



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



PHIL FLEMMING

International Vice President / Vice-président international
 First District, CANADA / Premier District, CANADA



July/August 2009

Greetings:

Labour Day is upon us once again and that signals the return to school, college, and university for our families. Although these are some of the things we look forward to, one of our favourite seasons' is coming to an end, therefore, I hope that many of you have enjoyed the good times and the "dog days of summer" with your families and friends.

I know many Local Unions plan on joining in the "local" Labour Day Parade to demonstrate that in our country of Canada we have the legislated right to join the union of our choice and to bargain collectively with our employer.

I'm proud to say that our Local Unions in the IBEW take this responsibility seriously and we negotiate many of the best agreements in the Labour Movement in Canada.

Many of our Local Unions have also taken the obligation to organize the unorganized in earnest and we have increased our membership in Canada from 54,783 in 2001 to 61,411 in June of 2009, an increase of 12%.

Equally impressive and understanding that some of our industries were in sharp decline during the recession, is that 47 out of the 89 First District Local Unions shared in a gain of 3% in the last 12 month period from July, 2008 to June, 2009 and 6 Local Unions held their own.

Increased union density enhances our opportunity to negotiate decent wages and benefits for our members and their families and our ability to convince politicians, at all levels, to talk to us about labour friendly legislation.

Happy Labour Day to everyone. Please use the time for family and friends and to contemplate your accomplishments.



Phil Flemming, IVP

IBEW 1st District International Representative Retires

After servicing many Local Unions as an International Representative on the First District Staff, Brother Charles (Chuck) McKenzie announced his retirement effective July 31, 2009. Chuck joined the First District Staff in 1987 and prior to that he was the Business Manager/Financial Secretary of Local Union 804.

We wish Chuck all the best of health and happiness in retirement as he gets to spend more time with his family.

Win in Region 7, Council 1

IBEW Local Union 2067 has won an agreement with its major employer SaskPower, the Provincial Electric Utility. Local Union 2067 have negotiated the service and maintenance of the utility's wind farms to be done by the local's represented members.

Previously the work was being done by an outside non-IBEW contractor. The agreement has three technicians in newly created positions and ten more being added in the fall of 2010. Working on this agreement was Local Union 2067 Business Manager Neil Collins with support from Lead Organizer Brian Ross.

Line Agreement Reached in Manitoba

Business Manager Lauris Kleven of IBEW Local Union 2034 has just signed a multi year Outside Line Agreement with Manitoba Hydro. After a

sudden wind event in 2006 Manitoba Hydro realized the need for an additional Northern Transmission Line. The new 1,300-kilometre line named Bipole III will run from the proposed Conawapa Dam in the province's northeastern corner, around the west side of Lake Manitoba, past Portage la Prairie and on to Winnipeg. It will cost more than \$2.2 billion, including the construction of a new converter station and a collector line into this new station.

Bipole III is needed largely for reliability. Bipoles I and II run right next to each other down the Interlake and if they both collapse in a freak storm, brownouts could happen; plus, the two are overloaded now, which means valuable power leaches off.

Work has also begun on the new 200 megawatt Wuskwatim Dam in Northern Manitoba with an in service date projected for 2011. With the possibility of two other new dams in the future, there will be an abundance of line work in Manitoba in the years to come. Business Manager Kleven was quoted as saying that "although the agreement took a long time to complete, it truly was the right Choice for the IBEW."

Survival of Air Canada

(The following is a letter written by CLC President Ken Georgetti to the Minister of Finance James Flaherty)

"Dear Minister:

As President of the Canadian Labour Congress, representing over 3.2 million working Canadians across the country, I am writing to urge the federal government take a leadership role to ensure the survival of Canada's national airline, Air Canada.

As you know, Air Canada is facing serious challenges in these times. We are concerned the federal government has not yet pledged sufficient financial support to ensure the airline's survival. Without access to extra financial resources in the very new future, the company faces bankruptcy and, with that, the security of many thousands of direct and indirect jobs across the country will be affected.

Minister, in May this year, you met with the Executive Committee of the Canadian Labour Con-

gress, where you heard from the leaders of several unions representing the workers at Air Canada. They pledged they and their members would be part of the solution to help Air Canada through yet another bankruptcy crisis. However, they reminded you their members were tired of seeing their company's best assets spun off and sold by a succession of CEOs without consideration to the long-term viability of the company.

Yet again, there seems to be willingness by Air Canada management to risk its lucrative assets, with the company considering pledging key airport landing slots as collateral to a consortium of lenders. If Air Canada is allowed to pledge their international slot times, as collateral for a loan which they could subsequently default on, these slot times will be owned by a private entity and sold off to the highest bidder. There is a strong possibility that Canada would lose these slot times to a foreign carrier, and once lost, slot times are difficult, if not impossible, to get back.

Minister, tens of thousands of family-supporting jobs are at risk, in every part of this country. Your government should not be reluctant to pledge financial support to ensure the airline's survival. The unions representing workers at Air Canada and their members are doing their part to ensure the company's survival. It is imperative the Government of Canada do its part, as well, to ensure the survival of Canada's national airline."

Reasonable Cause Needed For Drug Tests On Unionized Workers

(The following excerpts have been taken from a June 5th, 2009 article from 'The Lawyers Weekly' - Vol. 29, No. 5)

Ontario's top court has ruled that companies cannot, without reasonable cause, require random drug tests from their unionized workers who perform safety-sensitive jobs.

Labour lawyers say the unanimous May 22 judgment by Ontario Court of Appeal Justices Eleonore Cronk, Michael Moldaver and Kathryn Feldman will influence arbitrators and courts across Canada on the contentious issue of random drug and alcohol testing in the workplace – a subject that has yet to be addressed by the Supreme Court of Canada.

The appeal court ruled that the random drug test-

ing policy launched in 2003 by the appellant Imperial Oil Ltd. was not a reasonable exercise of the management rights and workplace safety provisions contained in the company's 1996 collective agreement with its petroleum refinery workers in Nanticoke, Ont.

Writing for the court, Justice Cronk affirmed that the company's policy of conducting randomized, mandatory saliva mouth-swab testing of employees in safety-sensitive positions was null and void because it did not comport with the company's contractual obligation to treat its workers with "respect and dignity."

As found by the arbitration board's majority, Imperial's policy of random drug testing without reasonable cause was an "unwarranted intrusion" on employees' privacy and "an unjustifiable affront to their dignity," the appeal court agreed.

The judgment marks the first time a provincial court of appeal has pronounced on workplace saliva testing, a newer form of drug testing, a newer form of drug testing technology, observed Douglas Wray, counsel for the respondent Communications, Energy and Paperworkers Union of Canada, Local 900.

Imperial rolled out the saliva testing in 2003 to replace the drug testing policy the company jettisoned in 2001 after the Court of Appeal ruled in *Entrop v. Imperial Oil* – a case that involved a challenge to urine drug testing by non-unionized workers under Ontario's *Human Rights Code* – that urinalysis doesn't promote the legitimate goal of a drug-free, safe workplace because urinalysis identifies past drug use, rather than on-the-job impairment: (2000), 50 O.R. (3d) 18.

Wray told *The Lawyers Weekly* the appeal court's latest verdict on workplace drug testing means that unionized employers in Ontario's many safety-conscious industries – such as construction, manufacturing, mineral extraction or transportation – will have to negotiate explicit authority into their collective agreements if they want to conduct random mandatory testing for drugs or alcohol.

Unemployment Slows in Canada

(Article taken from the July 20, 2009 Canada Labour Views (CLV) Report; and Stats Canada)

Statistics Canada reported that the unemployment rate rose to 8.6% in June, up from 8.4% in May. The pace of job loss has slowed with a net loss over the 2nd QTR of 2009 of 13,000, compared to a net loss of 273,000 in the first three months of this year.

Although full-time employment fell by 47,500, some jobless relief was provided in the 40,100 part-time jobs created. While employment fell 44,600, self-employment rose 37,200. Nevertheless, just over 1.5 million Canadians are without jobs.

The goods-producing sector shed another 12,500 jobs in June with gains in agriculture (up 2,800 jobs), utilities (up 3,100), construction (up 7,800) outdone by losses in resources (down 500) and, above all, manufacturing (down 25,700). The number of jobs in this sector dropped 8.1% from June 2008 to June 2009.

The service sector had a net gain of just over 5,000 jobs over the month of June with losses in trade (down 17,100), business, building and other support services (down 13,800), public administration (down 5,600) and transportation and warehousing (down 4,500) matched by gains in information, culture and recreation (up 26,200), finance, insurance, real estate and leasing (up 20,500) and education services (up 13,600). The service sector saw just 0.2 % more jobs this June than last.

Ontario experienced its highest unemployment rate in 15 years at 9.6%. By contrast, at 4.6% (down 0.3% from May), the unemployment rate in Saskatchewan was the lowest of all the provinces. Employment in Quebec was unchanged in June for an unemployment rate of 8.8%. Newfoundland and Labrador had job gains in June, but its unemployment rose to 15.6%, as more people entered the workforce.

In June, unemployment among those aged 25 to 54 rose 0.1% to 7.5%. Youth unemployment rose 1.0% to 15.9% -- the highest in a decade. Only older workers aged 55 and over gained jobs: up 32,700 for an unemployment rate of 6.5%.

In June, average hourly wages for employees 15 years of age and over increased by 3.5% over last June to \$21.89 per hour and \$801.21 per week. Union wages rose 2.8% to an average of \$25.01,

and non-union were up 3.9% to \$20.47.

3-Month Average Unemployment Rates for Economic Regions (East to West)

(Source: Statistics Canada, July 10, 2009)

<u>Region</u>	<u>2008</u>	<u>2009</u>
Avalon Peninsula	10.5	10.6
Halifax	5.6	6.3
Chaudiere/Appalaches	4.4	5.3
Centre-du-Quebec	7.5	7.2
Monteregie	6.9	7.6
Montreal	8.2	11.9
Lanaudiere	7.2	7.2
Laurentides	7.3	6.8
Ottawa	5.5	7.1
Kingston/Pembroke	5.5	8.4
Toronto	6.8	9.7
Kitchener/Waterloo /Barrie	5.5	9.4
Hamilton/Niagara Peninsula	6.3	8.7
London	6.9	10.3
Windsor/Sarnia	8.2	12.8
Northeast Ontario	5.7	9.1
Winnipeg	4.2	5.0
Regina/Moose Mountain	3.3	4.1
Saskatoon/Biggar	3.4	4.4
Calgary	3.0	6.4
Edmonton	3.7	6.9
Vancouver Island and Coast	3.9	6.6
Lower Mainland /Southwest	4.2	7.3
Thompson/Okanagan	5.1	9.8

First Aid Training Saves A Life – Local Union

37) *(Article submitted by Dorothy McSheffery, Point Lepreau Generating Station in New Brunswick)*

Bernard Blanchard, known to his co-workers as Bernie, and a member of IBEW Local Union 37, is a very grateful man these days. He left home to go hunting on Holt’s Point Road in Bocabec shortly after 7 a.m. on November 13, 2008, when a young boy and girl flagged him down to tell him that their house was on fire.

He stopped his truck in the driveway and ran to ask where their parents were. The mother and

three of the children were not at home, but the father was inside the mini-home gathering personal effects. As Bernie started into the house, the father came out. He was coughing and having difficulty breathing. Bernie told him not to re-enter the house; that personal effects could be replaced, but he and his children could not be.

Bernie called 911 on his cell phone. While waiting for the fire trucks, the young girl asked him if he would retrieve some items from the back of the house. Upon returning to the front of the house, Bernie discovered that the father had gone back inside the burning home. By now it was filled with thick, black smoke to within a foot and a half of the floor. Getting down low, Bernie could see that the father had collapsed and was convulsing on the floor. He took a deep breath and got down on the floor to make his way into the home. He grabbed Darren Lank around the shoulder and the neck, hooked his hands together and dragged him to safety.

Bernie had Darren sit down away from the house and he sat with him to reassure him that everyone was okay; however Darren continued to worry about the house and its contents. Darren, who had inhaled a lot of smoke, began to complain about chest pains and numbness in his arm. Suddenly, he fell backwards, and was no longer breathing; there was also blood coming from his mouth. Without hesitating, Bernie did an assessment of his condition and began performing CPR. To Bernie’s relief, Darren was conscious and responding to his voice by the time the ambulance arrived. Once the ambulance arrived, the paramedics took over and Darren was taken to Charlotte County Hospital where he was treated and released the next day.

Fortunately for Darren, Bernie, a member of the Fire Testing Team at Point Lepreau Generating Station, had recently attended a First Aid course. He is eternally grateful that he had the opportunity to learn these life-saving skills. Darren, too, is very grateful. After being released from the hospital, he visited Bernie to thank him for saving his life. Bernie, a real animal lover, doesn’t mind sharing the credit with the family’s little black dog named Star who woke everyone up that morning.

Bernie’s heroic acts were also featured in the No-

vember 17 edition of the St. Croix Courier.

Appeal Court Dismisses Bid to Prevent Release of Information *(This article was written by IBEW Local Union 625 President Tom Griffiths)*

On December 11, 2003, Tom Griffiths, an electrician in Nova Scotia, submitted a request under the Province's Freedom of Information and Protection of Privacy Act ("FOIPOP act"). The request was for 'the current list of names of all persons in possession of a Certificate of Qualification in the Construction Electrician trade including the list of persons in possession of Certificates of Apprenticeship in the Construction Electrician Trade in Nova Scotia.' The Director of Apprenticeship for the Department of Education refused the request stating it concerned 'personal information.'

Mr. Griffiths then asked for a review by the Review Officer. Darce Fardy determined the information related to a discretionary license or certificate and therefore should be disclosed. The Department declined to follow the Review Officer's recommendation.

On September 14, 2004, Mr. Griffiths filed an appeal to the Supreme Court of Nova Scotia. The case was heard (initially) on February 22, 2005. Justice Robertson ruled, in oral judgment on the same day, that disclosure of the list would not constitute an unreasonable invasion of privacy. This decision was appealed by the Department of Education. Also, two third party Appellants applied to intervene in the Appeal. "A.B. and C.D." as they came to be known, appeared to be Merit employers (one a vice president of the association) who were concerned that the list would make it easier for Mr. Griffiths to contact their employees.

Mr. Griffiths insisted from the beginning that his reason for requesting the list was to aid in his efforts to insure Public Safety by assisting the Enforcement Division with reaching compliance in the industry under the Apprenticeship and Trades Qualification Act. He already had the names of the employees of most of the open shop employers. Of more interest were the names that did not appear on the list or those working illegally in the trade!

By consent order, the appeal was heard again on December 11, 2006, because the judge erred in not first providing an opportunity for interested third parties to intervene in the matter, a provision of the F.O.I.P.O.P. Act. This time Mr. Griffiths' lawyer was up against the Department of Justice and the lawyer for A.B. and C.D. and 60 other individuals (employees of the Merit shops) who answered a notice put in the newspaper. In defiance to the mounting opposition from both the Government of the day (PC) and the Open Shop Contractors, his lawyer argued successfully and in a decision handed down by Justice Arthur LeBlanc, on May 1, 2008, won the appeal yet another time.

Within a month, an appeal was filed by the lawyers for the open shop employers and 60 of their employees. This time, the Department of Education instructed the Department of Justice not to appeal any further. A date was set to hear this appeal on February 18, 2009. An important piece of evidence which led to the dismissal of the appeal was actually provided by the Director of the Apprenticeship Division (and Enforcement Division). She mentioned in her affidavit back in 2004 that the Government releases the information when requested to confirm if a person is qualified to work in a compulsory certified trade. The three judges hearing the appeal agreed with Justice LeBlanc in his decision that this practice indicated that the Government did not treat this as confidential information. Judge Leblanc also indicated that there was no evidence that the names were supplied in confidence.

On May 14, 2009 it was again ordered by the courts (C.A. 296736, SH No. 230793A) that the list be released to Mr. Griffiths and on May 22, after 5 ½ years, the list of 4531 names was delivered.

This victory by Mr. Griffiths is a victory for anyone concerned with the number of unqualified and unlicensed individuals working in compulsory certified trades. Anyone in Nova Scotia will now have access to similar information. Other provinces that have a Freedom of Information Act that is not geared as much toward government disclosure to the public may have a battle; but at the very least this precedent will be useful in argument to win access to this sort of information.

The general public of Nova Scotia can call; 1-800-

494-5651 during business hours to confirm if a tradesman working for them is indeed registered and licensed to work in that trade in this Province. Remember, "ASK FOR THE CARD".

Now Available Through CSA!

2009 Electrician's Self - Assessment Tool (ESAT)

(This edition of the ESAT CD-ROM is based on the 2009 Canadian Electrical Code – Part I)

To help users get through the pressure and prepare for the final Certificate of Qualification exam, this interactive CD-ROM with more than 1,500 sample questions covers each block, task and sub-task in the Red Seal Occupational Analysis for the Construction Electrician. This product is based on the 2009 Canadian Electrical Code.

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2009 Projected Meetings

- 8/30 – 9/3/09 All Canada Progress Meeting
Delta Prince Edward
Charlottetown, PEI
- 9/9 – 11/09 Membership Development Conference
Bally's Las Vegas
Las Vegas, Nevada
- 9/28 – 10/1/09 Inter-Union Gas Industry Workers
Conference
Monte Carlo Resort and Casino
Las Vegas, Nevada
- 10/6 – 7/09 Building & Construction Trades Dept.
Organizing Seminar
UA Local Union 488 Office
Edmonton, AB
- 10/6 – 10/09 Congress of Union Retirees of
Canada (CURC)
Travelodge Hotel
Ottawa, ON
- 10/22 – 24/09 Gov't Employees Dept. Conference
L'Enfant Plaza Hotel
Washington, DC
- 11/2 – 4/09 Nuclear Conference
Golden Nugget Hotel
Las Vegas, Nevada

REMINDER

Purchase your tickets for the Harley Draw from your International Representative or call the 1st District Office.

Tickets are very close to being sold and the draw will take place on the evening of Wednesday, September 2nd at the Progress Meeting.

