



The Conciliator

UNIFOR Local594 | Canada

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GRJ Law Conference 2016

On January 15, 2016 seven members of the Law and Strike committees attended the Third Annual Gerrard Rath Johnson Labour Law Conference in Regina. The conference was a full day event which saw several labour law topics discussed and relevant arbitration cases and their outcomes explained.

Among the topics covered was "Off Duty Conduct and Criminal Convictions" with the primary discussion revolving on exactly when an employee can be disciplined for off-duty conduct. We learned about the Millhaven Test that is applied in these cases to determine when an employee's off duty conduct is disciplinable. The test, based on a previous arbitrator's decision, sets out five independent grounds that justify discipline for off duty conduct. The onus is on the employer to establish at least one of these five grounds.

Also discussed were the differences in some off duty conduct cases and why seemingly similar situations received very different decisions from arbitrators. When considering these cases an arbitrator must take into account the 5 Millhaven Tests, but also the nature of the business or work the employee is doing, his or her position within the company, and whether they interact with the customers or the public. The general principles are that an employee's off duty conduct is only disciplinable if it affects the employer's legitimate business interests such as property, security, reputation, or the interests of other employees. An employer is not the custodian of the employee's character.

While these cases are very interesting to learn about and discuss, it is probably still best to behave all the time, at work, outside of work, and now with the prevalence of social media, online. Many of the cases involve some form of social media, like Facebook or Twitter, and while it's easy to feel there is a disconnect between your words online and your career, an employer, and arbitrator, may feel differently.

What you say online is on permanent record and could always come back to bite you. These kinds of cases are becoming more and more common, therefore workers should be mindful of their words and actions. It is best left for our Chief Shop Steward and the rest of the executive to learn about these cases elsewhere, rather than deal with them directly.

We have attended GRJ's conference every year they have held their Law Review, and every year it has been a worthwhile experience. GRJ is a leader in standing up for the labour movement's legal rights and we are proud to have them represent our interests in front of the Labour Board and arbitration panels.

"While it's easy to feel there is a disconnect between your words online and your career, an employer, and arbitrator, may feel differently."

Nathan Kraemer, Section 1A Shop Steward

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SAC & SFL Report

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Section V:

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Daryl Watch

Lab:

Mike Fink & Ray Strueby

Pumpers:

Ryan Dzioba

Decokers:

Jon Javorik

Welders:

Jim Milton

Scaffolders:

Nelson Wagman

Construction:

Mike Pelzer

Boilerhouse:

Ricky Nygaard

Insulators:

Kris Atkinson & Luke McGeough

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Dean Warnke

I had the luxury of attending the Saskatchewan Area Council (SAC) and the Saskatchewan Federation of Labour (SFL), during the week of October 20 to 23rd in Saskatoon. For all of those that do not know what these two events include I will give a breakdown for your benefit.

SAC is a collection of UNIFOR local unions that get together to discuss issues, situations, and anything else that their local Union leadership needs advice on. There are several different locals that are SAC members and cover a wide range of industries. The Locals that stood out for me, were Sasktel Local 1S, 2S, and 3, as well as, the Saskatchewan Mining Industry.

Sasktel informed us that they have 3000 members with 117 outstanding grievances. The majority of their grievances revolve around denial of sick leave, return to work, more medical documentation that is needed for sick leave, and finally company policy grievances.

The Saskatchewan Mining Industry has similar issues involving their members but things are much worse in the industrial field. Esterhazy, Colonsay, and Belle Plaine are all experiencing severe penalties from their employer over numerous areas. At the mines, absenteeism is quite high and this is due to extremely poor working environments, because of the amount of sick time that is being produced, Mosiac has introduced an attendance management program that essentially penalizes the member for using sick time. If the member goes over 72 hours of sick time within the year, they get a written letter and the effect is a decrease in their bonus. Another main issue they are facing is the seriousness in drug and alcohol testing. Any incident needs a follow up with a D&A test, no matter the severity of the incident. Banging a hand on a pipe, to getting a stone chip in the windshield of their vehicle are considered grounds for a D&A test. Within the past year, they have had over 300 D&A tests with only 1 person testing positive for a foreign substance, which turned out to be for a chronic back ache.

The Saskatchewan Federation of Labour conference was a thing of beauty. There were over 800 delegates representing many different unions across Saskatchewan. The main purpose of the conference is to pass resolutions that have been made by the SFL Executive, or by any local union that is affiliated with the Saskatchewan Federation of Labour.

Here is the actual wording from one resolution handout, on the development of P3's. "Therefore, the SFL will lobby the Government of Saskatchewan and the Opposition, together with all candidates in the upcoming provincial election campaign, to ensure that our future investment of public infrastructure projects involves a process of transparency and accountability to the general public with an emphasis upon valued public ownership and control." Of course we all voted in favour of this resolution.

The passing of resolutions were a large part of the conference. Many speakers, the OWN IT Rally, and a candle lighting ceremony for the recognition of workers killed on the job over the past year in Saskatchewan. Forty-three union members were killed last year on the job in Saskatchewan and a candle was lit for each one. There were several young individuals that were involved in tragic work accidents that were included in the candle lighting ceremony, young men and women who lost their lives because of one unfortunate moment. This ceremony really hit home with me, as being a young worker in an industrial setting, it made me think about the importance of myself to my family, friends, and co-workers. The pain and anguish that could be seen on the faces of the people who lost a co-worker to a work place accident was shocking to see.

SAC & SFL Report

Something that I noticed very quickly into the convention was the lack of young people in attendance. In fact out of the 800 delegates, there were only roughly 50 people that were under the age of 40 that was part of the delegation, because of this, the majority of opinions that were expressed came from the baby boomer generation. Not that the baby boomers did not articulate their own issues and concerns to the delegation, however it was usually the same opinion but coming from a different mouth each time, creating a large age gap which will be felt throughout the SFL convention within the next handful of years. Therefore, the youth movement was a topic that was discussed at length, and trying to get the youth to start participating in their locals and to make a difference is something that all unions across Saskatchewan are struggling with.

So I decided that here, at CRC, I will take an important step forward for the youth movement. There is somewhat of a disconnect with the youth at our complex due to lack of information and communication, and the belief of what an UNION is. The union is a powerful entity that should be respected at all times from its members. The power and struggles that our former retired sisters and brothers did for us is what makes me proud to be a member of Unifor Local 594. This article is also a call out to all you young workers here at the CRC, come to a Union meeting; get to know the union executive, and the other members. Come listen to the ideas and concerns, and understand the differences that take place in each shop. We all want the same thing, to go home safe at the end of each working day to our families, and that's exactly what our local is fighting for. I have made the first step sisters and brothers, getting the attention out to the collective in this article, and will continue to write for the conciliator on the Youth Movement.



Mike Fink
Laboratory Shop Steward

Bargaining Update

On January 11th, 12th, and 13th our Union Bargaining Team met with the Company's Bargaining Representatives and commenced progressing through our non-monetary items as we have done historically. We are focused on clarifying and explaining the proposals from both sides to make informed decisions on all issues. While we are moving forward, the bargaining process is typically a long and arduous task and we are committed to negotiating a fair deal for our members regardless of how long it takes.

We are scheduled to meet again, with the Company, on February 16th, 17th, and 18th to continue the bargaining process.

Unifor 594 belongs to the National Energy Sector Bargaining Pattern. Just recently, Suncor stepped forward as the target company. Negotiations have begun between the two sides as they work towards setting the National Pattern for the entire Unifor National Energy Sector.

In Solidarity,

Your Bargaining Committee.



Show of Support - UFCW 1400

It is important to remember that we are not just members of Unifor 594, or even the National Unifor Union. We are all part of a much larger community within the Labour Movement. So when another Unifor local, or a completely different Union is in need, it is our duty as Brothers & Sisters from that community to step up and help out in any way we can. Much like we do at our workplace within our own local. We all know we are stronger together.

At the January General Meeting the membership expressed overwhelming support for the members of UFCW 1400 who have been on strike since December 28th, 2015. UFCW 1400 represents just over a hundred members at The Best Western 7 Oaks Hotel on Albert Street. They are currently at odds with management over wage and benefit concessions, and the Union's right to interact with it's members which management is trying to restrict.

The picketing members of UFCW 1400 have been verbally abused and physically threatened while they exercise their right to strike in pursuit of a fair deal. Our members felt the best way to show support to UFCW was to walk alongside them on the picket line. So on February 5th, roughly 20 members from our 594 walked with UFCW for several hours. Word of our presence spread and we were also joined by members from the Regina District Labour Council, a few Unifor National Reps, and members from other Unifor locals from Regina.

It was a much needed boost to morale and was an eye opening experience for our members who attended. I encourage you to take a hour out of your day to walk and converse with the striking members of 1400. You can also visit www.ufcw1400.com and learn more about their situation and how you can help.



In solidarity,

Richard Exner, Chief Shop Steward

Last Laugh

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"Times are tough. In fact we can barely afford the consultants to tell us how to let you all go."

Staying Connected

Website. www.unifor594.com

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General Meetings. Fourth Tuesday of every month at the Union Hall.