

## ***UFCW Canada takes case to México***

For the second time this year, a UFCW Canada delegation led by National President Wayne Hanley has met in México City with senior government officials there to explore ways of working together to improve conditions for Mexican migrant agriculture workers brought to Canada each year under the *Canadian Seasonal Agricultural Workers Program*, or CSAWP.



The first meeting, in February 2007, was at the invitation of the fact finding Mexican Congress Commission on Population, Borders, and Migration. A delegation from that commission later visited UFCW Canada migrant worker support centres in Québec and Ontario in June (*DIRECTIONS* 7.05). UFCW Canada's second delegation to México on November 27 and 28 allowed Brother Hanley and staff to brief committees of both the Mexican federal Congress and Senate. Many of the elected officials were surprised by facts laid out in the recently-published *UFCW Canada Report on the Status of Migrant Farm Workers in Canada, 2006-2007*, and by first-hand reports from UFCW Canada staff who work directly with farm workers through the support centres.

"Most weren't aware of the serious problems Mexican migrant workers face in Canada," says Hanley. "Over the past three decades all the reports they have received about the CSAWP have been nothing but positive, so this was an eye-opener for many."

Media coverage of the delegation's visit was extensive in México, with President Hanley interviewed by major newspapers and radio networks. He also met with senior officials of the three largest political parties as well as the leaders

of México's major trade unions. The visit further provided an opportunity for Hanley to have a one-on-one follow-up meeting with Carlos Rico, the undersecretary for North America in the Mexican Ministry of Foreign Affairs, which oversees the administration of Mexican workers involved in the CSAWP. Hanley met with Rico in Ottawa earlier this year, which led to meetings with Mexican consular officials last month in Toronto (*DIRECTIONS* 7.07).

"All these discussions have been frank and open," Hanley says. "We are grateful for México's invitation to share what we know, and we look forward to the same kind of openness from our own Canadian officials."

"Moving ahead," he adds, "we will continue working not just with México, but also with Jamaica, Guatemala, and other countries sending workers to Canada, in order to protect their health, safety, and rights, and to really make the CSAWP the 'model' program our government claims it to be." For more, Stan Raper, UFCW Canada ([sraper@ufcw.ca](mailto:sraper@ufcw.ca)).



## ***Reinstatement plus \$60,000 for member***

A recent arbitration decision resulted in not only reinstatement for a member of UFCW Canada Local 1518, but compensation for lost wages and benefits to the tune of \$60,000, says Local 1518 President Ivan Limpright.

"This was a case in which the employer was unwilling to co-operate with the union to get the member back to work, and it is great to see justice prevail for this member," he says. "The arbitrator's ruling shows that the store manager's ruthless attempt to terminate the member was based on his own biased opinions and not the facts."

The case stemmed from an incident in which a British Columbia Save-On Foods member was accused of writing non-sufficient funds (NSF) cheques to Save-On to purchase items that were subsequently returned for cash back. When the member was informed of the NSF cheques, the member immediately paid the NSF fines as well as the amount owed for the items. It was only when an anonymous note was sent to the manager accusing the member of fraud that management took action against the cashier.

Store management called a meeting in the matter, and the member took the appropriate step of making sure a union shop steward was present. Save-On included its so-called "NSF specialists" as part of the meeting. The entire meeting was recorded, except for when the member asked the store manager, "Am I going to lose my job?" Because the question and subsequent answer were not recorded, the arbitrator could work only from testimony of people in the room. Management claimed there was no response, but the member and steward both recalled management reassuring the member to not worry. Still, the member was terminated.

"It is terrible to see members being mistreated this way by management," Brother Limpright says. "Turning off the tape recorder while everyone was still in the room is completely inappropriate. Thankfully the steward took excellent notes through the entire meeting and the union was able to put together a solid case for arbitration."

The union's case hinged on several arguments:

- The member spent more on NSF fees to the bank as well as to the store than was collected from returning the items for cash back. The member also paid back all outstanding amounts owed to Save-On immediately. The arbitrator concluded the NSF cheques were not written to steal from the company, rather because of personal mismanagement of finances.
- The member was acting in the capacity of a customer, not an employee. Save-On's cheque policy for customers does not include termination of an employee as a remedy.
- The arbitrator further noted that Save-On's cheque policy is not practised equitably throughout the chain. Instances exist in which members have written NSF cheques with no penalty at all (in one case for \$6,000 for medication from the pharmacy), so this case was clearly wrongful dismissal.

"We are very pleased that justice was served," Limpright concludes. "This was a member like many others who is a single parent trying to make ends meet. It is easy to see how a person can easily miscalculate the money available to meet the bills, and that was the case here."

"There was a better way to handle this case, but management chose to disrespect members and it is simply unacceptable. The union is dedicated to ensuring all members feel safe and that their rights are respected in the workplace," he says. "This is a clear demonstration of why it is so important members contact their shop steward or union staff representative if they have been mistreated or threatened by management." For more, visit [www.ufcw1518.com](http://www.ufcw1518.com).



### ***Taking action on beef layoff***

Against the backdrop of the rising Canadian dollar, international food-processing giant Cargill has permanently laid off 300 employees from its Better Beef facility in Guelph, Ont. The company reduced "competitive" costs by closing the plant with permanent layoffs beginning July 27, 2007.

"UFCW Canada represents workers in the workplace as best it can," says UFCW Canada National President Wayne Hanley. "But when an employer unilaterally decides it no longer wants to conduct business, it is up to the union to ensure they get the best break possible in leaving the jobs on which they relied."

To that end, UFCW Canada and its local unions developed programs in the 1990s to address closure issues, establishing labour adjustment committees as needed for affected workplaces. Together with member representation, the committee brings together in this instance representatives of the company, the provincial Ministry of Training, Colleges, and Universities, and the Adjustment Advisory Program. For the Guelph workers, the joint labour adjustment committee

was established on August 30. Since that time, the committee has conducted a needs survey of members and selected an independent chair to be responsible for the administrative aspects of the committee work.

The committee has established an action centre for affected workers in Guelph (located at Unit C, 494 Massey Road, Guelph, phone 519.766.0066). Services at the centre include a job board, workshops and information sessions, access to computers and internet, access to daily newspapers and resources, phones, fax, photocopying, and much more. Because of the plant's proximity to Hamilton, Ont., a second action centre is planned to open there in January 2008.

Meanwhile, the committee has announced a *Worker Welcome* event to familiarize members with the action centre and the services available to them. It will be held Monday, December 17, 2007, from 10:00 a.m. to 2:00 p.m. at the Guelph address. This is an event open to all former Cargill Better Beef employees and their families. For more, call the number above or write to [cargillufcw175@bellnet.ca](mailto:cargillufcw175@bellnet.ca). The coordinator of the action centre is Brad Labadi and the peer helpers are Amin Hamidi, Alysha Cathro, and Tammy Pflieger (all affected members).



### ***Workplace violence study***

Almost 20% of all incidents of violence – including physical assault, sexual assault, and robbery – happen to workers on the job, according to a Statistics Canada (StatsCan) study released earlier this year. *Criminal Victimization in the Workplace* is the title of the publication, available online.

"UFCW Canada has always been familiar with the dangers our members face at work, and that is why we have developed training programs to deal with the threats members face," says UFCW Canada National President Wayne Hanley. "From violence prevention to post-traumatic counselling, we have developed the tools because we know they are needed."

Indeed, the StatsCan study shows that workers in industries traditionally associated with UFCW Canada members are on the forefront of these dangers. A third of all workplace violence cited in the study involved someone working in social assistance or health care services such as hospitals, nursing, or residential care facilities. Rates were higher than average in industries like hospitality and food services, retail or wholesale trade, and education.

*Criminal Victimization in the Workplace* is the first comprehensive study of the subject conducted in Canada. It was compiled from self-reported data from 24,000 households taking part in a general survey. For more, visit [statscan.ca](http://statscan.ca).

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