



The STEEL GUARDIAN

May 2016

A quarterly newsletter to all members of USW Local 9597 throughout Eastern, Central and Southwestern Ontario

Letter from the President – Sherry Charette

We have been working hard lately to get a first contract for our Commissionaires in South West and unfortunately it is not going so well, the sticking point is benefits (you want them & the Employer is refusing to provide them). We will be sending out a special information letter to those members who are affected with a more informative update, but did not want to put something out publicly that might be read by the Employer; we will be in touch shortly. If you do want to talk with us or set up a conference call with your fellow co-workers on site and yourself, please reach out to us and we will set something up immediately.

As far as what is happening in the local we are gearing up and launching a Campaign along with our Employers to support our Industry with a once in a life time (maybe twice in a life time if you're lucky) opportunity to make some changes to the Employment Standards legislation and turn the Governments eye towards successor rights and helping to stop the "Race to the Bottom" in the Security Industry. There is more detailed information contained in this newsletter look for it!

As you may or may not know we submitted some resolutions to the Canadian National Policy convention which occurred April 4-8, 2016 in Montreal so we will provide you with an update in the next newsletter as far as whether they were passed or not.

As a reminder the newsletter is published quarterly just prior to our unit meetings. If you did not get one, please call us and we will make sure you are on the mailing list and get one out to you asap.

Running late for Work

If you wake up late, are caught in heavy traffic or for any other reason are running late or even think you might be a few minutes late to work, please make sure you either call the site, Branch office or CNCC and let them know so that they can let your co-worker know that you are going to be there but just a little late.

This way your co-worker is not panicking thinking that they won't have relief and you will be covered by letting someone know that you are on your way. If you are consistently late, it will be an issue of course but these one off situations will not only allow your co-worker to relax but it's common courtesy as well. A little courtesy goes a long way and think of it this way, wouldn't you want to know if your relief was going to be late?

SECURITAS HAMILTON OFFICE MOVING – As of March 30th the Hamilton office will be located at 1030 Upper James, Suite 300. The phone number remains the same at (905) 561-9287 as well as their primary email addresses - matthew.gosselin@securitas.ca, cara.richer@securitas.ca, and gayle.muir@securitas.ca.



GARDA AIRPORT SCREENERS NEWS

You should have received your Collective Agreement and new benefit books by now, if not and you want a copy please contact one of the Local offices by email or phone and we will get one out to you right away.

WHAT IS TRANSGENDER?

Maybe you have never heard this term before and if not we hope that this information will be enlightening and useful to you or anyone you are working with who may be transforming.

What is Transgender?

- It is a medical condition
- It has a neurological, physiological causality.

What it is NOT:

- Mental Illness
- Choice of Lifestyle

Untreated, what it causes for transgender people:

- Anxiety
- Depression – major leading to chronic major depression
- Suicidal Ideation

What does a transgender person look like?

- They look like you?
- Sometimes they are easily visible, sometimes not.
- They do NOT look like Drag Queens/Kings – most drag queens are actually gay men, not transgender.

Human Rights

- Gender and Gender Identity are “covered” under the umbrella of “Sex” within the Charter of Rights and Freedoms.
- The Ontario Human Rights Code has now included Gender Identity and Gender Expression. (Employment, Housing, Education, Medical Care, Religion, Assembly etc.)
- The Federal law still has not changed.
- ALL THE ABOVE (and more) have been legally and Frequently denied to transgender persons.

How to Talk to A Transperson

- Watch your pronouns!! Always address the person using pronouns appropriate to the gender in which they are presenting.
- Don't be intrusive. Unless you know the person very well, do not ask personal questions.
- NEVER make jokes at someone else's expense. They have most likely felt the barbs/jokes all their lives.
- Look them in the eye, as you would any other human being; don't look elsewhere when you are talking with them.

Opening the Door

- Use open ended, non-threatening questions. “I don't know much about transgender, would you tell me more about it, or educate me about it, if you feel comfortable?” But be careful in asking, again, do not be intrusive or ignorant, if you seriously want to know be honest with them!

Be Affirming

- Avoid references to “who they once were.”
- Be sensitive to your surroundings, don't start up a conversation when other people are around, or anyone else for that matter.
- Be careful of phrasing. If you don't know what is politically correct, admit it and ask to be corrected.
- Avoid comparisons between transgender and non-transgender (cisgender) populations. They are irrelevant.

Respect Privacy (it is about gender; not genitalia)! *Gender is between the ears, sex is between the thighs.*

- Intimate questions are unwelcome; especially about genitalia. Only a very small part of the transsexual population actually had genital reconstructive surgery.

WHAT YOU CAN DO!

- Be Educated!
- Confront transphobia respectfully with fact, not emotion.
- Advocate!
- **BE AN ALLY!**

Want more information please visit www.transgenderlondon.com

In Case of Injury at Work

1
Get first aid immediately, if needed

2
Worker:
Tell your employer about the injury

Employer:
Arrange and pay for transportation to get medical care, if needed

3
Employer:
Pay worker's wages for day of injury

4
Employer:
Report injury to WSIB within 3 days if it involves

- health care treatment, or
- time away from work, or
- lost wages

WSIB Workplace Safety & Insurance Board
ONTARIO
CSPAAT Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

Questions? Call Your Local Union Office
www.wsib.on.ca

Your Employer is obligated by law to fill out a Form 7 if you are injured at work, but if you do not tell them and later have issues your Employer could face a fine, even though it was your fault in not advising them you hurt yourself. Please follow this guideline and if you have questions Call Us or your Branch office.

A BETTER FUTURE FOR SECURITY OFFICERS IN ONTARIO?

Conditions in security today

You and your fellow guards work hard every day, often under challenging conditions. You protect the public and you protect important assets. But security work is still notable for its high levels of part-time employment and relatively low wages. Working in this contracted out “business services” sector is notable in another way: for its huge growth.

Employment in Ontario’s business services sector (which includes temporary agencies, cleaning, security and food services) skyrocketed by 39% in just 14 years, from 240,000 employees in 2000 to 334,700 employees in 2014.

Our laws need positive change

One of the reasons for the continued challenges of working in the security sector is the lack of balance in labour laws in Ontario. For a time, the Ontario Labour Relations Act ensured that unionized contract employees, like security guards, had their collective agreement rights protected in the event that a client contract changed hands to a non-union company. In 1995 that contract successorship protection was sliced out of the Act by the Conservative government of the day.

This means that security officers who have union representation often lose both their collective agreement and their bargaining rights if their employer loses the service contract covering their worksite. Clients can take advantage of this gap in the law, and will often choose non-union contractors when contracts come up for renewal. This means employees who were previously unionized are quickly stripped of their rights when the contract is re-tendered, and must attempt to re-organize and negotiate a new agreement with the new contract provider.

Your union is pushing for positive change

The provincial government has started a review of labour legislation called the “Changing Workplace Review”. Your union - the USW - has made submissions in a range of areas. One of the most important is the return of ‘successor rights’ in situations where a contract is transferred by virtue of a change of contract service provider.

You can download a copy of our proposals for positive change by visiting:

<http://www.usw.ca/news/publications/policy-research-and-submissions/changing-workplaces-review>

Security guards represented by a union shouldn’t lose their union merely because a third party has decided to change contractors.

That’s not right & that’s not fair. That is a race to the bottom. Let’s turn it around – can you help?

The USW is calling for a return of successor rights. Our union represents close to 7,500 security officers in Ontario. And with your help, we can make sure that the call for fairness is clearly heard by our Members of Provincial Parliament.

Can you:

- Send a letter to your MPP? (We can help you with it!)
- Email your MPP (We can set that up for you!)
- Sign a petition in support of successor rights? (We can get it to you or bring it to your site!)

We cannot do this alone? Without YOUR help we will forever remain a minimum wage Industry fighting non-union competitors who only care about how much they can underbid our Employers so they can be awarded the contract for service; then you will lose everything that has been negotiated for you.

Contact your union office by phone or email – contact information is located on the back page.

The Ontario government is currently reviewing the province's employment laws. That means we have a once-in-a-generation opportunity to bring in sweeping changes and create the **Ontario We Want!**

Ontario's outdated labour laws fail to protect workers ...

It's time to
MAKE IT FAIR

Together we can make it:

- Easier to join & keep a union;
- Easier to get a first contract;
- Faster to resolve disputes;
- Illegal to intimidate or harass any worker; and
- The right of all workers to keep their jobs even when a contract is flipped.

We can help every worker by:

- Lifting all wages above poverty;
- Providing paid sick days;
- Stopping misclassification;
- Securing decent hours and paid vacation; and
- Protecting every worker, with no exceptions!

Text the word "**fair**" to **647-496-5602** to sign up for campaign updates.

www.MakeItFair.ca

 **ONTARIO FEDERATION OF LABOUR** In solidarity with the  **FIGHT FOR \$15 & FAIRNESS**

#15andFairness #OntarioWeWant

UNIFORM DEPOSITS

Did you come over from a Company that previously charged you a uniform deposit (Intercon, TSM, FFPA) and did you get that deposit back yet or did you pay a deposit for your uniform when you were hired? Per the Collective Agreement uniforms are supposed to be provided to you at NO cost to you, that was negotiated on your behalf by the Union. Your employer can withhold your vacation pay or last cheque if you quit and do not return your uniform (which is also in the Collective Agreement) but they cannot take money from you for a deposit.

We have recently been informed that some companies are charging employees uniform deposits when you are hired and taking this payment off your first couple of cheques.

THEY ARE NOT ALLOWED TO DO THIS!

If you paid a deposit and have not gotten that money back yet or if you were charged a deposit for your uniform please contact one of the Local union offices immediately because we are compiling a list of names and the amount that you paid, in order to get this money back to you or negotiate a reasonable resolution to the concerns your Employer may have in not getting their uniforms back.

We cannot say for certain when the money you paid will be returned to you since we may have to file a grievance and/or negotiate a settlement but this is why we are putting together this list so we know who is affected and how wide spread an issue or violation of the Collective Agreement this is.

DID YOU KNOW ... even as a Floater/casual employee who doesn't have a permanent schedule you **MUST** notify your employer when you are going to be on vacation or when you are taking some time off?

The reason for doing this and why it is so important is because while you have the right to turn down shifts or accept only those that work around your schedule in the Collective Agreement there is an Article under 12.11 (specifically 12.11 "J") that states if the Employer calls and offers you work twice within a month and you decline it without good reason, the Employer can terminate your employment. This Article goes hand in hand with 12.11 "E" that states you must work one shift in 60 days, or again your employer can terminate your employment.

If, however you send notice to your employer that you are going away for a month to Cuba for example this would be good reason to have the time off and not worry about being called and offered work or being terminated. You may need to request a Leave of Absence in order to have this month off and to do that you **MUST** give your employer minimum 30 days' notice for this type of request. Sometimes (but not always) time limits can be waived if you do not have a steady schedule or you were just presented with the opportunity to go away short notice, but you should still put in a request as soon as possible.

A GREAT practice to get into if you are working for another company or have another job is to provide your Employer with your schedule in advance so they won't waste any time calling you on days that you are not available and you won't have to worry about getting calls when you are already working.

HEALTH & SAFETY COMMITTEES INTERESTED?

We are still in need of Joint Health & Safety Committee members for **Securitas in Cambridge and the US Consulate in Ottawa**. We also need Reps for **Paladin** in the Niagara & Ottawa Areas, for G4S across the Province as well as for Garda in the Hamilton area.

If you are interested in becoming a Health & Safety rep in these or any other area (we are always looking for backup) or for any other Company within the local, please contact us and we can put your name down as a backup when a position becomes available. All training is provided at no cost to you and looks great on a resume aside from making sure your co-workers and sites are safe.

Severance and Termination pay – are you entitled?

<http://www.labour.gov.on.ca/english/es/tools/esworkbook/termsev.php>

This information is a **GUIDELINE ONLY** and if you want more specific information please either go to the link above or call the local union offices and we will be more than happy to discuss this issue with you further. If you have been terminated for culpable or for cause reasons (for example sleeping on the job) the Employer is not obligated to pay you termination or severance pay.

So let's start by telling you that if you request a lay-off or retire you are not entitled to severance or termination pay but you will want to call the USW Pension Dept., to get the paperwork started to receive your pension however you will not receive any payment from your Employer. Now, if you have been laid off and are not recalled within one year from the date of lay-off you are entitled to receive severance pay.

An employee is also entitled to notice of termination (or termination pay instead of notice) if he/she has been continuously employed for at least three months. A person is considered "employed" not only while he/she is actively working, but also during any time in which they are not working but the employment relationship still exists (for example, time in which the employee is off sick, on leave or on lay-off). The minimum notice entitlement of one week applies to an employee with a period of employment of any length less than one year.

Defining Termination of Employment

There are a number of expressions that describe ending employment. A few of them are "let go," "discharged," "dismissed," "fired" and "permanently laid off." In most cases, when an employer ends the employment of an employee who has been continuously employed for at least three months, the employer must provide the employee with written notice of termination. Alternatively, the employer could provide termination pay instead of notice, or a combination of notice and termination pay.

A person's employment is terminated if the employer:

- Dismisses or stops employing an employee, including when an employee is no longer employed due to employer bankruptcy or insolvency
- Constructively dismisses an employee and the employee resigns, in response, within a reasonable time; and/or
- Lays an employee off for a period that is longer than a temporary lay-off.

Severance Pay

Severance pay is not the same as termination pay, which is given in place of the required notice of termination of employment. Severance pay is compensation that is paid by an employer to a qualified employee who has his or her employment severed. It compensates an employee for loss of seniority and the value of firm-specific skills, and recognizes his or her long service.

To calculate the amount of severance pay an employee is entitled to receive, multiply the employee's regular wages for a regular work week by the sum of:

- the number of completed years of employment; and
- the number of completed months of employment divided by 12 for a year that is not completed.

The maximum amount of severance pay required to be paid under the ESA is 26 weeks.

When Severance Occurs

A person's employment is "severed" when his or her employer:

- Dismisses or stops employing the employee, including where an employee is no longer employed due to the bankruptcy or insolvency of his or her employer;
- Constructively dismisses the employee, who resigns in response within a reasonable time;
- Lays the employee off for 35 or more weeks in a period of 52 consecutive weeks;
- Lays the employee off because the employer permanently discontinues all of the business at an establishment (remember that an establishment can, in some circumstances, include more than one location); or
- Gives the employee written notice of termination and the employee resigns after giving the employer two weeks' written notice, and the resignation takes effect during the statutory notice period.

Wrongful Dismissal

The rules under the Employment Standards Act (ESA) about termination and severance of employment are minimum requirements. An employee may have greater entitlements under common law, which you may want to obtain legal advice further about concerning these rights and obligations.

MOVING... CHANGE OF ADDRESS Some members think that when you move and notify your employer of your new address that we get this information too, we do not!! Eventually we would get your change of address when we receive the seniority/employee lists, but we only get these lists 3 times a year. If you have moved just after we get the list you may not get any union information or newsletters from us for over (6) months.

When you move please call the local union office or email us so that we can update our records so you will continue to get newsletters & union information. We can also update the benefit plan on your behalf; otherwise you will have to call them yourself!