

Overview of the New Drug and Alcohol Testing Policy

On December 1, 2012, Teck will be implementing new Drug and Alcohol testing policies. One of the key changes in the new policies will be a requirement that employees submit to random drug and alcohol testing. The new policies will continue to provide for reasonable cause and post-incident testing. The following is a brief summary of key aspects of the new policies.

Random Testing

Under the new policies, nearly all workers over the course of the year will be forced to undergo breathalyzer and urinalysis testing, in order to determine whether workers have traces of alcohol, illegal drugs, or over-the-counter/prescription pharmaceuticals in their systems.

In order to determine which employees are subject to random testing at any time, the Company intends to contract with a third party firm who will generate periodic lists based on employee numbers. It is uncertain at present whether these lists will be generated daily, weekly or monthly. The Company has advised us that they intend to randomly test three workers per day, which equates to roughly 8.3% of the workforce per month, or one test per worker per year. As this system operates through randomly generated lists, some workers may be tested multiple times, whereas others may not be tested over the course of the year. Nonetheless, the theoretical aim of the program, according to the Company, is to randomly test every worker once per year.

Reasonable Cause and Post-Incident Testing

The Company intends to continue their programs of reasonable cause and post-incident testing, with the consequences outlined below for a positive test.

Consequences of a Positive Test

Employees who test positive following a *random* or *reasonable cause* drug or alcohol test will be placed on a paid medical leave and be referred to an addictions specialist of the Company's own choosing, who will assess the nature of the employee's substance abuse problem.



This assessment includes recommendations for treatment and/or counselling, and recommendations regarding the timing and conditions under which the employee may return to work. Employees will also be required to sign a return to work agreement. Employees who test positive following a *post-incident/near-hit* test will be terminated from employment. Employees who have been terminated will be considered for re-employment at a subsequent date if they are the most suitable candidate for the position, test negative on a pre-employment drug or alcohol test, have received appropriate treatment, if necessary, have signed a return to work agreement.

What Is a Positive Test?

The Company will be testing for alcohol, drugs and certain over the counter/prescription pharmaceuticals. With respect to alcohol, the Company will consider a blood alcohol concentration of greater than 0.02 to constitute a positive test. With respect to illegal and over the counter/prescription drugs, the Company will be testing for narcotics including, but not limited to, marijuana, cocaine, opiates and amphetamines.

A Further note on Pharmaceuticals

The new policies will require employees to inquire with their doctors or pharmacists as to whether their prescription or over the counter medications could adversely affect their ability to work safely. If so, employees are required to report their usage to management. Employees who fail to report over the counter or prescription drug usage which could adversely affect their ability to work safely, and subsequently test positive for such drugs on a drug test, may be subject to discipline, up to and including discharge.

The Union's Response

The Union advised the Company at a meeting on September 18th, that it intends to challenge these policies at Arbitration. The Union believes that these new policies violate our Members' Rights to Privacy and reasonable treatment by management, and are Discriminatory under Provincial Human Rights Legislation.

We have asked the Company to suspend the implementation of the Random Drug Testing until after the Arbitration and they have declined. The grievance has been filed and once an Arbitrator has been appointed we will be requesting injunctive relief, which means, we will be asking the Arbitrator to direct the Company to refrain from implementing the policy's until after the Arbitrated decision. If that is denied and on December 1, 2012 the random testing starts, we would ask everyone to comply with the testing, as the rule of arbitral law, will apply, which is, work now and grieve later. The Union will file an individual grievance, seeking damages for every member who is tested, as we believe that random testing is a violation of the CBA, your Privacy Rights and your Human Rights. Obviously we cannot get into too much detail because of the upcoming litigation, however if you need more information you are encouraged to contact the Union Hall.

This Grievance was filed on October 17, 2012

Grievance Report

U.S.W. Local 7884

Grievance No: 11/16-0046

Location: Teck Coal Limited
Fording River Operations
Box 100, Elkford B.C.
V0B 1H0

Date: October 17, 2012

Grievors Name	Man #	Dept.	Job Title
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Union Policy

Nature of Grievance: The Company has violated the Collective Agreement by introducing an alcohol policy, medication use policy, and illegal drug policy which are inconsistent with the Collective Agreement, and Human Rights and privacy legislation, and the common law, and are unjust, unreasonable, discriminatory, and have been introduced without there being good and proper cause.

Settlement Requested: The Union seeks full redress, including but not limited to, a declaration that the policies as written are inconsistent with the Collective Agreement, the common law, and Provincial human rights and privacy legislation and are of no force and effect, and a direction that the Company be prohibited from implementing the policies.

Agreement Violation: Article 4:01, 4:03, and any other relevant articles of the Collective Agreement, Provincial Human Rights and Privacy Legislation, and any other relevant Statute.

Grievor	Union Rep
	Don Takala

Court Injunction Granted to Prevent Random Drug Testing

Workers at Suncor's Fort McMurray operation got a court injunction to keep the company from starting a random drug testing operation Monday. Court of Queens Bench Justice Eric Macklin granted the temporary injunction, saying random drug testing can be an invasion of privacy that could cause irreparable harm to innocent employees.

The judge heard union affidavits from two female workers who had experienced drug testing. A previous arbitration report said the company's drug testing policy was "overbroad," Macklin said.

Safety is a legitimate concern for the company and for its workers, Macklin added, saying that there needs to be a balance between safety and human rights. "There is no doubt it is an inherently dangerous workplace," he said. He said records show there are clearly some alcohol and drug problems among workers at the oil sands.

Although Suncor said it intended only to randomly drug test workers in safety-sensitive positions, the judge noted that at Suncor's Fort McMurray operation, that would affect 85% of workers, or over 1,400 workers.

Macklin told the company and CEP (Communications, Energy & Paper workers) Local 707 to head into arbitration within two weeks to figure out if the new policy is reasonable or not. Suncor indicated it expects to appeal Macklin's injunction. There will likely be a Court of Appeal of Alberta hearing on Wednesday.

The Supreme Court has defined fair testing under the Canadian Human Rights Act, and CEP's lawyers asked the judge to wait for a Supreme Court of Canada ruling expected on Dec. 7 in a similar case in New Brunswick between Irving Oil and Local 30 of the CEP.

Local 707 has applied to the Supreme Court for intervener status in the New Brunswick matter, said Roland LeFort, president of CEP local 707. "It's an important decision, based on privacy and human rights that the Supreme Court of Canada has ruled that workers and individuals have rights under the Charter and we don't believe those rights should be abandoned at the gates of any workplace," he said.

Athabasca University labour relations professor Bob Barnetson said there's quite a bit of drug testing that goes on in Alberta — pre-hire clearance testing or testing after an injury accident or if a worker appears to be impaired on the work site. "The notion that 10% of your workforce is going to get piss-tested every month for drug use — that is something that isn't widely done in Alberta," Barnetson said.

"There's no evidence that drug use increases the rate of workplace injury, and not surprisingly, there's no evidence that random drug testing reduces the rate of workplace injury. "The safety rationale, then, is entirely bogus, which means the rationale for this program is bogus — and we ought to attend to other questions, like privacy."

Suncor fights delay in random drug-testing program

Each day a court order prevents random drug and alcohol testing at Suncor Energy's oilsands operations increases the risk of injuries and accidents, a lawyer for the company told the Alberta Court of Appeal on Wednesday. The energy giant went to court to request a stay in a previous order that temporarily halted the company's new drug testing program before it began.

The Court of Queen's Bench issued an injunction Friday that stopped random drug and alcohol testing among 3,400 workers represented by the Communications, Energy and Paper workers Union of Canada Local 707.

Suncor lawyers will appeal that decision on Nov. 26, and want the order stayed until then so they can begin random tests. "Every day that passes, the risk increases," said Suncor lawyer Tom Wakeling. "The Suncor workplace is inherently a dangerous space. The consequences of mistakes in this hazardous environment may include catastrophes.

" Wakeling said an injury or death in the absence of the program could cause irreparable harm to Suncor, which he said should trump privacy matters and other concerns the workers have. Ritu Khullar, a union lawyer, argued that a drug-testing program announced in June, but not set to start until Oct. 15, can't suddenly be a critical issue to implement as soon as possible. "Where's the harm if that date is pushed back?" she asked appeal court Justice Jack Watson. "Suncor hasn't put any evidence before you that there is a greater risk after October 15. We've had no explanation of the magic of that date."

Khullar told court that random drug tests can cause "psychological trauma" for workers. "This is about the right to preserve their bodily integrity, quite frankly. Their privacy, their dignity." Watson said the decision "is a matter of national importance," but did not say when he would provide a decision. On Friday, Court of Queen's Bench Justice Eric Macklin, in halting the program, said the injunction should stand until a labour arbitration board can rule on a grievance filed by the union about random testing.

Macklin said employees shouldn't be subjected to the testing until an arbitration board has the chance to deem it reasonable. "Those employees would now be subject to invasive testing procedures such as taking of breath or body fluids, and are the ones who may be irreparably harmed if it is ultimately determined that the new policy is unreasonable," Macklin said. Macklin also ordered that arbitration should take place as soon as possible, an order Suncor believes falls outside his jurisdiction.

Suncor officials said last week that three of seven deaths at the plant since 2000 involved workers under the influence of drugs or alcohol. On Monday, the company conducted random testing of non-union staff in management positions. Under the policy announced in June, the company plans to impose random alcohol and drug tests on workers in "safety sensitive" or "specified" positions. It is a change from previous practice that limited drug screening to new employees or after a workplace incident, and then only if there was evidence to justify such a request. The program is expected to include contracted workers at Suncor sites in January.

Injunction preventing random drug, alcohol testing at Suncor upheld



EDMONTON - The Court of Appeal of Alberta has upheld a lower court injunction that temporarily prevents random drug and alcohol testing of Suncor Energy employees while the union continues its legal fight against the program.

The ruling, released Tuesday morning, means that 3,400 oilsands workers represented by the Communications, Energy and Paperworkers Union of Canada Local 707 will not be subject to random drug tests as their union and Suncor prepare for a full appeal of the injunction on Nov. 28.

Appeal court Justice Jack Watson concluded the possible negative effect on workers' privacy was a greater concern than Suncor's dire warnings that safety would be compromised.

"The evidence of Suncor as to harm does not persuade me that there is a real possibility that the enforcement of this drug and alcohol policy would avoid the tragic result the policy is aimed at stopping between now and November 28, 2012," Watson wrote. "On balance, for this comparatively short period, the negative effect on Union members is visible, and the prospect of an actual increase in the margin of safety during such a short window of time is not enough to overcome that fact."

Suncor already has safety measures at its work sites in the absence of the random drug testing, and employees might be more vigilant about possible intoxication because of the public attention the delay of the program has caused, Watson wrote. On Oct. 12, Court of Queen's Bench Justice Eric Macklin halted the program and said the injunction should stand until a labour arbitration board can rule on a grievance filed by the union about random testing. Macklin said employees shouldn't be subjected to the testing until an arbitration board has the chance to deem it reasonable.

“Those employees would now be subject to invasive testing procedures such as taking of breath or body fluids, and are the ones who may be irreparably harmed if it is ultimately determined that the new policy is unreasonable,” Macklin said.

Suncor lawyer Tom Wakeling had argued to Watson that the injunction put safety at risk each day it was in place.

“The Suncor workplace is inherently a dangerous space,” Wakeling said. “The consequences of mistakes in this hazardous environment may include catastrophes.”

Ritu Khullar, a union lawyer, argued that a drug-testing program announced in June, but not set to start until Oct. 15, can’t suddenly be a critical issue to implement as soon as possible.

“Where’s the harm if that date is pushed back?” Khullar asked in appeal court. “Suncor hasn’t put any evidence before you that there is a greater risk after October 15. We’ve had no explanation of the magic of that date.”

She told court that random drug tests can result in “psychological trauma” for workers. “This is about the right to preserve their bodily integrity, quite frankly; their privacy, their dignity.”

Suncor officials have said that three of seven deaths at their work sites since 2000 involved workers under the influence of drugs or alcohol. The company has already pushed ahead with random testing of non-union staff in management and executive positions.

Under the policy announced in June, the company plans to impose random alcohol and drug tests on workers in “safety-sensitive” or “specified” positions. It is a change from previous practice that limited drug screening to new employees or after a workplace incident, and then only if there was evidence to justify such a request.

Chinese Nationals Brought In to Work B.C. Coal Mines

The first of a group of 200 temporary Chinese workers approved by the Federal Government will start arriving in B.C. in coming weeks to work in the burgeoning northeast coal industry, a mine project spokeswoman confirmed. In total, anywhere from 1,600 to just under 2,000 Chinese nationals could find full-time work in four projects being proposed in coming years for the region, due to the shortage of underground mining skills in Canada, according to industry officials.

The four projects could create an estimated 480 to 800 full-time mining jobs for Canadians. Canadians “just don’t have the experience” operating the equipment needed to safely extract coal in underground mines, said John Cavanagh, Chief Executive of Vancouver-based Canadian Dehua International Mines Group Inc., a company founded by China-born Vancouver businessman Naishun Liu.

“Without the Chinese and the technology they’re bringing ... these particular mines would not have been developed. The companies backing the mine projects say their goal is to gradually train Canadians to replace the Chinese. Cavanagh noted that it will be “many years” between the projected 2015 opening of the first mine and the fourth mine, due to the need for more exploration, mine design, environmental review, and government approval for all projects.

Cavanagh stressed that the four mines will create numerous spinoff jobs for British Columbians – three for every one full-time job generated — as well as significant personal and corporate tax revenues. The 200 workers who got federal government approval under the Temporary Foreign Worker (TFW) program will participate in a 100,000-tonne bulk sampling of a coal seam at the proposed Murray River underground coal mine located on the eastern side of the Rocky Mountains about 10 kilometers southwest of Tumbler Ridge. This is the most advanced of four underground mines being developed in the region by a number of Chinese companies working with Canadian Dehua.

Each is expected to employ an estimated 600 workers. Up to 480 of those employees at the Murray River project will be Chinese nationals brought in under the TFW program, said Jody Shimkus, vice-president of environmental and regulatory affairs at HD Mining International Ltd., Canadian Dehua’s major partner in the project.

Canadian Dehua’s Cavanagh said all four mines will have roughly the same number of overall workers, and roughly the same proportion of Chinese workers who are being brought in because they are familiar with equipment used in a form of underground coal extraction called longwall mining. However, he said it could be misleading to assume all four projects will have a full complement of 400-480 Chinese nationals working underground at the same time, since all are at various stages of development.

The earliest project to be fully operational is the Murray River mine, in 2015. Stephen Hunt, Western Director for the United Steelworkers Union, ridiculed the suggestion Canadians couldn’t be trained to work underground. “Bullshit,” he said of Cavanagh’s assertions. “That’s just a cop-out, a way to bring in guest workers who are going to go into a camp, contribute virtually nothing to the economy, and then when they’re done they’ll be sent back to China,” he said.

Deadly Safety Record Should Disqualify Chinese Coal Companies from B.C.

Highlighting the dismal and deadly Health and Safety record of the Chinese coal mine industry, the United Steelworkers (USW) is urging B.C.'s Jobs Minister to abandon plans for Chinese-operated coal mines in British Columbia. The USW has repeatedly sought assurances from Minister Pat Bell and Premier Christy Clark that the province would not give the green light to plans by Chinese mining companies to operate two new coal mines in northeast B.C. The Union wrote the Premier and Minister on Dec. 20, 2011, March 26, 2012 and July 16, 2012 to raise its concerns. Given the lack of response from the government, the Steelworkers are now warning the public of the risk that Chinese-operated coal mines present to workers, local communities and the environment.

"We've thoroughly reviewed the health and safety record of China's coal mining industry and to put it simply: their record is damning. In 2011 alone, 1,973 workers died in coal mine accidents in China," said Stephen Hunt, USW Director for Western Canada. According to the U.S. Mine Rescue Association, which maintains a web site tracking Chinese mine disasters, 85 people were killed and 32 missing in August 2012 alone; from the start of 2012 to Sept. 1, 359 miners were killed and another 94 remained missing.

Accidents happen on an almost weekly basis and range from cave-ins, explosions, gas leaks, equipment malfunctions, floods and other horrible, but preventable disasters. On March 31, 2011, Bell was quoted in the Prince George Free Press, claiming that "domestic mines don't have the expertise" to run underground mines.

"Do these sound like the actions of an industry that has anything to teach Canadians about how to manage coal mines say's United Steelworkers Union Leader Steve Hunt? "Canadians are world leaders in mining, including underground mining. We have the expertise and the people to operate these mines safely, and without the involvement of foreign companies that have such disastrous Safety Records."

Fording River bringing in Foreign Trades Workers Jamaican H.D. Mechanics may be onsite in December

If Teck wants trades people to apply from within Canada (and they should), two things they can do, one offer more money and two, offer those in Canada the same lucrative package they have offered those outside of Canada. Provide them with funding for moving, travel expenses, housing when they arrive, cover their cost for real-estate fees where they live so they can sell the homes they presently have etc.

And to reiterate, have you got any idea how many uncertified trades we have in Canada? Teck should offer them the five (5) weeks of training, along with the lucrative package they have offered the foreign workers. I assure you they will come!

This company should be ashamed of themselves. They are sending a message to our graduates, our Military Veterans, our unemployed, single mothers in menial jobs or without jobs, our First Nations People. They are telling them, none of them are good enough. They see them as being inadequate to fit their needs.

As a Canadian Company, they should have a Canada first philosophy. What about the employees who have given their lives to this Company, breaking their backs, making them the profitable Billion Dollar Company that they are today, Employees who have worked here for 30-40 years and their Children that graduate, have to leave the Elk valley where they have grown up their entire lives. They have to leave the Valley to find work, because this Company turns their back on their own employee's, and they go out of the Country to hire Foreign Trades Workers. This Company expects loyalty from you as an employee? And you have a Son or Daughter who has to leave their home, family and security to find work, because the largest employer in the valley won't hire them, what kind of loyalty is that?

We are not anti immigration we just say that everyone should follow the same rules when immigrating into Canada instead of taking the short cut created by Government and big business. Chinese Foreign Workers? Jamaican Foreign Workers? The question to be answered is, "what is the Government and Corporate hidden agenda"?

Remember this is not the fault of the Jamaican workers who are coming here to take our jobs, they are only coming here to better their lives, so when they get on site we would ask that you treat them with all the dignity and respect that you would give to any other Union member. This Company has a strict anti-harassment policy and will enforce it to the extreme to set an example in this situation. So please be polite and courteous, and if anyone has any concerns, you can e-mail us at usw7884@telus.net.

Are there really no Canadians willing and able to work at a Coal Mine?

History repeats itself as temporary Chinese workers come to B.C.



Workers outside the entrance to the Wangjialing coal mine as rescuers try to find more than 150 workers trapped in the flooded coal mine being built in northern China's Shanxi province on Mar 30/10. Workers accused their bosses of ignoring warning signs of danger as anger built over the accident after workers said water was noticed leaking into the pit days before the latest disaster to strike China's deadly mining industry.

There is something deeply unsettling about the news that Chinese workers on temporary permits will be coming to British Columbia to work in a northeastern coal mine. Canadian history is one part of the reason; Canada's future is the other.

In the mid-19th century, Chinese workers were recruited to build the Canadian Pacific Railway. They weren't allowed to bring their wives or children with them. They had none of the rights of other Canadians. And, they had to pay for the privilege of coming to do dangerous work for very low wages. It was little more than six years ago that the Canadian government apologized for the Chinese head tax, offering individual payments of \$20,000 to anyone alive who had paid it or any living spouse of those who had paid it. It also set aside \$34 million for projects that would reinforce a never-again message.

Yet, when the first of what could be as many as 2,000 Chinese arrive to work for Vancouver-based employer Canadian Denhua International Mines Group, they will be in strikingly similar circumstances. They are coming as bonded labourers with their stay in Canada tied to the company that hires them and limited to two years (with a provision for an extension).

Their employer, having convinced the federal and provincial government that there are no Canadians to do the work, has paid a fee to the government for the temporary foreign workers. But there's nothing to stop the company from charging the workers a recruitment fee.

A study by the Institute for Research on Public Policy published in 2010 found that some workers in Alberta have paid labour brokers anywhere from \$2,000 to \$20,000 to secure jobs — a modern-day head tax. Denhua says the workers will be paid “competitive” wages. But under the temporary foreign workers program, employers can pay 15 per cent below the average wage for that job in that region. And, like the Chinese railway workers before them, these coal miners will not only be dependent on staying in the company's good graces in order to hold their jobs, they will be in a remote area fully reliant on Canada Denhua for help in getting housing, health care and ensuring their safety. Because of that and the fact that their English is so limited that, according to the company's chief executive John Cavanagh, the company is working closely with the B.C. government to teach Chinese workers roughly 100 English words — all related to safety.

The company has signed a contract with Human Resources and Skills Development Canada guaranteeing it will pay the workers wages, hours of work, transportation to Canada and home again and health care for the first three months (after that they are covered by the provincial health plan) and must comply with health and safety provisions. But, as the IRPP study notes, the federal agency specifically says that it is not responsible for enforcing those standards. That's left to the province and the courts with much of the onus put on the workers to complain.

What also echoes of the past is that low-skilled workers, who are mostly from developing countries, are treated differently than high-skilled workers, who come mostly from other developed countries. Not only are the high-skilled allowed to bring their families, they are on the fast-track to citizenship.

So, what about the future? Ostensibly, the foreign miners are coming because no one here is willing or able to do the work. We're repeatedly told that with an aging workforce, we need immigration. But in 2008, Canada passed a dubious milestone. It now admits more temporary foreign workers than permanent economic migrants. In the past decade, the number of temporary work permits issued has more than doubled to 190,769 in 2011.

Yet as the number of temporary permits has risen to meet the needs of booming, resource-rich provinces, unemployment rates remain intractable in other provinces. September's national unemployment averaged 7.4 per cent. But it ranged from 4.4 per cent in Alberta to seven per cent in B.C. to 14.8 per cent in Nunavut. Why doesn't the federal government force employers to make it more attractive for Canadians to relocate and retrain? If Canadians were offered free airfare, help with housing and any difference in health care premiums, they might be willing to relocate to work in underground coal mines where unskilled labourers average \$24.84 an hour.

Yet, even if Canadians don't fill the unskilled jobs, why are the federal and provincial governments allowing the vast majority of the 6,000 jobs in the Denhua mines to go to Chinese nationals? Given the chance, isn't it likely Canadians will train as heavy equipment operators, mechanics, production truck drivers and electricians so they can earn anywhere from \$31.02 to \$54.84 an hour working in an underground coal mine? There's certainly time since Denhua's four mines won't be fully operational until 2015.

National interest comes up all the time when Prime Minister Stephen Harper talks about selling our natural resources. But, what about the national interest in reserving well-paid jobs for the limited period that it will take to extract them? The long-term viability of an economy based on exporting unprocessed, non-renewable resources is tenuous enough. We shouldn't give away all the jobs as well.

Ad for Mandarin-speaking miners draws fire

When Premier Christy Clark announced more than \$1 billion of Chinese investment in B.C. coal mining last year, she bragged that thousands of jobs would be created in the province as a result. But she didn't mention one of the apparent requirements for landing some of those jobs was the ability to speak Chinese. Online want ads from some of the Chinese mining companies setting up shop in B.C. say they're looking for workers with routine qualifications, like experience in mining, a training certificate or a college degree.

But several ads also contain this line: **"Other languages: Mandarin."**

"In 40 years in the mining industry, I've never seen an ability to speak Mandarin mentioned in a want ad for a job in a Canadian mine," fumes Steve Hunt, Western Director of the United Steelworkers Union. "A requirement like that would immediately eliminate 98 per cent of Canadian job applicants."

The Chinese mining companies recently won federal approval to bring hundreds of temporary foreign workers into B.C., arguing not enough Canadian workers possess the skills to do the work. But Hunt wonders if the Chinese companies truly wanted to hire Canadians, when they list Mandarin as a language requirement in their help-wanted ads. "It's a set-up," said Hunt, whose Union is considering legal action to stop the introduction of the Chinese workers.

Janet Yan, a spokeswoman for one of the Chinese companies that ran the online want ads, said she was surprised the ability to speak Mandarin was included. "We want to hire skilled underground miners, not people who speak Mandarin," said Yan, of HD Mining International. "We will double-check this." But Yan did not return repeated follow-up phone calls and emails.

HD Mining is developing a coal mine near Tumbler Ridge, one of four B.C. projects by a Chinese-backed consortium. About 200 federally-approved Chinese workers will soon arrive to work on the projects, part of a first wave of up to 2,000 temporary Chinese miners. Other want ads mentioning Mandarin language skills for B.C. coalmining jobs have been placed by the Canadian arms of Chinese companies Dehua International and Kail-uan

Dehua Mines. The B.C. government said it's concerned Mandarin language skills are included in the ads. "It's certainly not acceptable for that to be a requirement for a job in British Columbia," said Labour Minister Pat Bell, who has asked the companies involved for a "clarification" of their ads.

But Bell also said the Chinese companies have told him that early phases of the mine projects require highly skilled and specialized workers who aren't available in Canada. "This is a unique situation for the next six to eight months," Bell said. "Once those mines go into full production, I expect those jobs will be filled by British Columbians first and Canadians second."

But Bell said he still wants an explanation of why Mandarin language skills are mentioned in the ads, adding a lack of Chinese-speaking workers in Canada would not be considered grounds for approval of temporary workers being allowed into the country.

CHINESE MINE WORKERS ALLEGEDLY TOLL-GATED BY LABOUR RECRUITERS...

Temporary foreign workers from China are allegedly being assessed huge payments by labour recruiters in exchange for jobs in a Chinese-owned coal mine in northern BC.

The BC government, which supports company plans to import mine workers from China, said it would investigate after BC-online publication *The Tyee* said its reporter had posed as a Chinese miner, contacted two of three companies with ads on a Chinese website and was told the workers must pay the recruiters a \$12,500 fee in exchange for jobs in Canada.

"We are an employment agency and we need to charge you an agent fee," said the recruiter. "Before you leave China, you must pay 30,000 yuan. When you live in Canada, you must pay the rest – 50,000 yuan."

According to China's state-run media outlet Xinhua, a coal miner in China earns about 1,000 yuan a month, making the upfront agency fee two-and-a-half-year's salary for workers who accept the offer. The recruiter said the employer will deduct the remainder from workers' pay cheques, about \$400 a month.

HD Mining International has been granted temporary foreign-work permits for 201 Chinese miners for a six-to-eight-month stint at its Murray River coal operation near Tumbler Ridge. BC jobs minister Pat Bell said the miners will work underground to extract bulk samples. The mine won't be running until 2015.

“So you'll see six to eight months of activity right now, and then it will be shut down and if the coal meets the standards that HD is looking for, then you will see the construction of the formal mine. Certainly our goal will be to make sure there are British Columbians (working there.)”

Company officials earlier suggested that the miners would be encouraged to stay for the life of the mine, about 40 years. An associated company, Vancouver-based Canadian Dehua International, founded and run by a former Chinese government official, also plans to apply for Chinese workers under Ottawa's Temporary Foreign Worker Program, Bell confirmed.

While both companies claim to have nothing to do with the recruitment ads in question in China, the recruiting ad included the promise of “a possibility of immigrating to Canada” and the ability to “sponsor your family to Canada, too.” The ads were placed on the employment pages of a website for the Chinese provinces of Shanxi, Henan and Sichuan, but agents claimed they didn't know the name of the mines for which they were recruiting, only that they were in Canada.

The advertisement offered miners jobs in Canadian mines at a rate of \$25 to \$30 per hour, but the recruiter said in the message exchange that the wage is actually between \$22 and \$25/hr. The going rate is about \$34/hr. The agent said applicants need a mining certificate or a reference from a company to be accepted but the training and a letter from the company could be provided for an extra 1,800 yuan (\$180). Bell has repeatedly claimed that the Chinese temporary workers have special skills not found in BC or Canada.

Once in Canada the workers will be dominated by and highly dependent on their employer; they will live in dorms, speak nearly no English and as Steelworkers have warned, will have no virtually ability way of invoking BC law or health and safety protection because they would have no union protection and will be subject to immediate return to China should they question the company's authority.

Concerns have long been raised about exploitation of temporary foreign workers. In a 2009 report, Canada's Auditor General wrote that: "We found that immigration program managers and officers we interviewed in missions abroad were concerned about the level of misrepresentation or fraud from temporary foreign workers, employers, and their representatives in relation to work permit applications. HRSDC officers told us they have the same concerns about... applications from employers and their representatives."

The legal authority for the temporary foreign worker program is the Immigration and Refugee Protection Act. The Auditor said: "We noted that the IRPA does not provide any mechanism to impose administrative sanctions on employers or their representatives for compromising the integrity of the Temporary Foreign Worker Program. For example, an employer may submit a new... application even after misrepresenting a previous application."

The recruiter said that 100 English words can be taught for an additional 1,000 yuan (\$160). He said he was working for a BC-based company called the Canada CIBS Investment and Trade Group. *The Tyee* says that company referred questions to its office in China but that the Chinese operation didn't reply to repeated calls.

"This story gets worse and worse – both levels are digging themselves a deeper and deeper hole," says Steelworkers Western Canada director Steve Hunt.

"They have a lot of questions to answer," notes Hunt, "Instead of standing up for either BC workers or the foreign workers, both levels of government appear to be acting as cheerleaders for a corporate scam aimed at driving down wages here in Canada. Now we learn that even before they get here, the Chinese workers are being ripped off by unscrupulous labour contractors."

Frank Everitt, president of Steelworkers Local 1-424 in Prince George, said the claim BC doesn't have the expertise to run the mines does not excuse the recruitment of foreign workers. "I just think it's shameful. I think there are enough people in northern BC that they could recruit for the mine," said Everitt. "It's not that we haven't done it, it's just that nobody has put the resources to it and it's a scam to bring guest workers in." Everitt said the average base salary for a miner in the province is \$34 an hour, and the union has said the recruiters and companies are just trying to undercut local miners to increase their profits.

APPRENTICESHIP COMMITTEE

The Union has activated the Apprenticeship Committee under the Collective Agreement. The Committee will consist of one Journeyman and two apprentices, and will meet with the Company once every two months to discuss and resolve problems arising in the Apprenticeship training program. Rob Halldorson, Journeyman Shift Electrician on I – shift, Jason Dobson, Heavy Duty Mechanic Apprentice on I – shift, and Jason Watmough, Process Millwright Apprentice on I – Shift, will form the Committee.

If any apprentices have any questions or concerns regarding any aspect of your apprenticeship training, please contact a member of the committee and they will attempt to resolve your issues at the Committee level. If you are unable to talk with a member of the committee, because they are on your cross-shift, or for any other reason, then we would request that you contact them at their home phone, or contact the Union Hall either by phone or by e-mail and we will pass your concern off to the Committee.

Rob Halldorson – 250-865-2010 / Jason Dobson – 250-865-7842
Jason Watmough – 250-428-4662 / USW7884@telus.net / 250-865-2223

NOTICE: Motion to Be Rescinded

There was a motion in January 2001 at a Membership meeting, that member's who drive Buss for Leyden Buss Lines, would not lose any monies if they were booked off on Union business. At the October 17, 2012 Membership meeting this motion was brought up for review, and it was recommended that we rescind this motion.

As required under the USW Constitution notice must be given to the Membership that there will be a Motion put forward at the November 21, 2012 Membership meeting to have this motion rescinded. Any member who has an interest in this motion is encouraged to attend the November 21, 2012 Membership meeting so that you have the opportunity to voice your opinion and have a vote on the motion.

Teck Confesses to a Century of US River Pollution



Diversified mining giant Teck Resources Ltd. (TSX:TCK.A) has confessed to polluting the upper reaches of Columbia River in Washington State for nearly a century with effluent discharge from one of its BC-situated smelters. The admission was made by Teck subsidiary Teck Metals in a US court as part of a lawsuit filed by Washington State's Native American Colville Confederated Tribes over environmental damage caused by the discharge of smelter effluents.

The [Vancouver Sun reports](#) that the Teck smelter, located in Trail in the southeast of British Columbia, disposed of hazardous effluent in adjacent river systems from 1896 to 1995, with some of the waste ending up in the Upper Columbia River south of the Canadian border. In Teck's own words: "...some portion of the slag discharged from Teck's Trail Operations into the Columbia River between 1896 and 1995, and some portion of the effluent discharged from Trail Operations, have been transported to and are present in the Upper Columbia River in the United States, and that some hazardous substances from the slag and effluent have been released into the environment within the United States.

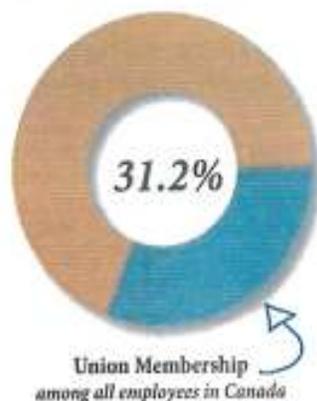
The Colville Confederated Tribes filed a lawsuit against Teck eight years ago claiming the company has dumped 140,000 tons of slag directly into the river, polluting the surface water, ground water and sediment of the upper Columbia River and Lake Roosevelt with hazardous metals including arsenic, cadmium, mercury, lead, copper and zinc.

In a [press release](#) Teck stated that its agreement with the plaintiffs concerning the facts of the case is expected to lead the court to judge in favour of the plaintiffs, with compensation costs to be subsequently determined.

The Union Advantage in Canada

There were **4,562,800 union members** working throughout Canada in 2011, over **31%** of all employees. Their weekly payroll of **\$4.38 billion** accounted for 35.6% of the total for the entire country.

On average, unionized workers earned **\$5.11/hour more** than non-union employees. That union advantage translated into over **\$793 million** more every week paid into the economy to support businesses and community services.



What's the average Union Advantage? Difference in average hourly earnings with a union



Union Wage Contribution to the Canadian Economy *

Average hourly wage for workers with unions	\$26.50
Average hourly wage for workers without unions	\$21.39
Union Advantage for Canadian workers	\$5.11/hour
How many workers are union members?	4,562,800
Union members as % of all employees	31.2%
Total weekly payroll for all workers with unions	\$4.38 billion
Above as % of total weekly payroll in Canada.	35.6%
What the Union Advantage provides to the Canadian economy	\$793.18 million/week

**Based on the average annual wages for 2011 (Statistics Canada).*

A more accurate barometer of the union advantage would use median wage - where half of all workers make more than the amount and half of all workers make less. It gives a better picture of how workers are doing. Using median wage, the national union advantage is \$6.80 an hour. But for the purposes of this study, average wage, as provided by Statistics Canada, is used.

Grievance Report

1.) We have a number of cases which disputes have arisen when members have a medical issue and the Company refuses to allow the individuals to return to their jobs.

2.) We are seeing an increase in the Company challenging members when they have a workplace accident.

3.) We are scheduled to go to arbitration on January 14th concerning the Company refusing to provide a ride home for one of our members who was sick.

4.) A grievance has been filed on the Company's new Drug/Alcohol/medications policy which they plan to introduce on Dec 1st.

5.) In a recent arbitration award the Arbitrator disagreed with the Company in its decision to give a member step 4 and a 2 day suspension for losing a mechanical part off the back of his service truck. Strangely this is the first time in the history of the mine that someone has been disciplined for this.

The Arbitrator found that a step 2 with no suspension was the appropriate response. The Company appealed that decision to the Labour Board and a decision was reached to send it back to another Arbitrator to basically re-due the arbitration. The Union looks forward to this opportunity as no discipline was warranted.

6.) We continue to have overtime distribution problems at the mine-site. One of the major problems is not posting the overtime opportunity lists on a regular basis so our members can identify problems. The Collective Agreement directs that the Company will post this information. Meetings are scheduled with the Company to attempt to resolve this issue and address the many disputes. If we cannot we will arbitrate the issue.

7.) We are presently looking to schedule hearings on three (3) discharges and have served a grievance on another discharge.

8.) A dispute arose over the transfer of one of our members who was more senior than the other member. The Company's position is that because the junior member is a back-up supervisor that this gives him super seniority. The Union has filed a grievance and will arbitrate this matter.

9.) The Company is refusing to provide the Union information and are completely ignoring the provisions of the Collective Agreement. This information is in representing our members in various situations. We have filed a grievance and look forward to arbitrating this matter.

10.) We have a number of grievances concerning internet usage. It is the Unions position that not only was management involved in internet abuse, that it was ignored. The Union believes that the proper handling of this matter was to come out with a clear policy and with notice of discipline if internet abuse is found.

11.) We have a number of other complaints and grievances waiting scheduling for arbitration. For more information, please contact the Union Hall.

Labour Relations Quickly Going Down Hill

Surprise, if you haven't noticed things aren't going so well. This is a real shame as in the last few years with Fording Coal we all saw major improvements that benefited all. The Company is reluctant to solve problems. They block the Unions access to information and on numerous occasions discipline is handed out with no real exchange between the parties involved. The following illustrates how ridiculous it has got.

Over the last couple years we have received complaints that our members did not see a job opportunity bid on their respective bulletin boards in their work area.

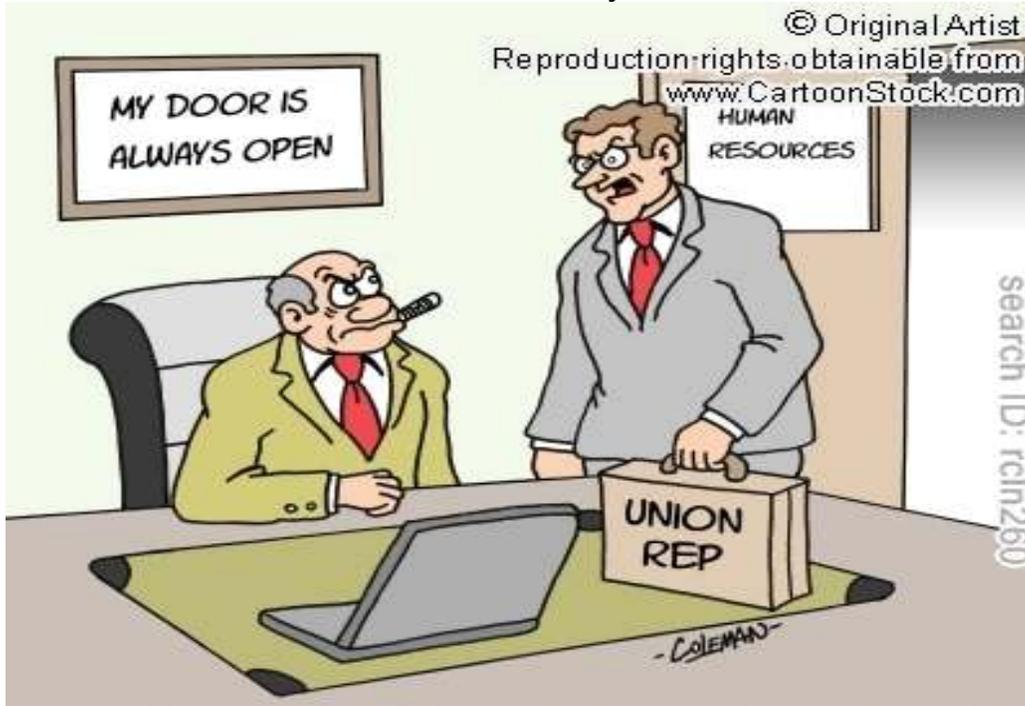
We contacted the Company on each concern and the Company would have to re-post the job opportunity bid. The Company suggested that individuals have put bulletin boards all over the mine-site and that they do not put up postings on everyone.

The Union requested the Company to provide to the Union a listing of the bulletin boards that they do not use for postings so we can advise our members what bulletin boards they need to look at for job postings. The Company thought that was a good idea.

Since July, 2012 we have made over a dozen requests with 3 management members for this information, but the Company has refused to provide it. One management member suggested we would only use this information against them. The Union can only shake it's head and continue to dispute job postings that have not been properly distributed and management can continue wasting their time redoing the job posting procedure.

The above illustrates how difficult things have become. If the Company wants to return to the old days of Fording Coal when labour relations were at an all time low, so be it. They have the right to manage, even poorly if they choose.

Hopefully someone will wake up and realize it didn't work well back then and it won't work now. The Company needs to attract hundreds of new employees for future needs and with low cost housing out the window a poor labour relations record will cause many to take a second look.



"YOUR DOOR MAY BE ALWAYS OPEN, BUT YOUR MIND IS ALWAYS CLOSED."

W.C.B. REPORT

For all new members (and old) remember the following steps to take if you have a workplace accident.

- 1.) Report it to the Company as soon as possible. Don't assume that it will get better over time.
- 2.) Call the Union Hall and we can assist you in reporting your claim to WCB. Just because you reported your injury to the Company, you still need to make a claim to WCB yourself.
- 3.) Seek medical attention as soon as possible with your attending physician, if necessary. If you are in doubt contact the Union Hall.

If you follow the above your success at having your claim accepted improves drastically. Don't be afraid that you will be looked down on for making a claim. Your health and possibly financial risks are more important than a pizza party. If anyone has any questions, please contact the Union Hall.



SHOW YOUR UNION CARD

Here are the participating businesses. Just show your Union Card to get your discount at the following Businesses.

1. The Cottonwood Tree (Ferne)

- Health Food store
- 10% off products

2. Sparwood Hose & Fitting

- 5% off

3. Intermountain Services

- \$100 off purchase of a seacan
- 10% off rental

4. NAPA

- 10% (applies to all mine employees)

5. Cummins Western Canada

- 5% off

6. BOARDSTIFF - in Fernie, BC

- 10% off

7. Elk River Guiding Company Fernie BC

- 15% off

8. Gear Hub Sports

- 15% off plus a \$20.00 gift card for all 7884 workers for their first visit

9. Corrien's Carpet Cleaning

- about 15% off and no taxes (works out to about \$0.22/sq.ft. Elk Valley and Pass 250-430-7020 or 250-425-9961 for a quote.

10. W.E. Insurance (Home and Auto)

- Call 1-800-663-4200 in BC
- Call 1-877-787-7021 in all other Provinces.

11. W.E Tax Services – Call 1-800-845-1181

12. The Good Earth Natural Alternatives

- 10% off for vitamins and supplements.

13. Gerick Sports – Cranbrook

- 5% off Regular Price for Hard Goods & 10% off Regular Price for Soft Goods

Safety Committee Report

In September and October the United Steel Workers held two Safety Representative Schools. Members from Local 7884 from Fording River and members from Local 9346 from Elkview attended. Over 30 members attended the two 5 day training sessions. This will hopefully provide the two locals with a stronger safety presence at both work sites.

With this stronger safety awareness that hazards cause injuries and illness at the work sites. A stronger message will be sent to Teck that safety is not a slogan, it is a right.

Each worker has rights. You have the right to know. You have the right to know if you are being exposed to hazards in the workplace. It is Management's responsibility to make sure that all reasonable and practicable measures to ensure that the workplace is free of potentially hazardous agents, and conditions, which could adversely affect the health, safety, or well being of the workers.

Also the Manager shall where practicable, institute controls at the source to ensure that workers are not exposed to a level of any physical, chemical, or radiation hazard in excess of the limits prescribed in the code or by an Inspector, with the exception of unusual short term or emergency situations and require that persons wear effective personal protective equipment in any situation where control at the source, is impractical.

As the Law and Courageous Leadership both state that the best way to control a hazard is at the source. The hazards can be things like dust, fumes, noise, vibration etc.

If you think you have or may have been exposed to a hazard that could affect health, safety or well being of you or your co-workers. First contact your Supervisor and tell them of your concern.

If the Supervisor cannot address the hazard to your satisfaction, contact a Safety Representative or the Union Hall at 250-865-2223.

You also have the Right to Refuse Unsafe Work.

Article 1.10 of the Mine Code tells you step by step how the procedure is done. The Code states:

1.10.1 A person shall not carry out any work or operate any equipment, tool or appliance if he has reasonable cause to believe that to do so would create an undue hazard to the health or safety of any person.

1.10.2 A Supervisor shall not knowingly perform or permit a worker to perform work which is, or could create, an undue hazard to the health or safety of any person. "If you feel something is unsafe contact your Supervisor and explain why you feel that way."

1.10.3 A person who refuses to carry out any work or operate any equipment tool or appliance, in compliance with section 1.10.1 shall forthwith report the circumstances to his Supervisor. "This can apply to conditions also such as dust, noise, vibration etc."

1.10.4 The Supervisor receiving a report under 1.10.3 shall forthwith investigate the matter without delay; or if, in his opinion the report is not valid, he shall inform the person who made the report. "If you think it is too dusty or noisy you can ask for a test to be done. The noise reading is immediate results. The dust sample results will take a few weeks unfortunately, because it has to be sent away to a lab."

1.10.5 If the procedure provided for in section 1.10.4 fails to resolve the issue and the person continues to refuse to carry out the work, the Supervisor or other Management Representative shall forthwith make an investigation in the presence of the person who made the report, together with another person having knowledge of the work in question, and who is

(1) A worker representative or designate of the O.H.S.C. if available, "All Safety Reps are designated members of the Worker OHSC committee"

(2) Designated by the local Union to represent the person refusing to carry out the work or "with the Unions permission"

(3) A co-worker selected by the person refusing to carry out the work.

1.10.6 If the person still refuses to carry out the work after his Supervisor and the other person have investigated the issue in accordance with section 1.10.5 and are both of the opinion that no undo hazard exists and that.

(1) The refusal is considered to be justifiable for reasons peculiar to that particular person and “such as fear of heights or claustrophobia etc”

(2) There is no justification for an alternate person to refuse to carry out the work in question then, the supervisor, after informing alternate person of the reason for the refusal, may have him perform the work.

1.10.7 If the procedures in 1.10.4, 1.10.5 and 1.10.6 fail to resolve the issue the Manager shall.

(1) conduct an investigation and either develop a plan that is acceptable to the persons who will do the work and which will allow the work to proceed safely, or suspend further work, and

(2) if the work is suspended or allowed to proceed, submit a report to the OHSC, Local Union, and the Inspector, that describes the incident, show's compliance with the Code and describes any remedial actions taken.

“The important part is to say that you are refusing that job because of Safety” Please give all the Safety Rep's your support.



“Don't worry. There's no way in the world anyone would ever ever ever turn on the grinder while we have our hands in the blades.”

Family Responsibility Leave

This section of the Employment Standards Act was included in order to assist employees to meet work and family responsibilities. I will provide the following background information on this provision. Family responsibility leave is an employee initiated unpaid leave designated to help employees deal with family problems that conflict with job responsibilities.

This leave applies to members of the employee's immediate family or to persons living with the employee as a member of his or her immediate family. **Immediate family** is defined to mean the spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, and any person who lives with an employee as a member of the employee's family.

It includes common-law spouses, stepparents, stepchildren, and same sex partners and their children as long as they live with the employee as a member of the employee's family. It does not mean parent-in-law or any other relative by marriage, unless that person lives with the employee as part of the employee's family.

Family Responsibility Leave is **an employee entitlement**, not something that may or may not be granted at the discretion of the employer. The employee is to be granted leave on request. The request does not need to be made because of a crisis or emergency but it must be related to the care or health, and in the case of a child education, of a member of the employee's immediate family.

While notice is not required, the employee is encouraged to give reasonable notice so as to allow the employer time to accommodate the absence. Employees should be prepared to provide the employer with sufficient information to demonstrate that the request for a leave is valid.

If the employee is relying on Section 54(1) (attached), which states that an employer must grant the leave to which the employee is entitled, then the employee must establish entitlement by providing sufficient information about the nature of the leave to show it is for reasons set out in Section 52(a) and (b) attached, however not to the extent that employees are required to disclose personal or private information.

Section 54, Duties of Employer

54. (1) An employer must give an employee who requests leave under this part the leave to which the employee is entitled.

Section 52, Family Responsibility Leave

52. An employee is entitled to up to 5 days of unpaid leave during each employment year to meet responsibilities related to

(a) the care, health or education of a child in the employee's care, or

(b) the care or health of any other member of the employee's immediate family.

Remember, Family Responsibility Leave must fall within the scope of (a) or (b) above, and meet the definition of the leave for example; If I need to attend a parent teacher interview with my son, that would fall within the definition of the leave, if I need to attend my sons graduation ceremony, that would not fall within the scope of the leave as it is classified as a social event.

I need a family day to take someone from my immediate family to a Doctors appointment in Cranbrook, this would fall within the scope of entitlement and the employee must be given the requested leave. If the company requests sufficient evidence that they had a Dr's appointment that day then I would need to provide a Dr's note, I do not need to divulge what the appointment was for, only sufficient evidence that I attended.

Do not let the company badger you with 20 questions, or threaten you when you request leave. You are either entitled to the leave or you are not, you are not required to answer 20 questions.

Any members having problems obtaining the above noted leave, or need an interpretation of whether or not your situation falls within the definition of Family Responsibility Leave, please call us at:

865-2223, or send us an e-mail
usw7884@telus.net.

Shop Stewards

The Union is looking for Shop Stewards on all shifts. We will provide you with the required training, so that you are able to adequately represent your fellow employees on your shift. Please contact the Union Hall so that we can put you on a list. Once a school scheduled we will contact you.

**Visit Your Local Union Website @
USW7884.com**

Membership Meetings

**Every third Wednesday of the month at 5pm
12 Water Street Elkford BC**

***You Want to Rent the Union Hall
Banquet Room?***

***Call 250-865-2223
\$150.00 for Members
\$300.00 for Non-Members***