

Bulletin from UFCW Canada National President Wayne E. Hanley • Vol. VIII No. 5 • February 4, 2008 • ISSN 1496-9009

WSIB rewards negligent employers

According to a recent report by the Ontario Federation of Labour (OFL), employers who flout health and safety legislation are receiving million-dollar cheques from the Workplace Safety & Insurance Board (WSIB, Ontario's worker compensation agency).

The OFL report, entitled *The Perils of Experience Rating: Exposed!*, casts a revealing light on the absurd contradictions that plague the WSIB's new rating program – the *New Experimental Experience Rating* program, or NEER.

In theory, the NEER program is supposed to compel employers – through a system of incentives and penalties – to improve health and safety standards in the workplace. Through the NEER program, employers with above average health and safety records receive “rebates” on their WSIB premiums. Careless employers, on the other hand, are assessed “surcharges” for poor records.

The problem with the NEER program is that it is based on the presumption that all experience ratings are accurate when, in fact, there are a number of factors that can inflate an employer's health and safety record.

The report also clearly demonstrates that NEER program rebates often far outweigh charges. In one recent case, when a worker was killed as a direct result of heat exhaustion, the employer was found to be negligent and fined \$215,000. Several months later, the WSIB awarded the same employer \$715,023.45 for demonstrating a strong commitment to health and safety.

“The bottom line is one dead worker, and a half-million dollars in profit to the employer,” says UFCW Canada's Bob Linton, who serves as an OFL vice-president. “Where is the fairness in that?”

Since 2001, the WSIB has awarded more than \$12-million in NEER program rebates to employers who have seriously violated Ontario's *Occupational Health and Safety Act*. To access *The Perils of Experience Rating: Exposed!* in its entirety, visit <http://www.ofl.ca/uploads/library> and follow the links. For more, Derek Johnstone, UFCW Canada (djohnstone@ufcw.ca).



Pepsi N.S. reaches agreement

Members of UFCW Canada Local 361W have achieved a “terrific settlement” with Pepsi Bottling in Dartmouth, N.S., says Brian McArthur, UFCW Canada's coordinator of collective bargaining. The three-year agreement follows hot on the heels of new agreements ratified in Saskatchewan and New Brunswick in December (*DIRECTIONS* 7.12).

Members at the Nova Scotia facility will get wage in-

creases of 50¢-50¢-50¢ for merchandisers, and 40¢-50¢-60¢ in the general wage category. The equipment mover classification gets 50¢ in 2008 and an additional 33¢ in 2009.

Substantial new language was negotiated especially in the area of grievances and discipline, and part-timers have won the right to grieve under the collective agreement. The UFCW Canada Harassment Policy has been incorporated into the collective agreement, and numerous clauses have been added or amended to support union representation and compensation. Additional bereavement leave has been added, and the company agrees to pay the union a set amount for paid education.

Pepsi has agreed to maintain the COLA clause in the contract with new dates to apply. In addition, members will have two-day weekends despite continuous production, restricted to Friday-Saturday, Saturday-Sunday, and Sunday-Monday. For more, Brian McArthur, UFCW Canada (bmcArthur@ufcw.ca).



Western grocery talks broaden

As Canada Safeway's Alberta negotiations with UFCW Canada members approach a turning point, and Real Canadian Superstore (RCSS/Westfair) bargaining continues, negotiations have commenced across the mountains in British Columbia with that province's two largest grocery chains, Canada Safeway and the Overwaitea Food Group.

“The outcome of these negotiations is vital to all UFCW Canada members employed or involved in the grocery industry,” says UFCW Canada National President Wayne Hanley. “Just as with other economic sectors, what we win in Alberta and British Columbia will have an impact on every grocery member in Canada.”

In Alberta, about 8,000 Safeway workers have been in a strike position since early December, with more than 92% support for a strike if necessary. All Safeway store workers from Calgary south are represented by UFCW Canada Local 401, while Safeway workers from Red Deer north are represented by UFCW Canada Local 1118 in the meat and deli departments and Local 401 in the rest of the stores. Calgary bakery workers are represented by the Bakery Confectionary and Tobacco Workers Union (BCTWU) Local 252.

The sides are still far apart, although some movement has been made. A strike deadline set for January 31 has been extended. Nancy Quiring, UFCW Canada's regional director for the Western Provinces, says the extension came after “the company made a substantial enough movement during negotiations in mid-January to convince bargaining committees there is an opening for progress if bargaining continues.”

Alberta Safeway bargaining resumes this Friday, February 7, for all units, with talks scheduled through the weekend. Local 401 also continues bargaining with Alberta Real Canadian Superstore locations this week, although those units are not under a single collective agreement, and have not voted to strike.

In British Columbia, meanwhile, bargaining continues between UFCW Canada Local 1518 and both Canada Safeway and Save-On/Overwaitea. Negotiations began with both employers in January. Collective agreements with the companies expire March 29.

At the outset of bargaining there, Local 1518 President Ivan Limpright made it clear to the companies that concessions would not be considered. At Safeway, the union's proposals include returning to a single-tier wage grid and better wages and benefits to reflect the province's hot economy and high cost of living.

"New employees aren't frustrated for long," Brother Limpright says. "Most of them don't stay around long enough, and those who have stayed and tried to make a career are angry with inadequate wages, short-staffed stores, ridiculous workloads, and the general conditions in which they find themselves working."

On the Overwaitea front, a third round of negotiations begins next week. The first two rounds were filled with concessionary demands from the company, including the right to convert any of its Overwaitea locations to discount banners with lower rates, scheduling shifts of as little as two hours, rollbacks in health benefits, and the use of more "restricted" part-timers who can pick and choose their hours to the potential disadvantage of other established workers.

"Far too many of their proposals are just plain unacceptable to the bargaining committee and to the union's members," Limpright says. "This is a very dangerous game Overwaitea is playing, and their management is failing to deal seriously with issues of job security and banner changes. Members working for this company are fed up with conditions in the stores already, they're fed up with the massive employee turnover, and they're fed up with an employer that constantly threatens their job security."

"If Overwaitea's intention is to provoke a labour dispute, they are well on the way to going down that road." For more, Nancy Quiring, UFCW Canada (nquiring@ufcw.ca).



Ontario minimum wage to rise

The general minimum wage in the province of Ontario will rise 75¢ on March 31 to \$8.75 an hour, making it the highest minimum wage in Canada. This was missing in a recently published table of minimum wage rates across Canada (*DIRECTIONS* 8.02).

Further increases of 75¢ per year have also been announced, bringing the Ontario standard to \$9.50 an hour in 2009 and \$10.25 in 2010.

"Working families in Ontario obviously welcome these increases, but it is still a case of too little too late," says UFCW Canada National President Wayne Hanley. "We

stand by labour's demand that a \$10.00 minimum wage is needed across Canada today, not a couple of years away." For more on the Ontario standards, visit www.labour.gov.on.ca and follow the links to the minimum wage fact sheet.



Local 1977 member receives scholarship



As reported in *DIRECTIONS* 8.03, Chad Mackenzie Gordon, a student at Fanshawe College and member of UFCW Canada Local 1977 in southwestern Ontario, was one of the winners of the 2007 UFCW Canada Beggs-Dowling-Mathieu scholarships. Brother Gordon is pictured receiving his bursary cheque from Local 1977 staff representative Sharon Kempf at work in London, Ont. For more, Rob Armbruster, Executive Assistant, UFCW Canada Local 1977.



Upcoming dates

February 12: Meeting of the national Loblaw and Loblaw-related Companies Grievance and Arbitration Committee, to be held at UFCW Canada Local 1000A's head office in Woodbridge, Ont. For more information, contact committee chair Nancy Quiring, UFCW Canada national office (nquiring@ufcw.ca).

February 29: Repetitive Strain Injury Day, or RSI Day

March 8: International Women's Day

March 21: International Day for the Elimination of Racial Discrimination

April 22: Earth Day

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