2013 National Industrial Relations Conference

September 19 and 20, 2013
Gatineau, Quebec

A Report by:
Donald Lafleur, 4th National Vice-President, CUPW
Jan Simpson, National Union Representative, CUPW
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Opening Statement

The Canadian Industrial Relations Board holds conferences every 2 years. The CUPW National Executive Board had approved attendance for Sister Jan Simpson and Brother Donald Lafleur.

For us the highlights of this conference were when Brother Stanford of Unifor said that it has been proven that throwing darts at a dart board will give the same results as hiring investment managers to handle pension plan investments and when Brother Ménard of Unifor said if the Conservatives go ahead with the Rand formula bill we will shut down the country.

Brother Stanford’s comment definitely caught our attention given that Canada Post has spent over $50 million on managers’ fees in 2013 for the CPC pension plan investments.

Agenda

Thursday, September 19, 2013

- Registration / Buffet Breakfast
- Welcome Remarks
- Economic Outlook
  - Pedro Antunes, Director, National and Provincial Forecast, Conference Board of Canada
- The Labour Relations Dimensions of Social Media in Today’s Workplace
  - Jean-François Lemay, General Manager, Air Transat and Vice-President, Human Resources and Talent Management, Transat A.T.
  - Jean-François Dumas, President, Influence Communication
- Face-off in Professional Sports – Mediating High-Stakes High-Profile Disputes
  - Speaker: Scot Beckenbaugh, Deputy Director, Federal Mediation and Conciliation Service–US
- Stickhandling the Jurisdictional Conundrum of Hockey - Canada’s game, eh?
  - Michael Cohen, Melançon, Marceau, Grenier et Sciortino
  - Danny Kaufer, Heenan Blaikie
- Update on Legislative Initiatives and CIRB Jurisprudence
  - Ron Snyder, Fogler, Rubinoff LLP
- Update on Mental Health Initiatives in the Workplace
  - Dr. Ian Arnold, Consultant, Occupational Health and Safety
- Reception/Dinner – Keynote Address: Minister of Labour (invited), W.P. Kelly Award
Friday, September 20, 2013

- Pensions – Challenges and Opportunities
  - Jim Stanford, Economist, Canadian Auto Workers (CAW)
  - Susan Rowland, Chair, Task Force on Protecting Pensions, Province of New Brunswick
- Unions and the New Generation of Workers – New Models of Representation
  - Gaétan Ménard, Secretary-Treasurer, Communications, Energy and Paperworkers Union of Canada (CEP)
  - Peter Kennedy, Secretary-Treasurer, Canadian Auto Workers (CAW)
  
  * MM Ménard and Kennedy are Co-Chairs of the New Union Proposal Committee

Attendance

Reproduced below is an alphabetical list of organizations that sent participants to this conference:

- ACTRA National
- Adjudicator
- Aéroports de Montréal
- AIMTA Section Locale 712
- Air Canada
- Air Canada Pilots Association
- Air Line Pilots Association, International
- Air Traffic Specialists Association
- Air Transat Component of CUPE’s Airlines Division
- Algoma Central Corporation
- Amalgamated Transit Union, Local 279
- Arbitration/Mediation of Dispute Resolution
- Association of Postal Officials of Canada
- BC Maritime Employers Association
- Bell Aliant
- Bell Canada
- Canadian Broadcasting Corporation
- Canadian Centre for Occupational Health and Safety
- Canadian Industrial Relations Board
- Canadian Labour Congress
- Canadian Media Guild
- Canadian Museum of Nature
- Canadian National
- Canadian Pacific Police Association
- Canadian Pacific Railway
- Canadian Union of Postal Workers
- Candu Energy Inc.
- Canship Ugland Ltd
- CAW Canada
- CBC/Radio-Canada
- CEP Atlantic Communications Council
- CEP Local 2289
- CEP Local 401
- CEP Local 410
- CEP Local 506
- CEP Local M-1 Calgary
- Communications, Energy and Paperworkers Union of Canada
- Confédération des syndicats nationaux
- Duboff Edwards Haight & Schacter Law Corporation
- Edmonton International Airport
- Emond Harnden LLP
- Federal Mediation and Conciliation Service
- FETCO
- Garda World – Aviation Services
Update on Legislative Initiatives and CIRB Jurisprudence

Ronald M. Snyder, Partner from Fogler Rubinoff LLP made a presentation on legislative initiatives and CIRB jurisprudence.

The presentation touched on the following subjects:

- **Canada Labour Code** – Part III
  - Unjust dismissals
- **Canada Labour Code** – Part I
Jurisprudential update
  - Who is an “Employee” For the Purposes of Bargaining Unit Inclusion
  - Jurisdiction To Which Employee is Subject
  - Board Power to Defer Deciding Matters
  - Constitutional Impact on Timelines of s. 18 Applications
  - Electronic Voting: A Reliable Process
  - Successor Responsibility Related to Outstanding Grievances
  - Notice to Bargain – A Limited window of Opportunity to Provide?
  - The Freeze Period: Its Duration
  - Arbitrator Bias
  - Costs of Arbitration
  - Issuance of the Lockout Notice: The Consequential Employer Duty
  - Employer Direct Communications to Employees: An Unfair Labour Practice?
  - Replacement Workers: Its Purpose and Effect
  - Remedial Authority of the Board
  - CIRB Regulations, 2012

- Canada Labour Code – Part II
  - Health and Safety Concerns
    - Definition of “Danger”
    - “Control of the Workplace”
    - Consequence of “Designated Person” Appealing HSO Decision
    - Production of Medical Documentation
    - Scope of HSO Directions – Findings of Causation
    - Criminal Prosecution for Code Violations

- Canada Labour Code – Part III
  - Canada Labour Code (CLC) Concerns
    - Transfer of Work. Undertaking or Business.
    - Unjust Dismissal Complaints – awarding of Costs
    - Contemplated Part III Legislative Changes

For additional information please go to rsnyder@folgers.com or www.conferenceboard.ca.

Update on Mental Health initiatives in the Workplace

Dr. Ian M.F. Arnold, Health and Safety Consultant, did a good presentation on the National Standard on Psychological Health and Safety in the Workplace.

He provided statistics, such as mental health is the leading cause of disability, the costs are at $51 billion a year almost $20 billion from workplace losses, and mental health injuries are up 700% in the last 5 years.
He told us that work is not always part of the problem but it can always be part of the solution.

The publication entitled “Psychological Health and Safety in the Workplace” is a voluntary standard intended to provide systematic guidelines for Canadian employers that will help enable them to develop and continuously improve psychologically safe and healthy work environments for their employees. It can be downloaded from the internet, free of cost at www.csa.ca/z1003.

French:  www.bnq.qc.ca/can-csaz1003-bnq9700-803/fr
English:  www.bnq.qc.ca/can-csaz1003-bnq9700-803/en

For more information you can also e-mail imfarnold@ca.inter.net

**Pensions – Challenges and Opportunities**

Susan Rowland – Chair, Task Force on Protecting Pensions, Province of New Brunswick

Ms. Rowland first spoke about an increasing mortality rate and how this would increase the cost of pensions. CPC representatives told us the same thing at the September PAC meeting.

She also emphasized the importance of union involvement in all pension discussions and the need for union members to know what is happening.

In New Brunswick the changes to pensions were as follows:

- Going from 55 to 60 years old for retirement;
- Reports will be annual instead of every 3 years;
- All surpluses must stay in the plan, and they can only be used for benefit improvements; as well there are no more contribution holidays.
- In bad times employee and employer contributions can be increased temporarily, indexing can cease temporarily, or benefits may be reduced. Testing shows that benefits would only be reduced if interest rates fell to 0% for a period of 8 years.
- Pension contributions have been set to between 1.2% to 2.8% for employees and from 1.2% to 3.9% for employers. Some employers had not paid into the plan for 12 years.

On average retirees are living 26 years past their retirement date.
Jim Stanford – Economist Unifor

Brother Stanford began by stating the obvious that unions are public enemy number 1 for the Harper government.

He then stressed the importance of caring for our retirees who now have a 5% poverty rate. The first priority should be putting people back to work in good jobs.

Jim pointed out that financial markets are obviously not secure.

He was very clear that Old Age Security and the Canada Pension Plan are good and internationally recognized but could be improved. Administration costs are very low. The federal government does not need unanimous consensus from the provinces to make improvements to the CPP. The public must resist reductions such as moving the retirement age from 65 to 67 years old.

Jim said that the Canadian Labour Congress had run a great campaign on pensions.

He pointed out that RRSPs are a social catastrophe costing the federal government $15 billion a year and provinces $7.5 billion.

At Air Canada, after doing the math, it was found that a defined benefit plan would generate on average $1,888 a month while a defined contribution plan would generate 40% less at $1,338 a month. West Jet employs 7,500 people and has no pension plan. Workers in union workplaces have an 85% chance of having a pension plan. But in non-union shops the percentage is at 20%. Most employers want us to work until we drop.

CUPW Questions

CUPW pointed out that the Canada Post pension plan investment managers had been paid over $50 million in 2013. As well, CPC was using the pension solvency deficit to justify cuts in postal services like eliminating door-to-door mail delivery and/or every second day delivery.

Both presenters agreed that CPP improvements were the way to go and that publicly funded elder care would go a long way in ensuring our elders would not live in poverty.
Hassan Yussuff – Canadian Labour Congress

Brother Yussuff reminded the participants that a pension debate needs to take place. Too many workers have no pension. By 2036 the number of retirees will double, and we should be concerned about that.

He said that working a lifetime and living in poverty is fundamentally wrong and that the public system should take care of seniors.

The CLC has been running a pension campaign for 4 years and 2/3 of the provinces support improvements to the CPP.

Unions and the New Generation of Workers – New Models of Representation

The merger of the CAW and CEP to form UNIFOR is an important development that is worth giving close attention by the left. Gaétan Ménard and Peter Kennedy gave a joint presentation on the new union. Unifor will consist of over 300,000 members, creating the largest private sector union in Canada. The initial conversation began in 2011 to create this new union. In order for this merger to take place conversations were had and surveys put out around the country to have the input of the membership in every aspect of forming the new union. The name and new logo of the union was one that 7,000 respondents helped to choose. The name Unifor = Union +for, and the logo is a shield which represents strength and protection and the “U” two unions coming together.

This past Labour Day weekend, thousands of elected CAW and CEP delegates, were in Toronto to take part in the founding convention of Unifor, the new constitution was accepted, the work plan was set in place and Jerry Dias was elected as the first President.

Unifor has committed a budget of 10 million dollars for organizing. They plan to establish community chapters across Canada. Community chapters could be formed in a number of different circumstances, including among bike couriers, contract or agency workers, workers in precarious jobs, the self-employed and workers in unsuccessful union drives. Most community chapters would be affiliated with a willing local, and would give members access to benefits, advocacy and training.

Unifor will be doing active political work on several fronts, including militant activism up to and including shutting down the country if necessary to protect the Rand formula.

Unifor consists of members from the Canadian Auto Workers (CAW) and the Communications, Energy and Paperworkers Union of Canada (CEP).
Below is a breakdown of the membership profile.

<table>
<thead>
<tr>
<th></th>
<th>CAW</th>
<th>CEP</th>
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<tr>
<td>Manufacturing</td>
<td>45%</td>
<td>87,000</td>
<td>Energy</td>
<td>30%</td>
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<tr>
<td>Services</td>
<td>32%</td>
<td>61,900</td>
<td>Communications</td>
<td>29%</td>
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<td>Transportation</td>
<td>17%</td>
<td>32,900</td>
<td>Paper</td>
<td>27%</td>
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<tr>
<td>Primary</td>
<td>6%</td>
<td>11,600</td>
<td>Media</td>
<td>14%</td>
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<td><strong>193,500</strong></td>
<td></td>
<td><strong>110,000</strong></td>
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**Conclusion**

All documents provided at this conference will be copied on the compact disk that will form part of the December 2013 staffing report to the NEB of CUPW.

Solidarité,

[Signature]

Donald Lafleur
4th National Vice-President

Solidarity,

[Signature]

Jan Simpson
National Union Representative

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