker receives 30 hours of safety training before he or she can get on a construction site. In Ontario, there are no mandatory training hours required, Dillon says.

NDP MPP Cheri DiNovo (Parkdale High Park) introduced an amendment to the employment standards act

more than a year ago.

One thing she wants changed is the definition of an employee.

By calling workers independent contractors, employers don't have to pay Workplace Safety and Insurance Board (WSIB) coverage because those contractors are seen as individual businesses rather than employees, she says.

This is the new out for employers, so they don't have to pay benefits or even minimum wage.

That practice has to stop.

This practice is allowed to happen, in part, because not enough inspectors are making the rounds on construction sites, she adds. According to NDP research, DiNovo says only 1 per cent of all workplaces in Ontario ever see an inspector.

Many of the inspectors currently working for the Ministry of Labour do not have construction backgrounds, they have just gone through training courses, adds Dillon.

"That just sets up a province rife for exploitation and the deadly accidents we see. People don't care about breaking the laws because they are never enforced. They don't care. This is an ongoing problem with the Ministry of Labour," DiNovo says.

She wants to see 25 per cent of all workplaces inspected at least once. She'd also like to see another 100 Ministry of Labour inspectors hired.

Right now, the onus is on the employee to complain, but people are terrified of losing their jobs.

"The onus should never be on the worker," she says. "It's not enforcement when only the victim is doing the enforcing."

Another problem is that the workplace safety prevention office is tied up inside the WSIB, a move made by former premier Mike Harris. Prevention and enforcement should be together, but enforcement is handled separately in the Ministry of Labour.

A prevention officer can help look at machinery or a job site either before or after an accident, and make them safer.

Dillon is saddened that the WSIB chief prevention officer has yet to say "one word" on the Christmas Eve

scaffolding deaths.

"But if he was stand-alone, he could make public comments about what we need to do," he says.

AIL PR Rep Delivers Holiday Cheer *(The following article was taken from the AIL Canadian Labour Letter that was sent out January 15, 2010)*

Christmas came early this year for Ontario unions and their members who are facing financial hardship because of strikes or lock-outs. Within 12 days, Operation Christmas Cheer (OCC) visited 19 picket-lines delivering words of support and encouragement, grocery gift bags, grocery gift cards, toys, hot chocolate and lunches to 789 union families.

Back in 2004, OCC founders and organizers, Richard and Casandra Robinson began a mission to spread a little holiday cheer to 12 union families who were struggling to make ends meet while on strike. They called their food and toy drive Operation Christmas Cheer. Six years later, the Robinsons small personal effort has grown into a province-wide initiative supported by over 150 union locals, labour councils, committees, individuals and businesses throughout organized labour.

During the recent 2009 Ontario Federation of Labour Biannual Convention, Casandra, a Canadian AIL Public Relations Representative and CEP local 247's Secretary Treasurer, received a standing ovation from over 900 delegates in the house of labour for her dedication and grass root efforts to support union members on strike and lock-out. 14 unions and district labour councils scattered across the province generously donated office space this Christmas and were listed as drop-off locations for non-perishable food items and toys.

"I feel blessed to work for a union company that understands the importance of community involvement. Every December my employer grants me a leave of absence so my husband and I can campaign on behalf of striking workers right up until Christmas eve." said Robinson. "AIL in Canada has been generously supporting OCC since day one! I am proud to work for an organization that truly operates in the spirit of word and deed!"

This holiday season OCC pledged support to 9 locals with 3865 members on strike or lock-out from CEP 37X - Timmins, USW 271G Erin, USW 1-500 - Brantford, CEP 2003 - Toronto, USW 6500 - Sudbury, Levack, Garson and Lively, USW 6200 - Port Colborne, ATU 741 - London, USW 9511 provin-

cial and PSAC - Ottawa.

"This year, the need has never been greater for picket-line solidarity. Thousands of union members are fighting the fight on picket-lines across the country on behalf of all Canadian workers. There is no doubt aggressive employers are using the current economic crisis as a lever against workers." said Robinson.

On December 8th, the Robinsons who live in Ottawa filled up their SUV with non-perishable food items headed up north on a mission. Over the course of 12 days they personally delivered organized labour's message of solidarity to 14 picket-lines.

"Every year, more and more people are getting involved with OCC. It is because of our supporters, Christmas is much brighter for many union families struggling to make ends meet. Picket-line solidarity is one of the foundations of trade unionism where the smallest acts of kindness, encouragement, and support give members the strength needed to last one day longer than the employer." she explained. "Supporting union families, who are standing strong on behalf of all working people, is near and dear to our hearts." For more information or to find out how you can get involved in Operation Christmas Cheer visit: www.operationcheer.com

Next Budget must Stress Good Jobs – Georgetti says Unemployment, Low Wages Hurting Younger Workers *(This article was a news release from CLC President Ken Georgetti on Friday, January 8, 2010)*

OTTAWA – When the federal government introduces a new budget in March, it must make the creation of good jobs a priority, says Ken Georgetti, president of the Canadian Labour Congress.

Georgetti was commenting on the release by Statistics Canada of labour force figures for December 2009. The unemployment rate remains at 8.5% and 1.57 million Canadian men and women are out of work. "Workers have had a dismal year and we're not out of the woods yet," he says.

Georgetti says that both the number and quality of jobs available are big issues for workers. "The income of most Canadian workers has dropped in the past decade, even while corporate executives saw their pay outpace inflation by 70%. Too many other Canadians are surviving on poorly paid and part-time jobs. The middle class is taking a beating and we have to turn that around."

Georgetti says that younger workers have been especially hard hit. Youth unemployment remains at 16.1%. "The United Nations has declared 2010 as the Interna-

tional Year of Youth, but in Canada we are failing those young people. The federal government has to do something to help out here and they can begin with the budget in March.”

Quick Analysis from CLC Senior Economist Sylvain Schetagne

Those who began to celebrate signs of a fast recovery of the labour market last month may be feeling a kind of hangover today. No jobs were created in December 2009. The level of employment was down by 2,600 between November and December. The number of employees declined by 17,800 while the number of self-employed workers, a less secure form of employment, increased by 15,200 during the same period. In December 2009, employment was down significantly for women in the 25 to 54 age group (-23,900), in the public sector overall (-22,100), and in public administration (-21,600). The number of unemployed is at 1,567,800, which is 36.5% higher than it was in October 2008.

Since that month, 341,900 full-time jobs have been lost by working Canadians. Half of these lay-offs occurred for those in the 15 to 24 age group. They lost 170,400 out of the 341,900 full-time jobs lost since October 2008. The unemployment rate among 15 to 24 year-olds went from 12.2% to 16.1% between October 2008 and December 2009, leaving 458,400 Canadians aged 15-24 unemployed last month.

IBEW International Women’s Conference, Washington, DC *(The following article was written by the First District International Representative Christine Pynaker)*

The previous IBEW Women’s Conference in 2008 was a tremendous success and there were over 200 IBEW women participants. This year’s conference (July 21st – 24th, 2010) promises to be just as exciting and valuable.

Often when the topic of sending a woman to the IBEW Women’s Conference comes up at union halls and Executive Board meetings, they ask the question; “Why a women’s conference and what will that bring to the local?” Canadian IBEW women who attended the previous women’s conference in 2008 were asked for their opinions and comments. They volunteered the following:

“The women’s conference was very informative. The various workshops that were available to the members were superb! Labour movement, political ac-

tion, health and safety were presented extremely well to the delegates along with the importance of organizing, and why we must organize more than ever, (men and women) and to grow the IBEW and to become more involved as women in a male dominate environment. The lack of representation from Canadian Locals was sad to see, I feel it is very important that all locals here in Canada encourage more women to attend the conference and show Canada’s dedication as proud members of the IBEW. The gals at Local 804 are fundraising to hopefully have more women attend the conference!”¹

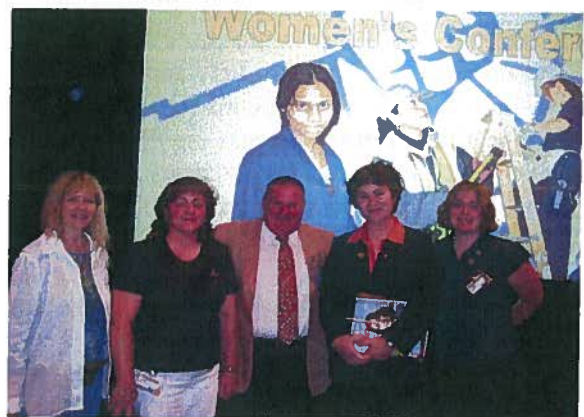
“It was very interesting to listen to the panel speak about different issues like health care, childcare and equality in the workplace. I am proud to say as a Canadian female in the construction field, I have never experienced the hardships some of the women speakers had to deal with concerning equality. I think that more women attending from Canada would give us a louder voice at the conference and the U.S. women could see what we have as Canadians and may be they will be inspired by us!”²

“The conference had a feeling of camaraderie. I was honoured to present a brief overview of the Diversity and Inclusion Strategic Plan that was in the development stages for the IBEW. We covered the spectrum from all areas of the electrical trade to professional and industrial. Linemen, Telecommunications, Professional and Industrial – we covered all the bases with one conference simply because we called it a women’s conference. I hope more women attend the conference in 2010.”³

¹ **Corina Hicks**, President of Local 804

² **Jenn Pigozzo**, Local 804

³ **Karen Stoshnoff**, Assist. Business Manager Local 254



(From left to right: Christine Pynaker, Corina Hicks, Phil Flemming, Karen Stoshnoff, and Jenn Pigozzo)

Supreme Court Will Not Review Decision That Refusal To Cross Picket Line Is Illegal Strike, Not Charter-Protected Right *(The following article was taken from Lancaster's Labour Law E-Bulletin – February 4, 2010 - Issue No. 251)*

The Supreme Court of Canada has denied several British Columbia unions leave to appeal a ruling that a *Canada Labour Code* definition of strike that includes refusal to cross a picket line does not violate the guarantees of freedom of expression and association in sections 2(b) and 2(d) of the *Canadian Charter of Rights and Freedoms*.

Section 3(1) of the *Canada Labour Code* defines "strike" as "a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slowdown of work or other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output." The same definition also appears in the labour relations statutes of seven provinces, namely British Columbia, Ontario, Quebec, Newfoundland, New Brunswick, Prince Edward Island, and Saskatchewan. On the other hand, in Alberta, Manitoba and Nova Scotia, strikes are defined only as cessations of work that are aimed at pressuring employers to agree to terms and conditions of employment.

An issue arose in the fall of 2004 when grain inspectors employed by the Canada Grain Commission who were members of the Public Service Alliance of Canada (PSAC) went on a legal strike and set up a picket line at the Port of Vancouver grain terminals. Other workers at the terminals who were members of several different unions, all of which had collective agreements in effect with waterfront employers at the time, refused to cross the PSAC picket line. The employers of these workers applied to the Canada Industrial Relations Board (CIRB) for declarations that their refusal to cross the PSAC picket line constituted an illegal strike, contrary to s.88.1 of the *Code*, which prohibits strikes and lockouts during the life of a collective agreement.

The CIRB ruled in a June 8, 2007 decision that the definition of "strike" in the *Code* includes a work stoppage resulting from a refusal to cross another union's picket line, and it rejected the unions' contention that defining refusal to cross a picket line as a strike was an infringement of the freedom of expression and association guarantees in the *Charter*. In the alternative, the Board held that, if there was such an infringement, it was saved by s.1 of the *Charter*.

In a June 12, 2009 decision, the Federal Court of Appeal dismissed the unions' application for judicial review of the Board's ruling. While a three-member panel of the Court was unanimous in finding that the definition of "strike" that included a work stoppage due to refusal to cross a picket line was not unconstitutional as a breach of *Charter* rights, the judges arrived at this conclusion by a different route.

Two of the three judges found no breach of the guarantees of freedom of expression and association. In Justice Pierre Blais' view, there was no infringement on freedom of expression because the "private contractual dispute" between PSAC and the employer was about working conditions and there was "nothing to suggest that there was any political motivation" in the dispute; hence, there was no political statement for the picket line respecters to express. In Justice Michael Ryer's opinion, while the employer of the strikers was a governmental entity, the labour dispute at issue occurred in a private context and consequently there was no political or social decision-making about which other workers who refused to cross the picket line could exercise political expression.

Justice John Evans found a breach of s.2, but determined that it was justified under s.1 of the *Charter* as a reasonable limit on fundamental rights. Thus, he held that, while defining refusal to cross another union's picket line as an illegal mid-contract strike, in s.88.1 of the *Canada Labour Code*, was not intended to infringe the freedom of expression guarantee in s.2(b) of the *Charter*, it did have that effect in practice because when union members refused to go to work by crossing the PSAC picket line, "they were assisting [the strikers] by adding their support to PSAC's attempts to put the issues into the public domain, in order to win public support and increase pressure on the government." However, Justice Evans ultimately concluded, this infringement was saved by s.1 of the *Charter* because (1) it had a pressing and substantial objective, namely preventing the social and economic impact "on both the immediate parties to a dispute and the broader community" of "costs of unpredictable interruptions to production and services," and (2) the infringement was proportional to this objective.

In accordance with its usual practice, the Supreme Court gave no reasons for its December 17 denial of leave to appeal the Federal Court of Appeal's decision.

*** ANNOUNCEMENTS ***

22nd Annual IBEW/MS Charity Golf Tournament

This year's golf tournament will be held on Thursday, May 20th, 2010 at a new location from the past years; the Cardinal Golf Club in Kettleby, ON. For more information on registration, golfing and sponsorship options, please visit the homepage on the 1st District website at www.ibew1st.org.

IBEW Online Training Renewal

The First District is pleased to announce that the popular and highly utilized online training offering will be renewed for another 3 years. VUBIZ, our training partner, has agreed to offer the renewal at \$1.00 per member for another 3 year period. Local Union Business Managers will be approached shortly to confirm your Local's participation.

Harley Davidson Draw

This year's motorcycle draw is for a *2010 Harley-Davidson FL Road King Classic*. Only 500 tickets will be sold at \$100.00 each with a chance to win the bike and/or two cash prizes of \$5,000.00 each.. Please visit www.ibew1st.org for more details. Tickets may be obtained either from your 1st District International Representative or your Local Union. **YOU MUST BE AN IBEW MEMBER TO PURCHASE AND WIN IN THIS DRAW!**

Union Savings Promotion Winners

The following are the IBEW members who entered the contest that ran on the First District and Union Savings websites during the months of November and December 2009. Each winner received a \$200 gift certificate valid at any Loblaws/Westfair store in Canada. The IBEW winners are as follows:

- Sandy Champagne—Local 1574, Whitehorse, YT
- Cheryl Dunphy—Local 1615, St. John's, NL
- Marie Laberge—Local 1574, YT/NWT

Congratulations to the winners and all those who entered the contest.

2010 Projected Meetings

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| Mar. 2-3/10 | Central Winter School Toronto, ON |
| Mar. 23-24/10 | Eastern Winter School Delta Halifax Halifax, NS |

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| Apr.15-17/10 | IBEW Construction Conference Washington, DC |
| Apr. 26-30/10 | Broadcasting, Manufacturing and Telecommunications Conference Hyatt Regency Tamaya Resort 1300 Tuyuna Trail Santa Ana Pueblo, NM |
| May 10-13/10 | BCTD Legislative Conference Crowne Plaza Hotel Ottawa, ON |
| May 17-21/10 | Railroad Conference Phoenix, AZ |
| May 20/10 | IBEW/MS Charity Golf Tournament Cardinal Golf Club Kettleby, ON |
| May 23-25/10 | NJATC Outside Line Apprenticeship Conference Hotel Captain Cook Anchorage, Alaska |
| June 6-8/10 | Canadian Apprenticeship Forum Conference St. John's Convention Centre & Delta Hotel St. John's NL |
| July 12-16/10 | Utility Conference Hollywood, FL |
| July 21-24/10 | IBEW Women's Conference Washington, DC |
| Jul.31-Aug.6/10 | National Training Institute (NTI) Ann Arbor, MI |
| Aug. 23-26/10 | 1st District Progress Meeting Delta Saskatoon Bessborough Saskatoon, SK |
| Sept. 8-10/10 | Membership Development Los Angeles, CA |
| Sept. 13-17/10 | World Energy Conference Montreal, QC |

