

IN SOLIDARITY



The newsletter for OPSEU Stewards and Activists

OHIP workers fight for their lives

by Loraine Ménard, Local 468

“It’s your health — don’t leave work without it.”

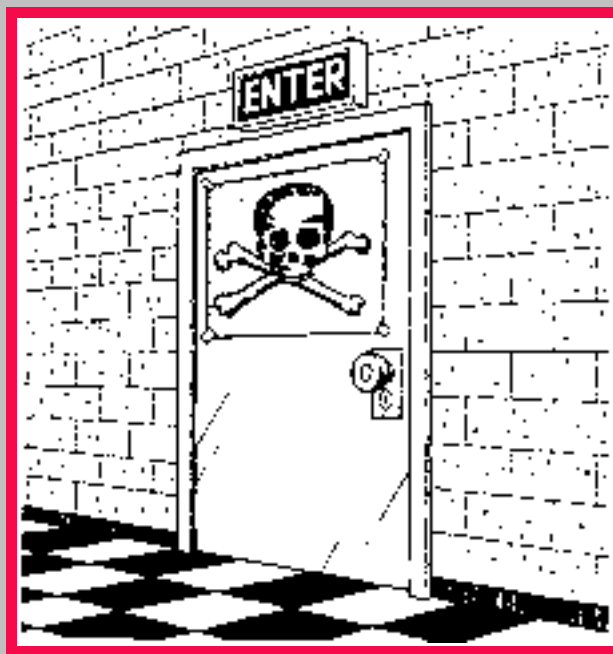
Members of Local 468, Kingston may have been fighting for their lives for decades. Since 1984, workers have been questioning the safety of the Ministry of Health’s MacDonald Cartier Building in Kingston. Some workers endure discomfort while others are lost to cancer and several more contract other debilitating auto-immune system diseases.

The issue deals with coal tar and its toxic derivatives. Are they leaching from adjacent properties into the building and poisoning the workforce? Evidence already exists that coal tar has been found on the property line.

Toxins in the body do not discriminate; women have high incidents of breast cancer and men report problems of their own. Parents with children who are ill or who have suffered from birth defects want to know if the environment played a role in their suffering.

Kathy Smith, the Local’s president and OPSEU co-chair of the joint health and safety committee, is the driving force behind getting the answers. It is not a project for the faint of heart.

Obstacles from middle managers in AMAPCEO, senior managers in Toronto and politicians are



numerous. Non-cooperation, denial, broken promises, altered reports, missing reports and failure to produce reports demonstrate arrogance and an apparent penchant to lie and to coverup.

If management possesses reliable, scientific data to counter the union’s allegations, why is it not using it to allay workers’ worst fears? This local has exposed the government’s vulnerability. Avoidance

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EDITORIAL POLICY

The content and editing of this newsletter is determined by rank and file activists. We want members to feel ownership of *In Solidarity*, and view it as independent of any particular segment of the union.

Content comes from our own huge base of activists, staff and other labour sources.

Where an article has a by-line, the views are those of the author and not necessarily the views of OPSEU.

If no author is identified, the article represents OPSEU policy.

While we welcome your contributions (on disk or by e-mail if possible), we ask that these be constructive. All articles should be signed and include Local number, and should contribute positively to the welfare of this union and its members.

It is not our intention to become involved in staff-bashing or member-bashing. If a person or office is named in an article, we will give that person or office the opportunity to respond in the same issue as the article appears.

We encourage thoughtful discussion of all related issues and reserve the right to edit for libel, length and clarity, and to reply to those that seem to reflect a misunderstanding of the union and its policies. ☺



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newsletter editors of INFO/BIS and certified Health
and Safety Representatives.

OHIP workers fight for their lives

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and evasion may well be an unspoken admission of potentially serious issues.

Members of the health and safety committee saw a glimmer of hope after two and a half years of frustration. The Local brought Scott Cordell from GeoCor Engineering Inc. on board. He analyzed a small sampling of *goop* collected from the basement and suggests with 99.9 per cent certainty that coal tar toxins are in the building.

Based on this report OPSEU called a news conference in early November 2002 to disclose the results of the analysis.

Members of local 468 reacted immediately. Approximately 140 workers invoked a work refusal for nearly two weeks under section 43 of the Occupational Health and Safety Act.

The news of possible health risks in this building spread quickly. Annette Philips and Ian Elliot from the *Kingston Whig - Standard* provided excellent media support. A survey conducted by the newspaper showed that 98 per cent of participants agreed that more investigation was needed to guarantee worker safety.

With the help of Elizabeth Johnson, Local 468 Treasurer and member of the joint health and safety committee, the story continues to attract attention. Sadly, local coverage doesn't seem to be enough to make the government honour their commitment of soil and air testing.

The employer persists in its attempts to sabotage the agreement with OPSEU, despite constant vigilance by the committee overseeing the process.

Dr. Robert Chase surfaced at a press conference recently to deny any link between numerous breast cancer cases and the alleged presence of environmental toxins. The arrival of Dr. Chase confirms that the government is determined to circumvent and breach its negotiated commitment. Both sides agreed that direction to the vendors were to be given by the joint health and safety committee.

Dr. Chase reported his findings to the press. In rendering his judgment, he included this diagnosis:



“workers are suffering from psychological illness.”

This inflammatory statement is directed to a predominantly female workforce. It is viewed as insulting, demeaning, antiquated and chauvinistic. It labels female workers as hysterical and suffering from an — “it’s all in your head syndrome.”

The employer rushed to add injury to insult. Dr. Chase is to take charge of testing. He will be assessing the results and is to report exclusively to the employer.

The Local understood that if this move went uncontested, impartiality and fairness would be eliminated from the process. We had no choice but to take action against the government’s tactic.

On the heels of this diversion, Water Earth Science Associates (WESA), contracted to conduct soil testing, advised they are scaling back that testing to save the government some money. They are drilling five bore holes around the perimeter of the building. The lack of drilling into the building foundations concerns us greatly because it seems to mean no answers to the main question of whether coal tar poison actually enters the building.

These violations serve a specific purpose in the government’s agenda. They effectively tender Scott Cordell of GeoCor powerless as a Special Advisor. They also beg the question of how Dr. Doug Walkinshaw of Indoor Air Technologies Inc. can proceed with his testing with any credibility.

This strategy by the Employer is delaying the process while grievances, complaints and appeals to the Ontario Labour Relations Board are dealt with.

Minister David Tsubouchi’s promise of ten days to start real testing now stretches into at least four

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OHIP workers fight for their lives

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months. Interference from the bureaucrats is tying union staff up in proceedings and workers are put at risk for a longer period of time. At stage two of the

grievance involving the Ministry of Labour's ordering workers back in, management has confirmed that there are no plans to re-locate anyone.

"The membership has been awesome. They can take a great deal of pride in knowing the huge role that they've played in all of this."

Kathy Smith

Employees, now educated on the risks they are facing, become

more fearful and anxious every day. They are prepared to safeguard their health and are voicing their concerns.

Kathy Smith is proud of her members and praises them. "The membership has been awesome. They can take a great deal of pride in knowing the huge role that they've played in all of this. The Local has proven what OPSEU has said over and over again: the real power in the workplace belongs to the members. When we stand strong and united, we can overcome anything," she said.

The stakes are high and are getting higher. People are getting sick and may be dying because of chemicals they've been exposed to.

On the other side, the Government of Ontario, the Ministry of Health, the Ministry of Labour, the City of Kingston and Lape Holdings Inc. are facing potentially severe liability issues.

Local leadership is fighting off exhaustion, anger and frustration. Dealing with people in a heightened state of awareness and watchfulness is draining. However, the employer's guerilla tactics only serve to fuel the determination to see this situation resolved. Support is strong and the Local has become a force to be reckoned with.

Elizabeth Johnson alludes to the "spirit of a cooperative venture" being compromised by every violation of the agreement but Kathy Smith still vows to get at the truth.

Local 468 brings its story to the *In Solidarity*

readership because it needs your support in this fierce and ugly battle with our common employer.

An even more compelling reason exists to share this story. It comes from a statement Bob Dematteo, OPSEU's Occupational Health and Safety Officer, made at a general membership meeting, "There are fifty contaminated buildings in Ontario that need to be cleaned up by the government. OPSEU members occupy ten of these buildings."

Our story is not an isolated incident. It is the tip of the iceberg. Other brothers and sisters are victims of, or at least at risk from, this government's callousness toward employee health and safety.

What do you plan to do about it?

It's your health — don't leave work without it. ☹

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Communication works

We were the first Children's Aid Society (CAS) to negotiate a collective agreement some twenty-five years ago. Since that time we have grown tremendously. We've had two strikes, numerous changes in leadership, and seen our workforce face adversity time and time again. There have been changes in legislation, political parties, employment standards and reporting requirements — and we're still here.

Our contract expired on March 31, 2003, and in the early stages of negotiations, most felt optimistic that we would have an early settlement. When bargaining took a turn for the worse, we were faced with what we saw as a major complication. Almost half of our workforce consists of new, young members. Most have little experience working in a unionized environment and were easily intimidated. Almost all are paying student loans and entering into their first job in the profession. Typically, this type of group is difficult to access and mobilize. The clear difference in this round of negotiations is that we were well armed with information and didn't hesitate to share it with our membership.

As a member of the sector negotiating team for the last several years, I often thought of myself as a negotiator in training. Listening to the countless stories of inequities at the bargaining table and the struggles of my sisters and brothers I quickly learned how valuable this information could be. With the assistance of a wonderful group of individuals, both veterans and newcomers, we have been extremely successful in sending a clear message to both our management and the Province of Ontario.

Several weeks ago after a failed attempt at conciliation, our strike committee was struck and we rose to the challenge. Armed with a wealth of information, mostly obtained from the coordinated bargaining effort, we began a *Did You Know* campaign. This campaign involved sending daily e-mails to the entire membership comparing our local to other CASs and social service providers. These messages were short and factual and united our membership beyond our wildest dreams. We embraced the knowledge gained over the past few years and presented information to our members,



management, and our board of directors. All of this was done respectfully, professionally and positively.

Our recent information picket prior to a board meeting was described as a gauntlet. We formed two long single lines leading up to the front door of the agency and stood silent as our board members entered. We then verbally presented a prepared statement to the Board of Directors which clearly expressed our intent. I was astonished by the impact. We now have supporters cheering us on.

We are returning to the table for mediation with an 86 per cent strike vote.

The coordinated bargaining effort provided our local with information, ideas and support. We have been exchanging ideas and collective agreements with other locals, both OPSEU and other Unions, since January, 2003.

On behalf of our Local we would like to thank all of you who have participated in this process and would encourage others to get involved. We have a great deal more power when we are informed and stand united.

In Solidarity,
Lynne Easter-Froats, Local 116

Editor's Note: Workers have ratified a three-year agreement. The new contract includes an average wage increase of nine per cent over three years, benefit and vacation improvements and grievable workload language. ☺

A brief history of May Day

by *Len Mason, In Solidarity*

As we prepare for labour day celebrations, I thought it appropriate to remind readers about the origin of May Day.

The struggle to win fair treatment, decent wages, and safe working conditions has always been a battle for the working people around the world.

In the 1860s, workers campaigned for shorter working hours in many countries.

On May 1st, 1886, workers in Canada and the United States held peaceful strikes and rallies to demand an eight-hour work day.

Two days later, Chicago police killed several protestors in a clash between workers and scabs in that city. In Haymarket Square, a rally was held to protest the killings, and when police tried to forcibly disperse the crowd, someone threw a bomb. Seven police were killed and dozens were injured.

Eight leaders of the Chicago workers' movement were charged with the police deaths. Although none had thrown the bomb, they were convicted. Four were executed, one died in custody, and three were given life in prison. They were eventually pardoned.

In memory of this struggle, and the struggle of all workers for better working conditions, May 1st was declared an eight-hour holiday in 1889, by the International Workers' Congress in Paris.

The fear of socialist revolution increased the anti-communist sentiment in America; in 1919, May Day participants were attacked by police and anti-labor rioters, which led to the destruction of socialist or communist party offices in dozens of cities. Workers encountered problems in getting permission for marches, and some cities required that the American flag be carried. Similar attacks or bans on May Day parades became common throughout non-socialist European countries, especially in fascist Italy and Germany.

May Day continued to grow everywhere in the world. Canada, South Africa, China, Japan, and Korea all saw labour movements celebrate May Day. The largest turnouts were in the Soviet Union and Cuba. US media increasingly described May Day as a commie event, even though American leftists of all types continued to participate, calling for fairness and equal opportunity on the job. Large-scale demonstrations led to employers recognizing the eight-hour day and the forty-hour workweek. Between the Cold War and McCarthyism, participation in May Day events in the US and Canada dwindled.

May Day is still celebrated by socialist, communist, and labor organizations in America. May Day 1998 saw a small demonstration in Olympia against the Washington State "anarchy and sabotage" statute, which in 1919 made it illegal for anyone to display banners, flags, or emblems that are perceived to advocate subversion of the US Constitution, federal or state laws. In Seattle, hundreds marched for unionization and better pay for child-care workers.

Some believe that the celebrations of Labour Day in September was the government of the day's attempt to divert away from the struggles of workers leading up to May Day. Rather than a celebration of one's labour, it has become a family holiday. The first Monday in September has no real historical reference to labour.

It's ironic that while May Day began in America, participation has paled in contrast to the millions of activists who still celebrate May Day around the world. The impetus for May Day still exists; it only needs the spark of organization to flare up again and command the attention of North America's corporations. ☺

Rumours are destructive

by Kim Radl, *The Guardian, Local 737*

We're all guilty. We know we're guilty and yet we continue to spread rumours. We've all been victims. We've all had that uneasy feeling when we walk into a room and all conversation stops or sidelong looks from fellow employees as we pass in the hall.

Gossip passes for news with only a few things in common. Would you watch a news broadcast based solely on someone else's need to hurt? Would you listen to a radio broadcast about the fight to cure cancer when all they are interested in is the personality of the doctor who just made a break through in research? Would you believe this to be news? Of course not. The focus of these stories would be diminished by our need to get an intimate look into something that is none of our business. Without ever knowing anything about someone, we are ready and willing to listen to all the gory details. Truth is unimportant.

Why is it more inviting to talk *about* people instead of *to* people? Why is it more important to say something negative about someone instead of something positive? Is it easier for us to speculate on the motives of someone than to stand up and applaud their accomplishments? It seems that it is.

Who among us has not made a mistake at work? We've all done things that we've gone home and kicked ourselves for. It's a good thing we make mistakes because that's how we learn. Then why do we continue to harp on someone else's mistakes? I've heard stories of mistakes that happened years ago and are still going around. Repeating stories of someone's error helps no one. It harms not just one person, but all of us. Nobody wants to be the subject of ridicule. In order to appear competent in all situations a new employee may not ask a question that he/she believes will bring scorn from other staff members, (they've all heard about the guy that made a mistake 10 years ago).

We depend on each other every minute we're at work and when one of us falls, we all pay the price. Maybe trashing someone in the lunch room provides a juicy bit of gossip for the day but it won't fix a problem.

Some one told me when I started working at the Jail, "when you hear them talking about you, they're giving someone else a break." We can change this and it's not that difficult to do. When you hear gossip, ignore it. Don't repeat it. Don't be part of the cycle that keeps people down. Acknowledge the best in people. Their faults are as unimportant as our own are. ❖

Union gains for all workers

Over the years unions in Canada have helped achieve many rights for workers. Some are included below:

- The eight-hour work day
- Unemployment Insurance
- Medicare
- Workers' compensation
- An end to child labour
- Maternity leave benefits
- Public pensions
- Human rights laws
- Minimum wage laws
- Employment equity

- Public education
- Pay equity
- Health and safety laws
- Libraries
- Women's reproductive rights
- Sick leave
- Vacation pay
- Community services



Today we work to keep and strengthen these achievements. We continue to fight for respect and dignity for all workers!

Retirees play an active role in OPSEU

by Joyce Earl-Wills, Chairperson, Retired Members Division, Region 4.

Now, even more than ever OPSEU retirees are needed to take an active role in their union and in the labour movement. As OPSEU members we were often separated by sector or ministry...not so any more. We're all retirees, all have "gray power" and are ready to carry on.

As retirees we have time. Our time is freed up now for other activities. We know that LECs and local activists are very busy protecting jobs, policing agreements, and working and having some family life. We remember what it was like to try to juggle every task and crisis of the daily grind. We are available to help.

As retirees we have expertise. We usually were long-time trade unionists, good workers in our locals, and understand campaigns. We have no fear of reprisals from the employer. "You can't fire me, I'm sticking with the union" takes on new meaning to us!

Retirees are often the conscience of the union. The knowledge of long fights and hard battles did not die just because we retired. Often, retirees know about strategies that worked in particular situations, and history does have a way of repeating itself.

At the last Convention the retirees won new rights and responsibilities and we are grateful for the overwhelming support of Convention delegates for them. We were generally always active on area councils and in our district labour councils and now we can legitimately take up those roles. The Retired Members Division takes an active part in Convention by bringing forward resolutions and amendments.

Other unions also have active retirees and we are among familiar faces and in good company as we meet in our communities and at other labour events.

The Retired Members Division is a busy working "stewardship" body, much like the stewards in an



Joyce Earl-Wills worked for the ministry of Community and Social Services until her retirement in July, 1995.

LEC. Our members, too, have problems, need assistance, and are in a much larger catchment area than an LECs. Because many of our retirees are older, they need strong advocates to help them through many of the same kinds of difficulties that active working members face. Don't kid yourself that everything is wonderful after you retire. Be prepared for the same crew that you worked for all those years to mess around with your livelihood afterwards too.

As retirees we have a fine line to walk. While there are many things that we can and need to do as union activists, we have to be conscious that workers' ideals and activities are often predicated on different grounds than ours. We cannot interfere; we really are guests even in our old locals. We can offer sage advice, pick up some of the work, be an outward voice and be supportive of our union, both locally and provincially. ☺

In Solidarity editor moves on!

The first editor's weekend that I attended was in 1993. At the plenary session, I, along with four others put my hand up to work on an Editor's network and a publication coming out of that network. Informed Newsletters for OPSEU/ Bulletins Informés pour le SEFPO was born and a team was elected by the editors to work on the publication.

Audrey Williams, Steve Shapcott, Dan McNight and myself were those members. With board member Will Presley and Communications staff Katie FitzRandolph's expert advice, the Board approved a six-month trial. Careful not to duplicate what OPSEU already had and keeping within our budget, distribution was limited to activists and stewards. It was to be a reference for stewards — a place where they could read about what other members were doing.

Audrey was chosen as the chair person of our little group and off we went. The first thing we needed to do was decide on a name. After several failed attempts, we all agreed on *In Solidarity*. I volunteered to ask one of my local members, Evan Devine, to design some original artwork for our logo. I had worked with Evan in the past and knew that his talent would take us exactly where we wanted to go. Evan was able to depict the inclusiveness of our union by his design.

Next, we needed a template and that's where Audrey went to work. In those days the editor did the design and the editing while the rest of us either wrote stories or looked for others to write. Audrey would then spend days and nights secluded in her upstairs office perfecting our first issue (and several after that). Finally, in 1994, we had our premiere edition. *In Solidarity* was embraced by our members as something exciting and useful to them. The Board also embraced the publication. We had a budget and bylaws which included a clause that precluded us from becoming involved in any political activity at convention. We needed to appear impartial, particularly in election years, when providing daily updates to the floor. This was sometimes difficult.

Audrey left the committee after accepting the

appointment as Leah's executive assistant in 1995 and I assumed the Editor's role. Immediately, I hated my computer. I swore at it, threatened it and still it wouldn't do what I knew it could do. Words have always been important to me and I just didn't see how the placement of a picture added anything. Of course, we all know that design is much more than the placement of the picture. I finally produced my first issue of *In Solidarity* as editor with the help of my team. I needed to work on my design!

In 1997, Len Mason joined *In Solidarity* and with him came his love of design. Seeing my struggles, Len graciously offered to be my co-editor and design *In Solidarity*. The publication, I believe, has evolved into a great source of information that is very well put together. Through the years team members have come and gone but for the most part Len, Katie and I have remained constant — until now.

This will be the last issue of *In Solidarity* that I will edit. After ten years I have decided not to run for the spot in the fall. It is with some sadness that I make this decision because *In Solidarity* and the editors' group are my favourite OPSEU committees. I have learned so much from Katie and other experts in the editorial world and also from each of the editors that I have come to know. I have even, albeit reluctantly, learned that design is as important as the words contained — thanks for that, Len.

I am grateful to you for allowing me and the rest of OPSEU the opportunity to get to know you through *In Solidarity*. I have learned so much about OPSEU as an organization, and have worked with talented staff and great members.

Communication is our greatest weapon against any employer. I would encourage you to come to the Editor's Weekend and start your newsletter and learn something new from a great network of people.

Also, I hope that editors will consider running for the editorial board of *In Solidarity*. It is a leaning experience like no other.

I look forward to seeing your premiere edition.

In Solidarity,
Laurie Chapman, Editor

7 Ways to lose a winning grievance

What's worse than losing a grievance? It's losing a grievance that you and everyone else knew was a 100 per cent winner.

Losing “sure winners” happens every day — not because of the quality of the grievance, but because of the way the union handles it. Making a fundamental error or forgetting a basic detail can snatch defeat from the jaws of victory. Here are seven-sure fire ways to lose even the best grievance.

1) Miss a deadline

If you were management, would you give the union a little slack if they filed an appeal too late — especially on a case that was going to cost the employer either a lot of money, authority or embarrassment? No way.

If you have to do something within a certain time frame, get it done. It could be filing a document, preparing for a hearing, submitting a brief or filling out a form. It makes no difference. The longer you wait, the greater the chance that you'll miss the deadline and lose your case.

2) Wait until somebody brings the issue to you

Just because nobody brought a problem to your attention earlier doesn't mean the union shouldn't have known about it. If it started happening a year ago, and nobody made it an issue until recently, it may be too late to do something.

That's why somebody, preferably a group of stewards, needs to examine changes in the workplace as they are happening. Can management do that under the terms of the contract? Does it hurt employees? Is it legal? If you wait until someone complains about it, it may be too late.

3) Fail to arrange for witnesses to attend hearings

You may have a fantastic eyewitness who will verify everything the grievor alleges. But if you wait until the last minute to notify the eyewitness about a hearing date, you may find that he or she is out of town, in the hospital, or just plain unreachable. Then where will you be with no corroborating testimony?

Be sure your witness knows when and where the hearing is, too. Witnesses aren't much good if they show up at the wrong place or time to testify.

4) Don't prepare your witnesses

There's nothing like the sinking feeling you get in a grievance session when a grievor or witness says something that destroys your case. Go over every question you will ask beforehand. Witnesses shouldn't volunteer information. Their answers should be short, factual, and to the point.

5) Fail to cite the most compelling section of the contract

Some people routinely add the words “other related sections” to the part of the grievance form that asks you to specify the contract section that was violated. Later in the grievance process, somebody may figure out that some other section of the contract provides a stronger argument. Always check the full contract first. Talk it over with someone else who knows the agreement. Cite all the articles that reasonably seem to apply. But if you can hold open your options (by listing “and other related sections”) until you are asked to be more specific, you may buy some time to strengthen your case.

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7 Ways to lose a winning grievance

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6) Get personal

It lessens your victory if management drags out the grievance process needlessly long. If they stall things because they think they can win, there's not much you can do. But when they do it just out of spite and personal animosity, maybe you could have prevented it by keeping the grievance process strictly professional and not a grudge match between two individuals.

Winning is its own reward. You were right and management has to acknowledge it. Don't give them an unnecessary reason to postpone the final resolution.

7) Figure out what winning really means after it's too late

"Winning" is not always as clear as it seems. Sometimes winning means getting redress — that is, undoing a wrong or winning some sort of compensation for the victim. In other cases winning means setting a precedent for the future. In yet other cases, winning may be seen as holding management accountable for its actions — an apology, public acknowledgement that they were wrong, or embarrassment of a particularly authoritarian boss. Know what kind of win you want when you start the process, because these goals may be competing — or even exclusive of each other. You may "win" the grievance, in the formal sense. But if you didn't demand the right resolution, it probably won't feel like much of a victory.

Tom Israel is the Executive Director of the Montgomery County (MD) Education Association, NEA, and former president of SEIU Local 205. ☺

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A Labour Minute



The pit ponies' six car limit

Although horses and mules are not used in Canadian mines any more, there was a time when they were very common in underground coal and hard rock mining operations.

These "pit ponies" as they were called, pulled ore or coal cars along mine drifts (tunnels) on narrow gauge rail lines. When the cars reached the main shaft the ore was hoisted to the surface. Most horses learned their route and the other mine routines quickly, and could do much of their hauling unsupervised.

Subterranean stables were built, sometimes as much as a mile below ground, and stores of grain, straw and water were maintained there for the horses.

Pit ponies typically worked in total darkness, since the drifts away from the main shaft were not lit. In most areas of the mine the only lights were on the hats of the miners.

The open-topped rail cars the horses pulled could be filled with more than a ton of coal or rock. A standard load for a pit pony was six cars.

Horses would stand and listen to the cars being coupled behind them. When a miner called out "Get up" the six car train would move off.

The older and wiser pit ponies learned to recognize the sound of a linchpin falling into the coupler. If an attempt was made to hook up more than six rail cars, the pit pony might well turn its head around and stare at the offending miner.

Under the glare of his hooded colleague more than one miner unhooked the seventh ore car, and only then did the pit pony haul the load away.

Labour Minutes recount the history of working people and take just a minute to read.

- Bruce - Ray

Canadian health care being sold, Douglas says

CALM

“People have no idea how much of the health system has been privatized,” says health activist and actor Shirley Douglas. “Our health care is simply being sold.”

“But even worse than that,” she continues, “is that once we’ve private health care in this country, in the NAFTA agreement, *Chapter 11, Fair Trade Practices*, you will then have opened up the door for any companies that want to come into this country.” Then, she points out, Canadians run the risk that American companies will take over electricity, prisons, schools, hospitals. “The taking over of what we publicly owned and what is for the common good,” is how she describes it.

Douglas has a history of working for the common good. “I watched the birth of hospitalization, which was 1947,” the daughter of Tommy Douglas, then CCF premier of Saskatchewan, says. “But I also saw the opposition. I watched the American Medical Association, the Canadian Medical Association, all the insurance companies of America and Canada, the pharmaceutical companies coming into Saskatchewan to fight the 1948 election.”

Douglas first noticed the decline in Canada’s health care system in 1977 when she returned to Canada from the United States and settled in Toronto with her three children (including son Kiefer Sutherland, now also an actor). Her father warned her even then, “We are watching the death knell of health care in this country, unless the people that are concerned about it are going to get out and fight for it.”

For years, governments have been nibbling away at medicare, turning more and more of it over to private, profit-making companies, even though study after study shows that public health care is more efficient than private and results in better care. Douglas notes that almost all diagnostic work is now private. Every time someone goes for a blood test,

she says, a 25 per cent minimum profit is going to a private company—money that could be going back into the public system.

Currently, Douglas is spokesperson for the Canadian Health Coalition. She talks about meeting the CEO of a regional health district when she was speaking in Saskatchewan. Their local lab costs were \$1.4 million, and he went to the government and said he thought he could do the work, on a non-profit basis, for \$600,000. The government gave him \$600,000 for the lab work but they came in at \$420,000.

“There was a million-dollar profit there,” says Douglas, “and if you add that to every little lab that is set up — I think they figured out that for Vancouver that would be \$25 million.”

She continues, “Health care companies must have a 25 to 30 per cent profit for them to continue to function. And when they don’t have that, they close down.”

She says, “My father used to say that if you let a two-tiered system come into existence, one group will have the best care, the best surgeons, the best nursing, they will have the best facility in the country. And the rest of the people will take what is left over.”

Shirley Douglas intends to make sure Canadians don’t end up losing the health care system that her father started to build.

“For a lot of people it’s hard to see what’s wrong. That is why groups like large unions have a great responsibility to their members to educate people,” Douglas says.

“I would say to anybody who is interested in saving their health care system that there is nothing like an election to make your voice heard. You have to get out and get doing. You can’t just sit and wait for everyone else to save the health system.” ☺

Why public is better than private

Public Employee/CUPE B.C./CALM

Doesn't privatization create more competition and lower prices?

No. Competition rarely makes services cheaper. Large foreign corporations rule the marketplace. After getting their first contract they keep prices higher. Some have been investigated for anti-competitive practices and price fixing.

Don't city councils and school boards have the negotiating savvy?

No. Private companies have more bargaining expertise. They have hundreds of lawyers working for them. How easy will it be for towns with fewer than 5,000 residents to deal with these billion-dollar firms?

Won't taxpayers save a bundle of money?

Not likely. Municipal governments and associations can borrow more cheaply than private companies. Why should taxpayers pay for these higher interest rates, as well as profits?

Don't private companies do it better than public employees?

No. When the Edmonton School District studied contracted-out custodial services they found a huge lack of quality. They contracted-in all the services. Private companies create minimum-wage jobs, and that leads to a more transient workforce.

Who can we hold accountable if something goes wrong?

The public loses accountability with public-private partnerships. Often the public can't even see the contract. In Maple Ridge, B.C., a major P3 was



declared illegal because the public was prevented from participating.

Will local politicians be off the hook if they privatize public services?

The government talks about transferring risk to the private sector. It doesn't happen. Local government is responsible for delivering services. A private partner can just walk away.

What does my community stand to lose if they privatize?

Jobs and money. Profits are siphoned away from the community, sometimes out of the country. Less money is spent at local businesses.

Can't we get public services back if privatizing doesn't work?

No. This is a one-way street. If we open up services and resources, such as water and hydro to international companies, they are gone forever, thanks to the North American Free Trade Agreement. ☹

Madeleine Parent

Activist battles against social injustice

Courtesy of CEQ/Alain Chagnon

Madeleine Parent was born in Montreal in 1918. While boarding at the Villa-Maria Convent, she could not help but notice the enormous difference between the treatment of the girls employed as servants, and that of the boarders, such as herself. She said, "I simply could not accept that." She then prepared to face the challenge of her life — the battle against social injustice.

Her life of militancy began at McGill University where she studied sociology. At the time, social classes were divided into two groups: Fraternities and Sororities which were reserved for the sons and daughters of well-to-do families and the others.

Madeleine Parent became involved as a militant within the Canadian Students Assembly in an effort to make study bursaries available to the children of low-income families.

After completing her studies, the quest to improve the living conditions of workers — and especially female workers — became the focal point of her life. Union activism was the primary tool she used to bolster her efforts in this regard.

In 1942, she headed the unionization movement for Dominion Textile plants in Valleyfield and Montreal. A few years later, a strike broke out and entire families became involved in the union rights movement. On many occasions, Madeleine Parent displayed courage, leadership and determination. She faced daunting adversaries and fought a constant battle, often against the unions themselves. In fact, the textile industry employed mostly women, and international unions tended to frown on the unionization of such disorganized groups. Her worst enemies remained the clergy and the government.

She became the sworn enemy of Maurice Duplessis, who publicly accused her of being a communist. In the years that followed, threats towards her increased and she was arrested on five occasions. In 1948, Duplessis even managed to have



Madeleine Parent

her convicted for seditious conspiracy.

Throughout these battles Madeleine Parent and the striking workers stood their ground. Their efforts were rewarded in 1946 when more than 6,000 cotton workers succeeded in forming a union.

In 1952, however, Quebec workers were betrayed by their international union. They signed an agreement with Dominion Textile reflecting only the requirements stipulated by Duplessis. This betrayal made the need for local unions clear. Madeleine Parent was one of the founding members of the Canadian Council of Unions, dedicated to repatriating unions having American allegiances. Her determination and patience paid off. In 1968, 70 per cent of union workers in Canada contributed to American unions, whereas in 1998, that rate had fallen to 30 per cent.

Madeleine Parent retired from the union movement in 1983. She did not, however, give up the quest that guided her throughout her career, and in particular she maintained her commitment to women. She was a founding member of the National Action Committee on the Status of Women, where she represented Quebec for eight years. She actively participated in various committees and several activities, including, committees for the defence of the rights of Aboriginal women, and the Women's March Against Poverty organized by the Fédération des femmes du Québec in 1995.

Today, Madeleine Parent still pursues her dream of social justice. ☺

Can management bully?

by Tim Gleason/CALM

At a recent conference for labour lawyers representing both union and management sides, a prominent management-side lawyer spoke passionately about workplace bullying. He said employers must deal with bullying swiftly and firmly, for the good of all their employees. He said the standard he urges upon his clients is to assess whether the behaviour would be acceptable if it were a family member of theirs at the receiving end.

When asked if the same standard should apply to managers or supervisors accused of bullying, he replied that any bully, whether a manager or a bargaining unit member, should be dealt with equally. I wondered if his position would surprise some of his clients and management colleagues.

It has been successfully argued that arbitrators cannot require employers to discipline managers. Employers, for their part, can be expected to agree. Unions are left to wonder just who, then, will discipline a bullying supervisor.

Recently, an Ontario arbitrator did consider the issue, and she has issued a comprehensive analysis of this problem. In her award, she found that an arbitrator does have jurisdiction, in appropriate circumstances, to order an employer to discipline a supervisor.

In *Teamsters Canada, Local 419 and Tenaquip Ltd.*, arbitrator Elaine Newman reviewed the literature on the issue and found that she could, under certain circumstances, order an employer to discipline a supervisor accused of assaulting a grievor. The Supreme Court's decision in *Weber v.*

Ontario Hydro, combined with the statutory obligation for a remedy that “will give a complete and final resolution” of a dispute between parties, means that such remedies must be available in certain circumstances. Although such circumstances may be rare, she said, “where less invasive remedies do not effectively complete the award... the duty of the board to fulfill its obligations might, conceivably, require such an order.”

Few arbitrators have considered this issue. Until now, most have rejected the idea they have authority to order that a supervisor be disciplined. I'm not aware of any awards that have actually ordered such discipline. Arbitrator Newman's award is the first to

focus on the arbitrator's statutory and common law duty, in contrast with a narrow interpretation of the arbitrator's jurisdiction.

More importantly, it provides a common sense analysis that answers the question: why should supervisors be immune from the most basic requirements of decency and decorum in the workplace? The answer is, they shouldn't.

A union can address the problem of a bullying supervisor through arbitration. In fact, the Supreme Court has said all disputes arising from the collective agreement must be resolved by arbitration. So, until the courts review their position, the arbitrator is the only game in town. He or she must have jurisdiction — to find otherwise would be patently unreasonable.

Tim Gleason practises law with Sack, Goldblatt, Mitchell in Toronto. For more information on labour law issues, visit the firm's web site at www.sgmlaw.com ☺



2003 Editors' Weekend

The Editors' Weekend is an annual conference and educational for OPSEU local editors. From noon Friday to noon Sunday, there are workshops, speakers and an awards dinner to recognize the wonderful work of the past year.



If you are doing a newsletter, you should come. OPSEU pays for one person from each local newsletter. Strike newsletters definitely count.

Applications must be accompanied by **two** editions of your newsletter published between August, 2002 and July, 2003. OPSEU will cover travel, accommodation, meals, parking and child/dependent care for one person per newsletter.

If space is available, we **may** be able to accommodate a second person **at the local's expense**. Sector/committee newsletters can send participants, with costs from their own budgets.

Limited additional tickets for the Awards Dinner will be available, provided arrangements are made before Sept. 19.

Applications, *accompanied by copies of two editions of your newsletter*, must be received by Katie FitzRandolph, Communications Officer, OPSEU, 100 Lesmill Road, North York, Ontario M3B 3P8, **by Sept. 19, 2003.**

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ISSN 1201-5245