



The Conciliator

UNIFOR Local594 | Canada

204 Hodsman Road, Regina, SK.
www.unifor594.com

• **EXECUTIVE**

President:

Kevin Bittman

Recording Secretary:

Carla McCrie

Treasurer:

Kaleena Baulin

Negotiating Chairperson:

Nathan Kraemer

Maintenance V.P.:

Jason Kelly

Process V.P.:

Avery Riche

Administration V.P.:

Lance Holowachuk

PDD V.P.:

David Limacher

Chief Shop Steward:

Richard Exner

Information Officer:

Ashlyn Heintz

Guide:

Brandon Mang

Sergeant at Arms:

Brandon Klatt

Trustees:

Daryl Nysten (19)

Amy Wisniewski (20)

Daryl Watch (21)

Volume 18, Issue 4

July 2018

Saving for your Future...or their Future?

There is sure a lot of talk about pensions around our refinery these days. As some of you may know, I wasn't always a kick-ass Refrigeration Mechanic...I used to work in the financial industry where I learned quite a lot about investments and pensions. So, let's talk about pensions.

On March 8th this year, I attended the Company's "Pension Education Session for In-Scope Employees". This was a joint presentation done by Mercer, the plans actuary, and from some FCL V-P's. It went pretty much as I thought it would. Most of the presentation was geared towards telling us how expensive our Defined Benefit Pension Plan is. There was a portion with some details about retirement options and even two examples of workers retiring one at age 58 and one at age 60 which might have been helpful to some people. If you were an employee getting close to retirement and were looking for help, the night wasn't much use to you I'm afraid.

The opening slide of the presentation said that only 40% of working Canadians have a pension and that only 10% of Private Sector employees have Defined Benefit plans. They went on to say that they expect that number to decrease. This set the tone for the rest of the presentation.

Instead of the Company giving us a presentation about how great our pension plan is and that we should be so proud of what we have, it's

unfortunate that they focus on what it costs to fund it. That's what makes Defined Benefit Pensions so great for employees...the risk is all on the employer to have enough in the Fund to pay for our retirements. Keep in mind risk is a relative term; the Company is better positioned to assume risk than an individual. If we were all on a Defined Contribution pension the Company would never have to worry about interest rates, fluctuations in the stock market or any other variables since they would give us a % of our base salary until we retire and wash their hands of it. Instead, they are legislated to keep enough money in the Pension Fund to ensure the plan is fully funded to provide comfortable retirements for the employees who dedicated their careers to the Company. THAT'S GREAT NEWS FOR US.

Quick recap -> **Defined Benefit Pension(DB)** - The employer contributes enough every year into the Pension Plan to ensure the you have a steady paycheque until you die! You're set. (Your pay in retirement is based on years of service and your best 36 months of pay).

Defined Contribution Pension(DC) - The Company puts in a set percentage of your wage into your Pension every year and whatever you have when you leave the Company is based on how the stock markets have done. The great unknown. The risk of being able to afford to retire or not is placed on the shoulders of the employee.

“The conversion of a defined benefit plan to a defined contribution plan transfers the risk previously assumed by the employer to the member”

Inside this issue:

Saving for Future	1
Saving for Future cont	2
Saving for Future cont	3
Love is Love	3
Last Laugh	3
Law Conference	4
Stay Connected	4

Section IA:

Wade Schnell

Section IB:

Charles Brittner

Section II:

Chad Gettle

Section III:

Curtis Baht & Kevin Geiger

Section IV:

Ryan Jelinski

Section V:

Chad Thompson & Andrew Murray

Building Maintenance:

Gary Gruell

MRP:

Derek Empringham

Pipefitters:

Shaun Jenkins & Karl Dahle

Mechanics:

Derek Kups & Pete Thorsen

Stores:

Dallas Allen & Nathan Fafard

Electrical:

Les Bonkowski

Instrumentation:

Jaret McCloy & Dave Mushynsky

Inspection:

Keith Britton

Fire & Safety:

Daryl Watch

Lab:

(Vacant)

Pumpers:

Ryan Dzioba

Decokers:

Jon Javorik

Welders:

Scott Wickland

Scaffolders:

Nelson Wagman

Construction:

Mike Pelzer

Boilerhouse:

Matt Wason & Jason Molnar

Insulators:

Luke McGeough & Brandon Mang

PDD Office:

Andrew Fowlow

PDD Loading:

Dylan Bailey & Justin Farrant

Packing & Blending, Warehouse:

(vacant)

Administration:

Amy Wisniewski

Saving for your Future...or their Future? Continued...

During the Education Session, one of the FCL V-Ps, sorry didn't catch a name, showed us a graph comparing our two pension plans to other companies in Western Canada. The gist of the graph was that our new Defined Contribution plan is just above the median for what's offered to new employees in the oil and gas sector. It also shows our Defined Benefit plan leading the way as top 5 out of all the other pensions. After a few questions about Mercer's graphs, Dee from Mercer explained that these graphs are only comparing to what other companies are offering new employees. This caught my attention, so I asked why our closed-off Defined Benefit plan is even on the graph if it's not being compared to any other closed-off Defined Benefit plans. She didn't have that information. In my opinion, this graph was designed like the rest of the presentation: to convince us that the Defined Benefit plan is too expensive for the Company. This is part of the risks involved for the employer...interest rates are currently low, they have to put more into the fund to ensure we can retire. If interest rates rise, they will have to put in less. It should be noted that the Bank of Canada key interest rate has been increased four times since the Summer of 2017.

At one point that evening Dee from Mercer said that our Defined Benefit Plan is one of the best pensions she has ever seen. At the end of the evening I reminded her of that and asked her to do a comparison between our current DB and the new DC pension the Company is offering. She said she couldn't give us that information and made a joke about if you picked a certain stock in the DC 10 years ago you would certainly do better. OK, thanks Dee. Moving on.

There is a lot of speculation and unknowns right now when it comes to what will happen to the managers' pensions. Along with slashing their savings plan, overtime and morale, it sounds like all of the existing managers' DB Pensions will be converted to DC pensions by 2020. This has been a rumour for quite awhile and looks like it will now come to fruition. Hopefully our Company doesn't give the managers too raw of a deal since a lot of them have given a lot to this refinery and deserve a decent retirement to reflect that. Good thing there are rules to be followed here.

When converting a DB plan to a DC plan there are special considerations that must be made. Here is a quote from a Bulletin designed to assist in the understanding of the requirements of The Pension Benefits Act, 1992 respecting the conversion of defined benefit provisions to defined contribution.

"The conversion of a defined benefit plan to a defined contribution plan transfers the risk previously assumed by the employer to the member. Because of this, and because older members would have less time to recover from adverse market effects, all plan members who are eligible for early retirement must be given the option of purchasing a deferred life annuity equal to their accrued defined benefit under the plan. The plan administrator may wish to extend this option to all plan members"

This is one example of the rules that are in place to protect employees from corporate greed. There are many other rules that will have to be followed when the Company does change their Management's pension plan. The good news for the brothers and sisters of Unifor 594 is that our predecessors were keen enough in their bargaining to include our pension rules in our Collective Agreement. This means that the only way the Company can change our pension plan terms is if we agree to those changes. I like our pension plan and I think if it changes...it should get better. Not worse.

Continued on Page 3...

Saving for your Future...or their Future? Continued...

I'm still new to this Company (3 years this October) and one of the reasons I came here in the first place was because of the benefit package. Employees stay at the Refinery because of the Pension, because of the Savings Plan, because of the pay. If those benefits didn't exist, there wouldn't be any reason to stay. I can go work elsewhere and be a lot safer everyday. Nobody got badly burnt, knocked out by H2S or even piss-tested for making an honest mistake at any of my other jobs. We get paid well because of the conditions we are exposed to on a daily basis. This isn't a GROCERY STORE! Let's keep all of this in mind as we work and keep each other safe. Let's keep all of this in mind when the Company brings in another scab camp and threatens to lock us out. Let's stand together and keep our benefit package and keep working here until our comfortable retirements that we were promised.

In Solidarity,
Daryl Nylén, Trustee Unifor 594

Last Laugh



Love Is Love

These days it seems that the company is constantly rolling out new programs that we as employees are expected to support and buy into. From "Filling the Barrel" to "Octamizing" to "Mission 9.0", as well as new Health and Wellness initiatives, it seems to be an almost weekly thing. This is great. As a company and as a cooperative, improvement *should* be one of the primary goals for all of us. If you don't look at it much more closely than that, it may seem like positive changes are being made.

The problem is, it is often unclear whether the company truly believes in these initiatives themselves or it's simply going through the motions, and *appearing* to care about mental health, diversity and inclusiveness, or having a respectful workplace, just to name a few. This was again brought into question right in the middle of Pride Week.

Pride Week is important because it gives voice and celebration to a group of society that fights daily for equal rights and acceptance. The Company gave us all the impression that they wanted to celebrate Pride Week with the rest of us, by including it on the main page of the portal, as well as adding a slide on the info screens throughout the plant that states "LOVE IS LOVE – FCL is proud to celebrate pride" on a bright rainbow background. Fantastic.

Unfortunately, when a small handful of Pride Flags were hung up in a control room it wasn't long before there was an email circulated to tear the flags down because the Insurance Underwriters would be coming on site for an inspection.

We were given no explanation or justification for this other than the Insurance Underwriters being present. Is participating in Pride Week a problem for insurers now? Are we concerned that being proud and inclusive is somehow going to be an issue in their eyes? How does this make people who want to celebrate Pride Week feel? Personally, I found it to be quite an offensive move, at least absent of a better explanation than the one given.

This is just one example of where all these initiatives seem to go wrong. It appears as though they are developed with the primary purpose of *appearing* to care, but are really not carried forward in a meaningful way. Just going through the motions to say we did. After much lobbying, the posters in support of Pride Week were allowed to be re-hung; however, when the Company doesn't seem to believe in their own initiatives they roll out, how do we expect the workforce to buy in?

As I said, on the surface, these different initiatives are great, and I believe we should be striving to improve not just in profitability, but in all areas, and that is what programs like this should actually be about. But to see them implemented so half-heartedly again, and again is disappointing and cheapens it more so than just not bothering at all.

In Solidarity, Nathan Kraemer, Negotiating Chairperson

Accommodation Law Conference

Myself and Sharlene Stanley attended the Accommodation Law Conference in Saskatoon on April 17th and 18th, 2018. We have three members on our Accommodation Committee: Sharlene Stanley, Shaun Jenkins and Denise Hersikorn.

What does ‘accommodation’ mean, really? It means that employers and service providers have a legal obligation to adjust rules, policies or practices to enable an employee to participate fully. It applies to needs that are related to the grounds of discrimination. This is called the **Duty to Accommodate**.

The duty to accommodate means that sometimes it is necessary to treat someone differently to prevent or reduce discrimination. Some examples include: providing a special screen and software for people with visual impairment, allowing an employee to take time off to attend a medical appointment, managing an employee’s schedule in a way that balances their work and caregiving obligations or making wheelchair access available to people with disabilities.

However, there are limits to the duty to accommodate and it is called **Undue Hardship**. Sometimes, accommodation is not possible because it would cost too much, or create health or safety risks. The employer can claim undue hardship as the reason why certain policies or practices need to stay in place and they would need to provide sufficient evidence to prove this.

At the conference, the duty to accommodate and undue hardship was discussed at length. It featured several guest speakers, all lawyers whose specialty is employment law. We reviewed about 30 to 40 arbitration cases of when the grievor was denied accommodation, but the arbitrator then ruled in their favour. There were just as many as when the grievance was dismissed.

This does not mean that just because an employee needs an accommodation that it is going to end up in arbitration. If you need an accommodation in your duties, it is very important that the union is involved to ensure you get fair representation. Be sure to contact one of the three people named above if this is the case.

On that note, all the lawyers reiterated these points multiple times:

- Not every inconvenience in your life warrants an accommodation
- If it’s not documented, it didn’t happen
- While the law may be on your side, the facts matter
- The duty for the employer to accommodate is as equally important as the duty for the employee to cooperate

The Duty for an Employee to Cooperate – what’s that about? It means an employee does what is reasonable to minimize the amount of hardship on the employer. For example, if an accommodation is required and the employer presents multiple viable options yet the employee rejects all of them without merit, then the employee is not being cooperative. If the case goes to an arbitrator, the lawyers said it typically does not work out in the employee’s favour. Therefore, it is important to have the Accommodation Committee involved. After all, who’s definition of ‘viable’ is being considered?

As a newbie on the Law Committee, for me, this conference essentially amounted to a crash course in what arbitration looks like as it pertains to employment. I learned that arbitrators look at facts, not amateur opinions. They speak to experts in their fields, they review scientific data (like toxicology reports), official documentation such as doctor’s reports and the like. They make their decisions based on the information and apply the law accordingly. It was definitely an eye-opening experience.

In solidarity,

Heather Bell, Law Committee Member

Stay Connected

Twitter [@Unifor594](#)

Facebook Page [Unifor 594](#)

Check out our website
www.unifor594.com



Sign up for email updates by sending a request to info@unifor594.com