



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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November/December 2011



Greetings:

Season's Greetings and Happy Holidays Sisters and Brothers! As we move towards a New Year, 2012, you have to wonder where the last twelve months have gone. It just seems like we rang in the New Year on January 1, 2011 and now we're on another countdown

This year was particularly busy for the IBEW in Canada with our All Canada Progress Meeting in July in Quebec City and our International Convention in Vancouver, BC in September. Both events by all standards were successful with a lot of business being conducted at both of these important meetings.

The political scene in Canada was also very active this year with our Federal election taking place in May and five Provincial elections throughout the year and two territories going to the polls in 2011. As we look back, I wonder if we're satisfied with the results or is there something we should have done to make a difference. Please take the time to read our 'Politically Speaking' report on pages 4 and 5 of this edition of Coast to Coast.

As we move into the Holiday Season everyone should truly make time for your family and friends, relax, kick back and enjoy yourself, but I think we have to be mindful of the need to become more politically active in the New Year for our own sake and to insure our union organizations can continue to serve and represent us in a meaningful way.

I had the pleasure to attend an IBEW retiree's lunch this past weekend and many of the participants told me that their retirement years have been good years because of some of the benefits made possible through our union. It was good to hear and I of course thanked them for their contribution to the IBEW and for their sacrifices throughout their working years by paving the way for those coming after them.

So thank you Sisters and Brothers, retired and active, for all your hard work for the IBEW again this year.

All the best to you and your families all through the Holiday Season and on into 2012!

In solidarity and friendship,

Phil Flemming, IVP



Local Union 213 – Richard Dowling Centre

Following thirteen (13) months of renovations, Local Union 213 moved into their 20,000 square ft. *state of the art* building, "Richard Dowling Centre", on June 29, 2011, located at 1424 Broadway St. Port Coquitlam.

The new building gives Local Union 213 the opportunity to combine all member services into one location, including the Business Office, Health and Welfare/Pension and JATC. The Electrical Joint Training Committee (EJTC) administers and coordinates all training requirements for apprentices and journeypersons working for IBEW signatory contractors within the jurisdiction of Local Union 213.

In addition the EJTC is an accredited training institute and is an ITA designated training deliverer of Level 1 technical training. This move to Port Coquitlam has allowed the EJTC to centralize its apprenticeship and training offices at a common location with the Local offices and its training facility. Classrooms have been specially designed to offer both a wonderful learning environment for all students but also to provide instructors and presenters the opportunity to have the "world at their fingertips" with the most advanced audio/visual capabilities available. This consolidation of IBEW offices with the EJTC has enabled the development of this *state of the art* facility and is truly a win-win situation.

The official opening was held Friday October 21, 2011 with close to 100 invitees in attendance, including Brother Dowling's family. The highlight of the afternoon was Brother Jimmy Connor (Local Union 1007) who dedicated two songs to Brother Dowling and then Brother Gordon Ogilvie (Local Union 254) presented a painted portrait Of Brother Dowling to the Hall and a further portrait of Brother Dowling to his widow Marga.

National Day of Remembrance and Action on Violence against Women *(The following article was posted by the Canadian Labour of Congress on November 29, 2011)*

On December 6th, we commemorate the lives of the 14 women killed in Montréal in 1989. On this day, we remember all women and girls who are murdered or experience violence by partners, family members and strangers throughout this country. On this day, we recommit to take action against all forms of violence against women and girls in our society.

It has been more than 20 years since these 14 young women were murdered in Montréal simply because they were women.

On this day, the Canadian Labour Congress expresses our dismay in the Canadian government's lack of meaningful action to end violence against women and girls.

The Canadian Labour Congress is appalled at the government's untimely and disgraceful effort to weaken the Criminal Code and the Firearms Act. By abolishing the long-gun registry and destroying its database, the government is eliminating a concrete and successful measure to reduce gun violence against women – a measure created in direct response to public pressure in the wake of murders at Montréal's École Polytechnique.

The evidence is clear. The registry has helped save lives. The rates of homicides and suicides involving rifles and shotguns are down substantially. The rate of women murdered with firearms by their intimate partner has decreased by 69 per cent.

In addition to being an effective tool to help end violence against women, the National Firearms Registry helps keep our workplaces and our communities safe. Police officers, first responders and other front-line workers rely on the information provided by the registry every day to help keep safe on the job.

Under Bill C-19, the Ruger Mini-14 semi-automatic rifle used in the Montréal murders will no longer be subject to registration requirements. By removing the ability to track these weapons, the government puts us all at risk.

On this day, we urge Canadians to send a clear message to the Members of Parliament: to listen to the evidence, to the victims and to workers affected by gun violence and maintain this important tool for

workplace and community safety.

Canada's labour movement will continue to work with allies to call on the government of Canada to consider the victims of violence and their families on this day and to follow through with concrete action. Keep the gun registry. Reinstate funding for research, policy and advocacy so organizations promoting a society free of gender violence can do their work effectively. Prevent violence not by building more prisons, but by building housing and childcare, by creating jobs and ending poverty.

Let us work together to end violence against women and girls across Canada.

The Canadian Labour Congress believes that our responsibility to end violence against women doesn't just happen once a year. We need to take action every single day.

To help us remember that violence against women occurs across generations and that it is the responsibility of women and men to work to end gender violence, the Canadian Labour Congress has created a new rose logo, the work of Jaime Koebel, a Métis woman originally from the community of Lac La Biche, Alberta. In addition to the image of a rose to signify women, there is an accompanying rose bud, to signify young women and girls. The stem, which incorporates the white ribbon, symbolizes the commitment needed from men to be a part of the solution by helping grow a future without gender violence.

The beauty and strength of the rose depends on its stem and environment around the plant, much like the need for a greater movement to end violence against women and girls.

We have produced car magnets with the new rose logo and encourage Canadians to display them as a reminder that women and men of all generations stand in solidarity to promote a future where we are all safe.

For more information on the car magnet contact womens-hrights@clc-ctc.ca



Women Working in the Skilled Trades and Technologies

Skills Canada and Women in Nuclear launched a position paper on November 9, 2011 titled "Women Working in the Skilled Trades and Technologies:

Myths and Realities". Estimated statistics show that as baby boomers prepare to retire over the next five to ten years, 40 per cent of current tradespeople will need to be replaced. Therefore the trades sector need to look to unidentified labour pools including women (who typically account for less than three per cent of all apprentices in construction, automotive and industry trades are women) to prepare successfully for the future.

The research paper addresses myths and realities around women working in the skilled trades and provides recommendations for education, government, industry and business on how to address female employee and skills shortages in Canada. A workshop was held in February 2010, involving men and women currently working in the trades, to discuss and provide feedback on how the problem can be solved. The roundtable discussions examined what business, education, government and female workers can do to address female employee and skilled shortages. As a result, six myths were identified and form the foundation of the research paper, offering counterpoints to these common misconceptions and recommendations for what can be done to work together and solve the situation.

The premise for the paper is outlined below:

Myth: Jobs in skilled trades are not good jobs for women.

Reality: The skilled trades offer women high pay, good benefits, flexibility, variety, rewarding work and unlimited opportunity.

Fact: There are many benefits to working in the skilled trades and technologies and indisputable evidence that these are, indeed, "good jobs". Careers in over 150 such fields offer many perks and advantages.

Myth: Jobs in skilled trades are not creative.

Reality: The skilled trades and technologies require workers with a good eye and a steady hand and the ability to put things together according to specifications or by one's own design.

Fact: It is impossible to function within the trades – to "build, design, fix or create" – without pride of craftsmanship, expert knowledge and creative talent.

Myth: Jobs in skilled trades are not important.

Reality: The very foundation, infrastructure and operation of our communities are dependent upon the skilled trades; the work that these skilled workers perform is undeniable important.

Fact: Without the women and men who work in the skilled trades and technologies, the homes, schools,

businesses, hospitals, roads and technologies that support our society itself would literally disintegrate.

Myth: Skilled trades is no place for a woman.

Reality: In the 21st century, there is no place for sexism, particularly on the job site. The industry realizes the need to look at a more diverse pool of employees. Women's recruitment and retention will "strengthen Canada's economic position in a global economy by capitalizing on the industry's full human resource potential."

Fact: Ninety-seven percent of skilled trade jobs are full time. Women represent nearly 50 percent of the workforce and they need to focus on job demands that will support themselves and their families.

Myth: Skilled trades are just for students who don't excel in academics.

Reality: In order to work in the skilled trades and technologies, one needs to have a solid grounding in many "School-based" skills such as math, analytical abilities and literacy. The skilled tradesperson also needs to be imaginative, resourceful and dexterous and have the ability to figure out specifications and requirements in real-world applications.

Fact: Intelligence and aptitude are essential components of working in these careers, which are as respectable and important as those requiring a purely academic background.

Myth: Women don't work in the skilled trades therefore there are no mentors available for young women.

Reality: Though they generally aren't as plentiful as their male counterparts, many work in the skilled trades.

Fact: Many women working in the skilled trades enjoy sharing their stories and inspiring young up-and-comers to consider these careers. Search them out!

You can find the full paper online at http://www.wincanada.org/uploads/filemanager/pdf/WiN-Canada/Skills_Canada.pdf

Does No Encampment = No Occupy?

"You occupy, I occupy, we occupy our planet – so what's the big deal if a group of people occupy a corner of a park or public square?" – Quote from a Brother at the OFL Convention Youth Forum November 23, 2011.

The Occupy Movement is changing, as encampments including Occupy Vancouver and Occupy Bay Street

in Toronto have been evicted and forced to move on. The discussion at the Ontario Federation of Labour's Young Workers Forum centered upon what is next for Occupy.

Occupiers and trade union activists alike discussed possibilities for where the Occupy movement could go ranging from occupying another park, occupying a space without sleeping over, waiting until the spring to launch "Reoccupy", or refocusing the energy used in Occupy to share the voice of the 99% in another way. As per Occupy tradition, what will happen next (or already has happened) will remain up to the consensus but what was clear at the Young Workers Forum was the positivity and hope which still existed around the movement.

The point of Occupy has been lost on many, but the similarities in its message draw parallels to that of the labour movement. CLC President, Ken Georgetti, addressed this in his speech to the OFL Convention:

"Unions have been fighting the growing income inequality faced by most Canadians for years, fighting inequality the best way we know – by organizing workers, by using collective bargaining to win better wages and benefits and by taking political action.

But I welcomed the Occupy Wall Street movement from the beginning because it put corporate greed and growing income inequality in the public eye and forced the media to cover it extensively for the first time in years."

Regardless of what shape the Occupy Movement takes in the coming days and weeks, it has renewed a sense of hope and commitment to fight income inequality and shrinking union density, and to continue to debate on corporate taxes, wage stagnation and the rights of us, the 99%.

NextGen Initiative: Taking the Next Steps

The NextGen Initiative is gaining momentum – but we need your support! The NextGen Initiative is designed to engage the next generation of IBEW members to become actively involved in the union and to ensure the IBEW is representative to the younger generation of workers. Currently, we are working with local unions to set up NextGen Committees.

Why a NextGen Committee?

NextGen Committees are designed to create a space for IBEW members under the age of 35 to get involved and help create a way for a dues paying member to become an active union member.

The purpose and mandate of NextGen Committees are shaped by the needs of the local union and interest of their members. Generally, the goal of these committees is to educate younger members on the full offerings of the IBEW and provide a space for young members to better understand the working of the union at the local level, while becoming actively engaged in the IBEW to ensure the IBEW is reflective of their wants and needs.

Utilizing the NextGen Research Summary, NextGen Committees can explore member feedback and suggestions for improvement in the areas of concern including communication, transparency and education, to help formulate next steps and identify reasonable goals. Invite the NextGen Strategic Coordinator to your local union to work with you to activate your NextGen Committee and to have the opportunity to connect with other standing committees across the country to share ideas, ask questions and learn from your brothers and sisters from coast to coast.

Politically Speaking

It has been a busy and eventful year for politics in Canada. Canadians went to the polls on May 2, 2011 and gave Conservative leader Stephen Harper his first majority government. The bigger story though was the "Orange Crush" that swept the country from coast to coast, and most notably in the province of Quebec.

NDP Leader Jack Layton and his party gave Stephen Harper's Conservatives a run for their money, by gaining 67 seats for a total of 102 in the election, enough to be the Official Opposition for the first time in the history of their party. Meanwhile Liberal leader Michael Ignatieff and his party lost 43 seats, including his own, and the party managed a historic low with only 34 seats.

On August 22, 2011 NDP leader Jack Layton passed away, and left Canadians with words of inspiration.

In the fall, many Canadians went back to the polls, this time to elect their provincial/territorial government. Some provinces had a somewhat predictable outcome, while others had voters on the edge of their seats. Prince Edward Island and the Northwest Territories started the fall election period on October 3, 2011, electing a Liberal majority in PEI, and in the NWT

they elect non-partisan politicians who then elect a premier. Manitoba was quick to follow PEI and NWT with an election on October 4, 2011, giving the incumbent NDP and its leader Greg Selinger a majority.

On October 6, 2011, less than 50 per cent of Ontario voters visited the polls, which was an historic low. Those that did turn out, voted Dalton McGuinty and his Liberal party one seat shy of a majority government, leaving the Conservatives who had as much as a 20 point lead in polls just months before the election, as the Official opposition party.

October 11, 2011 brought two more elections, one in Newfoundland and Labrador who elected the incumbent Progressive Conservatives and their new leader Kathy Dunderdale.

In the west, the voters in the Yukon elected the incumbent Yukon Party (a conservative right-wing party) and its leader Darrell Pasloski to a majority government.

Wrapping up this year's provincial and territorial elections was Saskatchewan, who on November 7, 2011, re-elected premier Brad Wall and his SaskParty to an overwhelming 84 per cent of the seats for a majority government. On October 2, 2011, Allison Redford won the Progressive Conservative Association of Alberta leadership, making her premier-designate of the province of Alberta. Redford was sworn in as Alberta's 14th Premier in Edmonton on October 7, 2011 after former Premier Ed Stelmach resigned.

Federally we have seen the Conservatives taking full advantage of their recent majority government by pushing their agenda of bills somewhat easily through the House of Commons, often with little regard for amendments suggested by the opposition parties. When Stephen Harper said "You won't recognize Canada when I get through with it", he wasn't kidding around.

One can only wonder what kind of agenda the Harper Conservatives have up their sleeve for 2012. Whether it plans to cut public services, attack the CBC, privatize health care, or attack collective bargaining, it is quite clear that the Harper Conservatives are pursuing a vision that is at odds with the values of middle class Canadians.

The fall session of Parliament also brought about Private Member bill C-317 "*An Act to Amend the*

Income Tax Act (Labour Organizations)", which was submitted by British Columbia MP for Surrey-White Rock- Cloverdale, Russ Hiebert. Although the bill was ruled to be null and void by the Speaker on November 4, 2011, the same MP, Russ Hiebert re-introduced his bill on December 5, 2011, the new one is numbered Bill C 377. It is almost identical to the prior bill, except it removes the provisions disallowing a deduction and replaces it with a fine for the Unions who fail to file.

Currently the Canadian Labour Congress (CLC) is lobbying the federal government to expand the current Canada Pension Plan (CPP). However the Conservatives have a different vision, as they recently introduced a bill that will pave the way for Pooled Registered Pension Plans (PRPP's).

PRPP's would be similar to Registered Retirement Savings Plans (RRSP's) which are a pooled investment that banks, mutual fund companies, insurance companies and other financial institutions offer that is tied to the stock market and charge significant management fees to operate. The CPP provides a defined benefit pension for working Canadians with extremely low management fees, and it is not tied to the volatile stock market.

You are encouraged to inform your members to write their local Member of Parliament to support the expansion of the CPP. A sample letter in both English and French can be downloaded from the First District website for your members to use (www.ibew1st.org). This will provide a benefit not only for members of organized labour, but for all working Canadians. For more info on CLC's "*Retirement Security for Everyone*" campaign and their plan to expand the CPP please visit their website (www.canadianlabour.ca)

Brothers and Sisters, if we work together from coast-to-coast-to-coast we can change this Conservative government in four years' time, by electing labour friendly candidates into government that will protect the rights of middle-class Canadians. We must prepare ourselves now at the grassroots level, by getting involved and making our voices heard at all levels of government.

You are encouraged to send members of your Local Union to the 2012 IBEW Winter School in your region. This year there will be Winter Schools in the East, Central, and Western regions of the country, with the course titled "*Engaging Your Membership in Political Action/Lobbying*". This course will prepare participants to engage politicians, develop a local strategy

to educate and mobilize members around a certain issue, and lobbying techniques.

Maintenance Industry Provides Work Opportunities for IBEW Members

Many of you have heard the acronyms GPMC and NMC mentioned during your travels across our nation, and to many of you these are merely acronyms which are not given the significance they deserve. The General Presidents' Maintenance Committee (GPMC) and the National Maintenance Council for Canada (NMC) are trades councils which negotiate and administer multi trade collective agreements across Canada. Over the last sixty years these agreements have provided thousands of jobs to the members of the IBEW and the affiliated unions.

In 2012, the General Presidents' Maintenance Committee will reach 60 years of continuous operation as a trades council. The first multi-trade maintenance collective agreement in North America was negotiated between the unions forming the Committee and Catalytic Construction of Canada in Sarnia, Ontario to cover maintenance work at what is now the Shell refinery.

What began merely as an idea has morphed into a multi-billion dollar industry which provides steady employment for the Building and Construction Trades unions across our nation.

The story of the maintenance industry is one of continual growth and improvement. Statistics indicate that since 2001 employment within the construction industry has increased by approximately 30% yet, membership in the unionized sector of that industry has remained somewhat stagnant.

Maintenance, on the other hand, provides a sharp contrast to this situation, and within the last decade the unionized maintenance industry has seen an increase in employment and craft hours performed. The industry has grown from one which provided 5,000 full time positions annually (2001) to one which now provides over 14,000 full time positions. This marks a 180% increase within the last decade and the opportunities continue to increase each and every year as more sites are choosing to have their maintenance and turnaround work performed under either the General Presidents' Maintenance Agreement (GPMA) or the National Maintenance Agreement (NMA).

Maintenance is the gift that keeps on giving. In construction you build it once and in maintenance you maintain it for a lifetime. In order to continue to increase the maintenance opportunities for the Building Trades Unions we have to ensure that we get things done right on the construction phase as this will either make or break the opportunity to provide ongoing maintenance at the facility.

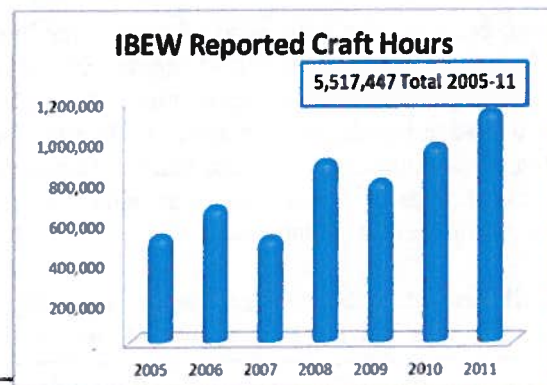
The unprecedented growth of the GPMC and the NMC, while gratifying, means nothing if we are unable to fulfill our client's current and future needs for manpower. Within the next couple of years significant demands are going to be placed on the Building Trades Unions across this country to supply the skilled, competent and reliable manpower to complete the many maintenance shutdowns scheduled.

Together we must deliver on those requirements. Failure to do so will allow the alternative workforce to encroach upon our successful business.

Over the last six decades the GPC has played a significant role in strengthening the cooperative relationships between labour unions and management and at the end of the day we all have a vested interest to complete these shutdowns on time and on budget. A successful shutdown ensures future opportunities and jobs for the members we represent.

Over the last seven years the GPMA and the NMA have provided approximately 5.5 million man hours for members of the IBEW across the country. The maintenance industry has provided approximately 2,644 full time positions for the members of the IBEW over that timeframe and the system has contributed approximately 275 million dollars in wages and benefits for our members.

We anticipate these numbers to continue to increase, however, we must be ready to meet the challenges which we will undoubtedly face along the way and we must be willing to adapt and make the changes necessary to remain the Client's First Choice.



Arbitrators Have Wide Leeway In Applying Legal Doctrines, Supreme Court Declares *(The following article is from the LANCASTER House Dec. 5, 2011 publication)*

On Friday, December 2, the Supreme Court granted an appeal from the Manitoba Court of Appeal, determining that an arbitral award applying common law or equitable remedies deserves deference, and should be reviewed on a standard of reasonableness rather than correctness. Holding that labour arbitrators are not legally bound to apply equitable and common law principles, including estoppel, in the same manner as courts of law, and that they have a broad mandate to craft appropriate remedial doctrines when the need arises, the Supreme Court held that the arbitrator acted reasonably in deciding that a union was estopped, i.e. precluded, from enforcing the strict terms of a collective agreement, based on its long-standing failure to object to the employer's practice.

Background:

This case arose from a dispute between the Manitoba Association of Health Care Professionals and the Nor-Man Regional Health Authority over the entitlement of casual employees to paid vacations. The collective agreement contained extensive provisions dealing with employees and vacation entitlement. In July 2008, a nurses' aide filed a grievance alleging that the employer was breaching the pertinent provisions of the agreement by calculating her entitlement to certain vacation benefits not on the basis of the July 1988 start date on which she was hired as a casual but rather on the basis of the date almost eleven years later when she became a permanent employee, and seniority started to accrue.

In a November 2008 decision, Arbitrator Robert Simpson decided that the employer's practice of excluding casual service in calculating vacation benefits breached the terms of the collective agreement, which tied vacations to length of employment rather than seniority as a permanent employee. However, the arbitrator concluded that the union was barred by its long-standing acquiescence from grieving the employer's application of the disputed vacation provisions. The arbitrator determined that the employer was entitled to assume that the union had accepted its practice. The doctrine of estoppel bars an employer or employee from enforcing a strict right under the collective agreement in circumstances where it would be inequitable to do so – for example, where a party previously represented (by statements or by silence) that it would not rely upon its strict legal rights, and

the other party relied upon this promise to its detriment.

The arbitrator's award was upheld by a Superior Court judge on judicial review, but was overturned by the Manitoba Court of Appeal, on the ground that in applying the legal doctrine of estoppel, the arbitrator must be correct, and he was not, since he made no finding that the union intended by its silence to affect the legal relations of the parties. The employer appealed to the Supreme Court of Canada.

The Decision:

The Supreme Court unanimously (7-0) allowed the appeal, and restored the arbitrator's decision.

Justice Morris Fish, writing for the Court, held that the arbitrator acted reasonably in applying the doctrine of estoppel. Utilizing the analysis set out by the Supreme Court of Canada in *Dunsmuir v. New Brunswick*, [2008] S.C.J. No. 9 (QL), Justice Fish determined that the application of the equitable remedy of estoppel by the arbitrator should be reviewed on a standard of reasonableness, consistent with the general rule that reasonableness is the standard of review governing arbitral awards under a collective agreement. Holding that the estoppel question did not involve an issue of central importance to the legal system that was beyond the expertise of the arbitrator, Justice Fish rejected a general rule to the effect that arbitral awards that apply common law or equitable remedies are subject to judicial review for correctness.

Examining these principles more closely and applying the contextual analysis set out in *Dunsmuir*, Fish based his conclusion on the principle that labour arbitrators require flexibility to craft appropriate remedies, and that they are not legally bound to apply equitable and common law principles in the same manner as courts. He stated:

Common law and equitable doctrines emanate from the courts. But it hardly follows that arbitrators lack either the legal authority or the expertise required to adapt and apply them in a manner more appropriate to the arbitration of disputes and grievances in a labour relations context.

On the contrary, labour arbitrators are authorized by their broad statutory and contractual mandates – and well equipped by their expertise – to adapt the contained sphere of arbitral creativity. They may

develop doctrines and fashion remedies appropriate in their field, drawing inspiration from general legal principles, the objectives and purposes of the statutory scheme, the principles of labour relations, the nature of the collective bargaining process, and the factual matrix of the grievances of which they are seized.

Justice Fish reflected that this power to adapt common law and equitable doctrines flowed from the broad grant of authority vested in labour arbitrators by collective agreements, by statutes such as the *Labour Relations Act*, and by arbitrators' roles as peace-makers in industrial relations. He noted that arbitrators are uniquely placed to respond to the challenges of the employer-employee relationship, and that in doing so, the need for arbitrators to be able to respond flexibly is critical.

However, while asserting that "reviewing courts must remain alive to [the] distinctive features of the collective bargaining relationship, and reserve to arbitrators the right to craft labour specific remedial doctrines," and that "[w]ithin this domain, arbitral awards command judicial deference," Justice Fish was careful to note that arbitral discretion has boundaries. In this regard, he cautioned: "An arbitral award that flexes a common law or equitable principle in a manner that does not reasonably respond to the distinctive nature of labour relations necessarily remains subject to judicial review for its reasonableness.

Justice Fish also pointed to other contextual factors which favour judicial deference to arbitrators as they apply common law and equitable principles. These factors include the fact that s.128(2) of the *B.C. Labour Relations Act* contains a private clause restricting judicial review by arbitrators. As well, he noted that arbitrators benefit from institutional expertise in resolving disputes under collective agreements, even if they lack personal expertise in matters of law.

Turning to the facts of the case before him, Justice Fish held that the labour arbitrator's imposition of estoppel was reasonable, and that the arbitrator's reasons coherently explained why he imposed the remedy. In Fish's view, "the labour arbitrator's reasons [were] not just transparent and

intelligible, but coherent as well. They set out in detail the evidence, the submissions of the parties, and the arbitrator's own analysis. The arbitrator reviewed the decisions relied on by the parties, and he identified and applied the precedents he found relevant and persuasive. They are consistent with his decision, and his reasons are amply sufficient to explain why he imposed the remedy of estoppel in this case."

Moreover, Justice Fish rejected the union's reliance on the fact that the arbitrator did not make a factual finding that the union intended to affect its legal relationship with the employer, as required by the test for estoppel in the courts, holding that such a finding was not necessary, as the arbitrator "adapted and applied the equitable doctrine of estoppel in a manner reasonably consistent with the objectives and purposes of the [*B.C. Labour Relations Act*], the principles of labour relations, the nature of the collective bargaining process, and the factual matrix of [the employee's] grievance."

Comment:

This decision reinforces the important principle that arbitrators are to be given a wide latitude in applying common law and equitable law principles in crafting remedies. The Supreme Court has affirmed that courts should take a deferential approach when reviewing the application of legal principles by arbitrators when these principles are being adapted to the unique context of workplace relations.

Buy Canadian. Shop Local this Holiday Season

Opting to purchase foreign-made goods at a lower price, simply because they are less expensive, doesn't take into account the hidden cost that's not reflected in the sticker price. Purchasing items manufactured 'off-shore' contributes to a foreign economy while depleting our Canadian economy. Local and small businesses (which account for roughly 48 per cent of the private-sector labour) not only provide jobs for Canadians, but extend themselves to give back to the communities in which they exist, communities where we live, work and play.

Let's begin to rebuild and strengthen Canada's economy from the grassroots. This Christmas we can all buy local and buy Canadian; and let them know that you're union, a proud IBEW member that is supporting a local business this holiday season. When we care about other Canadians, we care about our communities and the benefits come back to us in ways we couldn't imagine.

ANNOUNCEMENTS

2012 Dues Increase

Reminding all IBEW Members that effective January 1, 2012, there is an increase in union dues of \$2.00.



2012 1st District Scholarship

The 1st District Scholarship applications will be accepted from December 16, 2011 through to, February 24, 2012. It is open to all IBEW 1st District members and their families in full or part-time studies in pursuit of a post secondary diploma or degree. The applicants are expected to submit a brief essay on how belonging to the IBEW benefits them, or how they benefit from their parents being a member of the IBEW. There will be 5 random draws of \$1000.00 on March 2, 2012 and only the successful applicants will be contacted.



**SEASON'S
GREETINGS
FROM ALL
THE STAFF
AT THE
1st DISTRICT**



2012 Projected Meetings

- Jan. 12 - 15 **Electrical Workers Minority Caucus**
TBA
- Feb. 23-24 **Eastern Winter School**
Westin Nova Scotian
Halifax, NS
- Mar. 1- 2 **Central Winter School**
Delta Toronto Airport West
Mississauga, ON
- Mar. 5 - 8 **New Bus. Manager's Training—Wk2**
Fairmont Winnipeg
Winnipeg, MB
- Mar. 12 - 13 **Western Winter School**
Hotel Grand Pacific
Victoria, BC
- Apr. 26-28 **Construction & Maintenance
Conference**
Hyatt Capitol Hill
Washington, DC
- May 7-11 **BMT Conference**
Hyatt Regency Mission Bay
San Diego, CA
- May 14-17 **Building Trades Legislative Conf.**
TBA
Ottawa, ON
- June 3 - 5 **Canadian Apprenticeship Forum Conf.**
Delta Regina
Regina, SK
- Jun. 12-14 **Utility Conference**
Hyatt Houston
Houston, TX
- Jul. 31-Aug.4 **Women's Conference**
Washington, DC
- Aug. 20-23 **All Canada Progress Meeting**
The Westin Nova Scotian
Halifax, NS
- Sept. 18-20 **Membership Development Conference**
Paris Las Vegas Hotel
- Nov. 28-30 **Nuclear Conference**
TBD

