

Brothers and Sisters we have not seen, since the beginning of unionization, such an attack on labour. We need to be unified in defending our jobs, our pensions or RRSP's and our rights. These struggles for a modern society are taking place in the context of governments at all levels abdicating their social responsibility to serve the public good in favour of supporting the interests of big business.

Besides the destruction taking place across the country in industry and the public sector alike, the recent throne speech and Harper government budget announced a vicious anti-social agenda which will attack the livelihoods of our members and their families. We produce the wealth in this country, why is it not reinvested in Canada? Why are the huge pools of capital in the pension funds not reinvested in you? Why is the term "high returns" defined as profits for the uber rich instead of being invested in workers, youth and our seniors? Those are the high returns we strive for in the IUOE.

In Ontario, we see further attacks on pensions and compensation that cannot continue. Employers, with the governments blessing, are seeking to eliminate their liabilities for ensuring pension security for their employees by winding up Defined Benefit plans (DB) in favour of Defined Contribution plans (DC) or RRSP's. Why is this problematic? It shifts the market liability to you. In other words you would have no guaranteed monthly pension when you retire. Tiered systems have become the norm which will negatively affect future generations, our own sons, daughters and grandchildren! Pension reform is a must and the IUOE is and will continue to lobby all levels of government on our members' behalf.



Pension reform, Public Sector Compensation Freezes legislated, National wrecking, concessionary bargaining...

Another attack was recently legislated, public sector compensation freezes. The legislation basically will provide no funding for any type of compensation except performance type remuneration, a concept that rarely receives any support from bargaining units and their unions. Universities, hospitals and municipalities acted immediately by stating remuneration was non-negotiable through 2012. In some cases, those employers, despite reaching agreements at bargaining, have even withdrawn offers to settle whether ratified or not. In most cases, IUOE members have struggled to reach equitable compensation levels relative to the private sector only to have that reversed in a blink of an eye or a stroke of a pen by our elected officials. We will aggressively defend our settlements and our rights.

Brother and Sisters make no mistake about it; labour IS under attack from government to big business. Corporate and government mismanagement is now

GREG HEATH
BUSINESS MANAGER

threatening our standard of living, our old age security and not to forget our benefits. What can we do? The same thing our ancestors did in the late 1800's stand up, unite and fight. The IUOE believes we owe it to future generations not to mention ourselves!

July 2010
Newsletter

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HEAD OFFICE UPDATE

Contract Settlements

Pilkington: 3 year agreement, year 1 – no wage increase, year 2 - 1% wage increase, year 3 -1.5% wage increase, signing bonus \$100

Negotiations

- *City of Hamilton – Interest Arbitration awarded 2.75% and vacation improvements*
- *Hospital Settlements – Alexandra, Tillsonburg and Toronto Western >2%/year with other monetary increases*
- *University Settlements – underfunded pensions and escalating post retirement benefit costs*
 - ◊ *McMaster – 11%/4 years – Pension contributions almost double by 4th year, New hires – shared retirement benefit costs*
- *Molson – seeking concessions for first time*
- *3M power plant closure*

Grievances/Arbitrations

- *City of Hamilton WTP – 2 contracting out grievances – arbitration*
- *Hiram Walker – vacation pay – arbitration*

Legislation

- *Employment Insurance – favourable amendments*
- *Pensions – work in progress*
- *Bill 168 – NEW Workplace Harassment, bullying and violence standards of due diligence*

General Executive Board Meetings/Workshops,

February 1st – 4th

- *Pension Contributions – 12% increase January 1, 2010*
- *National Training Fund - \$2700 payable July 1, 2010*
- *Financial Management – lessons learned*
- *Organizing - The Next Phase*
- *Legislative approach*

Miscellaneous

- *Benefits, working past age 65*
- *Terrasse, Quebec – decision in favour of applicants*
- *Haiti – donation to International \$525*

Ottawa visit

- ◊ *met with new bargaining unit “Canadian Bank Note – Bookbinders Guild”*
- ◊ *met with members at Ottawa University*
- ◊ *Algonquin College – discussion on reintroducing Power Engineering Training/Apprenticeship program*
- *City of Hamilton, WTP-CUPE to assume bargaining rights*
 - ◊ *Members created Employee Association*
 - ◊ *As of February signed Service Agreement with 772*



Have you  and/or changed your address?

Do you have an e-mail address?

If yes, let us know and allow us to update our membership database

iuoe772@magma.ca

or
iuoe772hamilton@mountaincable.net

CONTACT NUMBERS

HEAD OFFICE

1.800.286.0422 or
905.527.5250

AREA OFFICE-OTTAWA

613.748.0546

W.S.I.B. AND YOU

Did you know that under the Human Rights Code of Canada all employers have a duty to accommodate employees who are injured or disabled, work related or not. If you're injured at work tell your Employer and a Shop Steward. Complete an Accident Report. Keep a copy. The leading cause of claim denial is a lack of proper information. Make sure your claim is filed correctly.

PUBLIC SECTOR COMPENSATION RESTRAINT LEGISLATION

"Encouragement" by the Government does not prevent public Employers such as our Hospitals from doing right by their employees, our hard working members. As per the following loopholes, it allows for some monetary increases in recognition of their valuable contributions. The Ontario pay freeze loopholes are as follows:

"In stiff legislative language, the bill lists three (3) ways pay can rise. They are found on page 66 of the 108 page document, in section 8(3) of Schedule 25 (Public Sector Compensation Restraint):

A benefit, perquisite or payment may be increased, or an additional benefit, perquisite or payment provided, to an employee or office holder in recognition of any of the following matters only and only if is authorized under the compensation plan as it existed on the applicable effective date:

*His or her length of time in employment or in office.
An assessment of performance.
His or her successful completion of a program or course of professional or technical education."*

This legislation is similar to Family Day, where some employee groups gained the new day, and others didn't.

Some of our members working in Hospitals and other public establishments are caught in the middle by having contracts opened but not settled, just opening or opening within the two year legislation restraint. It is fair, No!

Wages will start to slide back to being behind in the job classification job market, making less, with the cost of goods and materials increasing, plus the new HST. In the long run, once the restraint is over, or a new government is in place, Union's will be confronted with hard negotiations with Employers with higher demands to gain what members have lost in the "restraint" years. We have written to the establishments using this legislation to provide ZERO to our members, asking for reconsideration on monetary compensation for our International Union of Operating Engineers membership. We do not agree with the position taken by Employers under the excuse of this legislation and the fact that members will not receive wage or any other monetary compensation.

We have attempted through Conciliation to reach agreements, however without any monetary compensation, member's contract remains outstanding. Without reconsideration by Hospitals and other public establishments on this matter, Parties will have no choice but to proceed to an Arbitration, a costly process, where funds that could be diverted to our membership for monetary gains, will be spent on Arbitrators and Legal representatives.

LYNDA LOUTIER



BUSINESS AGENT-OTTAWA

OTTAWA—AREA OFFICE UPDATE

CONTRACT SETTLEMENTS

YM-YWCA – Group A

2 year term. 2.5% & 2.5%. Layoff and Recall notice period, vacant position and seniority accumulated language, discipline letters removed after 12 months, \$1.25 per hour during work hours on call week, plus on call, Family Day, 30 years or more an additional 3 Float Days, Staff Replacement for vacation, short/long term absences by part time staff, uniforms, boot allowance \$175.00, Lead Hand premium an additional 15% of hourly wage, Responsibility Allowance, H&S Committee rep., Technological change and training language, new language on Maintaining an Environment of Respect, and a seniority premium for employees with 10 or more years = an additional \$0.10 per hour

Queensway Carleton Hospital

3 year term – 2%, 2%, 2%, with signing bonus. Contracting out language in contract, 100% paid semi private, \$125.00 boot allowance, \$250 – 2010 vision and \$300 – 2011 vision includes laser, 13 years x 5 week vacation with all approval/denials within 2 weeks of request, meal allowance \$6.00, Special Adjustment, Shift/Weekend Premium \$1.05 to \$1.15, all boiler room duties and areas IUOE areas of responsibility

ARBITRATION AWARDS

Manoir Heritage

2 year term ending December 31, 2010. Wage 2.25% for 2009 and 2 % for 2010. New 50/50 Dental at 2009 ODA rate. Bereavement – 5 days from 3 for immediate family. New - Uniforms for Kitchen staff. New “on call” provisions. New accumulative sick leave max. 14 days per year, additional float day, Maintenance uniform and outdoor wear

Terrasse de la Chaudiere

IUOE Local 772 found guilty of gross negligence in submitting the grievance on behalf of employees at the time. The Commissioner from the Quebec Labour Relations Board awarded the complainants all costs for legal counsel leading up to Hearing, (approx. \$31,730.99) and costs for a future Arbitration on the merits of the case between the employees and Company “RosDev” for severance, lost vacation and sick leave

UPCOMING ARBITRATIONS

Chantecler – Accommodation – final argument submitted. Awaiting decision.

Ottawa University – Dental improvements – given to one group but not the 2nd.

Ottawa University – Individual Grievance – physician differences on member condition and denial of return to work date.

Ottawa University – Individual Grievance – harassment as a result of co-worker complaints.

Natrel – Division of Agropur – Policy Grievance - Scheduled day off versus changing shifts.

Natrel – Individual Accommodation Grievance – Company not willing to accommodate a 35 year member injured at work.

Bookbinder Guild – Policy Grievance - Jurisdiction of new machinery awarded to another work group (CEP).

Kemptville District Hospital – Policy Grievance – Contract position that is bargaining unit classification.

Kemptville District Hospital – Policy Grievance – Pay Equity and change to a Maintenance position.

Metrowaste – 3 Individual Grievances –Stat. Pay, Suspension and Permanent Demotion.

Almonte Hospital – Temporary layoff of a senior member.

CONCILIATION, CONTRACT NEGOTIATIONS AND/OR COLLECTIVE AGREEMENTS OPENED

Bruyere Continuing Care Centre (SCO)- Conciliation

Chantecler Windows and Doors

Canadian Bank Note – Protection Officers

Canadian Bank Note - New Bookbinders Guild

Manoir Heritage

Metrowaste Paper Recovery – Premiums 3rd year opener

Ottawa University Group A - Engineers/Maintenance Engineers - Conciliation

Ottawa University Group B – Trades, Grounds and Transportation - Conciliation

Kemptville District Hospital – Conciliation

YM-YWCA Part-time/Casual

CEP UNION GROUP DECERTIFIES AND JOINED IUOE

Welcome to the Bookbinder Guild of the Canadian Bank Note Inc. 35 Employees, includes Journeypersons and Apprentices. We have prepared the draft 1st time agreement, met with members, elected the Shop Stewards and will be meeting again the 1st week of May. Bargaining will begin on the 26th May with the Company.

Have a Safe Day **UNIONS** Help to Lift All Workers

By Tony McGinn

As a rising tide lifts all boats, unions have elevated the employment situations and living standards for all workers. Without the existence of an organized labor force, the typical worker would not enjoy the living wage, benefits and safety protections many take for granted.

As a union construction worker, I have often heard it said that we are overpaid. It is true that we are well compensated when working, but when balanced out against the fact that we get no paid sick days, holidays or vacations, and most work only six to nine months a year, the hourly rates don't look so good anymore. Please ask yourself this question: Would our nonunion brothers or sisters be as well paid as they are if it were not for the unions' presence in the workplace?

It is simple economics, really. Businesspeople are in business to make money. The more they make, the better they like it. The less they have to pay us, the more they can keep for themselves. I have no problem with this. It's the nature of our capitalist system. Without the collective bargaining strength provided by our unions, we would never be adequately compensated.

We need only to look back to conditions at the turn of the 20th century to find 60- to 80-hour forced workweeks with no overtime compensation; child labor in unventilated dark and dangerous workplaces; no health care or retirement provisions, with many cruel and abusive employers. Do I expect us to return to these draconian conditions anytime soon? No. But these are just some of the reasons that unions came into existence, and all workers have benefited from the pressure that unions have exerted on employers to treat us fairly and pay us a wage we can live on.

All workers now enjoy a much safer work environment thanks to union efforts. In 1970, President Richard Nixon signed into law legislation creating the Occupational Health and Safety Administration, largely due to the efforts of the AFL-CIO to address the continuing issues of unsafe workplaces and industry practices. Construction work is hard, dirty and dangerous, but since I started in the building trades in the early 1970s I have seen a dramatic improvement in the attitude and concern that employers take toward worker safety. However, one only needs to look at the recent mining disaster in West Virginia to see how some companies shortchange safety in the pursuit of profit. Without the organized effort that unions provide through the political system, many employers would soon let things slide and all workers, union or not, would be negatively affected.

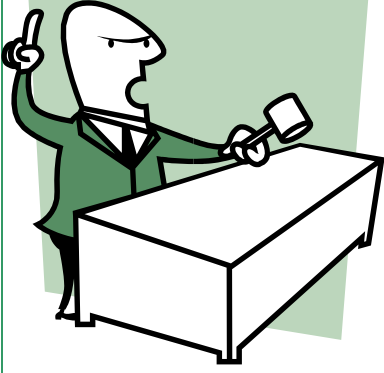
As the union worker ages and moves toward retirement, he or she can expect to enjoy the benefits of many years of hard labor. The contributions that we have made to our own retirement - out of our own collectively bargained wages - will continue to support us as we grow older. Most nonunion employers now offer their workers some type of retirement plan. Businesspeople are not naturally philanthropic. They do it for their most skilled and valued employees in order to keep them from looking elsewhere for a job. If there were not a union workforce present, these benefits would disappear because workers would not have access to alternative employment.

Union workers have good health insurance - good and very expensive. We pay for these benefits ourselves, again out of our collectively bargained wages. We make no demands on public health services. Our brothers and sisters in the nonunion sector have benefited for years from union health care. Many never realized that they had health care because we had it. Compassion has never been the trademark of business.

Unions take a lot of abuse in our society by those with an agenda. That will never change. It's the ill-informed that I'm talking to. A decent standard of living, the amount of time spent with families, and coming home from work healthy and well are just some of the benefits that organized labor has won for all workers. It should also be known that previous generations have suffered, and, yes, died, to earn them. Union workers do not live extravagantly. We're just struggling in an increasingly hostile marketplace to support our families, just like most people.

If through our constant struggle with those capital interests arrayed against us we benefit all, so much the better.

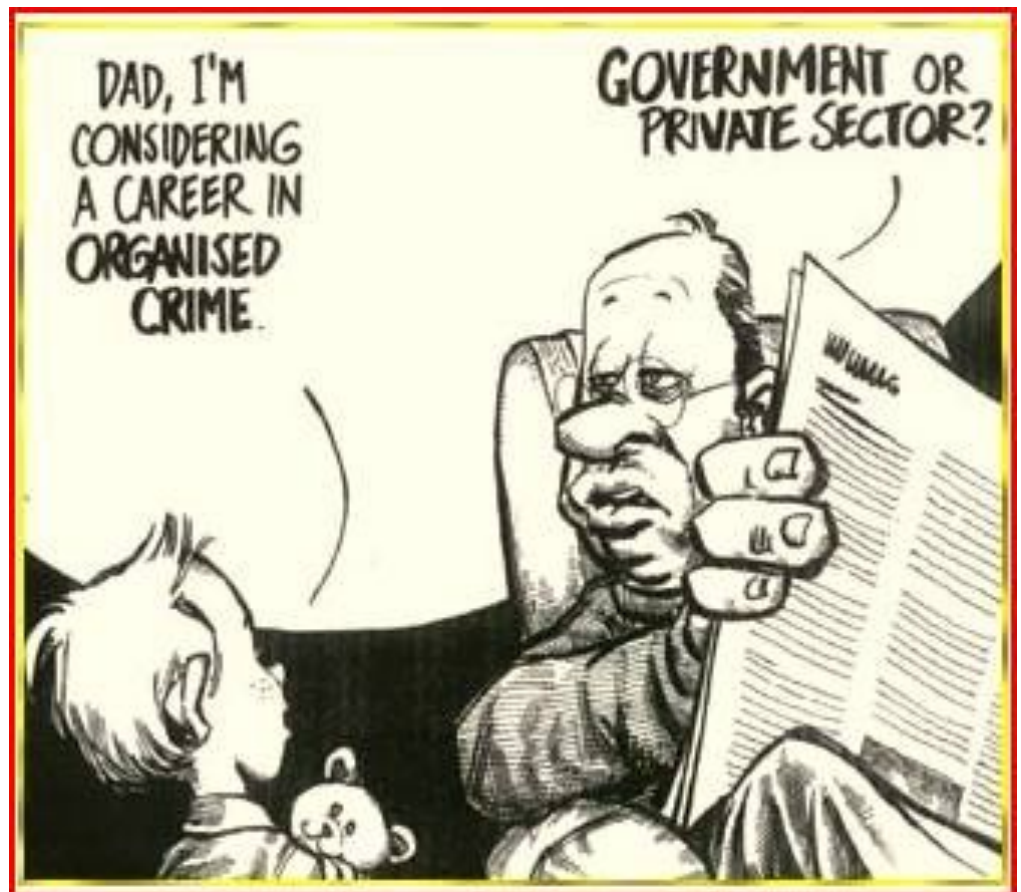
TRAILBLAZING DECISION – PROMINENT ARBITRATOR AWARDS IN EXCESS OF \$500,000 FOR "BAD FAITH" FIRING OF EMPLOYEE RECUPERATING FROM SURGERY



Finding in a scathing decision that the Greater Toronto Airports Authority acted unreasonably and in bad faith when it summarily dismissed a long-serving employee, in the completely unjustified belief that she had malingered in staying off work for a week longer than it considered necessary while recuperating from knee surgery, an Ontario arbitrator has awarded in excess of \$500,000 for past and future loss of income, mental suffering, extended physical pain from the prolongation of her knee recovery, and punitive damages.

An application for judicial review of this award has been filed by the employer. However, if followed, Shime's decision opens the door to arbitrators finding that (1) treatment by an employer of an employee that is unreasonable or in bad faith violates the collective agreement; (2) damages may be sought in lieu of reinstatement where an employee's confidence and trust in the employer is destroyed; (3) where a case is established by evidence, damages for mental distress are payable for breach of a collective agreement, given the assurance of psychological security provided by seniority and just cause protections in the agreement; and (4) arbitrators have jurisdiction, in egregious cases, to award punitive damages, notwithstanding the absence of a specific clause to that effect in the collective agreement.

LOL!



Members Update

ANNIVERSARIES

5 YEARS

John Bray, Healthcare Food Services
 Ian Dougan, Metro Waste
 Angela Dubeau, Hillel Lodge
 Wilner Fils-Aimé, Metro Waste
 James Gerald, Metro Waste
 Jean-Renaud Joseph, Metro Waste
 Modeste Koyo, Metro Waste
 Antoine Longoude, Metro Waste
 Ikondol Makouaka, Metro Waste
 Conrad Manley, Metro Waste
 Jack McCourt, Metro Waste
 Julie Oganda Tonda, Metro Waste
 Shreyas Rathod, Toronto Abattoirs
 Edward Rogowy, Metro Waste
 A. Hossein Sadaghiani, Brookfield Properties
 Matthew Sham, York University
 Steven Sicard, Metro Waste
 Aaron Thomas, Brookfield Properties
 Alliston Thomas, Metro Waste
 Biefe Wilonja, Metro Waste

10 YEARS

Simon Baarbe, University Western
 Fernande Bordenave, Hillel Lodge
 Michael Bowser, Hiram Walker
 Wayne Cahoon, Member at large
 Eric Charron, Chantecler
 Iain Findlater, University Western
 Jim Fisher, University Western
 Carlos Gaete, Toronto Western Hsp.
 Yvon Garon, University Western
 Cindy Hodgins, Hillel Lodge
 Eric Lafleur, Chantecler
 Claude L'Ecuyer, Ottawa University
 Phea Meas, Hillel Lodge
 Cindy Mundt, Hillel Lodge
 Shawn Payne, York University
 Harvey Pfau, University Western
 Denis Regimbald, Healthcare Food Services
 Patrick Robitaille, Chantecler
 Diamond Uriarte, National Capital

15 YEARS

Patrick Burke, McMaster University
 John Campbell, Sanofi
 Daniel Castilloux, Ottawa University
 Mark Green, Manitousin
 Marcel Lamoureux, Natrel
 René Langevin, Ottawa University

20 YEARS

Garry Bauer, Heinz
 Nhu Nguyen, Bridgepoint Health
 Arthur Packwood, RUETGERS
 Frank Procter, University Western
 Marek Turski, St. Joseph's Lifecare
 Robert Diluca, City of Hamilton-Water
 Scott Simpson, City of Hamilton-Water
 Derk Van Veen, City of Hamilton-Water

25 YEARS

Darwin Foster, Bentall Capital
 Ron Narine, Cadbury Adams
 Rick Saccomano, City of Hamilton

30 YEARS

Basdeo Maharaj, Sanofi
 Chris Gill, City of Hamilton-Water

35 YEARS

Claude Desrosiers, Ottawa University
 Roger Lambert, Member at large

Congratulations and we appreciate your loyalty and look forward to many more!

RETIREMENTS

DAN ROSENFELD—H.J. HEINZ

PETER FERNIE—CANADIAN BANK NOTE (PROTECTION OFFICER)

GEORGE REED—METRO WASTE (PLANT #2)

Local 772 July 2010 Draw
 and the winners are...

Louise Charron
 Ottawa University

Sharon Eriksen
 Canadian Bank Note (Bookbinders Guild)

Ken Maraj
 North York Hospital

Please call your representative for selection of merchandise.

IN MEMORIAM

Local 772 IUOE wishes to extend its condolences to the families of Local 772 members who have passed away since January 2010

James Krause

Sanofi Pasteur

Ottawa Office says goodbye and hello...

BEST WISHES TO **KIMBERLY**

IN HER NEW ENDEAVORS


Farewell



*Diane to Local 772
 Union Team*

Do you have any good work place stories or articles that you would like to share in our next newsletter?

LET US KNOW.

Fax to: 1.905.527.6336

or E-mail to

iuoe772hamilton@mountaincable.net

Please post Your Union "Newsletter" on bulletin board today

To An Employee Association and Back...



DESPERATE TIMES, DESPERATE MEASURES!

On January 1, 2005 the City of Hamilton took back the operation and maintenance of the Water and Wastewater Facilities from a private company. This was the end of a 10 year public private partnership, a partnership that failed. In January the City of Hamilton informed us and the IUOE, our union, that we would now become members of CUPE, the almost all employee bargaining agent for City employees. We wanted to remain with IUOE Local 772, keep our treasured collective agreement that came with guaranteed employment until the end of 2012, and not get swallowed up into the huge CUPE unit. Despite our wishes CUPE and the City of Hamilton were forging ahead. We pushed back. IUOE filed a labour board application and we petitioned the board to leave us alone. The outcome was an agreement that we would remain with 772, keep our agreement until the end but effective January 1st, 2010 we would become members of CUPE.

What were we to do? Well, in October 2009 I contacted a lawyer concerning our dilemma. We were in our open period of the agreement and as such there was something we could do. We were not bound by the agreement signed by IUOE, CUPE and the City of Hamilton. It was a lot of work we needed to create an employee association and apply to the labour board for certification. The lawyer did the paperwork, I organized off site meetings to sign cards, elect an executive and get approvals from the membership to proceed. We had to take action on our own and did. The lawyer then applied to the board for a vote and the IUOE and the city were served. As expected, CUPE attempted to intervene based on the agreement that we would become CUPE members. However, the board ruled that at the time of our application CUPE had no standing and dismissed their application for intervenor status. The vote happened where 90% voted in favour of the newly created employee association called Hamilton Ontario Waterworks Employees Association (HOWEA). We were board certified and avoided becoming CUPE members. It cost us a lot of money and time but in the end it was worth every penny because we kept our valued collective agreement and our bargaining agent, Local 772.

How did we do that? Well early in 2010 with CUPE out of the picture we signed a servicing agreement with the IUOE and then informed the City of Hamilton that HOWEA members had chosen 772 as our agent. Local 772 was back and we couldn't be happier. The city and CUPE were certainly caught off guard with our action. Desperate times, desperate measures, we did it and didn't let anyone trample our rights to freedom of choice!

By Brother Randy Busnarda

From 772's Perspective...

We congratulate our members at the Water and Wastewater Treatment Facility and thank them all for their extraordinary support for IUOE Local 772. The members were told back in 2005 when the tripartite agreement between IUOE-CUPE and the City of Hamilton was signed that there would be something they could do when the time came. The time came and led by Brother Busnarda the membership took action and went to great lengths in protecting their union status. **It is a tremendous honour to represent this membership!**

Fraternally,

Greg Hoath

Business Manager