

## ON THE LINE



MORRIS

"Harry retires today...10...9...8...7...6..."



## 2009 Retirees

February 24, 2010

- **Tom Gregory - Heavy Duty Mechanic = 34 Years**
- **Eric Lovestrom - Link Belt Operator = 34 Years**
- **Chuck Peterson – Heavy Duty Mechanic = 35 Years**
- **Gaetan Desgroseilliers – Driller = 35 Years**
- **Dan McDougall – Electrician = 34 Years**
- **Bob Gardner – Machinist = 30 Years**
- **Norman Bonnell – Loader Operator = Staff Time + 14 Years**
- **King Chang – Heavy Duty Mechanic = 32 Years**
- **Romeo Milo – Electrician = 31 Years**
- **Leroy Heighes – Electrician = 31 Years**
- **Virendra Lal – Senior Equip Operator = 31 Years**
- **Len Geske – Shovel Operator = 31 Years**
- **Santosh Sharma – Janitor = 30 Years**
- **Albert Nobel – Haulage Driver = 28 Years**
- **Terry Grinevitch – Haulage Driver = 28 Years**
- **Dave Bissonette- Diller = 28 Years**

**Congratulations to All These Retirees**

## ***Teck Metals Limited fined \$115,000.00 for Chemical Spill***

*Teck Metals Limited, Trail operations has been hit with the largest environmental fine in BC history for a chemical spill in Trail. Justice Lisa Morzanski handed Teck Resources a \$115,000.00 fine in Rossland Provincial Court. An investigation by the Ministry of Environment's Commercial Environmental Investigation Unit found Teck, formally known as Teck Cominco, dumped 900 kilograms of lead refinery electrolyte and 360 liters of acid into the Columbia River in May 2008 after a technical failure at its' lead and zinc refinery. The spill happened when a heat exchange unit failed, sending chemicals spilling down a storm drain that empties into the waterway. The Vancouver based mining company pleaded guilty in September for "introducing business waste into the environment" Five additional counts, including one count under the Federal Fisheries Act, were stayed. Teck said \$110,000.00 of the fine will be paid to the Habitat Conservation Fund. On recommendation of the Crown, Teck will divide the fine between two local protection organizations, the Upper Columbia White Sturgeon Recovery Initiative and the Columbia River Integrated Environmental Monitoring Program.*

*Richard Deane, manager of energy and public affairs, said Teck has replaced the failed equipment as well as upgrading monitoring and environmental protection systems at a cost of \$3 million over the next nine months.*

### ***Don Takala presents Denis Sorenson with a cheque for \$1,500.00 for the Elkford Food Bank***



***Steelworkers Humanity Fund Contributes \$145,000.00 to Canadian Food Banks  
in Canadian communities where USW Members live and work.***

## **Attendance Review Program**

*We have been receiving a lot of inquiries about some of our members being put on an attendance review program by the company. This is of a result of missing too much time from work as a direct result of illness or possibly other loss time from work. These types of absences are described as “Non Culpable” which means that it is of no fault of the employee.*

*It has been long recognized that employers have the right to have these types of programs to address attendance issues. Most of the time, employees will be put on a level of the program for a set period. If the employee’s absenteeism improves they are taken off the program. If there is no improvement, then the employee stays on the program. Hopefully the employee’s attendance will improve. Sometimes however it does not.*

*This does not mean the company will have the right to terminate the employee’s employment. The company would have to demonstrate that it is of “undue hardship” to keep the employment relationship going. This is a very difficult test to meet for the employer. Nonetheless, if you are put on the attendance review program contact the Union hall for a discussion on the program and its possible affects.*

## **Evaluation Reports**

*Yes, they’re back. Commonly know as report cards the company has re-instituted employee evaluations. These evaluations have always caused a stir in the membership. So what are these things?*

*All they are is for the most part your foreman’s opinion of your work habits and possibly criticism of areas in which the foreman feels improvement is necessary. The good news is that’s all they are nothing more, nothing less. The company cannot rely on them in arbitration for example, because you are not given the right to grieve them.*

*You may be asked to sign them, but in doing so all your signature means is that you have read them, not that you agree with the comments. If you have any problems contact the Union hall.*



# HAZARD ALERT

## **Fatal Accidents - Mobile Equipment and Foot Traffic**

In 2009 there were six fatalities involving mobile equipment and foot traffic at USW represented worksites. There were two fatalities in 2008 and seven in 2007. Here is one example:

In 2009 a mechanic was fatally injured when he was struck-by a CAT 950H front-end loader. The CAT operator thought he heard someone calling for him while he was driving forward; he then proceeded to drive in reverse to the area where the call may have come from. During this time the mechanic entered the work area, but was not seen by the CAT operator due to the inherent blind spots of the equipment and physical obstructions in the area. Neither employee was trained on the equipment's blind spots and there was no written procedure as to how foot traffic should make contact with the operator.



### **Recommendations to Prevent Recurrence:**

- Apply the Hierarchy of Controls to eliminate/separate mobile equipment from foot traffic. For example: use a different type of truck or conveyors where possible, barrier guards/knock-down markers/designated (painted) walkways with gates, eliminate blind spots, widen passageways, limit material storage height and install proper signage "No Foot Traffic."
- Identify unavoidable blind spots and their distances to assist in designating the right equipment for the task - see NIOSH Highway Work Zone Safety Publication.
- Install and maintain safety devices: backup cameras/sensors/mirrors & alarms that can be heard above ambient noise, install lighting/traffic mirrors, motion activated lights/gates, position co-workers to act as spotters, use/maintain radios and more.
- Ensure that operators, other employees and contractors are adequately trained and evaluated on the specific equipment and operations used at the workplace, including a distance rule and approach procedures to mobile equipment. (The USW provides a wide range of health and safety training including mobile equipment).
- Wear work zone safety clothing that meets ANSI A107

***NOTE:*** *The workplace above did not have a joint labor/management health, safety & environment committee, instead the employer implemented a behavior based safety program. This is one deadly reason why the USW is opposed to blame-the-worker safety programs.*



5 Gateway Center  
Pittsburgh, PA 15222  
[safety@usw.org](mailto:safety@usw.org)  
412.562.2581

The information provided in this alert is based on preliminary data only and does not represent final determinations pertaining to the nature of the incident or conclusions regarding the cause of this event.

11/17/11  
3057

# **Vacation Scheduling**

*Vacation entitlements will be posted as soon as possible but no later than January 15<sup>th</sup> of each year. Employees may then indicate their preference in vacation dates to supervision up to and including February 15<sup>th</sup>.*

*After February 15<sup>th</sup> of each year, supervision will schedule vacations in accordance with Bargaining Unit seniority for those employees who have indicated their preference. Employees who did not indicate their preference will have their vacation periods scheduled by the Company. Nothing in this Article shall affect the right of the Company to schedule vacations.*

*The Company will post vacation schedules no later than April 15<sup>th</sup> of each year with a copy being sent to the Union. Once vacation lists have been posted, vacations can only be changed with the mutual consent of the employee and the Company except where a major business circumstance that could not have been reasonably anticipated by the Company requires the rescheduling of some or all of the vacations.*

*The Company will schedule vacations in 40-hour blocks for 5x2 and 48-hour blocks for 4x4 with the following exceptions:*

- (a) at the beginning and end of shutdowns;*
- (b) the final portion of vacation entitlement;*
- (b) other durations as requested by the employee and approved by the Company.*

*Upon receipt of proof of loss, the Company shall reimburse an employee for reservation deposits lost as a result of his vacation being rescheduled by the Company, provided the employee has made arrangements through his supervisor to have the vacation time off and makes the supervisor aware in writing at the time the vacation is rescheduled of the deposits the employee will lose as a result of the rescheduling.*

***After February 15<sup>th</sup> of each year, supervision will schedule vacations in accordance with Bargaining Unit Seniority for those employees who have indicated their preference***

## **How does Vacation Scheduling Work?**

*Your vacation request must be submitted before February 15<sup>th</sup>, after February 15<sup>th</sup> and before April 15<sup>th</sup>, the Company will go to the most senior employee on the shift and approve their requested dates, and then move to the next most senior employee, then the next most senior employee, and so and so on.*

*Once the Company gets to a point where an employee has requested dates that the Company cannot approve because of manpower requirements because there are already too many senior employees off who have already requested that period, the Company must then proceed no further down the seniority list until they have notified the affected employee of his dates being denied, which the employee will then have the opportunity to choose alternate dates that the company can accommodate.*

*Once your vacation requests have been completed, the Company then moves to the next senior employee and the same process takes place. It is done this way so that no junior employee is given their preference over a senior employee who is required to choose alternate dates.*

*Remember, if you do not put in your vacation request by February 15<sup>th</sup> you will be eliminated from this process and the Company can schedule your vacation wherever they like, as long as it does not conflict with an employee who has submitted their vacation request by February 15<sup>th</sup> and has been denied that period because of manpower requirements. Meaning you will get whatever dates that are left that the company schedules you for.*

***Regular Vacation requests will have preference over  
Special Vacation  
Special Vacation requests will have preference over  
Bank Time requests.***

***If you have any difficulty scheduling your vacation or have  
any questions please contact the Union Hall by calling us  
865-2223, or e-mail [usw7884@telus.net](mailto:usw7884@telus.net)***

# **Family Responsibility Leave**

*This section of the Employment Standards Act was included in order to assist employees to meet work and family responsibilities. I will provide the following background information on this provision.*

*Family responsibility leave is an employee initiated unpaid leave designated to help employees deal with family problems that conflict with job responsibilities. This leave applies to members of the employee's immediate family or to persons living with the employee as a member of his or her immediate family.*

***Immediate family** is defined to mean the spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, and any person who lives with an employee as a member of the employee's family. It includes common-law spouses, stepparents, stepchildren, and same sex partners and their children as long as they live with the employee as a member of the employee's family. It does not mean parent-in-law or any other relative by marriage, unless that person lives with the employee as part of the employee's family.*

*Family Responsibility Leave is **an employee entitlement**, not something that may or may not be granted at the discretion of the employer. The employee is to be granted leave on request. The request does not need to be made because of a crisis or emergency but it must be related to the care or health, and in the case of a child education, of a member of the employee's immediate family. While notice is not required, the employee is encouraged to give reasonable notice so as to allow the employer time to accommodate the absence.*

*Employees should be prepared to provide the employer with sufficient information to demonstrate that the request for a leave is valid. If the employee is relying on Section 54(1) (attached), which states that an employer must grant the leave to which the employee is entitled, then the employee must establish entitlement by providing sufficient information about the nature of the leave to show it is for reasons set out in Section 52(a) and (b) attached, however not to the extent that employees are required to disclose personal or private information.*

## **Section 54, Duties of Employer**

*54. (1) An employer must give an employee who requests leave under this part the leave to which the employee is entitled.*

## **Section 52, Family Responsibility Leave**

*52. An employee is entitled to up to 5 days of unpaid leave during each employment year to meet responsibilities related to*

- (a) the care, health or education of a child in the employee's care, or*
- (b) the care or health of any other member of the employee's immediate family.*

*Members having problems obtaining the above noted leave are  
advised to call the Union Hall*

# *Show Your Union Card*

<u><i>Business</i></u>	<u><i>Town</i></u>	<u><i>Discount</i></u>
<i>Husky</i>	<i>Sparwood</i>	<i>1.5 cents off Fuel 5% off in store/ not tobacco or lottery</i>
<i>Sparwood Hose &amp; Fittings</i>	<i>Sparwood</i>	<i>5% off</i>
<i>Intermountain Services</i>	<i>Sparwood</i>	<i>\$100 off Purchase of Sea Can; 10% off rentals</i>
<i>Napa</i>	<i>Sparwood</i>	<i>10% (applies to all Mine Employees)</i>
<i>Cummins Western Canada</i>	<i>Sparwood</i>	<i>5% Off</i>
<i>W.E. Insurance</i>		<i>In BC Call 1-800-663-4200</i>
<i>Group Home and- Auto Insurance</i>	<i>All USW Union Members</i>	<i>All other Provinces Call Call 1-877-787-7021</i>
<i>W.E. Tax Services-</i>	<i>All USW Union Members</i>	<i>40-70% off Competitor Rates Call 1-800-845-1181</i>
<i>Marks Work Wearhouse – Pick-up 10% Discount Card at the Union Hall.</i>		

*Showing Your Union Card at the Above Businesses Will*

*Give You the Respective Discount*

## **O.H.S.C. Message** **New and Young Workers Orientation**

*Worker safety is everyone's responsibility the Employer, fellow workers and the workers themselves. There is a section in the O.H.S. Regulations to ensure the Employer is complying with the orientation and training of new and young workers. Employers must cover a checklist of topics when hiring a new employee. They cover such points as Employee & Employer Rights & Responsibilities, Work Place Health & Safety Rules, Potential Hazards, Safe Work Procedures, use of P.P.E. and so on. Employers should think of a checklist in lifelong commitment to safety. The key is to get new and young workers to think and ask questions about safety in the workplace as they go through their daily tasks. The best thing an Employer can do is initiate the kind of thinking that keeps them alive and free of injury on the job. A few things you can do as a new employee, ask questions, don't sign off on a procedure unless you feel comfortable that you understand it. When you start a new job ask your Employer about signing a safety checklist and use the checklist to get more information. If you need help contact one of your O.H.S.C. members. The list of names are on all Bulletin Boards.*

## **Washrooms**

*So far this year there seems to be a continuous problem with the washrooms in the maintenance building complex. The toilets are plugged and overflowing on a regular basis. The main problem seems to be that paper towels and in some cases even rags are finding their way into the system. As it would be impossible for these items to find their way into the system by themselves it is obvious that someone is doing this. When these toilets are locked up for several days for repairs and clean up it causes a shortage of facilities in the building resulting in a great inconvenience for everyone. One also has to remember that it is your union members that have to repair and clean up this mess. I have been told that there have been discussions on closing the toilet facilities and only leaving the sinks and putting the old blue and whites outside. One cannot expect the cleaning crew to constantly have to work in those conditions.*

*I would strongly urge the individual and/or individuals to stop putting objects in the toilets that plug the system. The people that are going to pay the price for this practice will be your fellow workers.*

## **TECK REPORTS FOURTH QUARTER RESULTS FOR 2009**

*Vancouver, BC – Teck Resources Limited announced net earnings of \$1.8 billion, or \$3.42 per share, for 2009 and \$411 million, or \$0.70 per share, in the fourth quarter. Our operating profit before depreciation was approximately \$3.7 billion for the year and \$1.0 billion in the quarter.*

*Don Lindsay, President and CEO said, “Our record revenues this year reflected strong performance across the company, including record production of copper at Quebrada Blanca and zinc at both Red Dog and Antamina. Including the application of the proceeds from the sale of an interest in the Waneta Dam of \$825 million, we will have reduced our total debt by approximately \$6.7 billion since we acquired the Fording coal assets in October, 2008. With our current cash balance of \$1.3 billion, our net-debt to net-debt-plus-equity ratio is then expected to be approximately 26%.”*

### ***Highlights and Significant Items***

- *Operating profit before depreciation for the year was \$3.7 billion compared with 2.8 billion in 2008. Operating profit before depreciation in the fourth quarter was approximately \$1.0 billion compared with \$347 million a year ago.*
- *Net earnings for the year were our second highest ever at \$1.8 billion compared with \$659 million last year. Net earnings in the quarter were \$411 million compared with a net loss of \$607 million in the fourth quarter of 2008.*
- *EBITDA was \$4.1 billion for the year and \$1.0 billion in the fourth quarter.*
- *We recorded record revenues in the full year and the fourth quarter of 2009 of \$7.7 billion and \$2.2 billion, respectively.*
- *Our non-core asset sales program, which includes the previously announced sale of our gold business, is nearly complete. The assets sold account for less than 5% of our total assets. Asset sales completed since we issued our third quarter results, yielding cash proceeds totaling US\$370 million, include:*

- *the sale of an interest in the future gold production from our Andacolla mine to Royal Gold closed January, 2010 providing Andacollo with cash of US\$218 million and 1.2 million common shares of Royal Gold, of which our share is 90%.*
- *our 60% interest in the Agi Dagi and Kirazli gold projects in Turkey closed in January, 2010. We received US\$24 million and 2.4 million shares of Alamos Gold Incorporated, and*
- *our 78.8% interest in the Morelos gold project in Mexico to Gleichen Resources Ltd. for US\$150 million in cash and approximately 1.6 million common shares and 12.4 million special warrants of Gleichen closed in November, 2009.*
- *The sale of one-third of our interest in the Waneta Dam for C\$825 million is now scheduled to close in February. Upon completion, our total debt will be down to C\$6.7 billion from the \$13.4 billion at the time we acquired the Fording coal assets. Our term loan will be US\$1.14 billion and our cash balance is expected to be approximately C\$1.3 billion. Our net debt to net-debt-plus-equity ratio will be approximately 26%, a significant improvement from the 52% ratio at December 31, 2008. With amendments made to the term loan, our remaining scheduled term loan payments are expected to be approximately US\$440 million in 2010, US\$420 million in 2011 and US\$280 million in 2012.*
- *The Carmen De Andacolla concentrator project achieved mechanical completion at the end of the fourth quarter of 2009. First ore was sent to the crusher on December 6, 2009 and first ore to the mill January 19, 2010. The process water supply issues have been resolved and the project is scheduled for commissioning in the first quarter. Design capacity is expected to be reached during the first half of 2010. The new plant is expected to produce 80,000 tonnes of copper and 55,000 ounces of gold in concentrate annually over the first 10 years of the project.*
- *In December we announced that our coal production is planned to increase by 25% to 30% in 2010 to 23.5 – 25 million tonnes.*

# *Diesel Emissions*

*Diesel exhaust is a mixture of many gases, vapors and solid particles. Most of the components of diesel exhaust cause health problems. In the last ten years, a number of animal and human studies have shown that diesel exhaust can cause lung cancer. Some toxic gases and solid particles in diesel exhaust are:*

## *Health Effects*

- *Carbon Monoxide – Interferes with oxygen supply to the body and contributes to heart disease.*
- *Nitrogen Oxides or Nox – Irritates the eyes & respiratory system, decreases lung function, & may decrease resistance to infection.*
- *Sulfur Oxides – Irritates the eyes and respiratory system.*
- *Hydrocarbons (includes – Causes a large variety of health effects, including Benzene, Formaldehyde, irritation, asthma and cancer. Phenol, Butadiene, etc.)*
- *Polynuclear Aromatic – Causes cell mutations and cancer. Hydrocarbons (PAHs)*
- *Diesel Particulate Matter – Contributes to heart and respiratory diseases (DPM) or Soot and causes cancer.*

*If you work in an area where there are high concentrations of Diesel Emissions such as equipment starting up in the shop, be sure to protect yourself by going to a clean environment until the air is clean.*

*Exposures long-term may result in serious health problems in the future. If you have exhaust hoses that vent the emissions outside, be sure to connect them before you start your equipment inside the shop.*

# Compassionate Care Leave

*In 2006, the Provincial government introduced amendments to the Employment Standards Act providing compassionate care leave for employees. This legislation serves as a complement to federal legislation providing employment insurance benefits for compassionate care leave.*

*The proposed amendments provide for up to 8 weeks of unpaid leave to provide care or support to an ailing family member. The family member must be suffering from a serious medical condition posing a significant risk of death within 26 weeks of the earlier of the date of the certificate or the date the leave commenced. In order to qualify for the leave, the employee must produce a certificate from a medical practitioner confirming the family member's medical condition and imminent risk of death. The certificate must be provided to the employer "as soon as practicable". For the purposes of the Employment Standards Act, a family member means a member of the employee's immediate family. This includes the employee's spouse, child, parent, guardian, sibling, grandchild or grandparent. It can also include any other person living with the employee as a member of the employee's family.*

*Compassionate care leave must be taken in units of at least one week in length. The entitlement to the 8 weeks of leave expires at the end of the 26 week period mentioned above. If the family member does not die during the 26 week period, however, the employee may take a further leave after obtaining a new certificate.*

*Employees who are taking an unpaid compassionate care leave may apply for E.I. benefits during the leave, it provides for up to 6 weeks of wage replacement benefits for the employee who must take unpaid time off work to care for a family member with a serious medical condition. There is a 2 week waiting period for the benefits to commence. There are certain procedural requirements which must be met in order to qualify to receive E.I. benefits during the leave. Similar to the BC legislation, a doctor must issue a certificate stating that the family member has a serious illness, there is a risk of death within 26 weeks, and the person requires a family member to provide care or support. Care or support is defined in the E.I. Act as providing psychological or emotional support, arranging for outside care, or directly providing or participating in the care. Compassionate leave benefits can be split among family members of the family, although each must apply individually. If you require further information on Compassionate Care Leave contact the Union Hall for assistance.*

## **Dangers of summer: Heat Exhaustion & Heat Stroke**

*Heat exhaustion and heatstroke are part of a continuum of heat related illnesses. Both are common and preventable conditions affecting diverse patients. Recent research has identified a cascade of inflammatory pathologic events that begins with mild heat exhaustion and, if interrupted, can lead eventually to multi organ failure and death.*

*Heat exhaustion is characterized by nonspecific symptoms such as malaise, headache, and nausea. Treatment involves monitoring the patient in a cool, shady environment and ensuring adequate hydration. Untreated heat exhaustion can progress to heatstroke, a much more serious illness involving central nervous system dysfunction such as delirium and coma. Other systemic effects, including rhabdomyolysis, hepatic failure, arrhythmias, disseminated intravascular coagulation, and even death, are not uncommon.*

## **Air Conditioning/ summer of 2009**

*During the summer of 2009 at Fording River, there were many instances of Haul Truck drivers working in extreme temperatures for extended periods, and getting sick, because their air conditioning units were not working.*

*Finding the Company's response to the workers' complaints unacceptable, the Union filed the following grievance:*

### **Nature of Grievance**

***The Company has violated the Collective Agreement by not promoting Safe Work Practices, Health Conditions, and the enforcement of Safety Rules, by having workers work under conditions which were unsafe and unusually hazardous beyond the normal hazard inherent in the operation.***

***The General Manager responded to the Grievance with the following letter:***

*I conducted an extensive investigation into our practices at Fording River through the various Department Heads to understand what our current practices are and what they should be.*

*On the maintenance front, I found out that we normally have 2 contractors assigned to air conditioning on a full time basis. This year, in our effort to reduce contractors on site due to the economic downturn, we reduced to 1 contractor. I believe this was likely the start of our issues as the effect it had was that we were not able to do the work during the winter months that prepared the A/C units for the summer. In effect, we were left playing catch-up in the pit to try and keep A/C units running.*

*From the operations standpoint, my expectation is that our foreman and operators onsite apply good judgment when faced with an A/C unit being down and the cab temperature becoming extreme. What became apparent during my investigation is that we do not have a standard or set of guidelines to assist the foreman and operators.*

*I requested safety stats from the Environment, Health and Safety Department and was happy to see that we do not have any kind of extensive record of heat exhaustion visits to first aid. In addition, it was confirmed that there was a presentation to all crews at the June safety meetings on how to recognize the symptoms of heat exhaustion.*

*I believe the solution going forward is to be proactive and prevent as much as possible instances of extreme heat in the cab of equipment. To accomplish this, the Maintenance Department is currently in consultation with our air conditioning contractor to create a list of parts to carry in inventory to allow timely repairs of any down A/C units. In addition, we will have sufficient contractors working through the winter months campaigning the A/C units to be ready for the summer. This investment over the winter I believe will dramatically improve the A/C unit's reliability and eliminate the vast majority of issues that were faced during the summer of 2009.*

*Further, for the small amount of cases that may still come up. I am suggesting that the issue of guidelines for dealing with units with no A/C during extreme heat be referred to the OHSC to provide me with recommendations. You would obviously be welcome to participate in these sessions. The final version of the guidelines would then be reviewed with the crews prior to the summer of 2010.*

*Don, I am concerned about the issue that has been raised and I would like to be able to solve it. I trust that the above is acceptable in resolving the grievance.*

# *Employees' Right to Refuse Unsafe Work*

- Unsafe 1.10.1** A person shall not carry out any work or operate any equipment, tool, or appliance if he has reasonable cause to believe that to do so would create an undue hazard to the health or safety of any person.
- 1.10.2** A Supervisor shall not knowingly perform or permit a worker to perform work which is, or could create, an undue hazard to the health or safety of any person.
- Right to Refuse 1.10.3** A person who refuses to carry out any work or operate any equipment, tool, or appliance, in compliance with section 1.10.1, shall forthwith report the circumstances to his supervisor.
- Supervisor Investigates 1.10.4** The Supervisor receiving a report under section 1.10.3 shall forthwith investigate the matter and ensure that any hazardous condition is remedied without delay; or if, in his opinion the report is not valid, he shall inform the person who made the report.
- Investigation 1.10.5** If the procedure provided for in section 1.10.4 fails to resolve the issue and the person continues to refuse to carry out the work, the supervisor or other management representative shall forthwith make an investigation in the presence of the person who made the report, together with another person having knowledge of the work in question and who is:
- (1) a worker representative or designate of the OHSC if available or
  - (2) designated by the Local Union to represent the person refusing to carry out the work, or
  - (3) a co-worker selected by the person refusing to carry out the work.

**Use of  
Alternate  
Worker**     **1.10.6**

If the person still refuses to carry out the work after his supervisor and the other person have investigated the issue in accordance with section 1.10.5 and are both of the opinion that no undue hazard exists and that

- (1) the refusal is considered to be justifiable for reasons peculiar to that particular person, and
- (2) there is no justification for an alternate person to refuse to carry out the work in question then, the supervisor, after informing the alternate person of the reason for the refusal, may have him perform the work.

**Manager**     **1.10.7**  
**Investigates**

If the procedure in sections 1.10.4, 1.10.5 and 1.10.6 fail to resolve the issue, the manager shall

- (1) conduct an investigation and either develop a plan that is acceptable to the persons who will do the work and which will allow the work to proceed safely, or suspend further work, and
- (2) If the work is suspended or allowed to proceed, submit a report to the OHSC, local Union, and an Inspector, that describes the incident, shows compliance with the Code and describes any remedial action taken.

**Remember this is a legislated requirement under the Health Safety and Reclamation Code for Mines in British Columbia. Don't be intimidated by anyone, into doing something that you believe is unsafe.**

## **REQUEST A UNION SAFETY REP**



“While you're up there, would you mind sticking your finger in the socket to see if there's any current?”

# **Who Sets Gas Prices in Elkford**

*On February 23, 2010, I stopped at the Elkford Fas Gas to get some fuel and I noticed that the price was \$104.9 for regular unleaded, and the price at Race Track was \$103.9. I asked the attendant at the Fas Gas location why their prices were set at \$104.9, and was informed that they just do as they're told.*

*I called around to other BC Fas Gas locations to see if their prices reflected the gas prices that were set in Elkford \$104.9, and here is what I found.*

## **Fas Gas BC Operations**

- ***Elkford - 104.9***
- ***Fernie – 99.9***
- ***Cranbrook - 99.9***
- ***Creston – 99.9***

*I then called Parkland Industries and talked with the manager of fuel operations for Fas Gas in Red Deer, Alberta, and he explained to me that the Fernie, Cranbrook and Creston locations are owned by them, and the Elkford Location is an independent outlet that is privately owned. There only obligation to Fas Gas is that they must buy their fuel from them, and they are free to set their fuel prices where ever they want.*

## **Fas Gas Alberta Locations**

- ***Lethbridge – 91.9***
- ***Cardston – 88.9***
- ***Taber – Manager told me that it was a federal crime to release gas prices over the telephone.***

*So I hope you get my point. If you want to save a dollar, and who doesn't, it might be a good idea to fill your gas tank before you come to Elkford, and only put in \$10.00 when you're leaving Elkford.*

**UNION MEMBERS, PLEASE STOP BY THE UNION HALL  
AND FILL OUT YOUR UNION CARD**

# **Grievance Report**

*Lately, we have had a lot of issues which the company claims that an employee has not been honest. (I.E. Excuses for missing work, workplace incidents... etc.) By not being honest it has the potential of turning minor incidents into major incidents up to and including discharge. If you are involved in an incident or require union representation, always request it. Take the time to talk to the union representative and explain to him/her exactly what occurred. Do not down play or omit what actually occurred. The company has taken an aggressive approach and will conduct as many investigation meetings as needed. The company will verify your description with all witnesses and all sources that you have provided. The company's right to know or gather the information is not absolute. Your union rep will assist you in handling the company's inquiries. The golden rule is, "if you are in a hole, stop digging".*

***For further inquiries call the Union Hall at any time.***

## **Employee & Family Assistance Program**

*Did you know that you are entitled to free Confidential Counselling & Information for you and your family?*

***Call toll free: 1-800-268-5211***

***Internet Access: [www.shepellfgi.com](http://www.shepellfgi.com)***

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# ***Your Defined Benefit Pension Plan***

*You want to know how your Pension Plan works.  
How much you are entitled too?*

*Whether your 18 or 65 You Should know about your Pension*

***You need three (3) requirements to be able to retire unreduced.***

- 1.) At least 55 years of age*
- 2.) At least 30 years of Service*
- 3.) Total age and service must total 88.*

*May 1, 2010 the base of the Pension is at \$63.75 times years of service,  
Pension Bridge is \$21.00 to a maximum of 30 years.*

***Examples:***

***30 years of service 58 Years of age  
\$63.75x30=\$1,912.50 \$21x30=\$630.00 = \$2542.50 month***

***33 years of Service 55 years old  
\$63.75x33= \$2103.75 21x30=\$630.00= \$2,733.75month***

*There are many other factors to the Pension Plan that you should be aware of, including indexing  $\frac{3}{4}$  rise of the CPI to a max of 3% based on \$1,500.00 of your Pension base and \$1,800.00 after the age of 65.*

*Spousal death benefits: After you die  $66 \frac{2}{3}$ rds of your pension for your spouse for the rest of their life.*

*Loose the Bridge after 65. You want to know how the Pension Plan works, what you can expect to receive. Contact the Hall set up an appointment.*

## **Want to Rent the Union Hall?**

*\$150.00 for Members*

*\$300.00 for Non-Members*

## **Your Local Union Web-Site**

*(Can be found at)*

*[usw7884.com](http://usw7884.com)*

## **General Membership Meetings**

*Get involved and Get Educated*

*Attend Your*

*General Membership Meeting*

*Every third Wednesday of the Month*

**@ 5pm**

## **LRB vice-chairman biased, judge says**

### ***SKYTRAIN: Decision involved foreign workers employed on the Canada Line***

*A B.C. Supreme Court justice has found that a vice-chairman of the B.C. Labour Relations Board was biased in a decision he made regarding foreign workers on the Canada Line. The April 2008 decision by LRB vice-chair Philip Topalian was upheld by a three-person reconsideration panel headed by LRB chairman Brent Mullin six months later, dismissing the union's concern that Topalian was biased.*

*Justice Paul Walker quashed both the ruling by Topalian and the reconsideration panel and sent the case back to the LRB for an unbiased decision. Union leader Mark Olsen yesterday call for Topalian to be fired and an independent review of the LRB be undertaken to weed out anti-union bias. "It's an incredible decision and really long-overdue," Olsen, business manager of the Construction & Specialized Workers Union, Local 1611. "The union has had the feeling for quite a while that we have not been receiving justice at the board."*

*The union brought the case to the LRB, claiming employer SELI – a joint venture between SELI Canada Inc. and SNC-Lavalin Constructors Pacific – engaged in unfair labour practices in the tunnel-boring project on the Canada Line under False Creek and downtown Vancouver.*

*Five of the about 40 Latin American employees working on the tunnel tried to organize the group into a union because they were being paid less than B.C.'s minimum wage. The five were sent home by the employer.*

*In his ruling last week, Walker found Topalian was biased from the first day of the hearing. "[Topalian's] remarks demonstrate that his mind was closed to the union's complaint that unfair labour practices had, in fact, occurred.*

*"The vice-chair had that closed mind to the issue nearly 12 months before he expressed his remarks to the parties and to their counsel," wrote the justice.*

*He did not make a finding of bias on the part of the reconsideration panel, but added: "[It] is essential for the new hearing to be conducted before a member of the board who was not involved in either the original or reconsideration panels."*

*Efforts to reach Topalian and Mullin were not successful.*