

INSIDE THIS ISSUE:

Safety 2

Grievances 3

Labour & Employment Law: 4

Labour & Employment Law: 5

Contract Info 6

Unifor Candidates National Pres 7

Memberships 8

Local News and Laughs 9

Contact & Contest Info 10

603 Executive 2021-2022

President:

Tracy Ingham

1st Vice: Mike McMullen

2nd Vice: Cody Montgomery

Recording Secretary: Mark Lawrence

Financial Secretary: Dean Soiland

Treasurer: Mario Ferreira

Chief Shop Steward: Norm Keeler



UNIFOR
Bill Hickey | Local 603

NEWSLETTER VOL # 16

MAY 2022

Presidents Report by Tracy Ingham

Greetings,

I would like to congratulate and thank the members who participated and completed the training which we have been fortunate to be a part of.

A grievance handling/ shop steward course was held from April and we had 12 members sign up and put their names forward to help the membership.

Two of our health and welfare members (Chris Duperon, Jeff Parlee) attended a WCB course in Kamloops at the end of April.

There was also some job evaluation training during the week of April 25th which was attended by Dean Martin, Roger Norum and Cora Lee Peddie.

It's been a long time since we have been able to offer training and I couldn't be more thrilled that we have enabled a substantial number of people to participate.

Training gives our members knowledge and confidence to use that knowledge for the betterment of the local.

It creates interest in wanting to know more and instils involvement in wanting to be a part of the solution.

The union is not made up of a handful of people but rather every member in good standing and the union is only as strong as the members who are willing to take a role.

It isn't easy putting your name forward as you open yourself up to criticism and doubt so I applaud the members who are willing to be a part of the solution.

We are all " The Union " and the strength comes from us being a Union in its entirety.

If you are interested in getting involved please reach out to myself or a member of the executive and we will endeavour to find a position to suit your needs.

Take care, stay safe

Tracy Ingham
603 President



Next Union Meeting

June 8th 2022 — 7pm

All Upcoming Meetings will be held via



[Links to the meetings will be sent to your personal email and posted on our Facebook page.](#)

[May 11th 2022 Meeting Notes](#)

Draw Winners — Curtis Leithead (Backpack), Mark Lawrence (Shirt) Brian Lamothe (Hat). Previous winner Mario Ferreira of a Backpack has graciously donated it to new hire Chad Cunningham

This publication from UNIFOR local 603 is intended to educate and inform its members. The views expressed are those of the writer and not necessarily of UNIFOR or Local 603. The elected Executive reserves the right to edit for clarity of fact. Material of sexist, racist or defamatory nature will not be published.





Safety Report - May

Good Day Brothers and Sisters,

So not to bad of a month all in all. I don't have much to report this month really.

I had another meeting with Irwin safety with all the JOHS members and our 603 President Tracy Ingham. Work safe also was involved in the meeting this time as well as the local 1133 president. This is to review the possible use of a hole watch camera and monitoring system.

Another company is coming up to sell this hole watch tech in two weeks. I believe the other president will be attending as well as there respective JOHS members.

I think The 603 President and myself made the company realize this isn't a small thing and it needs to be looked at very closely.

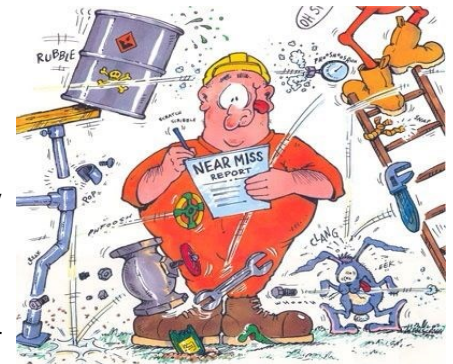
Summer students are starting may 24 just before the turn around so be aware and watch after the new and young workers. The plant does get very busy during shut down time and doubles in manning.

I implore you to watch out for each other during the shut.

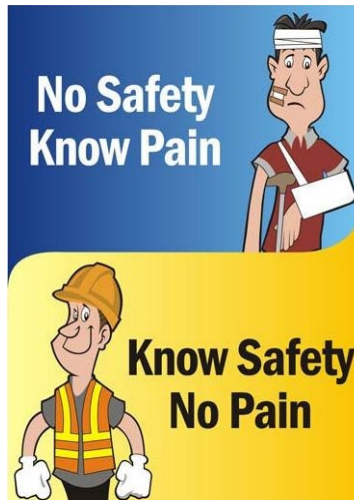
lets go home safe to our families at the end of each shift.

Thanks your 603 Safety Rep

Jonathan Blacker



IF YOU HAVE A NEAR MISS REPORT IT!



Safety Stats	End 2021	Apr 22	YTD
First Aid	126	7	24
Medical Aid	6	1	4
MT	6	1	3
Lost Time	4	1	2
Near Miss	23	1	8
MIR	1.80	2.94	1.81

Safety Fails!





603 Grievances



Here is the List of Grievances your Union is working on or has resolved

1. Grievance 10 Mar 2021 - Step 3 submitted, **Safety - Elimination of PGO Position**
4th Step meeting held - 1 May, awaiting arbitration date
2. Grievance 10 Mar 2021 - Step 3 submitted, **Policy - Elimination of PGO Position, Payouts**
4th Step meeting held -1 May, awaiting arbitration date
3. Grievance 10 Mar 2021 - Step 3 submitted, **Policy - Elimination of PGO Position, Super B Field/ Mgt**
4th Step meeting held - 1 May, awaiting arbitration date
4. Grievance 18 Mar 2021 - Step 3 submitted, **Policy - 10% Position**
4th step meeting held - 31 Aug 2021, Still awaiting company reply as of 1 May 2022
5. Grievance 8 July 2021 - Step 3 Submitted, **Excessive Discipline** (Termination)
4th step meeting held April 2022, Awaiting company response
6. Grievance - Step 3 Submitted, **Policy - ASI Position, Steam Plant**
Company Response, 9 Sep 2021 - No Resolution Found, **Agreed to re-address in 2022 at next standing committee mtg**

****Any Questions or Concerns about a grievance decisions made by the union will only be addressed by the Chief Shop Steward or 1st Vice in person due to privacy and regulations.***



You have A Right to Grieve! Here's How:

The objective of any Grievance is to solve it at the lowest possible step. If you believe you have a Grievance issue you **must** first talk to your direct supervisor or coordinator to see if the matter can be resolved immediately. If that discussion or request fails to resolve the issue contact a **Shop Steward** from the posted stewards list (not an Executive Committee Member) for assistance in taking it to **Step One**. Failure to do this may waste valuable time delaying quick resolution and cause you more stress. You have the right to choose the steward who will represent you in any Grievance or Disciplinary issue.

ARTICLE XXXI - ADJUSTMENT OF COMPLAINTS (Section 1- page 56, 2017-2021 CA)

Step One - In the event that a written grievance is submitted arising out of the operation of this Agreement, except the cases of discharge or suspension, the employee shall continue to work as per the conditions existing prior to the time that the grievance arose, and any formal meeting to discuss the grievance shall be held in the presence of the shop steward.

Step Two - If there is no satisfactory resolution at first step then the Union may within seven (7) days, advise the department supervisor that the employee intends to proceed with the grievance. The department superintendent and chief shop steward will then have fourteen (14) days from the date of notification to deal with, and answer the grievance. Grievances other than those of individual employees may be initiated at Step Three by either party.

Step Three - If there is no satisfactory resolution at second step then either party may, within seven (7) days, refer the question to the Standing Committees by advising the chairmen of the Standing Committees of the intention to proceed with the grievance. The Standing Committee will then have thirty (30) days to deal with, and answer the grievance.

Step Four - If there is no satisfactory resolution at third step then the question may, within seven (7) days upon written request of either Standing Committee be referred to the President of the Local and the Pulpmill General Manager will then have thirty (30) days to deal with, and answer the grievance. Either party may elect to involve outside help at this step such as regional Union representation and/or a Management representative from outside of Northwood.

Step Five - If there is no satisfactory resolution at fourth step then the matter may, within thirty (30) days, be referred to an Arbitrator.



Labour & Employment Law: Workplace Investigations: Be Careful What you Wish For

Part I Introduction – Context

The Canadian Bar Association has asked this panel to do a "practical examination" of legal issues in workplace. A practical examination relieves the speaker from having to provide a scholarly paper outlining definitive boundaries established in the jurisprudence. Regardless, the jurisprudence has not established definitive boundaries but instead has identified areas of competing rights which are resolved by a contextual analysis in an attempt to balance such competing interests.

Part II Right to Representation During an Investigation - An employee

does not have the right to counsel when being interviewed by an employer. However, it is possible that the employee may be entitled to the assistance of a union representative during the investigative process. This right is generally the result of the relevant governing labour relations statutes containing a provision prohibiting the employer from interfering with the representation of employees by a union. In addition, Collective Agreements frequently contain a clause addressing the requirement for union representation. When the clause is addressed in the Collective Agreement, generally, it is the process by which the parties have agreed to address the employee right to not have the representation

of the union interfered with by the employer. The jurisprudence generally relies on the Weingarten rule arising from National Labour Relations Board v. J. Weingarten (1975), 420 U.S. 251 (USSC), which case has frequently been applied in Canadian jurisprudence. One assessment and application of the Weingarten rule is:

- "1. The employee has a right to union assistance in speaking with employers as soon as there is a union formed pursuant to the legislation;
2. The right exists when the discussion might have repercussions on other employees' working conditions;
3. such repercussions can be said to exist although not exclusively during the course of discussions concerning disciplinary problems;
4. the right exists under the legislation itself whether or not the collective agreement deals with the method in which it is to be exercised;
5. if the employers refusal goes to the right itself to union assistance and not to a particular method in which the intervention is to be carried out it has denied the employee a right recognized under the legislation."

Emballage Domtar Ltée (1983), 6 CLRBR 1

Part III Right of an Employee to Refuse to Answer Questions versus the Right of the Employer to Demand Answers

While for criminal proceedings a person has the right to choose whether to provide information that may be used against him or her in criminal proceedings, the situation is less clear in the workplace. If an employer in carrying out an investigation, questions an employee as to the events under review and the employee refuses to answer the questions, the issue becomes one of whether or not that employee is insubordinate.

Some jurisprudence holds that, "the obligation to give an explanation" is an opportunity and not a duty. These cases usually look at the issue from the perspective of an arbitrable hearing and whether such conduct is relevant in assessing the findings of fact and credibility.

Two of the primary cases on this point are:

- Tober Enterprises Ltd. and UFCW Local 1518, [1990] 7 C.L.R.B.R. (2nd) 148.
- Re Coquitlam (District) and CUPE Local 386 (1977), 14 L.A.C. (2nd) 263.

In contrast, in British Columbia Ferry and Marine Workers Union v. B.C. Ferry Services Inc. et al. (2008), D.C.S.C. 1464, Madam Justice Wedge reviewed an arbitrator's decision dealing with 3 the refusal of two crew members to refuse to answer questions arising out of the 2006 sinking of the B.C. Ferry Queen of the North when it ran aground. In light of an ongoing criminal investigation,

Labour & Employment Law: Workplace Investigations: Cont...

the two crew members refused to answer. The arbitration process upheld the employer suspension of the employees for such refusal and Madam Justice Wedge likewise upheld the refusal. The main line of thinking that supported the obligation to answer the questions was that set out in the decision of Tober Enterprises Ltd. and UFCW Local 1518, [1990] 7 C.L.R.B.R. (2nd) 148 where the board stated at 156:

"On the other hand, where an employee deliberately attempts to deceive his employer by a false or misleading explanation, the employee's conduct is clearly blameworthy and threatens the basis of the employment relationship. The employee's behavior is equally blameworthy where he knowingly allows his silence to damage the legitimate business interest of the employer. Absent these kind of circumstances, however, an employee's decision to remain silent when accused of wrongful conduct by his employer does not form a proper basis for the imposition of discipline."

In the B.C. Ferry case, there was an inquiry being carried out, which inquiry obligated the employer to provide a report on the sinking. As a result, the arbitrator as upheld by Madam Justice Wedge, concluded that there was, "a larger public interest at stake". The employer was required to complete and release a full report of the accident which obligation outweighed the right of the employees to not answer.

Part IV Union Duty of Fair Representation

- A union has an obligation to fairly represent employees with respect to their rights under a Collective Agreement which creates collateral issues in respect of employer investigations – namely:

- If the investigation involves a conflict among two or more members of the bargaining unit, the union itself must take steps to not be

in a conflict with its members. As such, it may be necessary to assign different persons to represent 4 the employees and to establish privacy boundaries.

- At some point in the investigation process, the union may take the position that it will only advance the interests of one of the two members in conflict. "The Union, as the bargaining agent for a unit of employees which includes both Greenway and Diotay, is party to a collective agreement with their employer. It will inevitably be faced with decisions relating to the administration of that collective agreement which involve choices and sometimes those choices will result in the Union having to favour one member over another. However, those choices, when made in good faith and in a non-discriminatory manner ought not to result in the Union being placed in a perilous position regarding its duty to fairly represent its members." Canadian Union of Public Employees, Local 1240 AND Teresita Diotay, [1986] Alta. L.R.B.R. 213 at p. 214.

In addition, the duty of fair representation placed upon unions is also contingent upon the employees' co-operation with the union, which co-operation is subject to a standard of reasonableness. As such, the employee may be expected to disclose information to the union to allow the union to properly represent that employee.

Part V Privileged Information

Generally speaking, discussions between an employee and his or her union representative are privileged communications on the same basis as communications between a lawyer and his or her client. Labour relations communications between a managerial person and labour

relations personnel on the employer side may likewise be privileged. In Telecommunications Workers Union v. Telus (2011), 203 L.A.C. (4th) 154,

Arbitrator Beattie set out a five point guideline as to when such privileged discussions may or may not occur as follows:

- "1. Labour relations communications are not per se, recognized as having a class privilege.
2. It is important for both unions and employers to know that, communications made regarding strategy and planning for grievance arbitration, whether existing or contemplated, will normally be protected from disclosure.
3. Even where the first three Wigmore tests have been met, there may be circumstances (such as in Zhang) in which the fourth Wigmore test will be considered as overriding the first three tests in order to ensure a fair hearing. "(I)f a court considering a claim for privilege determines that a particular document or class of documents must be produced to get at the truth and prevent an unjust verdict, it must permit production to the extent required to avoid that result" [M. (A.) v. Ryan, Supreme Court of Canada, above].
4. It may be appropriate, depending on the circumstances, to draw an analogy between communications involving a union representative (e.g. shop steward) and a grievor with communications between a labour relations department and other departments of an employer, notably a health department.

Know Your Collective Agreement, Bylaws & Union Constitution

ARTICLE 3 Admissions, Fees, Dues and Assessments (pgs 9-10 Unifor 603 BYLAWS IN PROGRESS OF BEING AMENDED AS OF JANUARY 2019)

Section 1. The initiation fee for this Local shall be twenty (\$20.00) dollars. The initiation fee and one month's dues shall be payable in advance.

Section 2. An applicant for membership having a transfer or withdrawal card from any organization affiliated with the A.F.L.-C.I.O., or the Canadian Labour Congress, shall be admitted to membership for the reduced Initiation Fee of Five (\$5.00) dollars. However, such transfer or withdrawal card must be presented to the Local within thirty (30) days of application for membership in Unifor Bill Hickey Local 603.

Section 3. Any applicant for membership who has a transfer or withdrawal card from uniform shall be admitted to membership of Unifor Bill Hickey Local 603 without payment of a further Initiation Fee, provided such transfer or withdrawal card is handed in to Local Union within Thirty (30) days of application for membership in Unifor Bill Hickey Local 603.

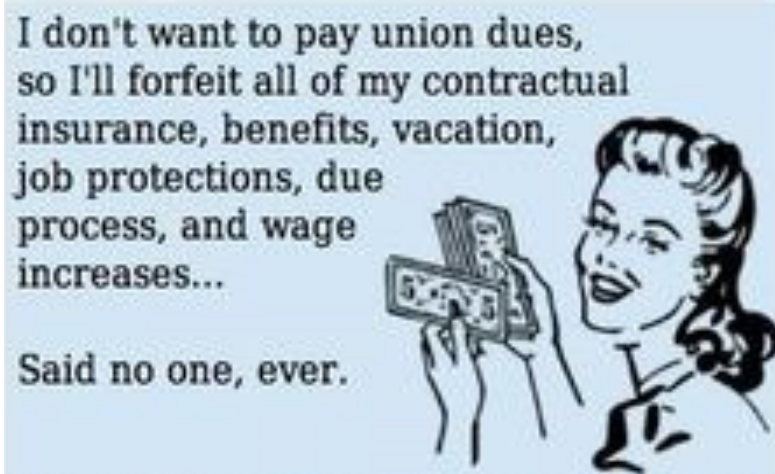
Section 4. The Local Union receives from each member the equivalent monies as paid to Unifor.

Section 5. All dues and assessments shall be paid by check-off (payroll deduction). All assessments shall be charged against the members as regular dues and must be paid within the time specified to protect the members' standing and benefits. Such assessments must be paid before regular dues are accepted.

Section 6. Workers who are unable to work and are not receiving regular wages are exempt from any dues payment during the period of their inability to work.

Section 7. Absence from work due to vacation shall not exempt a member from the payment of dues.

Section 8. Leave of absence shall not exempt a member from the payment of Local dues.



Unifor National Candidates Running For President August 2022

Lana Payne



Lana Payne was elected to the role of Secretary-Treasurer by more than 1,800 delegates at Unifor's Convention in August of 2019.

Payne brings over 25 years of inspired leadership to workers in her previous position as Atlantic Regional Director of Unifor. A proud feminist and activist, Lana found her home in the labour movement in 1991 as a member of the FFAW/CAW.

In the six years since Unifor's founding, Payne has advocated for stronger workplace health and safety and labour legislation, helped usher in paid leave for victims of domestic violence in the Atlantic Region, and was a leader in the fightback against Stephen McNeil's unprecedented attack on unionized workers in Nova Scotia.

She has built Unifor through consistent, powerful and vocal leadership. In 2014, she was named one of Canada's 23 Bold Women of Vision.

Unifor 603 will be sending 2 Delegates to the National Convention from August 8-12th 2022.

Any member who wishes to voice their opinion and suggestion as to which candidate 603 should support please contact the Union Office via email - unifor603@telus.net, talk to your union executive or attend your next union meeting.

Dave Cassidy



Dave Cassidy is President of Unifor Local 444, representing 20,000 active and retired members in 31 workplaces that range from automotive, gaming, energy, transportation, administrative, waste and recycle management, policing and retirement living.

Cassidy has been a member of Unifor's National Executive Board since Unifor was founded. In 2005, he was elected to the National Skilled Trades Council as a Trustee. He served on the National Executive Board of the CAW from 2008 to 2013. In 2009, he was acclaimed as the financial secretary of Local 444.

Cassidy started his apprenticeship as an electrician right out of high school and was hired by Chrysler Canada in 1993. He has been elected in various positions within the skilled trades ranks, including shop floor steward, skilled trades chairperson at the Chrysler Windsor Assembly Plant, and then as the President of the Windsor/Essex County Skilled Trades Council.

He sits on various boards throughout Windsor and Essex County and is front and centre on all issues related to skilled trades from coast to coast. He describes his approach to union leadership as embracing a membership first attitude and prefers an open-door policy taking full advantage of social media platforms to emphasize membership communications.

Scott Doherty



Scott is responsible for the energy, forestry, airlines, rail and all manufacturing related to these sectors at Unifor.

Doherty's activism in the labour movement began when he was 19 and took a summer job at Westmin Mines as a member of Canadian Auto Workers (CAW) Local 3019. After university, Doherty worked at the Elk Falls Pulp and Paper Mill, a large integrated forest operation near Campbell River, B.C., where he was a member of the Communication Energy and Paperworkers union (CEP).

Doherty was raised in a union family and took on a number of roles in the union, as a safety representative, executive board member, and eventually, as elected President of CEP Local 1123.

He served multiple terms as secretary-treasurer of the Campbell River and Courtenay Labour Council. He was elected to the CEP National Executive Board where he continued to push for local autonomy and activism. In 2008, Doherty was hired as a CEP National Representative. He has extensive experience in collective bargaining, servicing and organizing workers in key industries.

At the Unifor Founding Convention in September 2013, Doherty was elected Western Regional Director for the new union and served on the National Executive Board. In March 2014, he was appointed as Assistant to the National President. In June 2015, he was promoted to his current position of Executive Assistant to the National President.



Members that have not yet been initiated:

Caleb McRae - 2019, Robert Harrison - 2020, Enzo Bracklow - 2020, Sayed Ibraheem Shah - 2021, Brett McLachlan - 2022, Michael Fitzpatrick - 2022, Francis Ebhomielen - 2022, Laine Chin - 2022, Ashton Makowsky - 2022, Craig Freindorf - 2022, Jackson Paris - 2022, Rhiley Milkovich - 2022, Vincent Palmer - 2022, Jayce Schweizer - 2022, Jason Clements - 2022, Chad Cunningham - 2022, Curt Helland - 2022, Liam Loring - 2022, Nolan Milward - 2022, Ronald Pacson - 2022, Avery Quiring - 2022.

Labour & Employment Law: Workplace Investigations: Cont...

5. The key distinction to be made is between communications which are factual in nature and those which are strategic or planning communications. According to Arbitrator Bruce in *B.C. v. BCGSEU (Fotheringham)* above, these determinations are to be made on the basis of "common sense and good judgment". No doubt difficulties will arise from individuals differing to some extent in "common sense and good judgment!"

Part VII Personal Searches of an Employee

- Searching of employee lunch pails, purses, lockers, clothes, vehicles and toolboxes represent many of the original topics of legal jurisprudence for employer investigations in the workplace. Much of the jurisprudence in this area is pre-statutory privacy rights, but in essence, the jurisprudence respected privacy expectations of the employee being investigated. Frequently, the method of respecting privacy was pursuant to the application of the legal principles of trespass and/or assault. In general, the jurisprudence determined that to be entitled to search an employee, it was necessary that the employer

establish that there was "A real and substantial suspicion of wrong doing" or the Collective Agreement provided for searches by the employer. If the employee does not co-operate, the employer may be required to seek the assistance of the police. In addition, the manner of the search must be "fair and reasonable."

As such, frequently the employer has to have information or evidence of significant misconduct on an ongoing basis such as theft or particular evidence to suspect a particular employee is participating in theft. In addition, if the search is of a lunch pail versus the search of a purse or 8 private materials in a locker, there is a higher standard placed upon the employer with respect to its right to do the search and the process that it chooses to follow.

Part VIII Electronic Surveillance

There are numerous forms of electronic monitoring of employees. Some formats of workplace investigations for electronic monitoring of employees are video surveillance, call management systems of the telephone, computer

monitoring, card keys, electronic mail and/or voicemail. Such monitoring can also address conduct of the employee in the workplace, conduct of the employee away from the work and conduct which may or may not be work related. The matrix of resulting issues for workplace investigations is substantial. In addition, the relevant statutory framework for workplace investigations varies between the provinces and the federal jurisdictions. The legal statutory frameworks also vary between private workplace investigations and public sector employment workplace investigations. Frequently, the topics are addressed from the perspective of expectation of privacy, obtaining employee consent to invasion of their privacy, collection of information, use of information and disclosure of such information. For the purposes of "workplace investigations" the most common areas for legal analysis are:

1. Video surveillance in the workplace.
2. Video surveillance away from the workplace.
3. Review of email communications.

Prepared by: William J. Johnson, Q.C. McGown Johnson

603 Training

Congratulations and Thank you to the following members for attending training and stepping up to make our union stronger.

Shop Steward

- Dylan Thibault
- Ryan Vekved
- Ryan Stephenson
- Mark Lawrence
- Shayne Pendleton
- Neil Bergmann
- Ron Carmichael
- Raymond Bergey
- Logan Easton
- Mike McMullen
- Kyle Adam
- Nigel Radway
- Jack Roberts
- Brandon Ray

WCB Training

- Jeff Parlee
- Chris Duperron

Job Evaluation Training

- Dean Martin
- Rodger Nourm



Laughs



" IT'S TIMES LIKE THIS I WISH WE HAD A UNION. "



" I DON'T REMEMBER WHEN I'VE EVER LOST SUCH A TOUGH ARBITRATION . "

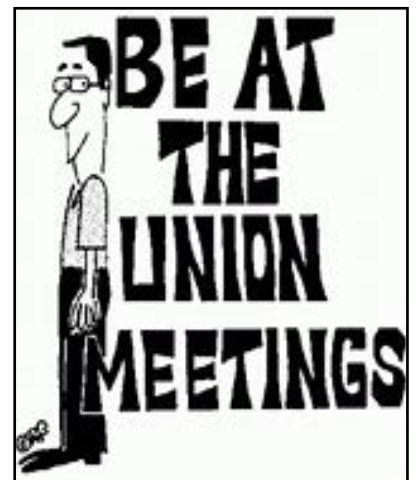


You have to handle complaints very carefully, the shredder is at the end of the corridor.



June 8th 2022 at 7pm.

Contact Jamie Ross at the 603 Union Office (250) 563-5159 or via email unifor603@telus.net. You may also find the information on our Facebook page.



If you have a letters, suggestions or information you wish to pass on to the membership please submit it to newsletter603@telus.net or drop it in the contract submission box outside the main change room.

Important Union Office Notes:

CONTEST TIME!

Every month we will have a contest for our members. Top prize will be a \$100 GC, 2nd and 3rd Prizes will be assorted union swag!

We will post a question every month in our newsletter.

How to Answer?

Email your answers to the union office at:
unifor603@telus.net

****DEADLINE FOR ANSWERS IS May 31st 2022****

Get out your Collective Agreement.....

Questions:

1. What is the Shift Differential rate for Tour Workers?



LAST MONTH'S ANSWERS AND WINNERS :

Answers : 2 pairs at 90%

Winners :

Brandon Parlee, \$100 GC and Union Hat

Denise Dauvin, Swag, Long Sleeved Union Shirt & Hat

Aaron Fetterly, Swag, Short Sleeved Shirt & Hat

Taxes 2022

Have you moved lately? Did you let us know? We have received some returned tax documents and would love to get it back to you. Please make sure to let us know when you have moved by calling or emailing us your new details. Please send your current address and contact information to Jamie at unifor603@telus.net or call 250 563-5159.

Important Numbers

WCB Dial a claim : 1-888-workers (1-888-967- 5377)

WorkSafe BC local office: 250-561-3715

SunLife Benefits: 1-800-361-6212

National Link - Unifor.org

<https://unifor603.ca/union-affairs/>

How To Contact Your Union

Hours

Tuesday - Friday 8am - 12pm

Saturday - Monday, Closed

Office Administrator - Jamie Ross

Name - **Unifor Bill Hickey Local 603**

Address - **1012 Cuddie Crescent**

City - **Prince George, BC**

Postal Code - **V2L 4C2**

Phone - (**250**) **563-5159** Fax(**250**) **563-0847**

Email - **unifor603@telus.net**