

APRIL NEWSCAST 2007:01

Vote at OEB should result in professionals joining Society

On Wednesday, April 18, 2007, the Ontario Labour Relations Board conducted a vote among professional employees at the Ontario Energy Board, Ontario's electricity and natural gas regulatory body. If successful, the vote will result in a Society Local at the OEB.

The OEB organizing committee worked for two years to get to this vote, with a strong majority taking the bold step of signing union cards. The decision to unionize was fuelled by the desire for fairness and transparency. Without the protection of a collective agreement, there are some frustrations with inconsistent workplace policies and practices. Workplace issues range from job security, promotions, training and development, overtime, work-life balance, and access to professional representation.

In a statement, the Society's organizing committee at the OEB said, "Collectively at the OEB we've come this far and we are confident with the support of over seven thousand unionized energy professionals we will accomplish our goals."

The success of this organizing drive is important to both the employees at OEB and the Society. While the electricity industry is almost 70% unionized, we can appreciate that increasing union density makes our position in collective bargaining stronger. The strategic importance of the OEB joining the Society translates directly into maintaining the high standards our membership has fought so hard for over the years. Likewise, OEB employees will now gain the benefits of negotiating a legal contract with management that reflects the industry standards and practices our union help set in place.

Using the Communication Action Network (CAN) model, an employee organizing committee canvassed the workplace, through one-on-one and small group meetings, to discuss issues and build consensus on unionization. In the week leading up to the vote, the employer tried to divide the workplace by challenging the right of half of the proposed bargaining unit members to belong to the Society. Under the pretext of a conflict of interest, OEB management argues that because the Society is a regular intervener at the OEB, employees assisting with adjudication and policy-making would be compromised—*if* they were represented by the Society. This was a clear tactic by the employer to impede the campaign by blocking the democratic right of employees to belong to a union of their choice, a right guaranteed by the *Ontario Labour Relations Act* and *Charter of Rights and Freedoms*. As a result, the ballots were sealed and the Labour Board will conduct a hearing to determine the merits of the employer's position

Strong reactions to the Employer's challenge ensued from both OEB employees and Society members. In an act of solidarity, members wrote messages to their OEB

counterparts to support their efforts to unionize and affirmed their commitment to serving the public's interest. The IESO's Scott Travers wrote, "I perform my job every day at the IESO and there is no conflict of interest. My job is separate from my affiliation with the Society. I am a professional and perform my duties objectively in the public's interest."

We look forward to our new partnership with our counterparts at the OEB. More updates will follow and we will keep you posted on how you can assist with upcoming OEB negotiations.

CAPGEMINI-BELL CANADA DEAL COLLAPSES

Society officials breathed sighs of relief last week when the latest attempt to break a unit into smaller groups fell through.

Bell Canada and Capgemini had been negotiating a deal in which Bell would buy Cap's New Horizon and Inergi telecom assets, including 20 Society-represented employees from New Horizon and 3 from Inergi. As part of the deal, Bell promised to equal or improve existing Collective Agreement pension benefits. Then Bell went public via the press with plans to rid itself of all defined pension and benefit plans by 2012. Society reps were quick to protest and a meeting was arranged between the Society and Bell.

Just days after the Society Locals received a draft Employment Transfer Agreement from Bell, and hours before the scheduled meeting between the Society and Bell could take place, the Society was advised that the deal was off.

The Society is shedding no tears. Bell was creating a separate subsidiary company inside a larger non-unionized Bell subsidiary to hold the former New Horizon/Inergi employees. According to New Horizon LVP Joe Sarick, this would strand the 23 Society people in a tiny island of unionized staff and create two new Society locals. Said Sarick, "We had a real issue with the fact that our people were isolated, with very limited possibility of future career advancement, unless they moved off the island into non-unionized jobs." However, the collapse of the Bell deal does not mean Capgemini has changed its plans to sell off telecom. According to Sarick, "There's no immediate suitor at the door right now so we'll have to wait and see."

"The cancellation of this deal is a significant accomplishment for the Society," said Inergi LVP Elaina DeLuca. "Our Local viewed this deal as a larger potential threat to other work in the future and we engaged all the necessary forces to stop it. Various parts of The Society came together to support our efforts. We have learned from this and will be better prepared for CAP Gemini's next attempts."

TWO SOCIETY LOCALS IN EARLY BARGAINING

The Society Hydro One Local has agreed to enter into early Collective Agreement renewal negotiations, following a meeting at the Ontario Labour Relations Board.

The parties were before the Board on Society complaints related to Unfair Labour Practices (ULP). With the assistance of OLRB Chair Kevin Whittaker, the parties set a deadline of May 31st to reach a tentative settlement. The Society's ULP grievances and arbitrations are on hold while the parties consider these matters as part of negotiations. However, the Labour Board will schedule hearing dates in June to deal with The Society's ULP issues if they are not resolved by the two parties. If there is a deal reached on a Collective Agreement by May 31, the Local will hold a ratification vote in June. If there is no deal, regular bargaining will commence in January, 2008. The current Collective Agreement is set to expire on March 31st, 2008.

LVP Keith Rattai said, "We have agreed to early renewal bargaining because it offers the best opportunity to successfully and expeditiously resolve issues affecting our members, including those matters that are the subject of our unfair labour practice complaint at the Labour Board."

The Society's Hydro One bargaining team is LVP Keith Rattai, Unit Directors John Cameron and Lynn Andrews, and Society staffers Jim Bell and Sonia Pylyshyn.

The Society Inergi Local

by Elaina DeLuca

The Society's Inergi Local and its employer are entering into early bargaining starting May 7th with a hard stop on May 13th. Both parties have agreed to "non-committal" bargaining, which means that if we do not reach an agreement, there will be no referral to mediation-arbitration and the Collective Agreement remains unchanged. The Society sees this as win-win opportunity for both parties to express and explore their interests in a fluid, open, and risk-free manner.

The Society Inergi Local Bargaining team members are: LVP Elaina DeLuca, Unit Director Lori Meloche-Walker, Unit Director Dianne Mowat, EVP-Member Services Rod Sheppard, and Society staffers André Kolompar and Raymond Wong.

Elaina DeLuca is the Local VP of the Society's Inergi Local.

PENSIONERS' CHAPTER NEWS

Employers Given Written Notice – A letter formally introducing the Pensioners' Chapter has been sent by Society President Andrew Müller to all Society employers. Noting that the Society's Constitution was amended to include representation for Pensioners, he asks that the companies deal with Pensioners' Chapter Executive

members on pension and benefit issues as they would with any other Society representative.

Annual General Meeting on May 10th, 2007

- **Where** – St John's York Mills Anglican Church, 9 Don Ridge Drive, Toronto (go to www.stjohnsyorkmills.com for directions and a map)
- **When** – 12:30 p.m. lunch, 1:00 p.m. official start
- **Who** – All Pensioner Chapter members (you can join at the door for \$24)
- **What** – Elections for the four Principal Officers, whose term of duty expires this year
- Featuring special guest speakers Andrew Müller (Society President) and Rod Sheppard (Executive Vice President – Member Services)
- A wonderful opportunity to connect with friends and colleagues from the past AND have your voice heard at The Society Executive Board, in bargaining and with the employers.

Visit Our Website: www.thesociety-pensioners.ca for details of the benefits of belonging to the Pensioners' Chapter. Please pass this information on to anyone you know who is a retired Society member – or keep us in mind if you are about to retire yourself - and **help us grow!**

SPEA SPEAKS UP *by Michael Ivanco*

SPEA is the Society's newest Local. Our employer is AECL, located in Sheridan Park at the west end of the GTA. SPEA members live in and around Mississauga, although some are as far west as Hamilton and some as far east as Oshawa.

In early February, SPEA became aware that a municipal councillor from Hamilton, Brad Clark, was setting out to get a motion passed by Hamilton Council announcing a moratorium on the construction of any new nuclear power plants within the City of Hamilton, and in particular to replace the Nanticoke site should it be shut down. SPEA members were unaware that there was any interest in potential conversion of the Nanticoke site to Nuclear Power, but they took offence to Brad Clark's motion partly because it contained alarmist and long-discredited information about nuclear power. Although SPEA members have no position on whether Nanticoke should be replaced with a nuclear facility, we were alarmed that Mr. Clark's position would ban even the possibility.

The Hamilton Spectator published many letters on the subject, including one I submitted as a guest opinion piece. The end result was SPEA members helped to get the motion deferred until there could be a public debate on the subject. Public debate is scheduled for May 14th and SPEA will be making a presentation.

Michael Ivanco is the Secretary of the Society of Professional Engineers and Associates, the Society's local at Atomic Energy of Canada, Ltd.

SOCIETY BOARD'S RECOMMENDATIONS TO APRIL 21 COUNCIL

A special meeting of The Society's Executive Council took place April 21 in Toronto to consider recommendations arising out of three Audit Action Plan Committees and the Executive Board's consolidated response to these recommendations.

In his opening remarks to Council, Audit Action Plan Facilitator D'Arcy Martin thanked the Society for giving him the opportunity to do such worthwhile work. He said all the individuals he dealt with as matters proceeded were:

- Competent
- Hard-Working
- Thorough
- Hospitable, and
- Honourable

"There were some difficult conversations, but we made progress," he said. "We've turned the page on the audits, and have the collective capacity and the habits needed to make a good union even better."

The Council accepted most recommendations from the Committees "as is" or with amendments proposed by the Board. It dealt swiftly with the report from the **Accounting Committee** and approved recommendations that will improve accounting processes and tighten controls. Council agreed to create a Standing Finance Committee to assist and advise the EVP-Finance as a less costly and more practical alternative to hiring a Chief Financial Officer, given that the Society has recently hired CGA Joan Florence into the Senior Financial Officer position held by Annelise Bork until her retirement.

There was debate over a recommendation from the **Local Review Committee** that would see "Local Vice-Presidents sign a commitment to take into account the interests of other locals in making decision, in balancing their responsibility to represent members in their local with their fiduciary responsibility to represent members across the Society." It was decided to send the wording back to the Executive Board for greater clarification regarding LVP legal accountabilities.

Much discussion took place over recommendations from the **Compliance/ Governance Committee**. The Council accepted recommendations to: create a "culture of appreciation" and respect inside the Society; assist elected representatives in complying with Society policies and practices and hold them accountable; improve the functioning of the Executive Board; and adopt measures strengthening member engagement and succession planning. The Council rejected recommendations (also rejected by the Executive Board) to move away from naming Locals after their employers and to maintain the current quorum for referenda for two

years (accepted was the Board's recommendation to reduce the requirement to 25%). The Council agreed with the Executive Board's position that recommendations dealing with Society Bargaining Objectives and the creation of an office of an "Ombudsmun" be postponed until the fall 2007 Council.

At the end of the day, Audit Action Plan Facilitator D'Arcy Martin received a standing ovation from Council for his outstanding efforts in coordinating all three AAP Committees.

The Council also approved a Bylaw change for proxy voting at Executive Board meeting. As a result, Board members attending meetings may hold only one proxy in addition to their own vote. Proxies are not used to establish quorum.

BOARD HIGHLIGHTS — April, 2007

by Brian Robinson

The Executive Board met over 2.5 days in April, with by far the most time spent on the Audit Action Plan and the 2007-8 Budget and Workplan. There was also an election for the three LVP positions on the Executive Committee.

Audit Action Plan (AAP): In its March meeting, the Board concurred with the "strategic priority framework" developed for 2007-2008 under the AAP, a copy of which is included as the third attachment to the document accompanying this *Newscast* (see also the *March Newscast*). The framework sets out the areas in which the Board needs to take action to "strengthen the foundations," "clean house," and "improve the neighbourhood."

In April's meetings, the Board reviewed the specific recommendations arising out of Audit Action Plan Facilitator D'arcy Martin's work with the three committees set up by the AAP. The results are contained in the document "CouncilSummaryofRecomm.doc" in Lisa's e-mail of this morning (Subj: Council Summary of Recommendations). These recommendations are to be considered by Society Council on the weekend of April 21st. Council has the power to approve, reject, or amend those recommendations.

Under the AAP procedure, Executive Board had no power to change the recommendations, only to decide whether to support them. In some cases, the Board voted to recommend minor changes, but in a few, the Board had more substantial things to say:

- While the Governance Compliance Committee recommended that the size of Society Council be increased, the Executive Board will recommend that Council *not* support such a move
- The Governance Compliance Committee also recommended the creation of a position of "Society Ombudsmun," "to deal both with whistleblowing on non-compliant practices in the organization and with complaints about behaviour ... alleged to be arbitrary, discriminatory, non-compliant or in bad faith." The Board

will recommend to Council that discussion of this proposal be postponed, so that the Board can give full consideration to it at its August meeting

Budget/Workplan: The Board approved a proposal by the EVP Finance that the form of the Budget be changed. In its new format, all the various sources of revenue (dues, Bruce equity, Training fund) are tracked on the same page, presenting a clearer picture of the Society's total financial health.

As the Budget was first presented to the Board on April 2nd, based on the input from the Society's Locals, there was a \$1.9 million shortfall in operating revenue to expected operating expenses. Based on the Locals' input, staffing would have had to increase to somewhere around 28 FTEs (currently 25). Clearly the Board had its work cut out for it before a budget could be passed. After an extensive presentation, the Board decided to convene in a special meeting on April 17th.

On the 17th, after extensive work by both the EVP Finance, his Budget team, and Executive Committee, the Board was presented with a much-improved proposed bottom line. Under the EVP Finance's new formulation, the Board could, if it approved a number of projects for "special funding" (i.e. CAR Fund, etc.) get the deficit down to just over \$50,000. The Board approved most of these proposals, but not all.

- All Hydro One, Kinectrics, and Vertex strike preparation and mediation-arbitration costs (\$350,000) will be financed out of the Collective Agreement Renewal Fund
- As approved subsequently by Society Council, the AAP recommendations call for an extensive training program (\$220,000) to be devised and carried out for Board members, to be funded from the Training Fund (while the Board rejected a proposal to fund another \$330,000 in *regular* training expenditures with the Training Fund but just up to the level of Training Fund interest (\$83,000))
- A number of "overhead" projects (\$47,000) will be funded as special events, out of the Bruce Equity distributions; including \$10,000 for consultants to assist the Staff Manager to develop job descriptions for staff; \$12,000 for preliminary work on an office-ownership project (buying/building a Society Building), and \$8,000 for continuing the Investment Review Project (reviewing the Society's investments policy)
- A number of External Relations campaign expenses (\$390,000) will also be funded as special events, including: the Political Action Committee's lobbying efforts, preparation for and intervention in Ontario Energy Board hearings, participation in various hearings of the Canadian Nuclear Safety Commission, participation in Integrated Power Supply Plan activities, Society efforts to promote nuclear power, and attendance at this year's convention of the Ontario Federation of Labour (while a proposal for special funding for attendance at the Canadian Nuclear Association and Canadian Nuclear Society meetings was rejected, in favour of funding them from dues)

Once these debates were finished, the Board was left with a budget with a \$240,000 operating deficit. While there were spirited attempts to reduce individual line items, most

members of the Board decided there were in the current situation no further reductions to be found. The Budget as amended was then accepted by the Board.

Executive Committee: Last fall three Local Vice Presidents -Tracy Miller (Vertex), Keith Rattai (Hydro One), and Rob Stanley (Bruce Power) - were elected to positions on the Executive Committee, and served out the rest of the 2006-7 fiscal year. On April 3rd, an election for full-term positions took place. The three incumbents ran, as did Paul Hnatiuk, LVP of the SPEA Local. Elected were:

- Paul Hnatiuk
- Keith Rattai
- Rob Stanley

The Board expressed its appreciation for Sister Miller's dedicated service with a round of applause.

Hydro One ULP: Last fall, the Hydro One Local launched a massive complaint against their Employer at the Ontario Labour Relations Board, alleging the Employer was carrying out a campaign of unfair labour practices (see *Newscast* 2006:05). So far, that legal strategy has cost \$112,000. The Board demonstrated its commitment to the effort by approving another \$100,000.

Relations between the Hydro One Local and their Employer appear to be thawing, however, (see March *Newscast*).

Staffing: Staff Manager Dan Kellar outlined for the Board the manner in which staff are currently allocated. The Board confirmed that current allocations will continue, but called for a review to be conducted "with a view of maintaining coverage for all Units (Locals)."

Brian Robinson is the Society's Communications Officer

HELPING COPE

At its March 6th meeting, The Society's Executive voted to donate \$1,000 to Local 343 of the Canadian Office and Professional Employees (COPE). The union has been on strike for six months against FirstOntario, a credit union which, ironically, was started by unions to protect union members from the vagaries of banks.

But that was then and this is now. Despite record profits, FirstOntario wants to eliminate post retirement benefits and sick days and introduce two-tier vacations and pension plans, among other concessions. It was certainly a cause that resonated with the Society.

Shown below: Fred Vanderbeek (Society representative, Hamilton District Labour Council) and Keith Rattai (Society LVP, Hydro One) presenting the Society's cheque to Barb Rowell, President of COPE Local 343.



