



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



September/October 2007

Greetings:

Local Union 213 members, employees of Sears Canada, have been "locked out" by the Company since 8:30am on October 1st, 2007.

Following unsuccessful negotiations and at the tenth meeting, the Company tabled a "final offer" on September 27th, 2007 and gave the Union until 2:30pm that day to accept or reject the offer which contained a number of concessions. Sears said they would not consider a counter-proposal.

Sears then served written notice they would lockout our members on October 1st, 2007 at 8:30am and that the lockout would be lifted at 10:00am at which time our members would be invited to return to work under the terms of the concession contract that was rejected.

On October 1st, 2007 Sears followed through with their agenda, inviting our members to return to work and stating they would not be required to pay union dues under this imposed new agreement. **THIS IS CLEARLY AN ATTEMPT AT UNION BUSTING!!**

The terms and conditions the workers were required to accept if they agreed to the Company's forced ultimatum are:

- **NO OVERTIME PREMIUMS FOR THE FIRST HALF HOUR PAST NORMAL QUITTING TIME OR THE FIRST TWO AND A HALF HOURS ON SATURDAY**
- **BOXING DAY WOULD NO LONGER BE A PAID HOLIDAY**

- **THE EMPLOYER WOULD BE ALLOWED TO IMPOSE SPLIT WEEK ENDS (NO CONSECUTIVE DAYS OFF)**
- **NO GUARANTEE OF WAGE INCREASES OVER THE TERM OF A 4 (FOUR) YEAR CONTRACT.**

Local Union Business Manager Rick Dowling is asking Local Unions across Canada to support our "locked out" members by:

- **NOT SHOPPING AT SEARS DURING THIS DISPUTE**
- **CUTTING UP YOUR SEARS CARD AND SENDING IT BACK WITH A NOTE CONDEMNING THE ACTIONS OF THE COMPANY**
- **VOLUNTEERING TO DISTRIBUTE INFORMATION LEAFLETS OUTSIDE EVERY SEARS' STORE**

A copy of a sample leaflet is enclosed and also available on the Local Union 213 website www.ibew213.org; or you may want to design your own to localize the message.

Let's make this a National effort by the IBEW and show this Company the solidarity of our 58,000 members.

Please let Brother Dowling know what you have done to support the effort so that he can pass the information on to the locked out workers to keep their spirits and morale on a high level.

In solidarity,

Phil Flemming, IVP

IBEW 213 Members Locked Out By Sears Canada

A Message from Rick Dowling, Business Manager, Local Union 213—Vancouver, BC

Sears Canada have locked out our members who repair and service a variety of appliances, furnaces, washers, dryers, dishwashers, etc. sold by Sears.

This seventy member bargaining unit who work throughout the Lower Mainland of the Province fought a hard battle with their employer to obtain representation from Local 213, IBEW and win a first agreement. It took from 1997 to 2001 to finalize the first agreement and now Sears are hell bent on stripping it.

If they succeed in their agenda, it will be extremely difficult to organize other large companies who employ electrical service technicians throughout Canada, even though this portion of the service industry is ripe for organizing and deserves union representation.

I therefore appeal to every IBEW member, their families, friends and other union affiliates to help us win this dispute.

Sears relies on retail sales for the vast majority of its profits. If we can affect their sales volume now that the Christmas shopping season has started, we can hopefully bring them to their senses.

Several reports by union affiliates show that if we can persuade even 5% of their regular customers to shop elsewhere and limit the growth of seasonal shoppers at all of their department stores, the Head Office in Toronto has to intervene on behalf of the shareholders.

- **Please do not shop at Sears during this dispute.**
- **If you have a Sears card, cut it in two**

and send it back with a note condemning their actions. Send to:

**Sears Canada Inc.
National Customer Service Centre
c/o President's Office
500 College St. East
Belleville, ON K8N 5L3**

**PH: 888-473-2772
FAX: 613-391-3047**

- **Volunteer to distribute information leaflets outside every Sears' store.**

These information leaflets ask the general public to support us and not shop at Sears. A copy of the leaflet is available on our website (www.ibew213.org) and can be downloaded and printed. We also have any amount of copies needed at the Union Office. Local volunteers can pick them up and coordinate their leafleting with our locked out committee members.

With the help of our IBEW International Vice President, the B.C. Federation of Labour and the CLC District Labour Councils, we hope to have these leaflets handed out at every Sears' department store in Canada.

Let's show this giant corporation that the Labour Movement helps every affiliate and sticks together to "right every wrong" and that solidarity is a true commitment.

Thank you for your help.

Alberta Lead Organizer Hired

The 1st District Office is pleased to announce the hiring of Brother Darrell Taylor as a new Lead Organizer in the Province of Alberta effective October 1st, 2007. This is one more step in implementing International President Hill's

new Membership Development initiative that was unveiled at the International Convention last September in Cleveland, Ohio.

Brother Taylor has been a member of Local Union 424 for 35 years and has been involved in negotiations and occupied unit positions for the past 29 years. Darrell's background is in the appliance repair field, and brings field organizing experience to his new position.

Brother Taylor is eager to work with the Local Unions and the Membership Development team and is excited about the challenges of growing our great union. We hope you will all give Darrell the support he needs to help us all reach that goal.

Local Union 37 – Fredericton, NB – Organizing Success

Local Union 37 Business Manager Ross Galbraith and AUC Organizer Gord Keeling were successful in organizing 27 New Brunswick Cable Com Limited employees. The application for certification was filed on October 3rd, 2007 and Cable Com Ltd. informed the Labour Relations Board on October 22nd, 2007 that the unit put forward as being appropriate for collective bargaining.

Government Must Release Names Of Qualified Construction Electricians, Court Rules

(taken from Lancaster's Bi-Weekly Human Rights and Workplace Privacy E-Bulletin – Issue No. 94 – October 22, 2007)

A Nova Scotia court has ordered the provincial government to disclose to a union the names of people possessing certificates of qualification and apprenticeship in the construction electrical trade. After reviewing the provisions of the province's *Freedom of Information and Protection of Privacy Act*, the court concluded that releasing the names would not be an unreasonable invasion of privacy, given that the government had provided the information to the union

on a case-by-case basis in the past, and the persons in question, as members of the construction electrical trade, could not expect their names to be confidential.

In January 2004, when the **International Brotherhood of Electrical Workers, Local 625**, which represents unionized construction electricians working in Nova Scotia, made a request through its business representative, **Tom Griffiths**, to the province's Department of Education under the Nova Scotia *Freedom of Information and Protection of Privacy Act*, asking for a list of persons who had certificates of qualification and apprenticeship in the provincial construction electrical trade, the Department refused the request.

The union took the matter to a Review Officer who, in a July 2004 report, recommended disclosure of certificate holders' names, ruling that the information related to a discretionary license or certificate and should thus be disclosed. The Department did not follow the recommendation, and the union appealed to the Supreme Court of Nova Scotia.

This decision is more relevant to Nova Scotia than to other jurisdictions, given the broader wording of Nova Scotia's information and privacy legislation. LeBlanc cited *O'Connor v. Nova Scotia* (2001), 197 N.S.R. (2d) 154 (C.A.) for the proposition that Nova Scotia's legislation "is intended to give the public greater access to information than might otherwise be contemplated in the other provinces and territories in Canada" and provides "for the disclosure of all government information (subject to certain limited and specific exemptions) in order to facilitate informed public participation in policy formulation."

Labour Demands That Government Stand Up For The Pensions Of Canadian Workers And Retirees

OTTAWA – The President of the Canadian Labour Congress demands that the federal gov-

ernment make sure the pension investments of working Canadians are not put at further risk by the crisis in the asset-backed commercial paper market.

In a letter, dated Friday, September 28, to the Federal Minister of Finance (below), Ken Georgetti urges the appointment of an independent monitor to represent the public interest in ongoing efforts to resolve the crisis.

“Dear Minister Flaherty:

I am writing to urge you to appoint an expert independent monitor to represent the public interest in ongoing discussions to resolve the crisis in the Asset Backed Commercial Paper (ABCP) market.

Some 80% of our 3.2 million members belong to defined benefit pension plans, as do many more union retirees. Many pension plans are at risk of taking a significant hit to their assets because of investments in non-bank ABCPs, according to a major report released yesterday by a respected independent analyst of financial markets, Diane Urquhart.

These investments were deemed to be virtually risk-free by pension trustees because of a top credit rating from Dominion Bond Rating Service (DBRS), and the perception that the banks would provide liquidity to prevent a freeze-up in the market (as is the case in most other countries).

The Urquhart report draws attention to the fact that many of the same major financial industry players who marketed non-bank ABCP to pension plans and others are now working out how to resolve lack of liquidity in the market, which is likely to be re-established through a downgrading of asset values. While some large government pension funds are involved in the investor committees trying to work through a solution, there is no person representing the public interest per se.

In this context, we urge you to read the Urquhart report and to give very serious consideration to her proposal to appoint an expert independent monitor.

I am sure you will also be reflecting on what regulatory changes are needed moving forward so that investment products with significant underlying risk are not sold to pension plans as virtually risk-free.”

The Canadian Labour Congress, the national voice of the labour movement, represents 3.2 million Canadian workers. The CLC brings together Canada's national and international unions along with the provincial and territorial federations of labour and 136 district labour councils. Web site: www.canadianlabour.ca.

Retirements Drive Shortages

An excerpt taken from Local Union 213 Vancouver, BC October 2007's newsletter takes a look at how many new construction tradespeople will be needed by 2015 to keep pace with demand:

Province	# Retirees	Job Creation	Total
Newfoundland	2,869	-1,135	1,734
Prince Edward Island	928	-233	695
Nova Scotia	5,021	1,167	6,188
New Brunswick	4,689	-60	4,629
Ontario	55,059	35,019	90,078
Manitoba	4,572	4,161	8,733
Saskatchewan	4,215	3,572	7,787
Alberta	20,030	23,351	43,381
British Columbia	24,470	12,650	37,120
TOTAL	121,853	78,492	200,345

Figures for Quebec and the territories are not available.

TILMA Runs into Trouble at UBCM

(The following is taken from a memo sent out by President Jim Sinclair to all Officers and Executive Council of the BC Federation of Labour (CLC) on September 26, 2007)

Jim Sinclair, President of the BC Federation of Labour (CLC), reports that the delegates at the Union of British Columbia Municipalities (UBCM) Convention overwhelmingly voted to demand that government renegotiate the controversial trade deal between BC and Alberta to exempt municipal governments or pull out of the pact all together.

“Local leaders continue to be deeply concerned that TILMA will override significant municipal government powers and put the interests of corporations ahead of local citizens.”

“It marks a major setback for the BC Liberals and Economic Development Minister Colin Hansen in particular. Hansen faced tough going in an earlier conference workshop on the deal. One delegate accused the minister of “trying to bully” delegates to support TILMA.”

President Jim Sinclair also highlights the positive role played by the TILMA working group which has campaigned to raise awareness about the dangers posed by the deal; it's a deal coalition of community groups and unions – including the Council of Canadians, BCTF, BCGEU, Building Trades, COPE 378, CUPE, HEU, and the Federation.

Union Ordered To Pay Damages For Illegal Strike

Excerpt from an 'Email Alert' from McLennan Ross - October 19, 2007

A recent decision of the Quebec Superior Court has arrived just in time to attract great interest in Alberta. In this decision, a union was ordered to pay \$1.16 Million in damages

for an illegal strike that occurred 4 years ago. Why the current interest here? In September, Fort McMurray and Edmonton area industrial construction sites were assaulted by illegal strikes and picketing by well-organized Building Trade workers.

The Quebec decision was a class action suit on behalf of citizens who were affected by a 3 hour "wobble" where about 300 city blue collar workers in Montreal blocked roads in Old Montreal and disrupted traffic to make a point about their labour negotiations. Over 34,000 citizens signed on to the class action. The judge awarded them \$25 each for the disruptions and delays caused by the strike. The judgment therefore totals \$1.16 Million. The judge also determined that it would be too difficult to distribute the money to individuals so she ordered that the money go to two inner city charities.

The case is also very interesting on the point of how the union was found to be liable in damages. Unions are not liable in damages for all illegal strikes by their members, but they are liable if responsible union officials (including stewards) participate in the illegal acts, encourage them, or fail to quickly stop them. Unions often pretend to do the right thing with this potential liability in mind. In the Montreal case, the union's defense failed. Judge Sevigny agreed with the union's contention that the protest was not officially sanctioned by the union's executive. But once the union learned of the protest, it didn't do anything to try to stop it, she ruled, adding that it is "inconceivable" that such a big protest was organized without some union help.

Unionization Rates In First Half Of 2006 And 2007 Stable

Excerpt from Talking Union – September 2007 issue

A report issued by Statistics Canada shows that unionization rates have remained stable in the last 12 months.

At 14.1 million, average paid employment during the first half of 2007 was 283,000 higher than during the same period a year earlier. On the other hand, union membership increased by 72,000 to 4.2 million. Compared with last year, employment grew less while union membership expanded more. As a result, the unionization rate remained unchanged at 29.7%. Unionization rose slightly in the public sector (to 71.7%), but remained the same in the private sector (17.0%). Seven provinces recorded increases. Decreases were seen in Quebec, Saskatchewan and Alberta. The unionization rate for permanent employees remained at 30.2%, but decreased to 25.8% for those in non-permanent jobs. The rate fell in workplaces with less than 20 employees, and those with 100 to 500, it increased in those with more than 500 employees and those with 20 to 99 employees. Unionization rose in 8 of the 16 major industry groups, including construction, public administration and education.

Further unionization data can be found in the August 2007 issue of "Perspectives on Labour and Income", which is available on the Statistics Canada website at: www.statcan.ca.

2007/08 Projected Meetings

- 11/07-08/07 ELECTRICITY SECTOR COUNCIL**
'Integrating Foreign Trained Workers in the Energy Industry'
Symposium
Westin Hotel
Ottawa, ON
- 11/26 -30/07 IBEW Nuclear Conference**
Golden Nugget
Las Vegas, Nevada

- 12/02-07/07 Eastern Business Managers Training (Week 1)**
Fairmont Chateau Laurier Hotel
Ottawa, ON
- 1/30 – 2/01/08 Employee Benefits Conference**
The Westin Hotel
Lahaina, Hawaii
- 2/10 – 15/08 Eastern Business Managers School (Week 2)**
Delta Halifax Hotel
Halifax, Nova Scotia
- 2/25 – 29/08 Western Business Manager School (Week 2)**
Coast Harbourside Hotel
Victoria, British Columbia
- 4/10-12/08 IBEW Construction Conference**
Washington, DC
- 4/13-16/08 BCTD Legislative Conference**
Washington, DC
- 8/2 – 08/08 NTI Meeting**
Knoxville, Tennessee
- 8/11 –15/08 Utility Conference**
Westin Hotel
Seattle, Washington
- 8/26 – 28/08 First District All Canada Progress Meeting**
Toronto, Ontario