

9346 News

April, 2009

Vol. 9, Issue 2

What's inside?

- 1) President's Report
- Christopher Nand
- 4) Grievance Report
- Troy Cook
- 6) Steelworker Scholarships
- 7) NDP Candidates
- 7) National Day of Mourning
- April 28 at 5:00pm in Centennial Square
- 8) Dues Deduction on Profit Sharing -
Letters
- 9) Manulife - Short Term Disability -
Qualifying Period

President's Report

Sisters and Brothers,
as per the International Constitution of the United Steelworkers, your Local Union held nominations for election of officers at the Membership Meeting in March. There won't be an election in April as all the positions were filled by acclamation. The officers will be sworn in at the Membership Meeting in May for a three year term. Over the next three years I will direct my efforts to ensure that every dues paying member at Elkview is protected by our CBA and the applicable government laws including the Health, Safety and Reclamation Code for Mines in BC. I will also continue to work with the Executives of the Local to make sure the interests of this membership is protected.

As most of you are aware, BHP from Australia - which sets a

trend for pricing of coking coal, has settled at \$128-\$129 USD per tonne with Nippon Steel, much higher than the market expected. Elkview Coal has started signing with some of their Asian customers at around \$128USD, which is still above the previous peak of \$125USD in 2005.

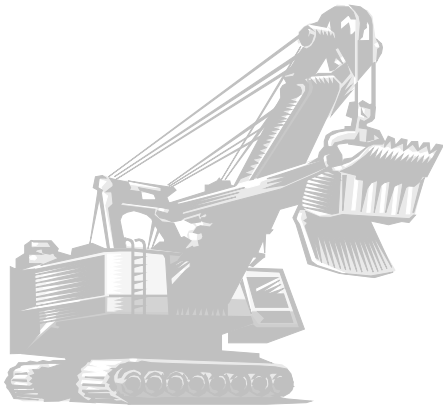
There are a lot of rumours floating around about more shutdowns and potential lay offs but to date, everything is status quo according to Ed Morash, Mine Manager.

On April 1 and 2, 2009 an arbitration was held in Fernie for one of our members who was terminated in December. A ruling will be handed down within a month by Arbitrator McPhillips.

As you recall, some of our members were a little upset when dues were taken off their bonus cheques. I wrote a

(Continued on page 2)

9346 News



President's Report (Continued from page 1)

letter to the USW International Secretary Treasurer which is on Page 8 of this newsletter. The International Secretary-Treasurer responded to my letter on February 23, 2009 and I have included it on Page 8 and 9 of this newsletter.

NOTICES BY EMAIL.

Anyone who would like to get newsletters, meeting dates, and notices emailed to you, please forward your e-mail address to:

admin@usw9346.ca

Our current list of e-mail addresses is old and we will be creating a new distribution list.

May 12, 2009 is the BC Provincial Election. The United Steelworkers and the Labour Movement as a whole have always supported the NDP Party. NDP is the only Party which has been Labour friendly over the years. We are not telling you who to VOTE for but make sure to get all the facts before you vote on May 12.

Look who is funding the other guys...

Elections BC's returns for 2007 show **huge corporate donations** to Gordon Campbell and the BC Liberal Party:

Teck Cominco & Subsidiaries:

\$216,000

Canfor: \$71,000

Goldcorp: \$79,000

Encana: \$56,490

Elk Valley Coal: \$56,490

Telus: \$52,400

Aquilini Group: \$50,000

CanWest Global: \$50,000

Brookfield Asset Management: \$50,000

TimberWest: \$44,600

West Fraser: \$40,200

Catalyst Paper \$40,000

Interfor \$38,000

Jim Pattison Group & Great

Pacific Investments: \$34,000

Make sure YOUR voice is heard and VOTE ON MAY 12, 2009.

With the Annual National Day of Mourning approaching on April 28, 2009 I would like to remind everyone that you have the RIGHT TO REFUSE UNSAFE WORK. Under the BC Mine Health, Safety and Reclamation Code Section 1.10.1 you have the right to refuse unsafe, unhealthy work. If you have reason to believe the work is likely to endanger

(Continued on page 3)

9346 News

(Continued from page 2)

you or someone else this is what to do:

PERSON: report the problem to your supervisor and to a Union member of the Health and Safety committee. It is illegal for the mine to discipline person for refusing unsafe work.

SUPERVISOR: Investigates in the presence of the person and a worker member of the health and safety committee, union designate, or co-worker selected by you.

MANAGER: If you still believe the work presents an undue hazard and you continue to refuse, then the manager must investigate. The manager must either devise a safe work plan acceptable to those doing the work or suspend the work and in either case report to the district inspector.

PERSON: Pending the resolution of the refusal you should remain at a safe location or you may be reassigned to reasonable alternate work at no loss of pay. No other worker can be assigned to do the work you have refused unless

advised of the reason for your refusal in which case that worker may also refuse the work.

APPEAL: If you feel the employer has discriminated against you because of your work refusal, you can appeal to the chief inspector. He has the power to order the mine to cease discriminating against you, reinstate you and pay back wages and expenses.

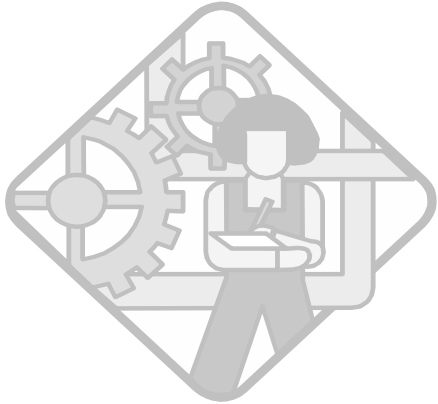
I would like to thank all the Shop Stewards and Safety Reps for all your hard work especially the chairs, Mark Milley, Troy Cook and Ewan Gordon.
THANKS!!

In Solidarity,
Christopher Nand
President

9346 News

GRIEVANCE REPORT

Troy Cook



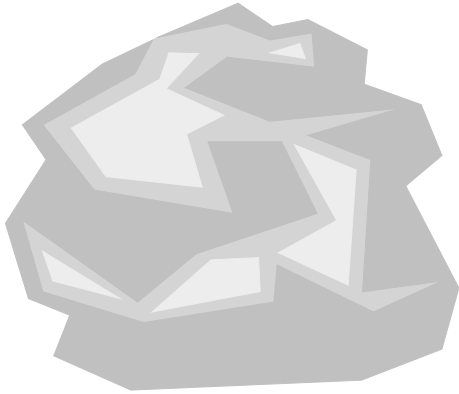
SHOP STEWARD
MEETING
APRIL 15, 2009
at 4:30pm at the
Union Hall

- 07/07 - Special Assignment pay for a stat holiday - Arbitrator denied grievance. Special Assignment employees have not completed probationary period.
- 32/07 - Unjust Termination - Arbitration Postponed
- 04/08 - Duty to Accommodate - withdrawn
- 06/08 - Improper Job Posting - resolved to the satisfaction of the Union
- 19/08 - Unjust Discipline - going to arbitration. Waiting for dates
- 23/08 - Unjust Discipline - going to arbitration. Waiting for dates
- 26/08 - Pay Classification - withdrawn
- 27/08 - Unjust Termination - Going to arbitration. Waiting for dates.
- 32/08 - Harassment - resolved to the satisfaction of the Union
- 37/08 - Missed hours - resolved to the satisfaction of the Union.
- 39/08 - Denied Posting - withdrawn
- 40/08 - Unjust Discipline - in abeyance
- 41/08 - Unjust Discipline - third stage meeting set for April 9/09
- 42/08 - Unreported Dangerous Occurrence - resolved to the satisfaction of the Union
- 43/08 - Improper Job Posting - withdrawn
- 44/08 - Unjust Discipline - resolved to the satisfaction of the Union.
- 45/08 - Unjust Discipline - waiting for third stage meeting
- 47/08 - Not paid overtime after crew transfer - waiting for third stage meeting
- 48/08 - Unjust Discipline - waiting for first stage response
- 49/08 - Unjust Termination - waiting for the Arbitrator's decision
- 50/08 - Apprentice Training Hours - resolved to the satisfaction of the Union

(Continued on page 5)

9346 News

(Continued from page 4)



GRIEVANCES FOR 2009...

02/09 - Unjust Discipline - waiting for second stage meeting

04/09 - Unjust Discipline - waiting for second stage meeting

06/09 - Special Assignment working while Full Time employee on temporary layoff - resolved to the satisfaction of the Union

07/09 - Improper Distribution of Overtime - resolved to the satisfaction of the Union

08/09 - Senior people laid off while junior employees worked - received third stage response.

09/09 - Improper layoff (more than 8 calendar days) - waiting for third stage response.

10/09 - posting permanent position while employee was on temporary leave - received third stage response.

11/09 - Employee sent home and not compensated two hours for coming in to work - received first stage response.

12/09 - Not Used

13/09 - Machinist doing welders overtime work - waiting for first stage response.

14/09 - Policy - Technological Change - waiting for third stage response.

15/09 - Truck shop job postings - waiting for third stage meeting

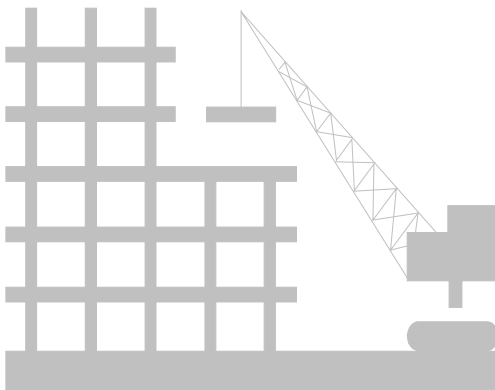
16/09 - Road Closure - waiting for third stage meeting

17/09 - Seniority - waiting for first stage meeting

18/09 - Company failed to notify employee of possible work during shutdown - waiting first stage meeting

19/09 - Seniority - waiting first stage meeting

20/09 - Unjust Discipline - waiting first stage meeting.



SAFETY REP

MEETING

MAY 25, 2009

at 4:30pm at the

Union Hall

9346 News

Steelworker Scholarships

DAVID ELLIS SCHOLARSHIP

Every year in Canada, 60 Young Workers are killed on the job. David Ellis was killed on his second day at work. He was 18.

In his memory - and in honour of all the other young workers killed or injured on the job - United Steelworkers is making sure young workers know the risks and know their rights on the job.

That is why we've established the **David Ellis Scholarship** for Sons, Daughters and Grandchildren of Steelworkers.

A \$500 scholarship will be awarded to five graduating high school students to help them to continue on to college or university.

Students must submit an essay or video on one of two topics.

1. **Spreading the word:** how to make high school students aware of their risks and their rights in the workplace
2. **How to be a workplace survivor:** my personal experience with health and safety on the job.

Submission is Due June 26, 2009.

SECONDARY SCHOOL SCHOLARSHIP

The Education Fund of the United Steelworkers is offering five \$1000 scholarships for sons or daughters of Steelworkers.

People who have already completed some post-secondary studies are **NOT** eligible for this award.

The application form (which can be attained at the Union Hall) must be accompanied by a 1000 word essay and submitted by June 30, 2009. There are three essay topics to choose from:

1. **Is there a role for Unions today?**
2. **Organizing locally and globally?**
3. **Your vote is your say.**

Essays must be typed and double-spaced on 8 1/2 x 11" paper.

Also, proof of acceptance at an institution of higher education will be requested before the award is made.

The awarding of the scholarship will be based on the following principles:

1. the academic record and all-round achievement of the student, attested to by the school principal
2. the 1,000 word essay
3. Proof of acceptance in a institution of higher education.

Submission is Due June 30, 2009.

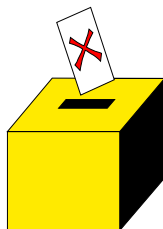
9346 News

NDP Candidates

As you probably already know, the British Columbia Provincial Government Election will be held May 12, 2009. We had the pleasure of meeting with Carole James, Leader of the BC NDP and Troy Sebastian, Kootenay East NDP Candidate on March 11, 2009 at our Union Hall. Below is a picture of their visit.



REMEMBER TO VOTE ON MAY 12, 2009



Day of Mourning

The Day of Mourning was initiated by the Canadian Labour Congress in 1984. Canada was the first country to recognize the day formally and today, 25 years later, the Day of Mourning is observed throughout the world.

In 2008 - 160 workers in BC lost their lives due to workplace injury and disease. Of the 160 work related fatality claims, 76 were the result of occupational disease mainly from exposure to asbestos. Also, in 2008 4 young workers (aged 15 to 24) were fatally injured.

In BC an average of 3 workers die each week,, 3,200 work injuries are reported every week... 19 workers are permanently disabled every working day.

To honour these people we will be hosting a ceremony:

April, 28, 2009

at 5:00pm in

Centennial Square

Everyone is welcome and coffee will be on at our Union Hall afterwards. We hope to see you all there.

9346 News

DOES DEDUCTION ON PROFIT SHARING BONUS - Letters

On November 6, 2008 I sent a letter to the USW International regarding the deduction of dues taken from our Profit Sharing Bonus. The content of the letter is as follows:

"Dear Mr. James D. English - International Secretary-Treasurer,

In August 2008, the Company - Elk Valley Coal Corporation - Elkview Operations, presented to our members a Rewards Enhancement Package. Included in that package was a Profit Sharing Plan for all permanent employees based on the margin of per tonne of coal sales across the entire Company. Payouts would be based on sales from October 1, 2007 to September 30, 2008. Our members are just receiving these cheques now and are very upset to see that Union Dues have been taken off.

This is how I, as the Presi-

dent of the Local Union, and my Executive feel about this. We feel that if it is a negotiated item or payment then Article XIV, Section 3 of the International Constitution should apply. Since this is NOT a negotiated item and a Company only initiated plan that they can administer or revoke at any time, it should not be subject to Union Dues.

Article XIV, Section 3 states, "The International Executive Board shall issue appropriate interpretive rulings." We request that an interpretive ruling be made in this case and that these Profit Sharing payouts be exempt from Dues..."

On February 23, 2009 I received the response from the USW International Office in Pittsburgh. The letter reads as follows:

"Dear Brother Nand,

In response to your inquiry

about the deduction of dues from profit sharing payments that are made in addition to the provisions in the collective agreement, please be advised that in accordance with the USW Constitution, dues are to be deducted from total earnings - this term is not limited to items specifically referenced in the collective bargaining agreement.

An amendment to the Constitution that would have excluded non-contractual profit sharing payments was voted down by the delegates at the 26th Constitutional Convention. This inclusion of such payments has been consistent at least since 1988 when the new dues formula was adopted.

The fact that the profit sharing payments are made at the initiative of

(Continued on page 9)

9346 News

(Continued from page 8)

the company does not mean that they have not become a term and condition of employment for the members. For example, the union has a right to bargain about such payments and we could have taken the position that the company could not implement them unless they negotiated with the union. We did not do so, thus enabling the members to receive the payments. If the company at some point decides to change the profit sharing plan and exclude bargaining unit employees or otherwise reduce their payments, we would have a strong argument that such payments are not just part of the total earnings of the employees but also cannot be reduced without notice to the union and the right to bargain. In fact, we were successful in such a case in the past before the National Labor Relations Board.

All of the above statements support our position that such payments are in fact properly subject to the dues deduction. If you have any additional questions about this matter, please feel free to contact me.

Sincerely,
James D. English
International Secretary-
Treasurer"

I have a hard copy of the letter here at the office and anyone is welcome to stop by if they would like to read it.

In Solidarity,

Chris Nand
President

MANULIFE - SHORT TERM DISABILITY

If you find yourself sick and feel you may be off work for a while, DO NOT DELAY in seeing a doctor. The "Qualifying Period" or waiting period that Manulife has in the Policy starts the DAY you see your doctor. For 12-hour shift employees the "Qualifying Period" is 2 calendar days, if disability is due to sickness. The Policy states, "You must be receiving regular, ongoing care and treatment from a physician during the qualifying period in order for benefits to be payable at the end of the qualifying period. Otherwise, benefits are not payable until the date you are first treated by your physician."

In other words, if you get sick on a weekend or when your doctor is not available, go to emergency. If you don't your benefit entitlement will be delayed.

9346 News



OFFICE HOURS
9:00 - 12:00 p.m.
1:00 - 5:00 p.m.
Monday - Friday

Union Hall Contact Information

Ph: (250) 425-0131
Fax: (250) 425-0086
E-mail: admin@usw9346.ca
Website: www.usw9346.ca

ADDRESS:
111 Centennial Sq.
Box 40
Sparwood, BC V0B 2G0

Local Union Executive Committee Members

Christopher Nand - President
Dave Sheets - Vice President
Horst Gandner - Recording Secretary
Samuel Samy - Financial Secretary
Russell Primrose - Treasurer
Peter Zazzara - Trustee
Heather Kelloway - Trustee

Peter Rosner - Trustee
Ewan Gordon - Inside Guard
Russell Ullman - Outside Guard
Peter Chechotko - Guide
Mark Milley - OHE&S Committee Co-Chair
Troy Cook - Grievance Committee Chairperson/
WCB Committee Chair