



PEI FEDERATION OF LABOUR NEWSLETTER AUGUST 2004 ISSUE

CURRENT NEWS

- On Friday, October 22, 2004, The Canadian Labour Congress - Atlantic Region along with the Cape Breton, New Glasgow and Strait Area Labour Councils are hosting a Farewell Dinner for Brother Everett Baker at the Claymore in Antigonish, N.S. Tickets at a cost of \$35.00 per person can be purchased by mailing a cheque payable to the Strait Area District Labour Council, c/o Betsy MacIntyre, 1042 Springfield Road, R. R. # 1, St. Andrews, N. S. B0H 1X0, or c/o CLC, 2282 Mountain Road, Moncton, N. B. E1G 1B4. Tickets must be purchased by September 22nd. A Block of Rooms in the name of the CLC has been set aside at the Claymore, but must be reserved by individuals not later than September 22nd by calling 902-863-1050.
- On Tuesday, October 12, 2004, Pink, Breen, and Larkin will be holding a Labour Law workshop at the Westin Nova Scotian Hotel in Halifax. The workshop will present its participants with the latest developments in labour law in Atlantic Canada and the rest of Canada also. Names of attendees should be submitted by September 27th to Jackie Nielsen at 1-800-565-4529.
- On Wednesday, September 8, 2004 at 2pm, the PEIFL has scheduled a meeting with Elmer MacFayden, Minister of Community and Cultural Affairs. If any of our affiliates have any issues they wish us to bring to the Minister, please contact our office at 368-3068; fax at 368-3192 or e-mail at: peifed@pei.aibn.com.
- On Monday, September 6, 2004 from 4:00 - 6:00 P.M., the P.E.I. Federation of Labour will be holding its 5th Annual Labour Day Corn Boil and Barbeque at Victoria Park in Charlottetown. So bring a lawn chair and meet your brothers and sisters as we celebrate Labour Day 2004. There will be Entertainment, Games for the Kids, Hot Dogs, Corn and Fun For All.
- The P.E.I. Federation of Labour Executive Committee currently has a vacancy on our committee for Secretary. Any affiliate member who would like to volunteer their time and energy to this position would be greatly appreciated. This position will be up for election at our annual convention this November. Please contact our office at 368-3068; fax at 368-3192 or e-mail

at: peifed@pei.aibn.com. The fed would like to express its appreciation to Shelley Ward (UPSE), who last held this position, for her past efforts in this role and for her current efforts in the role of Chairwoman of the fed's Occupational Health and Safety Committee.

- On Thursday, August 11, 2004, the fed sent out a request to our affiliates asking for their support with our labour day activities. If your local has union hats, shirts, jackets, etc (especially something for kids) that you are willing to donate for prizes at our celebrations or you wish to make a monetary donation towards labour day expenses, please let our office know by Friday, August, 27, 2004 by emailing, faxing or phoning us. We also encourage all our affiliates to bring your union's banner, flag, or sign to display at the event.
- On Wednesday, August 11, 2004, the CLC held a cross Canada conference call with the Presidents of the various Federations of Labour and CLC Regional Directors to discuss what presence and message the labour movement needs to have in regards to the First Minister's meeting on September 13-16 in Ottawa. President Carl Pursey represented the PEIFL during the call. Another conference call is scheduled for August 24, 2004.
- On Monday, August 9, 2004, The fed received an e-mail from CLC President Ken Georgetti announcing that the Shareholder Association for Research and Education is conducting the first national online survey of union pension trustees to better identify their educational needs. To access the survey go to www.share.ca or call (604)-408-2456.
- On Sunday, August 8, 2004, it was announced that the unemployment rate on PEI for July was 11.2% down from June's 12.0%. You currently need 490 hours to qualify for EI on PEI.
- On Friday, August 6, 2004, UPSE held a press conference to announce that they are forging ahead with plans to unionize PEI's 400 early childhood education workers and have signed up over 100 of these workers. UPSE also announced that they are committed to seeing that these workers, who staff 135 early childhood centres across the island, receive better wages and benefits than they currently receive. Currently, the average wage for these workers is \$8.93/hr with those who have completed the two-year Early Childhood Educator certificate making an average of \$9.85/hr and most of these workers do not receive any benefits (i.e. paid sick days, medical and dental, or pension).
- On Monday, August 2, 2004, the Quebec Labor Relations Board accredited UFCW Local 503 to represent the roughly 170 workers

at the Wal-Mart store in Jonquiere, Quebec which makes it the first unionized Wal-Mart store in North America for the huge retailer. The company can still appeal the decision and the workers still have to establish a bargaining unit before proceeding to negotiations on setting a first contract, but this has to be considered a major success. The UFCW have filed other accreditation requests with provincial authorities: two in Saskatchewan, one in British Columbia, and another one in Quebec.

-On Friday, July 30, 2004, it was announced that the Supreme Court of Canada has ruled unanimously that laid off workers in Ontario have a right to share in any accumulated surplus in their company pension plan. The decision means that Monsanto Canada Inc. must pay back benefits to 146 workers who were dismissed in 1997-98. At issue was the question of whether companies must do a "partial wind-up" of pension plans - and distribute the surplus - when they shut down plants or otherwise shed a large number of workers. Monsanto wanted to give a portion of the surplus to laid off workers over 49 only.

-On Tuesday, July 13, 2004, the fed received a letter from Elmer MacFayden, Minister of Community and Cultural Affairs, asking us to submit names for the position of employee representative on the Occupational Health and Safety Council as Kim Sampson's three term will expire on August 14, 2004. The deadline for name submissions will be August 6, 2004. If any of our affiliates have names they would like the fed to submit to the Minister, please contact our office at 368-3068; fax at 368-3192 or e-mail at: peifed@pei.aibn.com. On August 10, 2004 the fed submitted 4 names to the Minister (Barry Smith UPSE, Art MacKearney IAM, Daryl Coles Carpenters and Julie Foster UFCW). We have since received a call from Macfadyen's office saying that they will start looking at the names submitted in early September. The fed's thanks goes out to all our affiliates for the interest shown in this position.

-On Wednesday, July 7, 2004, the CLC announced that they have recently posted two new research papers on their website:

1. Trade Unions, Older Workers, and the Age of Retirement
2. Pension Reform in Canada in the 1990's: What Was Accomplished, What Lies Ahead

To get to these papers go to www.clc-ctc.ca and click successively on welcome/issues/social and economic policy/pensions.

UPDATE ON WHAT IS HAPPENING WITH THE CEP 401 STRIKE AGAINST ALIANT

-On Monday, August 16, 2004, the Communications, Energy and Paper Workers Union of Canada announced that the 7000 Bell Canada technicians that they represent in Ontario have voted 85.4 % in favour of Bell Canada's latest offer. The new contract includes a 12.1% wage increase over 4 years, the potential to negotiate further pension improvements during the life of the contract, and 200 new job openings. It is felt that this settlement could have a positive impact on the Aliant strike.

-On Thursday, July 29, 2004, Aliant announced that the three-month-old strike has cost the company more than \$21 million so far. Aliant cited that fewer new phones are getting hooked up, some customers are switching to competitors, sales promotions aren't as successful because sales staff are busy working in other parts of the company, overtime costs and costs related to equipping our employees with new roles, and providing security and repairing property as the reasons.

-On Tuesday, July 27, 2004, The Communications, Energy and Paperworkers Union of Canada (CEP) announced it is donating \$2 million to the Atlantic union's strike fund. The money will help to offset the cost of medical benefits for workers after Aliant yanked its contributions at the start of the strike. The union also announced Tuesday that it is stepping up its pickets at the homes of top Aliant executives and managers and at places where replacement workers are performing strikers duties across Atlantic Canada. The union also asks Aliant customers to switch their telecommunications services - local phone, long distance, Internet, mobile - for the duration of the strike.

-On Thursday, July 15, 2004, the fed received a letter from CEP National President Brian Payne asking the fed to send out an appeal to all our affiliates for donations to CEP 401's strike fund. The Appeal went out to our affiliates on Friday, July 16, 2004 and on Wednesday, July 21, 2004, the fed sent out a \$500 cheque to show its support. If you wish to make a donation send your cheque to Noel Pauley, President, Local 401, 777 Wildon Street, Summerside, PEI, C1N4H5. Please make the cheques payable to the "CEP Local 401 Strike Fund".

HOW TO HELP THE STRIKING MEMBERS OF CEP LOCAL 401

-The PEI Federation of Labour asks its affiliates to show the striking workers as much support as possible. They have a website at <http://www.cep401.com>. To help you can:

-Call 1-800-565-4737, or any Aliant customer service line instead of Internet self-service options.

- Continue to make normal inquiries about your Telephone, Internet, and cellular bundles.
- Continue to report any troubles regarding your Telephone, Internet or Cellular accounts as per normal.
- Insist that you are able to make your bill payments at an Aliant Phone Center, not an agent at the mall, or at the bank. If this is not available, pay bills by cheque.
- Remind Aliant managers of their right to refuse to do a striking worker's duties under the Canada Labour Code.
- Demand rebates where applicable. When service outages are the responsibility of Aliant and your trouble is greater than 24 hours, refunds should be automatic. Call 1-800-563-9793 for your refund.
- File a complaint with the CRTC @ 1-877-249-2782 if you have problems receiving your rebate.

UPDATE ON WHAT IS HAPPENING WITH PSAC LOCAL 90023's STRIKE AGAINST PARKS CANADA

- On Monday, August 16, 2004, about 30 striking PSAC Local 90023 members and members of CEP 401 picketed the office of MP Shawn Murphy before moving down to Province House. On the day most of Local 90023's members were on the job as part of their rotating strike strategy that is being used to disrupt Parks Canada operations.
- On Friday, August 13, 2004, the 85 Island members of the Union of Parks Canada Employees, Local 90023, began setting up pickets at Parks Canada operations throughout the Island as two days of last ditch talks collapsed. The strike involves 4,800 members nationwide who have been without an agreement since Aug. 4, 2003. The main stumbling block remains the differential in pay rates between workers employed in similar jobs in different parts of the country. The union is asking anyone inconvenienced by the strike, including tourist operators, to express their concerns to their Mps.

GOVERNMENT RESPONSE TO FEDERATION OF LABOUR'S BRIEF TO CABINET

- On Friday, August 20, 2004, the fed received the provincial

government's response to the brief the fed presented to Cabinet in April of this year. The government's response while positive in a few areas, leaves a lot to be desired in regards to most of the issues we presented before them. Below is a summary of the 10 page report. If Council approves, the full report should be available on our website very shortly.

-RESPONSE OF THE MINISTER RESPONSIBLE FOR LABOUR FOR THE FOLLOWING TOPICS:

-ANTI SCAB LEGISLATION: The Minister's response to this was way off topic. He cites The Prince Edward Island Labour Act, section 9(3) which provides protection for striking workers to return to work upon the end of a strike which is an important piece of legislation but what the fed is looking for is legislation that prevents employers from bringing in replacement workers to do the striking workers duties while they are on strike. The fed feels that this will shorten work stoppages and reduce picket line tension.

-FIRST COLLECTIVE AGREEMENT: The Minister cited statistics from Newfoundland which is the only province in Atlantic Canada with First Collective Agreement legislation and felt that due to these statistics and other information, the Department is not prepared to introduce First Collective Agreement legislation on PEI.

-LOW WAGES - MINIMUM WAGE TO LIVING WAGE: The Minister states that in accordance with the Prince Edward Island Employment Standards Act, the Employment Standards Board is required to review the Minimum Wage annually and make a recommendation to Executive Council and the Government is continually working to increase the number of manufacturing and industrial jobs in the province they feel this will improve the average weekly wage which is the lowest in Canada.

-EMPLOYMENT STANDARDS LEGISLATION:

a. **STATUTORY HOLIDAYS:** The Minister feels that with the addition of Remembrance Day on January 1, 2004, the province would find it difficult to convince the business community to support two additional paid statutory holidays at this time. PEI now has six paid statutory holidays the same number as the other Atlantic provinces. The fed had requested that the provincial government also add Victoria Day and Thanksgiving Day as statutory holidays which are recognized by all other provincial and territorial governments outside of Atlantic Canada.

b. **VACATION LEAVE** - The fed recommended that after eight (8) years of continuous employment on Prince Edward Island that employees be granted three weeks of annual vacation with pay or 6% vacation pay. The Minister will ask the Employment Standards Board to examine this request and provide him their recommendation.

c. **SICK LEAVE AND FAMILY LEAVE:** The fed requested the addition of one day paid bereavement leave similar to legislation in Newfoundland and five days of unpaid leave per year for sick leave as in Newfoundland and New Brunswick. The Minister will request the Employment Standards Board review and respond to our request regarding 1 day paid bereavement leave and 5 days unpaid sick and family leave.

-**FAIR WAGES FOR CONSTRUCTION SECTOR:** The Minister feels that there cannot be a consensus reached between involved parties to bring about a fair wage schedule for provincial government building projects.

-**DAY OF MOURNING:** The Minister is supportive of the Federation of Labour's efforts to have April 28th recognized as a Day of Mourning for workers killed or injured on the job in PEI and will contact the Department of Transportation and Public Works in regard to securing a parcel of land around Province House for the erection of a monument recognizing workers who have died on the work site.

RESPONSE OF THE MINISTER OF EDUCATION ON THE FOLLOWING TOPICS:

-**APPRENTICESHIP TRADES TRAINING (SHORTAGES IN THE TRADES):** In the near future, information from a recent LMDA study will be provided to an industry sector council to allow it to follow a strategic approach in support of developing and maintaining a trades workforce.

-**JOURNEYPERSON TO APPRENTICE RATIO:** The Provincial Apprenticeship Board has opted for voluntary recommended ratios and has not asked the Department of Education to confirm ratios in legislation.

-**COMPULSORY CERTIFICATION OF THE ELECTRICAL TRADE:** The Construction Electrician trade has been approved for certification effective 30 June 2004.

RESPONSE OF THE ATTORNEY GENERAL ON THE FOLLOWING TOPICS:

-**PENSION BENEFITS ACT:** The *Pension Benefits Act* was passed by the Prince Edward Island Legislature on 26 April 1990 but never

proclaimed due to concerns that small companies might find the cost of compliance so onerous that they would wind up their pension plans. The Attorney General also feels that the implementation of pension benefits legislation would be a substantial project of Government and would involve new resources. The fed feels that since the federal government and every other province except PEI have managed to put pension legislation into effect, it is ridiculous that PEI does not have pension legislation.

-CAR INSURANCE: the Attorney General feels that the new legislation which they enacted in December 2003 has and will continue to result in the lowest possible rates while maintaining the rights of Islanders. The new legislation adds protection and transparency for consumers while ensuring a healthy level of competition in our market. Having said that, if this legislative package proves to be ineffective they'll look at other options.

-EI SYSTEM: The provincial government states that they will bring the fed's recommendations to the attention of the local Members of Parliament.

RESPONSE OF THE WORKERS COMPENSATION BOARD ON THE FOLLOWING TOPICS:

-THREE DAY WAITING PERIOD (3/5 WEEKLY SALARY):The WCB feels that even though overall claims have decreased, the waiting period has not caused an under-reporting of accident and believes that due to the serious sustainability concerns facing the workers compensation system, it was necessary to implement this requirement in 2002.

RESPONSE OF THE MINISTER OF TRANSPORTATION AND PUBLIC WORKS ON THE FOLLOWING TOPICS:

-WOOD ISLANDS/CARIBOU FERRY SERVICE: Transportation and Public Works recognizes the importance of the Wood Islands Ferry Service and will continue to lobby the Federal Government for the long-term funding subsidy that is necessary for this ferry service.

IMPORTANT DATES

DEADLINE FOR NAME SUBMISSIONS FOR THE POSITION OF EMPLOYEE REPRESENTATIVE ON THE OCCUPATIONAL HEALTH AND SAFETY COUNCIL.	August 6, 2004	
LABOUR DAY	MONDAY, SEPTEMBER 6, 2004	4:00 - 6:00 P.M. AT VICTORIA PARK, CHARLOTTETOWN
MEETING WITH ELMER MACFAYDEN, MINISTER OF COMMUNITY AND CULTURAL AFFAIRS	WEDNESDAY, SEPTEMBER 8, 2004	AT 2PM
FIRST MINISTERS MEETING	SEPTEMBER 13-16, 2004	OTTAWA
CLC INDUSTRIAL POLICY CONFERENCE	SEPTEMBER 22-23, 2004	FAIRMONT CHATEAU LAURIER HOTEL, OTTAWA
FALL LUNCHEON FOR LABOUR REPRESENTATIVES AND JOURNALISTS	WEDNESDAY, SEPTEMBER 29, 2004	NOON AT THE BEST WESTERN CHARLOTTETOWN HOTEL
PINK, BREEN, AND LARKIN LABOUR LAW WORKSHOP	TUESDAY, OCTOBER 12, 2004	WESTIN NOVA SCOTIAN HOTEL, HALIFAX DEADLINE FOR NAME SUBMISSION SEPTEMBER 27, 2004
CLC NATIONAL PENSION CONFERENCE	OCTOBER 17-19, 2004	FAIRMONT WINNIPEG HOTEL, MANITOBA
FAREWELL DINNER FOR EVERETT BAKER	FRIDAY, OCTOBER 22, 2004	AT THE CLAYMORE, ANTIGONISH, N.S. DEADLINE FOR TICKETS AND ROOMS SEPTEMBER 22, 2004
2004 PEIFL ANNUAL CONVENTION	FRIDAY AND SATURDAY NOVEMBER 5 AND 6, 2004	

CLC NATIONAL DISABILITY RIGHTS CONFERENCE	NOVEMBER 11-14, 2004	FAIRMOUNT QUEEN ELIZABETH HOTEL, MONTREAL, QUEBEC DEADLINE OCTOBER 12, 2004
UPSE CONVENTION	NOVEMBER 12-13, 2004	DELTA PRINCE EDWARD HOTEL IN CHARLOTTETOWN
NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN	MONDAY, DECEMBER 6, 2004	