



**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



Greetings:

Sisters and Brothers, as we draw to the end of another year I'm proud happy to report that the First District Canada, again this year, has increased our membership numbers.

Our latest statistics to the end of September this year, show that we have increased our IBEW membership from 60,098 to 61,859 in the previous twelve months.

That's an increase of 1,761 members or 3% in that period!!

In 2001, our membership had dropped to 54,783 however, we have made progress in 7 of the last 8 years for a total increase of 7,076 members.

An increase in our Canadian membership of 13%!!!

Now I have to tell you, that's not too shabby when you consider that the total labour movement membership in Canada increased by only 9% over the same time period.

Equally impressive, understanding that some of our IBEW industries were in sharp decline during the recession, is that 47 of the 89 Local Unions in the First District shared in that gain during the 12 month period, and 6 managed to hold their own.

I sincerely believe that the organizing culture swing that we were looking to create back in the late eighties, has not only taken roots, but blossomed.

I think most of our members realize organizing and union density is something that will eventually increase our market share in all of the IBEW sectors, and will ultimately pay off at the bargaining table, and reflect in the security for our members and their families with an acceptable standard of living.

Sisters and Brothers, that organizing culture change is welcome and like a breath of fresh air.

Unfortunately in Canada, even though our actual membership numbers continue to rise across the Country, our union density in the unionized labour movement, union workers versus total population of workers, continues to decline.

I'm soliciting the support of all of our members in the New Year, to assist and endorse our organizing efforts, to keep the membership trend line moving in the right direction, and target union density as our objective.

I want to take this opportunity to wish all of you and your families a peaceful, restful Holiday Season and all the best for a successful 2010.



In solidarity and Christmas spirit,

Phil Flemming, IVP

**NECA-IBEW Going Green With Renewable Energy Projects** *(The following article was researched and published by Industrial Info Resources November 5, 2009)*

According to the U.S. Environmental Protection Agency, in 2007 only 13.6% of the energy produced in the U.S. came from renewable sources such as wind and solar. With local and federal government programs providing incentives for renewable energy projects, the number of green projects has exploded. According to information derived from Industrial Info's Renewable Energy database, more than 210GW of renewable energy projects are in the planning, engineering or construction stages in North America. These projects are predominately wind, hydroelectric and solar.

The NECA-IBEW team is uniquely situated to assist owners and engineering firms to successfully design

and implement the growing number of renewable energy projects that are springing up across the country. By focusing on training in renewable energy and green building projects, the NECA-IBEW team has taken a leadership role in the green jobs revolution. Talking on a recent ElectricTV.net (a joint program between NECA and the IBEW) video webcast, Mike Callanan, Executive Director of the National Joint Apprenticeship and Training Committee for the IBEW, stated, "We've been teaching many of these skills to our apprentices and journeymen for a number of years. I like to think that our training is unique because it provides apprentices the opportunity to understand not only the theory in the classroom, but provides up to 8,000 hours of on-the-job training."

The IBEW is currently training about 44,000 apprentices at 300 training centers in the U.S. and Canada.

If you'd like more information on how NECA-IBEW can help you go green on your next renewable energy or building-automation project, watch <http://electricity.net/Video-Library/2009/Focus-on-the-Future-%281%29.aspx>.

**Local Union 258 – Vancouver, BC visits BC Professional Fire Fighters' Burn, Plastic and Trauma Unit at Vancouver General Hospital**

*(The following article is featured in Local Union 258's "IBEW HOTLINE" Winter 2009 issue)*

Donations will help burn survivors in so many ways - The life of a burn survivor changes from one second to the next. Just like that. The journey for a patient from initial burn injury to burn survivor is a long and painful one. It is sustained by hope, conviction, unparalleled courage and the support of donors like Local 258 of the International Brotherhood of Electrical Workers.

On October 16, union President Michelle Laurie and Business Manager Doug McKay presented Barb McInnis, Director, Major Gifts and Planned Giving of Vancouver General Hospital (VGH) & University of British Columbia (UBC) Hospital Foundation, with a generous \$100,000 donation to the Chair in Burn and Wound Healing Research Endowment. This important contribution will help ensure that secure funds are available to retain scientific leadership so that the important discoveries made by BC Professional Fire Fighters'

Burn and Wound Healing Laboratory can be translated into treatments that benefit patients.

During the event, Michelle and Doug heard from Dr. Nicholas Carr, Head of the Division of Plastic Surgery, Dr. Aziz Ghahary, Director, BC Professional Fire Fighters' Burn and Wound Healing Laboratory and Dr. Anthony Papp, Medical Director, Burn, Plastic and Trauma Unit, about the transformational work they are doing as a result of Local 258's generous contributions and how grateful they are to be the recipients of this support.

The group also heard from Dr. Ghahary as he described the work he and his lab have been doing over the past few years. His ground breaking research has isolated a protein known as KDAF that turns off the healing efforts of skin cells, in effect, preventing heavy scarring. He and his research team are currently in the preclinical stages of developing an ointment that would deliver this protein to wounds at the critical moment in the healing process. Dr. Ghahary's team is also developing an alternative to a skin graft: a new type of non-rejectable biological skin substitute that provides wound coverage and promotes healing.

Confronting the challenges imposed by a lifetime of pain or disfigurement, as well as physical mobility issues, is just the beginning for most burn patients. During a tour of the unit led by Lois Budd, Patient Services Manager, Michelle and Doug learned about the journey of a burn survivor and how they must struggle to heal not only physically but also how to deal with the emotional and psychological trauma, which can be equally painful and daunting. Michelle and Doug were also able to view the recognition plaque that is mounted in the Unit that acknowledges Local 258's support of the Chair in Burn and Wound Healing Research Endowment.

Under Dr. Ghahary's guidance, the BC Professional Fire Fighters' Burn and Wound Healing Research Laboratory team is poised to lead the world in burn and wound healing treatments.

Thanks to the generous donation of \$100,000 from Local 258 – IBEW, the Burn Unit's doctors, nurses and researchers are able to ensure this work continues well into the future, making a difference in the lives of burn survivors across British Columbia.

On behalf of Local 258 members, union President Michelle Laurie and Business Manager Doug McKay presented the cheque to the VGH & UBC

Hospital Endowment Fund to support Research in Wound Healing. There is a plaque mounted in the Burn, Plastic and Trauma Unit at VGH that recognizes Local 258 members' generous contribution.

### **Canadian Oil Sands Projected to Drive 2010 Oil & Gas Production Spending**

*(The following article was written by John Egan for Industrial Info Resources and published November 30, 2009)*

North American oil and gas producers are expected to spend heavily on engineering, materials, and construction for projects with a scheduled 2010 start date, according to Jesus Davis, Industrial Info's manager of research for the Oil and Gas Industry. Industrial Info is tracking North American oil and gas production projects carrying a total investment value (TIV) of \$15.6 billion that have a 2010 construction start date. Project spending next year is expected to be nearly triple project TIV from 2009 (\$5.32 billion), and more than double 2008's TIV of \$7.37 billion, Davis said.

Davis was speaking to about 300 attendees at Industrial Info's "Twenty-Ten North American Industrial Market Outlook," held November 10 at the White Oak Plantation in Baton Rouge, Louisiana. Attendees represented a broad spectrum of industry: equipment vendors, distributors, manufacturing firms, engineering and construction firms, labor unions, and financial service companies. The "Twenty-Ten Industrial Market Outlook" event coincides with Industrial Info's release of the 2010 Global Industrial Outlook, which highlights the industrial spending forecast for the coming year. Since 1993, IIR has published a forecast for capital and maintenance spending for the industrial market in North America, and the 2010 outlook marks the fifth year of projecting spending estimates around the world.

North American oil and gas production spending will be driven by several billion-dollar projects that are scheduled to start construction in 2010, including projects owned by:

- BP Exploration (Canada), a unit of BP plc (NYSE:BP), (London, England)
- Conoco Phillips Canada, a unit of Conoco Phillips (NYSE:COP), (Houston, Texas)
- EnCana Corporation (NYSE:ECA), (Calgary, Alberta)
- Exxon Mobil Corporation (NYSE:XOM),

(Irving, Texas)

- Husky Energy Incorporated (OTC:HUSKF), (Calgary)
- MEG Energy (Calgary)
- Nexen Incorporated (NYSE:NXY), (Calgary)

"As the number of companies with an Alberta headquarters might suggest, the TIV of Canadian oil sands projects are expected to account for a significant portion--more than half--of all TIV for North American oil and gas production projects scheduled to start construction next year," Davis said. Spending on Canadian oil sands projects with a 2010 scheduled project start date has a TIV of \$8.52 billion, he said, up from virtually nothing in 2009 and less than \$2 billion in 2008. "A prolonged period of relatively high oil prices, coupled with strong support from the Canadian government, should enable several projects to move forward according to the scheduled start date," he said.

Davis cautioned attendees that volatile oil prices and the continuing recession in the U.S. could cause some projects to be postponed. He noted that a number of projects with a 2010 scheduled start date had been delayed from their original 2008 or 2009 start dates. In fact, Industrial Info shows that 20 Canadian oil sands projects with a TIV of \$23.8 billion have delayed or cancelled their 2010 construction start date.

"Back in mid-2008, when oil was selling at more than \$100 per barrel, the Canadian oil sands industry got a little ahead of itself," Davis said. "Many new projects were announced. But over the last year or so, a lot of those big-ticket projects have been postponed or cancelled altogether. In some cases, delays were strictly based on project economics. But in other cases, delays were driven by a combination of economics, and concerns about water and the environmental impact of specific projects," Davis said.

### **Too Early To Predict Jobs Recovery - CLC President Says Next Budget Must Stress Job Creation**

*(The following article is an announcement from the CLC posted Friday, December 4, 2009)*

OTTAWA – There is some good news regarding employment in Canada this month but it is far too early to say that a jobs recovery has arrived, says the president of the Canadian Labour Congress. Ken Georgetti was commenting on the release by

Statistics Canada of labour force figures for November 2009. The level of employment was up between October and November, and there was an increase in both full-time and part-time employment. "We're pleased that jobs were created in November but one month does not a recovery make," says Georgetti.

He adds, "Workers fell off a cliff starting last fall with the layoffs and plant closings. We've lost 340,000 full-time jobs in 13 months and we still have more than 1.5 million unemployed Canadians. We have to get those people back to work."

Georgetti says he is especially concerned to see that joblessness continues to increase among young workers aged 15 to 24. The unemployment rate among youth rose to 15.9% in November.

Georgetti called on Ottawa to move more quickly in distributing the money that it promised to invest to stimulate the economy and he says the government should use its next budget to create jobs through public investment. "We will need further stimulus measures throughout the year 2010 as the G-20 nations have promised. The next budget must contain measures to support job creation."

#### **Quick Analysis from CLC Senior Economist Sylvain Schetagne**

It may be too early to celebrate, but many labour market indicators are pointing in the right direction.

The level of employment was up by 79,100 between October and November 2009. Full-time employment rose by 38,600, but the majority of jobs created last month were part-time (+40,400).

The number of people unemployed declined by 13,200 in November 2009, contributing to a reduction in the unemployment rate from 8.6% to 8.5%. Comparing job creation between the self-employed and employees, we see that self-employment was down by 32,000 in November, while the number of employees was up by 111,100 when compared to October.

The level of employment was up by 56,900 in the private sector, and by 54,300 in the public sector. But, unexpectedly, about half of the employment

growth took place in educational services, representing 37,900 out of the 79,100 jobs created in November.

The labour market continued to deteriorate for younger Canadians aged 15-24. In November, the number of full-time jobs declined by 15,600, the number of unemployed increased by 11,800, and the unemployment rate continued to increase, from 15.6% to 15.9%. There was no increase in the number of full-time jobs for men aged 25 and over, while the number of full-time jobs for women 25 and over increased by 54,200.

Since October 2008, about 340,000 Canadians have been laid off from their full-time jobs. The unemployment rate has increased by 2.2 percentage points, from 6.3% to 8.5%. The number of unemployed Canadians has grown by 422,700 during the same period, and now stands at 1,574,200, a 36.7% increase over the past 13 months.

#### **Wal-Mart Court Ruling A Narrow Technical Victory - Georgetti Says Judgment Applies Only**

**In Quebec** *(The following announcement was published by CLC Communications on Friday, November 27, 2009)*

OTTAWA – The president of the Canadian Labour Congress says that Supreme Court of Canada judgments involving a Wal-Mart store closure in Quebec are based on legal technicalities and that the ruling would likely not apply in the rest of Canada.

Ken Georgetti was commenting on SCC rulings today in two cases related to Wal-Mart's shutting down its store in Jonquière, Québec in April 2005. "We have always believed that Wal-Mart closed its store in Jonquière because its employees had voted to join a union," Georgetti says. "But the Supreme Court of Canada has now ruled that under the Québec labour code, the onus was on the workers to prove that the company closed the store for that reason. In other provinces and territories the onus would have been on the company to prove that was not the case."

Wal-Mart shut down the store, throwing 190 employees out of work, seven months after the United Food and Commercial Workers had been certified to represent workers there. The company claimed the store was not profitable. Georgetti says, "This decision will not deter unions from taking on Wal-Mart in Québec and other provinces."

## **The Wal-Mart Case: Supreme Court Ruling Upholds Employers' Right to Close Their Businesses**

*(The following article was taken from the Publication section of the Ogilvy Renault website - Ogilvy Renault represented the Conseil du patronat du Québec (Quebec Business Council) in this matter, which intervened in the case before the Supreme Court in order to protect the interests of its members.)*

On November 27, 2009, the Supreme Court of Canada handed down judgment in *Plourde v. Wal-Mart Canada Corp.*, upholding a principle derived from a long line of Quebec cases which recognized an employer's right to close its business, even for reasons relating to unionization of its workforce.

### **THE FACTUAL BACKGROUND**

Following the unionization of its Jonquière store, Wal-Mart and the newly certified union tried unsuccessfully to agree on the content of a collective agreement. The union then asked the Minister of Labour to initiate the dispute arbitration procedure that allows the terms of a first collective agreement to be determined by an arbitrator. On February 9, 2005, an arbitrator was appointed for this purpose. On the same day, Wal-Mart notified the Minister that it would close its Jonquière store permanently on May 6, 2005. In fact, the closure took place on April 19, 2005, ahead of the designated date.

The appellant Plourde, along with a number of other employees whose employment was terminated following the closure of the Jonquière store, filed a complaint against Wal-Mart under sections 15 to 17 of the Quebec *Labour Code*, alleging that he had lost his job because the store had been unionized. These sections set out a remedy for employees who have been dismissed, discriminated against or subjected to reprisals or other sanctions because they exercised a right arising from the Code. One of the undeniable advantages of bringing a claim under sections 15 to 17 of the Code is that the employee benefits from a reversal of the burden of proof. Once the employee shows that he was taking part in union activities, there is a presumption that his termination (or other sanction) resulted from the exercise of such right and thus that a violation of the Code occurred. In such a case, it will be up to the employer to demonstrate that it had a good and sufficient reason to proceed with termination.

The Quebec courts have always recognized that an employer that proceeds with a real and definitive closure of its business necessarily has a good and sufficient reason to terminate the employment of its workforce. The *Commission des relations du travail* (Labour Relations Board), asked to rule on Mr. Plourde's complaint, applied these authorities and found that since Wal-Mart had shown that its store had been genuinely and permanently closed, there was no violation of section 15 of the Code. The complaint was accordingly dismissed. The Board's finding was confirmed by the Quebec Superior Court and the Court of Appeal.

### **THE DECISION OF THE SUPREME COURT**

Before the Supreme Court, the appellant Plourde argued that the Court should reverse the Quebec case law on the question, in particular taking into consideration a recent decision by the Court which recognized that the collective bargaining process had a constitutional dimension.

The Supreme Court, in a 6-3 majority decision, confirmed the current state of Quebec law and acknowledged that an employer is entitled to close its business, even if the closure is based on "socially reprehensible considerations."

### **THE SCOPE OF THE SUPREME COURT RULING**

Accordingly, the Court has affirmed that an employer that proceeds with a real and definitive closure of its business is not required to justify its decision. The Court has thus acknowledged that employees alleging closure of a workplace for anti-union motives cannot benefit from the considerable advantage afforded by section 17, namely, a reversal of the burden of proof.

The Supreme Court nevertheless points out that an employer that closes its business for anti-union motives may be the subject of an unfair labour practice complaint under sections 12 to 14 of the Code, which provisions prohibit an employer from interfering with an association of employees or using intimidation, threats or reprisals to prevent employees from exercising their rights under the Code. However, the Court emphasizes that in bringing such a complaint, employees will have to overcome the difficulties resulting from their burden to estab-

lish real anti-union conduct on the part of the employer, a demonstration that will not always be easy to make. Moreover, even in cases involving violation of sections 12 to 14 of the Code, the *Commission des relations du travail* will not be able to compel a business to reopen and reinstate the employees. As noted by the Court, the possible adverse consequences for the employer in such cases will be financial only, and may include compensating the employees for the losses suffered as a result of the closure of the business for anti-union motives.

**Irving Oil Refinery Completes \$220 Million Investment Project** *(The following article is a News Release from Irving Oil on November 17<sup>th</sup>, 2009 in Saint John, NB – where IBEW members were employed on this project under the terms of the General President's Maintenance agreement.)*

Over 1 million hours worked without a lost time injury.

One of the most significant investment projects in the Saint John Refinery's history is now complete, thanks to the hard work of the project workforce and the support of the local community.

Over the past 60 days, the project team completed over 1 million workforce hours without a lost time injury – a significant safety milestone given the complexity and scope of the project. The \$220 million project included maintenance and investment work on several units throughout the facility with a peak construction workforce of about 2,300 people. It marks the latest in a series of investments to continue to strengthen the refinery's adaptability to changing product outlook and a wide variety of market conditions, as well as positioning the facility for future investment projects.

The majority of the work was focused on improving the processing reliability and efficiency of the Residual Fluidized Catalytic Cracking Unit (RFCCU), the primary producer of the refinery's ultra-low sulphur fuels; with the aim of improving the facility's yield or conversion of these higher grade fuels.

"It's a testament to the hard work and commitment to safety of those involved that our people were able to execute the project without a lost

time injury," said Mark Sherman, Refinery General Manager. "We're thankful to our employees, contractors, and community for their outstanding support throughout the project."

The scope of work included the installation of more than 6,000 feet of piping, as well as replacing valves, pumps and catalysts (substances that convert crude oil into lighter products). Over the duration of the project, 37 cranes were used, and 63 Kent trailers were required to provide office space and lunch facilities for the project team – hosting more than 12,000 meals day and night over the past two months.

"When it comes to executing turnarounds, we have an excellent team at the refinery," said Glen Kettlewell, Manager of Major Projects. "This team, coupled with the strong, long-term relationships we have with our contractors and building tradespeople, put us in a good position. We are pleased to have people working with us who are committed to our facility and region."

**"Target 60" Project at a Glance:**

- Approximately 1.4 million working hours completed;
- Peak project workforce of 2,300 people;
- 37 cranes, including two heavy lift cranes capable of lifting 750 tonnes each
- Heaviest lift conducted during project: 80 tonnes;
- 63 Kent trailers used for office space and lunch facilities;
- Over 12,000 meals served to project workforce;
- Work involved several units, including: RRCCU, Diesel Hydrotreater, Hydrogen Plant, Amine Units, Utility Area, Pipe Rack, #2 and #3 Flares, Crude Unit;
- The RFCCU is 1120 feet long and up to 250 feet high. At the time of its commissioning in 2000, it was the largest unit of its kind in North America.

**About Irving Oil**

Irving Oil, a Fort Reliance company, was founded in 1924 and is a privately owned regional refining and marketing company with a history of long-term partnerships and relationships. Irving Oil operates Canada's largest refinery, in Saint John, N.B., which is located 65 miles north of the U.S border and has

reached production rates in excess of 300,000 barrels per day. The refinery exports over 80 per cent of its production to the U.S., and accounts for 75 per cent of Canada's gasoline exports to the U.S. and 19 per cent of all US gasoline imports. In 2003, Irving Oil became the first oil company to receive a U.S. Environmental Protection Agency Clean Air Excellence Award, for its clean gasoline.

For more information about Irving Oil, visit [www.irvingoil.com](http://www.irvingoil.com).

### **2010 Projected Meetings**

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| 1/14 - 17/10 | 20th Annual Electrical Workers<br>Minority Caucus<br>Benson Hotel<br>Portland, Oregon  |
| 1/28 - 29/10 | IBEW/NECA<br>Benefits Conference<br>Naples Beach Hotel<br>Naples, Florida  |
| 2/15 - 16/10 | Western Winter School<br>Victoria, BC  |
| 3/2 - 3/10   | Central Winter School<br>Toronto, ON   |
| 3/23 - 24/10 | Eastern Winter School<br>Delta Halifax<br>Halifax, NS  |
| 4/15 - 17/10 | IBEW Construction Conference<br>Washington, DC   |
| 4/26 - 30/10 | Broadcasting, Manufacturing and<br>Telecommunications Conference<br>Hyatt Regency Tamaya Resort<br>1300 Tuyuna Trail<br>Santa Ana Pueblo, NM |
| 5/10 - 13/10 | BCTD Legislative Conference<br>Crowne Plaza Hotel<br>Ottawa, ON  |
| 5/23 - 25/10 | NJATC Outside Line Apprentice<br>ship Conference<br>Hotel Captain Cook<br>Anchorage, Alaska  |

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|--------------|---|
| 7/12 - 16/10 | Utility Conference<br>TBA   |
| 7/21 - 24/10 | IBEW Women's Conference<br>Washington, DC                                     |
| 8/23 - 26/10 | 1st District Progress Meeting<br>Delta Saskatoon Bessborough<br>Saskatoon, SK |

Seasons Greetings

&

HAPPY NEW YEAR

..... *From the Staff*  
*at the 1st District Office*

Happy Holidays

