

## News from the Society of Energy Professionals

### Council greeted new audit plan facilitator



**October's Society Council was the last for Senior Financial Officer Annelise Bork. After 29 years with the Society, she'll retire in January. Society President Andrew Müller (l) and Council Representatives heard EVP Finance Bill Jones thank her for her years of loyal, dedicated service.**

**R**epresentatives attending Society Council met and engaged in a dialogue with D'Arcy Martin, the Society's new audit plan facilitator.

Martin said if he was successful, he would no longer be needed in a matter of months. "I'm here to contribute to

the strengthening of an organization," he said. "If I meet my objective, I'll be out of a job when I'm through."

Martin spent time with Council reps in a workshop on October 29<sup>th</sup>, as well as before the full Council on October 30<sup>th</sup>, explaining his plans and answering some tough questions.

The Audit Action Plan (see *NewsCast* 2006:01), approved at the April Society Council meeting, called for the appointment of an impartial facilitator who would help the Society achieve the objectives set out in the Plan. As facilitator, Martin will set up and assist the following committees:

- ◆ Compliance Committee: will explore options for compliance with governance requirements and objectives, and review the reporting relationship of the Society Staff Manager to the Executive Board
- ◆ Local Committee: will review the experiences of the Society Locals since they were created for the new governance structure
- ◆ Accounting Committee: will review the Society's accounting functions and practices

All three committees will report to the Board, and make recommendations for further improvements. Council passed a motion requiring President **Andrew Müller** to make monthly reports on audit plan progress to Council Representatives.

Martin was chosen for the position by the Society Executive Board from a group of three candidates. Highly recommended by Wayne Samuelson, President of the Ontario Federation of Labour, he's been involved in community and union education for over 20 years. He was a founding member of



**D'Arcy Martin, audit action plan facilitator, at Society Council, October 30<sup>th</sup>**

the OFL and Canadian Labour Congress training committees, Toronto's Mayworks Festival of Working People and the Arts, and the Ontario Workers Arts and Heritage Centre. He is the author of *Thinking Union: Activism and Education in Canada's Labour Movement*. In the late 1970s, he was involved in setting up the CBC radio program, "As it happens."

He's confident that he can help the Society deal with the need for change, as outlined in the Action Plan. He told Council, "Most of the gains working people have made over the years have been made ... by people pushing the envelope. Sometimes [our conflicts] with the employer flow into our inner life as well, and we have to rebuild some of that solidarity."

Other items discussed at Council included:

**Constitutional Interpretation Committee:** Council appointed **Lynn Andrews** (Hydro One), **Jim Bristow** (OPGN), and **Shirley Hayes** (Bruce Power) to the Constitutional Interpretation Committee (CIC). The CIC is responsible for the arbitration of any disputes arising out of the interpretation of the Society Constitution and Bylaws.

**Strike Pay Policy:** Council approved a number of changes to the Strike Pay Policy that incorporate improvements that were developed during the Hydro One strike:

- ◆ Strike pay cheques will be distributed in the same payment cycle as that of the strikers' employer, when employer's pay becomes unavailable (including the delay between pay period and payment)
- ◆ Members who cannot fulfill strike duties due to family care responsibilities or bereavement will nonetheless be eligible for strike pay

**Collective Agreement Renewal (CAR) Fund:** Council approved a change in the size of the CAR Fund, from four to five million dollars to \$14 to 15 million. (When the fund reaches the higher figure, contributions from dues stop. If it falls below the lower number, contributions are reinstated.)

This change goes with two other changes to the Fund designed to replenish it to the point where it is sufficient to fund more than one strike if necessary. The other changes, as passed by the Executive Board, are:

- ◆ The portion of the Bruce Equity disbursements not set aside for administration by the Bruce Power Local—80 per cent—will be used to replenish the CAR Fund
- ◆ The loan from the Training Fund to the CAR Fund made during the Hydro One strike, a loan of some three million, is forgiven

EVP **Bill Jones** projects that these three changes taken together will result in a full CAR Fund by early 2008. At that point, the three dollar CAR fund levy will cease being deducted from members' paycheques.

**Referendum Procedure:** Council considered an Executive Committee proposal that would change the referendum procedure in the Constitution. Currently, if fewer than 33 per cent of Society members cast ballots in a referendum, the referendum fails, and the referendum question is referred to Society Council for a decision.

Under the proposed change, the Chief Returning Officer would extend the voting deadline by up to 10 days to help make quorum. If by that time not enough ballots were cast, the referendum question would be referred to Council in the usual way. Executives explained that due to the vote minimum, all recent referenda had had to be referred to Council, "which doesn't promote the democratic process."

Council turned down the proposal, leaving the referendum procedure as is.

Successful referenda are required for any change in dues and any change to the Constitution, among other matters.

**Other highlights:** Society President Andrew Müller gave the opening speech to Council, highlighting:

- ◆ The Society's successes in broadening its influence externally, in order to exert more influence with Society employers
- ◆ The Society's expanding role in the broader labour movement; the political arena; professional organizations such as the Canadian Council of Professionals and the Professional Employees' Network, that the Society has helped to create; and stakeholder organizations such as the Canadian Nuclear Association and Society
- ◆ Recent successful negotiations with the Society Staff Union (see article, page 13 )

IFPTE President Gregory Junemann told Council that Canadian membership is now more than 7,500. The recent addition of more than 1,800 Canadian members in the IFPTE will qualify the Canadian Area of the IFPTE for

two Area Vice Presidents, should the membership figure stay above 7,500 for six months or more. (Currently the Society's Andrew Müller is the only Canadian area VP.)

**Paul Hnatiuk**, SPEA Local VP (Society of Professional Engineers and Associates, AECL Canada, Ltd.) addressed his first Council meeting, giving a brief overview of SPEA's structure, history, operations, and bargaining history.

Toronto and York Region Labour Council President John Cartwright told Council that unions must be involved at the local level, as many crucial issues are dealt with there. He highlighted labour action in the effort to keep the contract for Toronto's new subway cars in Canada.

## Tentative Settlement at Safety Authority

The Society has reached a tentative settlement with the Electrical Safety Authority. Settlement was reached in two-party bargaining on October 19<sup>th</sup>. The current collective agreement is set to expire on December 31<sup>st</sup>.

"While we had some difficult issues to deal with, in the end pragmatism prevailed," said ESA Local VP **Grant Line**, who was pretty pleased with the settlement. "This agreement recognizes the critical contribution Society-represented staff make to the Authority's safety mandate, and its success in exploring new business opportunities."

If ratified by ESA Local members, the new agreement will take effect on January 1<sup>st</sup>, and run until June 30<sup>th</sup>, 2010, or a term of 42 months.

The Agreement calls for the following monetary increases:

- ◆ 4.5 per cent on January 1<sup>st</sup>, 2007
- ◆ 1.0 per cent "performance pay" increase, to compensate for the extra six months at the end of the agreement
- ◆ 3.0 per cent on January 1<sup>st</sup>, 2008
- ◆ 3.0 per cent on January 1<sup>st</sup>, 2009

## Reporting on the election in the Newscast did not follow the usual procedure ...

Employees covered by the agreement will see an increase in their pension contribution, which will go from 5.2 per cent to 6.5 per cent on pensionable earnings to YMPE. However, the Employer has agreed to maintain pension contributions at at least the level of the employee contribution, even if an actuarial valuation of the Fund would allow them to take a pension holiday,

The “performance pay pot” applied to the bargaining unit for merit pay increases will be 1.75 per cent of payroll July 1<sup>st</sup> to June 30<sup>th</sup> period each year of 2007 to 2010. The parties have agreed to meet to discuss alternatives to the performance pay plan by December 31<sup>st</sup>, 2009.

“We also reinstated coverage for life-sustaining over-the-counter drugs, after having them taken away through arbitration in the last round,” Line added, “and some top-up for employees who take compassionate care leave.” He said those provisions will provide income protection for members in difficult circumstances due to health issues, of themselves or their loved ones.

As part of the agreement, the Society and the ESA have set up a joint team to seek reciprocal transfer arrangements with other

employers, including especially employers with Society-represented bargaining units. Continuation of the joint team past January 1<sup>st</sup>, 2009 will be subject to mutual agreement.

The ESA Local’s bargaining team consisted of Local VP Line and delegate **Ross Sutherland**, with support from Society Staff Officer **Matthew Kellway**.

## Many candidates vie for Principal Officer positions

Elections for the Society’s Principal Officers are underway, with ten candidates vying for the four positions.

Those elected will serve from April 1<sup>st</sup>, 2007 to March 31<sup>st</sup>, 2010. The team will be an important one—all indications are that the battle for a collective agreement for the Hydro One local will be as difficult, if not more so, in 2008 as it was in 2005. There are also immediate challenges in the Locals where Cap Gemini is the employer—Cap having given notice that offshoring of many Society-represented positions is in the offing.

Here is the line-up of candidates:

### President:

Doug LaFramboise (Inergi)  
Andrew Müller (Incumbent, OPGN)

### Executive Vice President Finance:

Adam Habayeb (OPGN)  
Bill Jones (Incumbent, Kinectrics)  
Lanny Totton (OPGI)

### Executive Vice President Membership Services:

Krishna Rungta (OPGN)  
Rod Sheppard (Incumbent, Bruce Power)

### Executive Vice President Policy:

Leslie Forge (Incumbent, Hydro One)  
Mazen Ja’afar (New Horizon System Solutions)  
Mike Lohse (OPGN)

This election marks the first time all Principal Officer positions have been contested.

Reporting on the election in the *Newscast* did not follow the usual procedure. Most of the members of the Society’s Editorial Board have removed themselves from editorial control due to conflict of interest, as they are all candidates in the election. That leaves **Dan Kellar**, the Society’s Staff Manager. All articles, including this one, have been vetted by Kellar and approved by the Chief Returning Officer, **Jim Service** (Kinectrics).

See below for more election coverage.

By now, members will have received election packages, including balloting materials, by regular mail. Ballots must

be returned to the Society office by noon, November 30<sup>th</sup>, or arrive soon thereafter postmarked before that time.



photos: David Smiley

**LaFramboise (l), Müller running for President**

## **Inergi delegate LaFramboise challenges Müller for presidency**

Senior financial analyst and delegate **Doug LaFramboise** wants to replace **Andrew Müller** as President of the Society.

Müller told Society Council on October 30<sup>th</sup> that he welcomed the challenge, as “this is the first time I get to stand for election.” (He was originally appointed Acting President in 2001, and ran unopposed for President in 2002 and 2004.)

Müller’s been President since April, 2002, and has shepherded the Society through the changes brought about by the reorganization begun that year, “Decision 2002.” As President, he is also the Canadian Area Vice President of the IFPTE, and sits on the Ontario Minister of Energy’s Advisory Committee on the electricity industry. During his terms of office, the Society has conducted a campaign to make changes to Bill 100 (changes to the *Electricity Act*),

the campaign and strike at Hydro One, government lobbying and legal campaigns to change the Coal Replacement Plan, many renewals of collective agreements, and the affiliation to the Society of Professional Engineers and Associates (SPEA), who work at AECL.

He told Society Council that the Society must not be afraid to be involved politically to effect the changes that are needed. “We need to go out and influence the government, influence the media, and influence the public ... because we need to do that to motivate our members, and represent them.”

He said members have a “clear choice,” in the candidates running for President, as his opponent, he said, was more “conservative,” and has a “right-wing agenda.”

Doug LaFramboise has been a Society delegate for 17 years in Ontario Hydro, Hydro One, and now Inergi, and has served on numerous teams and committees. He has several economics and business administration degrees, and is currently studying law part-time in French in a certificate program at the University of Ottawa.

LaFramboise says it’s “time for a change” in the Society leadership. The Society is a \$6.5 million business, he says, and “[t]wo consecutive negative audit findings have signalled a ‘wake up call’ to all of us involved that the Society should have been, and now must be, run as a business.” Worried about CapGemini’s plans to “offshore” New Horizon and Inergi jobs, he told Society Council, “You’ve had a year and a half to try and straighten out this Hydro One problem.... I’m a businessman, and I’ll take a more business-like approach to try to solve this very serious Hydro One predicament.”

## **Habayeb, Totton challenge Jones for money chief**

Executive VP Finance **Bill Jones** (Kinectrics) wants to serve another three years, but he is being challenged by OPGI



**Habayeb, Jones, Totton ( l to r ) looking for votes for Vice President Finance**

Local VP **Lanny Totton** and OPGN Local Unit Director **Adam Habayeb**.

Jones has been VP Finance for two years, taking over the position from Chris Cragg when the latter retired. He had served the previous three years as a member of the Society's internal Audit Committee. He was also Local VP and a unit director at the Kinectrics Local, where he is a senior engineer.

Jones's vision, as outlined in his campaign statement, closely supports the Society's achievements and directions over the last three years, including emphases on growth, training, and the Society's association with the broader labour movement. Perhaps not surprisingly, as the incumbent he's also running on his record, including shepherding the Society's assets through some complicated budgeting years. He pledges a "strong, united leadership team" for the next three years, and to implement the results of the current Audit Action Plan "briskly."

Jones told Society Council he had a great deal of faith in and gratitude for the Society's financial staff and external experts, who are "always available when needed to make sure that Society decisions are made on the best available information." His interest in "maximizing the Society's

investment returns," he said, included investigating the possibility of the Society buying its own building.

Lanny Totton has been the Vice President of the OPGI Local for the last six years, and since May has been a member of the internal Audit Committee. He's been a member of the Society Board for over ten years.

In challenging Jones, Totton relies on his qualifications and employment experience, including an MBA from Queen's University and his 25 years in financial management and accounting. His campaign statement includes endorsements from officials of his Local, and from VP of the OPGN Local **Olaf Heilandt**, who also emphasizes Totton's financial background.

Speaking to Society Council, Totton claimed the Management Control Framework (MCF), the rules set by Council for controlling and accounting for Society expenditures, "is supposed to be a living document, but it really hasn't been changed in ten years," and went on to say "if you don't have financial experience, you don't know how to change it."

(Jones disputed this claim. He told Council that before he became EVP Finance he'd been involved in drafting the changes to the MCF that implemented the new Society

governance structure and many recommendations of the Society's external auditor.)

At Council, Totton also alleged there is a "disconnect" between the Executive Committee and the Executive Board, and "I'm very disappointed in the Executive [Committee's] performance," saying the Audit Action Plan should have been addressed more quickly.

Habayeb is a cost and schedule analyst and program office coordinator at Pickering NGS, and has been active in the Society since 1985. He holds an MBA from SUNY Buffalo in strategy and finance, and an advanced certificate in strategic change from the Rotman School of Management at the University of Toronto. He's been a unit director at both Kinectrics and OPGN, and has served on many Society committees and teams.

Habayeb's campaign is critical of the current Society leadership, saying he's "concerned about the slow approach taken by the Executive Board in dealing with the allegations/findings reported by two audits of Society operations." If elected VP Finance, he says, he'll apply a "rational," "new approach," and will "work very hard" to resolve the issues left over from those audits. He told Council that he encouraged members to "vote for change."

## Sheppard, Rungta vie for Membership Services

Darlington delegate **Krishna Rungta** is looking to unseat current EVP Membership Services **Rod Sheppard**.

Incumbent Sheppard, a Bruce Power FLM, has been active since helping to bring Ontario Hydro's nuclear security supervisors into the Society in 1995. A unit director at the Bruce from 1995-98, he became Vice President of the Nuclear Bargaining Group from 2002 to 2004, and took the new position of EVP Membership in 2004. Recently, he's been part of the team that brought the Society of Professional Engineers and Associates (SPEA) into the Society.



Rungta (l), Sheppard after EVP Membership job

Photos: David Smiley

In dealing with the issues of growth and affiliation over the past few years, Sheppard says, the Society has grown into an organization that's "directly involved in the politics of our employers and provincial stakeholders," and a "significant contributor" to other labour organizations, such as the Canadian Labour Congress. His priority, he says, is to address the fragmentation of the Society's membership, through moves like Cap Gemini's plan to off-shore Society jobs, and Hydro One's "reckless behaviour" toward its Society employees.

Sheppard told Society Council he is proud of the changes the Society's made over the last three years, that the Society's role in the Canadian Labour Congress is "second to none." He said the Society is in a market where one per cent of the workplace is organized, but is in a position to "go get the other 99 per cent."

Rungta is a senior technical engineer in OPG Nuclear, where he has been a delegate since 1995, including at the Bruce facility. He was Unit Director for Bruce Engineering in 1995-96. He has been involved in "several tripartite committees."

Prosperity is “coming from all directions,” Rungta says, and the Society needs to “fully participate in the good times coming our way.” He’ll work to remove the cap on performance pay increases; to reduce pension contributions; to introduce electronic polling to Society decision-making; and, if a majority of members says they’re in favour in a survey, to increase the work week to 40 hours at a 14 per cent increase in pay. “My middle name is ‘Membership,’” he told Society Council. “If you like my reforms,” he said, “please tell your members.”

### Ja’afar, Lohse after Forge’s policy position

The position of long-serving Executive and Principal Officer **Leslie Forge** is being sought by two relative newcomers.

**Mazen Ja’afar** (New Horizon) and **Michael Lohse** (OPGN) believe they have what it takes to drive the Society policy program, and should replace Forge.

Forge has been Executive Vice President Policy since creation of the position in 2003, and was a Principal Officer for eight years before that. In her campaign materials, she

points to her many years of negotiating and executive experience, including especially her knowledge of the crucial areas of pensions and benefits, in which she’s been the resident Society expert for many years. She also serves as the Society representative on the Board of the Canadian Electricity Sector Council (federal electricity stakeholder working group), and served as a member of the Canadian Electrical Association Human Resources Study Steering Committee.

She says the Society’s Executive Board lacks “strategic planning, effective decision-making, compliance, and commitment to the policy-driven principled vision.” She told Society Council she’s seeking a “new mandate,” that, while she accepts some of the blame, “We [elected officials] are all part of the problem.” She pledged not to “sit back,” to push the Society to “move forward” to become an “effective, principle-driven organization, that truly represents your interests.” She believes she has the knowledge and experience to do that.

Mazen Ja’afar, a New Horizon project manager, has been a delegate since 2001, and served earlier this year as Acting Unit Director and Alternate Local VP. He was elected Alternate Vice President-Workers of Colour for the



photos: David Smiley

Forge, Ja’afar, Lohse [ l to r ] all would like to run the policy work program



Canadian Labour Congress at its convention in 2005, and has held the same position in the Ontario Federation of Labour since this year's convention. He stresses his "long history of involvement in the broader labour movement in struggles for issues of social justice, human rights, civil liberties, and trade union rights" as a unique qualification, as well as his ability to apply his project management skills "in trade union and other activism work."

"It's a position of leadership," he told Society Council. "We've had some great successes in organizing, the campaigns that we've run ... but you're not voting for someone who looks good on paper; you're voting for someone who should be a real trade union leader."

Michael Lohse, a Darlington operations specialist, has been a unit director in his local from 2003, and a delegate from 2001. Prior to entering the Society bargaining unit he had been a PWU steward and chief steward for 15 years. He's been active in health and safety, family assistance, and is Grievance Chair in the OPGN local, as well as in the Society as a whole. In his campaign materials, he laments that the Society is dealing with the results of two audits. "At a time when we should be looking forward and preparing for challenges, we are distracted by shortcomings in the way we govern ourselves." He wants to "bring about positive change," and stresses he's a "team player."

Lohse told Council he'd been encouraged to run for the position by members of more than one local, but "it was not an easy decision to make, believe me." He thinks the policy program needs

to be stepped up. "We have this work program, we've seen these papers, year after year, and I've yet to see any tangible proof of [its being carried out]."

**The Pension Benefits Act has not been substantially updated since 1986**

## Special panel to review Ontario pensions

The Ontario Government has set up a panel to conduct the first major review of pension legislation in Ontario in 20 years.

"This is a good opportunity for pension plan members to have a say in current pension developments," said EVP Policy **Leslie Forge**, the Society's pension specialist. "Employers were happy to reap the benefits of pension surpluses in the past, but once things changed around they reduced funding for indexing, demanded increased employee contributions, tried to reduce benefits, proposed defined contribution plans, and looked for other ways to undermine our pensions."

Finance Minister Gregory Sorbara announced the creation of the Ontario Expert Commission on Pensions on November 9<sup>th</sup>. With a mandate to submit a report to the Minister in 2008, the review will focus on:

- ◆ maintaining and encouraging the system of defined benefit pension plans in Ontario
- ◆ maintaining the affordability of defined benefit pension plans for both members and sponsors
- ◆ the importance of pension plans in supporting a competitive economy
- ◆ the need to safeguard the security of pension benefits
- ◆ the need to balance the rights and obligations of employers, plan members and pensioners, and
- ◆ the impact of demographics and the changing nature of the workforce on pensions

The commission will be chaired by labour law expert Harry Arthurs. An important labour ally on the commission will be Bob Baldwin, a former research director for the Canadian Labour Congress, who specializes in pensions, aging in society, and labour market issues. Other members include Murray Gold, a lawyer with Koskie Minsky, who

practices in pension and employee benefits and related insolvency law; Kathryn Bush, a lawyer in the pension and employee benefits group of Blake, Cassels & Graydon and former vice-chair of the Financial Services Tribunal and the Pension Commission of Ontario; and Ian Markham, director of pension innovation at Watson Wyatt Worldwide, an actuarial consulting firm.

Forge said, "The Society looks forward to providing input to help ensure this commission supports the interests of our pension plan members."

According to the Finance Ministry, more than 7,500 pension plans are registered in Ontario, with more than two million pension plan members. Fifty-one percent of the plans are defined benefit; defined benefit plans cover 83 per cent of pension plan members. The Pension Benefits Act has not been substantially updated since 1986.

## Board highlights, October 3<sup>rd</sup> and 17<sup>th</sup>, 2006

The Society's Executive Board met on Tuesday, October 3<sup>rd</sup> and 17<sup>th</sup>, largely in preparation for Society Council, which met on October 30<sup>th</sup>. The following items were discussed, and decisions made.

**Financial Statements:** The Executive Board approved the final audited financial statement for the 2004-5 fiscal year, as recommended by the Society's internal Audit Committee. The statements were prepared by the Society's external auditor, Murray A. Finkleman, CA, and were presented to Society Council at its meeting on October 30<sup>th</sup>.

The Board also received drafts of the audited financial statements for FY 2005-6, including the audit of expenditures from the Collective Agreement Renewal Fund. They have not yet been approved by the Board, as they must first be examined by the Society's internal Audit Committee. The Audit Committee is made up of **Rob Stanley**

(Chair, Bruce Power), **Keith Rattai** (Hydro One), and **Lanny Totton** (OPGI).

**MCF Training:** The Executive Board received training in the observance of, and accountabilities within, the Society's Management Control Framework. The MCF is the Society's structures, strictures, and stipulations around accounting for expenditures of Society funds.

The training was given by **Lynda Crichton**, the Society's Training Officer.

**Society web-site:** The Board approved up to \$40,000 for a design and launch of a new Society web-site. At the time, Society staff were in the process of considering proposals from web design firms, and preparing to make a final recommendation.

**Human Rights and Harassment:** The Board heard a presentation from Victoria Reaume, of Cavalluzzo Hayes Shilton McIntyre & Cornish, on the subject of harassment—legislation, obligations, and constitutional and policy frameworks to manage those obligations. She was assisted by Staff Officer **Matt Kellway**.

Ms. Reaume's opinions were sought as part of the Society's effort to deal with internal difficulties in some locals. Society representatives and staff needed guidance in how to deal with the representational challenges when members are alleged to be harassing other members.

The Board was given draft constitutional clauses which would incorporate the suggestions in her brief into Society governance structures.

**Government relations and media campaigns:** The Board approved up to \$150,000 to be spent on public and government relations campaigns to increase the Society's influence among the media and certain government stakeholders over the next six months or so. The Hydro One Local proposed the campaign as a major plank in its "Success 2008" campaign to avoid a strike in that year.

Assisting the Society in these campaigns will be Highview Communications (public relations) and Arrow Communications (government relations). These firms also assisted the Society in 2004 in the campaign to improve Bill 100 (amendments to the *Electricity Act*).

**Inergi and New Horizon spin-offs:** CapGemini has announced it is beginning to out-source Inergi and New Horizon System Solutions work—work it bought from Hydro One and OPG less than five years ago.

- ◆ Markham Accounting Centre: Currently providing accounting and financial services to CapGemini—approximately 18 Society and 60 PWU affected. CapGemini will offshore the work to Chicago by March 2007.
- ◆ ITIX: Currently providing IT services to CapGemini, the impact on the Toronto Centre is being assessed
- ◆ Supply Management Inspection and Investment Recovery: Currently providing services to Hydro One, with approximately six PWU members affected, CapGemini plans to outsource it to an as-yet unnamed third party

Inergi is profitable, so these moves are simply to *increase* profitability, no matter the cost to anyone else. CapGemini has said more functions will be “right-shored,” and they expect to bargain the right into the Collective Agreement. The Inergi agreement has offshoring protection, but the NHSS one doesn’t.

Inergi VP **Elaina deLuca** is collecting information about the job functions that will go to Chicago and elsewhere, and their value to the Ontario system. The two locals are working hard to react to these announcements, and hope for a great deal of support from the Society to keep these jobs in Canada.

**Elections, e-mail:** The Board received a written request from the Society’s Chief Returning Officer, **Jim Service** (Kinectrics) to approve the following motion:

*Whereas use of Society member email lists by candidates for campaign purposes is not explicitly covered under the current Constitution and Bylaws, and neither is e-mailed campaign material handling defined as a duty of the Chief Returning Officer or the Society Office;*

*Be it resolved that release of member e-mail lists by the Society Office or e-mails on behalf of candidates by the Society Office will not be permitted for the 2006 Principal Officers election.*

The CRO explained that he had already received requests that election appeals be sent to all members, noting his concerns over the volume of material, the need for electoral fairness, and that the current system assures that candidates’ statements are received by each member.

The Board approved the motion.

**Donation, Easter Seals Society, Ontario:** The Society received a request from Bruce Power for a donation in support of an Easter Seals fundraising dinner the Company sponsored in Port Elgin on October 12<sup>th</sup>. The Bruce Power Local had pledged \$1,500 from its share of Bruce Power equity distributions, and President **Andrew Müller** proposed that the Society match the Local’s contribution. The Board declined to do so.

**Labour Education Conference:** Executive VP **Rod Shepard** made a presentation on the upcoming National Labour Education Conference and Literacy Forum, organized by the Canadian Labour Congress to take place in Ottawa in November.

He noted that the aims of the conference were complementary to the Society’s goal—as set out in “Decision 2002,” the Society’s reorganization plan of that year—to make leadership training for Society representatives a central goal. He also noted that the conference would be a good opportunity to find out more about the training opportunities available from the CLC’s programs, so as to get more value from them. He proposed that the five mem-

bers of the Society's Training Committee have their attendance sponsored. The Conference will, he said, "explore how labour education can be integrated into everything we do, what the components of this approach are, and how to put this approach into practice in our unions."

The Board approved the proposal.

**Year-end Celebration:** The Board considered President Müller's proposal that last December's "year-end celebration" become an annual event, and approved it. Given that the 2005 event was largely a celebration of victory in the Hydro One strike, tickets for attendees were subsidized. The Board decided that this year's event would be run on a "cost-recovery" basis.

## Society: Bill 14 fundamentally flawed

The Legislature should re-think its definition of "legal services," Society Staff Officer Blaine Donais says.

It would be unwise to define union representatives as "paralegals," he said. "These are people who have been doing their jobs quite nicely for the last 60 or 70 years without the benefit of the Law Society ... regulating them."

Donais was commenting on September 7<sup>th</sup> in hearings of the Legislature's Justice Policy Committee on Bill 14, the **Access to Justice Act**. The Act sets out to regulate "paralegals," practitioners of varying qualifications in what is undoubtedly a growth industry. There has been an outcry for years that paralegals need to be regulated, Donais said. "In fact, in the workplace environment, unregulated paralegals tend to run rampant and have caused all kinds of concerns for both labour organizations and employers."

Bill 14 will place paralegals under the aegis of the Law Society of Upper Canada. They will pay dues to the Law Society (currently around \$800 per year), and be required to be certified. The definition in the **Act** of 'paralegal' is anyone who performs "legal services," a definition so



**Bill 14 makes a big mistake, Society Staff Officer Blaine Donais told the Legislature's Justice Policy Committee. In background is the NDP's Peter Kormos, who supported Donais's presentation.**

broad as to include tens thousands of individuals who never see the inside of a courtroom, from legal secretaries to salespersons who draw up contracts. Once the **Act** incorporates paralegals into the Law Society, the Law Society says it will exempt from coverage those whom the Legislature doesn't intend to regulate, among whom, the Law Society says, are union representatives.

Many organizations in Ontario were horrified to discover the number of their employees that might be covered. The Society's presentation on September 7<sup>th</sup> was accompanied by similar ones by organizations as diverse as the Canadian Bankers Association, the Used Car Dealers Association of Ontario, and the Canadian Medical Protective Association. A presentation very similar to the Society's was given by Georgina Watts, of the United Food and Commercial Workers International Union, Local 175.

While the Society's views were supported by committee members Christine Elliott (PC) and Peter Kormos (NDP), Willowdale Liberal David Zimmer took issue with Donais's

presentation, noting that the committee of the Law Society that will be administering the paralegal program had “solid credentials” and were persons of “good faith” who have said union representatives would be exempted. “I have some difficulty understanding why you wouldn’t accept that considered statement.”

Donais told Zimmer that as a legislator, it was his responsibility to decide who was covered by acts of the Legislature, and not individuals who are not accountable to voters.

Consideration of Bill 14 continues. It has received First Reading.

## Society, staff sign new collective agreement

The Society and its staff union have settled a renewal collective agreement, heading off the possibility of a staff strike.

“The negotiating process has been long, with significant conflict,” said EVP Finance **Bill Jones**, who chaired the Society’s negotiating team. “But with persistence and creativity on both sides of the table, we struck a deal that provides significant benefits for both parties.”

Key to settlement was agreement on a package of salary increases and post-retirement health benefits that, according to both sides, fits within the settlement envelope set by the Society Executive Board for negotiations. While it was clear that some form of post-retirement health benefits plan was in the offing, the sides were apart for some time on such important details as the age of retirement and the years of employment necessary to qualify. In the end, the Parties agreed to age 55, after 15 years of employment.

(The Society hires staff officers who are highly qualified

and experienced; therefore, they tend to be closer to retirement age than most employers’ new hires.)

Other highlights of the three-year agreement include:

- ◆ salary increases of 3.0 per cent on April 1<sup>st</sup>, 2006; 2.5 per cent on April 1<sup>st</sup>, 2007; 1.5 per cent on April 1<sup>st</sup>, 2008; and 1.5 per cent on October 1<sup>st</sup>, 2008
- ◆ \$500 signing bonus
- ◆ full life insurance and LTD coverage, even without evidence of insurability (Society self-insurance if required)
- ◆ increases in benefits, including vision care to go to \$500 every two years, major dental to 85 per cent, and pay-direct cards for drug purchases
- ◆ job descriptions for positions in the bargaining unit will be provided by March 31<sup>st</sup>, 2007

At the request of the staff union, the Parties agreed to terminate the “organizing incentive program” originally negotiated in 2003. It provided bonuses to Society staff as membership increased through organizing.

Negotiations, as well as strike preparation, reached their highest pitch as Society Council approached. In a message congratulating both sides, President **Andrew Müller** said:

*In spite of the work required to prepare for Society Council, and the current principal officer elections, our team dedicated themselves to the cause. I'd like to particularly thank Bill Jones who was the chair of our team and was instrumental in finding the solution to address our Staff Union's concerns while working within the bounds of what our Executive Board felt we could afford.*

*I would also like to congratulate our Staff Union's leadership for finding the goodwill to continue to pursue settlement discussions throughout the process. Even though both parties want an agreement, it often requires extra effort to overcome an apparent impasse.*

Staff Union President **Terry Fitzpatrick** also had kind words for the Society team:

*I would just like to extend my deepest appreciation to the members of the Society bargaining team. We understand that they have struggled with significant pressure from their principals in terms of cost containment, and that they have worked very hard in order for the parties to reach this historic agreement, an agreement that for the first time includes post-retirement benefits for SSU members.*

The Society Staff Union represents all but one of the Society's 25 staff members.

The Society's negotiating team consisted of EVP Finance Bill Jones, Hydro One Local VP **Keith Rattai**, Bruce Power Local VP **Rob Stanley**, and Society Staff Manager **Dan Kellar**.

The SSU's team consisted of Fitzpatrick, **André Kolompar**, and **Laura Langmaid**.

The first Society staff member to receive post-retirement benefits will be Senior Financial Officer **Annelise Bork**, who will retire in January after 29 years with the Society.

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