



UTU-CN agreement gives a big boost to pensions, improves benefits, hikes wages

A new agreement with CN Rail calls for annual wage increases of two per cent. The three-year agreement, ratified by the membership on April 9, includes substantial improvements to pensions.

"Now for the first time we have some title to, and more control over, the CN Pension Fund," UTU Vice President Guy Scarrow says.

Scarrow notes the battle for the multi-billion dollar CN Pension Fund has been going on for many years.

"This agreement is a big step forward. The pension formula has been improved, indexation is better and there are better disability and buy back provisions," Scarrow says.

Negotiations were conducted in partnership with the Brotherhood of Locomotive

Engineers in the Canadian Council of Railway Operating Unions.

Key improvements to the pension plan include:

- the pension committee, which includes union and retiree representatives, gets more power;
- the creation of an improvement account — \$45 million immediately plus 50% of the investment income (loss) from the fund goes to improving benefits or lowering contributions;
- better survivor benefits
- an improved pension formula — roughly \$1,200 more per year for employees retiring with 35 years of pensionable service; and
- a better pension indexation formula — from 50% to 60% of inflation.



UTU Vice President Guy Scarrow.

The national negotiating team was made up of General Chairpersons Armstrong, Gregotski, LeBel and Long. They were assisted by VP Scarrow.

Union services: representing members with grievances

When a UTU member is treated unfairly by his or her employer, the union must try to help the member out.

"Sometimes all it takes is a phone call to get results," says Vice General Chairperson Mel Eldridge. "Other times it takes making a federal case."

The most common formal process is called filing a grievance. Grievances and the procedures by which grievances are settled are defined in the collective agreement.

Local Chairpersons and General Chairpersons devote many hours a month to working on members' grievances. While most grievances are settled early on in the process, some go all the way to the Canadian Railway Office of Arbitration (CROA) and further.

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Attention Local Members:



CONVENTION DELEGATES WANTED

This fall elections will be held in every local union across Canada for the position of Local Union Delegate.

To find out more about how to get involved in the UTU ask your Local President for a copy of: *The UTU: How It Serves You*

THE INTERNATIONAL UNION

The International Union consists of one convention delegate from each local plus all elected officers and boards. Delegates are elected by the members of each local to attend quadrennial conventions where they decide on amendments to the Constitution and elect Officers for the next four years. Canadian delegates elect Canadian officers.

Moose Jaw Local 502: colourful and committed

"We have what might be termed a colourful history," says Duane Weekes, Local Legislative Representative. "Local 502 is a Local that speaks aggressively for its members".

Moose Jaw, Saskatchewan is home to about 240 active UTU members and 38 ESB's (retired members paying honorary dues).

"There is a labour tradition here that says this is our city, our railroad," Weekes says. "It's made for some interesting times."

Local President Ron New reports that the local executive is working hard to keep members informed on local and national dealings with the company as well as the union.

"Only through education and information to all our members will we be able to meet the future head on and take a backseat to no one," New says.

The local's leaders point with pride to its record of service.

"The Local Union has helped me a lot," says Norm Jacobs. Jacobs was struck by Crohn's Disease ten years ago. Last year the disease disabled him.

"The Local has people who helped me understand my options. The company has also been good to me. And both are working together on a new disability management program that has promise," Jacobs says.

"For me the program has already opened the door to another stream of medical treatment.

"I've got to say the union is doing a good job for me and my family and I thank everyone," Jacobs says.

Local 502 is involved in the community. Every year it donates \$500.00 to CHAB Radio's Children's Christmas Fund and it funds a scholarship

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Return address: 750 - 1595 Telesat Court, Gloucester, Ontario K1B 5R3



Legislative Representatives go to school

"How do I qualify for EI?"
"Do you know anything about CPP?"

"Few union jobs are as important as counselling members about their legislative rights," says Tim Secord, Canadian Legislative Director.

At the local level, union members elect a local legislative representative. He or she is available to help members with questions about Employment Insurance, Workers Compensation, Health and Safety legislation, the Canada Pension Plan and many other rights which flow from laws passed by federal and provincial governments.

"Each local legislative officer is supported by a team of equals from the other locals in the province. This way the more experienced officers can pass on

their knowledge to first time legislative representatives," Secord says.

These local union volunteers also have access to the resources of the Canadian Legislative Director and the labour movement as a whole.

The UTU Legislative Department provides training at constitutionally mandated Provincial Legislative Board meetings. The Provincial Legislative Boards of Alberta, New Brunswick, Nova Scotia and

Saskatchewan recently held their interim meetings at Harrison Hot Springs, British Columbia.

At the school, seventeen local Legislative Representatives received Level 1 Health & Safety training. Seven other members were trained as Union Counselors, while two others attended a class on "Facing Management".

The four Boards agreed to one central location for this year's meetings and tied them to the Canadian Labour Congress

Winter School. The Board meetings were integrally intertwined with the CLC program. The UTU members benefitted from meeting other students from different unions.

As a result the four Boards report delivering improved training at a lower cost.

In the near future, the British Columbia and Manitoba Legislative Boards will hold their interim meetings in Victoria, the Ontario Board in Niagara Falls and the Quebec Board in Sept Iles.

UTU mourns lost lives

"Nineteen rail workers were killed on the job last year," says Tim Secord, Canadian Legislative Director. "It's a black mark on the industry and the number one issue in rail homes across the country."

The labour movement's Annual Day of Mourning was April 28. Many UTU Locals participated in events to commemorate fellow workers who have lost their lives. The members also protested working conditions that have become increasingly dangerous during the 90s.

Secord says the union has its work cut out for it trying to bring back the emphasis on safety.

The union has reissued information on the right to refuse unsafe work, he notes and is training more local union representatives on how members can protect themselves.

At the bargaining table, Vice President John Armstrong points to an increased emphasis on safety issues.

**FIGHT FOR THE LIVING.
MOURN THE DEAD.
April 28**

"Members are making safety a priority during negotiations. But shareholders and management don't care very much," Armstrong says.

Many industry watchers fear the relentless drive to ever higher levels of productivity will make rail jobs even more dangerous.

Across Canada more than 1000 workers are killed on the job every year.

Another thousand die every year from occupational diseases. According to Labour Canada, the economic cost of these incidents is estimated to be as high as \$20 billion per year.



Tim Secord, Canadian Legislative Director.

BIGGAR IS BETTER WITH THE UTU

The United Transportation Union is an important part of many towns and cities across Canada. The union is big in Biggar, Saskatchewan.

"It's important for the union movement to make more of an effort to tell people what we're really about," says Vice President John Armstrong. "From the newspapers, the average person gets the impression that all unions ever do is go on strike. But when you look at a Local like 1230 in Biggar, which is not a lot different from many others, you see how much a union and its members mean to the community."

In the last few years Local 1230 members:

- furnished a room at the local senior citizen's home, — Diamond Lodge;
- donated funds towards the purchase of bed and equipment at the hospital;
- donated \$10,000 to the restoration of the old theatre in Biggar which was closed but now is the home of shows, musicals and plays;
- donated \$10,000 towards the purchase of a zamboni for the local skating rink (the zamboni is decorated with big UTU logos on either side);
- when the local senior citizens' hall was broken into and money stolen, bought a wall safe for the hall;
- annually funded two \$500 scholarships for high school graduates planning to attend trade school;

- donated \$2,500 towards the purchase of a commercial dishwasher for the community centre;
- helped sponsor a free movie for the whole community at Christmas time when the Local Legion put on their Community Days;
- donated \$10,000 toward the new museum which just opened and includes a display about the rail history of the town

The Local Union also:

- provides a \$1500 payment to local members who are off work for a long period of time to help bridge between the expiry of Sun Life payments and the kicking in of EI payments;
 - donates a door prize for the annual Wild Life Federation awards night and supper
 - donates all profits raised at the union's Christmas parties to the local Secret Santa and Food for Thought;
 - sponsors an annual golf tournament with profits donated to community projects;
 - supplies a TV set for members and their families when hospitalized;
 - supplies the local library with subscriptions to four different magazines yearly;
 - donates to ringette, minor hockey and baseball leagues; and
 - lays a wreath for Remembrance Day.
- Many members also coach hockey and ball teams, lead Cubs and Scouts and are volunteer fire fighters.

Last year, when two local members were killed in a work accident, the Local gave the wives \$5,000 each to help out with the immediate expenses. The members also donated \$500 to the wife of the taxi driver killed in the accident.

ONTARIO CONDUCTOR SAVES GIRL

Following the coverage of the exploits of Brothers Bentz and Mossman, the two conductors whose cool professionalism saved lives during the Biggar, Sask. VIA Rail accident, the UTU News received this letter from Local 568 in London.

Last May, our treasurer Scott Revell was working on a train as a Conductor. While travelling over the rail the crew noticed a young girl/woman walking along the tracks. They blew the whistle and rang the bell in order to get her attention.

She did not seem to notice their approach from behind her. As it was not possible to stop, and striking her appeared inevitable, Conductor Revell grabbed a couple bottles of water, proceeded out to the front platform of the engine and threw the bottles of water at the girl.

This got her attention and she stepped out of the way, narrowly averting being struck by the train.

It turned out she was deaf. C.P. Police followed up with the school she attended, and delivered a message on the dangers of trespassing on railway property.



Clockwise from top left: Norm Jacobs, Darren Seida, Barry McLafferty, Vice General Chairperson members meeting, executive members Gary Hiscock and Ron New.

Moose Jaw Local 502: colourful and committed

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honouring fallen Brother Eric Schultz.

"We've played a major role in provincial and federal elections over the years," Weekes says. During the cabooseless train campaign the Local was part of the coalition that retained an attorney named Roy Romanow who is now the Premier of Saskatchewan.

Another local member, Darren Seida, praises the union's most recent contract. Seida, a non-protected spareboard employee,

now receives a \$3500 guarantee under the new rules of pay agreement.

"For me it meant we were able to buy a house and put down roots," Seida says. Just married, Seida and his wife are looking forward to starting a family.

"I think the new method of pay was a win-win. Now that management has no incentive to stall trains to save wage costs we're not seeing a lot of trains standing around," Seida says.

Moose Jaw born and raised, he hails from a rail family. Seida

attends union meetings. He wants to be informed. He wants to make sure that there's no barrier between protected and non-protected members.

"We're solid, when we're together," he says.

Another member who is just becoming involved in the Local is Joelle Dewhurst. She recently attended a focus group sponsored by the Canadian Legislative Department which was designed to get members' concerns across about belt packs.

"We represented a cross-section of UTU members from both CN and CP," Dewhurst says. Held in Winnipeg, the session's purpose was to list the problems, prioritize and offer rational and achievable solutions.

"In Moose Jaw we have only one position and haven't had it very long, so its impact hasn't been as big as in terminals like CN Vancouver where they've had them for a number of years," Dewhurst says.

Most of the concerns centred around health and safety issues, particularly back problems.

"Another concern that women might be more aware of is the possible effect on reproductive systems of the electro-magnetic radiation," she adds.

"We discussed the ergonomics of the belt pack and the need to design the box for local and individual needs. Moose Jaw has different climatic conditions than

say, Vancouver. In Moose Jaw we have a lot of snow. We're always wearing big gloves and this has implications on the proper and safe use of the controller unit. In Vancouver the cold is not so much the issue as the rain."

Hired on in November of 1990, Dewhurst is just starting to get involved because she wants more control over her future. "It's a young Local. Our representatives are peers. The union is just like any other important part of the community."



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Thirty-Four Per Cent of BC Taxis Inspected Fail Test

With the increasing use of taxis to ferry members to and from work sites, and last year's loss of two members in a taxi accident, the issue of taxi safety has become another focus for union representatives.

"This trend in BC is disturbing," says Canadian Legislative Director Tim Secord.

Thirty-four per cent of 111 taxis inspected in a follow-up inspection campaign failed due to serious safety defects, BC Transportation and Highways Minister Lois Boone announced. In the initial campaign 30% of all 1,186 taxicabs in the Lower Mainland failed the inspection.

The reinspection campaign was conducted to determine if the condition of Lower Mainland taxis had improved since the Ministry's earlier inspection. The 111 cabs inspected in the follow-up campaign represented approximately 10% of each company's fleet.

The main reasons for taxis failing the inspection and being ordered off the road until repairs were made were:

- steering system defects - 24%
- suspension defects - 24%
- braking system defects - 11%
- fuel system defects - 4%

Union meets with success

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Eldridge assisted on two cases heard by CROA in February and reports the union met with success. "It's great when as a union representative you can point to results."

One case involved a yard conductor who accidentally caused a low speed collision. The member did not have an unobstructed line of vision to the head end. As a result the member was guilty of violating Canadian Railway Operating Rules 104K and 114 A.

No one disputed the circumstances, but when the company imposed discipline of both 30 demerit points (i.e. halfway to being fired) and a three-week suspension without pay, the Union argued that the member was effectively being punished twice.

The Union made a strong case to the Arbitrator. UTU representatives stressed the member's good record and cited precedents with respect to the appropriateness of the penalty imposed.

The Arbitrator agreed with the union and ruled that the three-week suspension be removed from the member's record. The Arbitrator ordered the company compensate the member for the lost wages. He allowed the demerit points to stand. (CROA case 2933)

In another case heard at the same sitting of the CROA, the outcome turned on the issue of a proper investigation.

Under most UTU contracts a member cannot be disciplined until an investigation takes place. In this case, involving a CN member, the decision turned on Article 117 of the collective agreement. That article defines an investigation. It says:

117.1 No employee will be disciplined or dismissed until the charges against him have been investigated: the investigation to be presided over by the man's superior officer. He

may, however, be held off for investigation not exceeding three days, and will be properly notified, in writing and at least 48 hours in advance, of the charges against him.

117.2 Employees may have an accredited representative appear with them at the investigation, will have the right to hear all the evidence submitted and will be given an opportunity through the presiding officer to ask questions of witnesses whose evidence may have a bearing on the employee's responsibility. Questions and answers will be recorded and the employee will be furnished with a copy of the statement taken at the

investigation.

UTU reps brought forward evidence to prove:

- the member was not investigated by his superior officer;
- the company officer who held the investigation tried to intimidate the member by calling him a "liar" and threatening to keep him "until midnight" until he heard what he wanted to hear; and
- the member was not allowed to bring a witness who could have corroborated his testimony.

As a result of the union's argument the Arbitrator observed: "It is well settled in the jurisprudence of this Office that the conditions of a fair and impartial investigation, as reflected in Article 117, are mandatory, and that a failure to respect them will result in discipline being found to be void, ab initio."

As a result all discipline assessed was removed and full compensation was ordered. (CROA 2934)



Make plans to attend a regional meeting

The United Transportation Union regularly holds meetings across Canada and the United States. These meetings are open to all members and generally include training, formal meetings and social events.

There's usually a golf tournament held in advance of the meeting.

To attend any one of this year's meetings please fill out the registration form below.

Regional meetings will be held in:

TORONTO,
Monday - Wednesday,
June 22-24, 1998

International Plaza Hotel
Toronto, Ontario, Canada
M9W 1J4
(800) 668-3656;
(416) 244-1711

Guest room rates: \$99 per night, plus tax, single or double occupancy (identify yourself as with the UTU). Guest room deposit: Required and applied to first nights' stay; cheque or credit card; NOTE: To obtain the best possible U.S./Canadian currency exchange rate please use a credit card. Reservation deadline: May 27, 1998; only 400 rooms are available. Overflow hotel: Carlton Place Best Western, (416) 675-1234; same room rate as International. Parking: Free at both hotels; \$5 for other guests.

Check in: 3 p.m.;
Check out: Noon.

The other regional meetings will be held in:

HOUSTON, TEX.
Monday - Wednesday,
July 20-22, 1998

Westin Galleria and Oaks
Houston, Tex. 77210
(800) 228-3000;
(713) 960-8100

Guest room rates: \$US92 per night, plus tax, single or double occupancy (identify yourself as with the UTU).

Guest room deposit: Required and applied to first nights' stay; cheque or credit card.

Reservation deadline:
June 26, 1998.

Parking: \$US14 overnight;
\$US6.50 short term.
Check in: 3 p.m.;
Check out: 1 p.m.

RENO, NEVADA
Tuesday - Thursday,
Aug. 11-13, 1998

Reno Hilton,
Reno, Nev. 89595
(800) 648-5080;
(702) 789-2031

Guest room rates: \$US99 per night, plus tax, single or double occupancy (identify yourself as with the UTU).

Guest room deposit: Required and applied to first nights' stay; cheque or credit card.

Reservation deadline:
July 10, 1998.

Parking: Free.
Check in: 3 p.m.;
Check out: 11 a.m.

UTU Regional Meeting Registration Form

Which Regional Meeting will you be attending?

UTU Local or other affiliation

Name/Title

Name for badge (if different)

Home address

City/Prov/Code

Daytime phone number

()

Is the advance registration fee of \$140 per person included with this form? Yes No

Registration on site is \$175 per person

This fee is due 30 days prior to each meeting date. Make all cheques payable to "UTU Regional Meeting." Send this completed form to UTU Meeting Registration, 14600 Detroit Ave., Cleveland, OH 44107-4250. You may cancel seven full days prior to arrival with no penalty. Please fax any changes or cancellations immediately to the UTU International at (216) 228-5755.

Bill 99 changes Worker's Compensation system in Ontario

Bill 99 took effect on January 1, 1998. Major components of the Ontario legislation include:

- Benefits for injuries now are paid on a loss of earnings basis instead of for temporary total disability or temporary partial disability;
- Benefits only pay up to 85% of net earnings instead of the 90% of net for claims handled under the pre-1998 Act;
- Non-economic loss benefits remain relatively unchanged;
- Future Economic Loss Award (FEL) are now subject to yearly reviews;
- Vocational rehabilitation, as known prior to the new law taking effect is practically non-existent;
- WCB will now be called the Workplace Safety & Insurance Board (WSIB);

"What else can be expected with the Tory government of Mike the knife Harris," says Dennis Schweitzer, Chairperson of the Ontario Provincial Legislative Board.

For more information contact the UTU Ontario Legislative Board at 905-549-9913 or email at denniss@netcom.ca.