



# The STEEL GUARDIAN

January 2019

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

1st QUARTER

## **Letter from the President – Sherry Charette**

We hope you all had a wonderful Holiday and we wish you a Happy & Prosperous 2019! Due to the Province Wide strike by the Canadian Postal workers, which started in late fall (for which we of course support them in their efforts), we were unable to set up our last round of Unit meetings in November. We did not want to try and set up unit meeting across the Province since we could not confirm that you would get the newsletters notifying about the dates of them, let alone in a timely manner. It would have been a waste of thousands of dollars (which come from our dues) so we decided not to book them and look forward to January in the hopes that the mail was being delivered, which it seems to be, at this point.

We have received a few complaints via email asking why the local didn't pay for stamps on the return envelopes for the ratification vote (which you will find an update about further in this newsletter) and the reason we won't do this is because it is a waste of money. Do not misinterpret this to mean that I am saying voting is not important, it is the most important issue that you should vote on, however the cost of a mail out for the local is upwards of \$5000 to \$6000 per mail out. If we included a stamped envelope the cost for postage alone would be an additional (minimum) \$4000 and because not everyone in the membership votes, it's like throwing money into the garbage.

We have a duty to all members in this local to ensure that we are spending your dues money properly and in a manner that will not jeopardize the local, to ensure we have money for education, for bargaining, to go to arbitration for grievances, to send out newsletters and set up meetings, to cover lost time for those people attending courses or out on union business to run the local, and we do it bare bones now with only 2 full time & 2 part time staff; we are not frivolous with the dues and so we are not going to pay for stamps for a matter that you all should consider important enough to have your voices heard and to vote, otherwise you are letting others vote for you and you may not like their decision. This is why we made this decision and will stand by it every time. While we would love to provide you with a stamped envelope, we have to look at the bigger picture so doing this is just not practicable.

We would like to take this opportunity now to say that we hope you and your families had a wonderful holiday and we wish you a prosperous New Year.

## **CHANGES TO YOUR BENEFITS - EFFECTIVE JANUARY 1, 2019**

**Weekly Indemnity** – Increase from 60% to 66% of weekly wages (this is for short term disability compensation)

**Eye Exams** – Increase from \$65.00 to \$75.00

**Hearing Aids** – \$400.00 to \$1,000.00

Oral Surgery at Steelworkers Dental Offices from \$250.00 to \$500.00 for F/T

Oral Surgery at Steelworkers Dental Offices from \$150.00 to \$175.00 for P/T

Please be advised that the increase to oral surgery is currently only for those who are using the Steelworkers dental offices, these increases do not apply to any of the affiliated dentists or members who are using fee-for-service dental coverage.

## RATIFICATION INFORMATION

### ALL CONTRACTS HAVE RATIFIED -

**GardaWorld** ratified with a 71.4% of employees in favour - on October 29, 2018

**Paladin** ratified with a 56.7% of employees in favour – on October 29, 2018

**Securitas** ratified with a 67% of employees in favour. On November 19, 2018

**Grievance #29-07-2018-GardaWorld-Provincial** (Filed July 29, 2018) – Failure to pay 1% June 30, 2018 under the CBA. Grievance Settlement: 29-07-2018

Employees with 5 or more years seniority – 1% increase will be reflected in new CBA (July 1, 2018 to June 30, 2020).

– Outside GTA \$0.25/hr

– GTA \$0.30/hr

All employees who did not receive a wage increase through the minimum wage increase or a client-dictated increase between (July 1, 2017 – June 30, 2018) or as outlined in Article 25.10 will receive the 1% increase as outlined in Article 25.08.

Garda and Paladin have already made these lump sum payments to those affected employees around the end of October – if you were above the \$14.00 minimum wage rate and did not get an increase by the client or otherwise, as noted above and did not get paid out the settlement payment, please contact your employer to inquire if you qualified and if you do not agree with what they are telling you, and we suggest putting it in writing, then contact us.

Now that the Securitas CBA has ratified (there was a bit of a delay due to some employees being missed and the Canada Post strike causing further delays) the retro payment for the 5 year + people back to July 1st and possibly a retro for anyone who was still making \$14.15. If you did not receive this pay out and believe you are entitled to it, please contact your employer first, get them to explain why you are not entitled, (in writing) and then if it doesn't sound right to you, reach out to us, but your first step MUST be to the Employer, not the Union as we do not do payroll.

We want to Thank our members for giving us their trust and patience during this most difficult time, and remember this agreement expires in June 2020. We did this specifically because we wanted to see what the new Government was going to do with the \$15 wage rate, Employment Standard Act and Labour Law legislation that came into effect January 1, 2018, rather than being locked into an agreement well past the election.

### **Increase to dental benefits if you use the affiliated dentists**

We are in the process of seeking out and signing up dentists in Cities across the Province, (for now just in Southwest Ontario), who will work with the Trustees to provide the same benefits that our Steelworkers dental offices do, which are located in Hamilton and Ottawa, (there are also offices in Mississauga and downtown Toronto for those who may be close or want to travel).

What this means is that if you go to one of the affiliated dentists you will have coverage the same as you would if you go to the USW dental clinics of a \$1000.00 per person or family member rather than sharing \$1500.00 for the whole family.

If you are already using one of the USW dental offices you must continue to go there for your dental needs, these new locations are only for employees living outside the postal code areas and who use “fee-for-service” dental. You also cannot have half your family use the affiliated dentist and you use another dentist, it's an all or nothing program, and you DO have a choice, if you do not want to use the affiliated dentist you can continue to use your own dentist but your dental benefit will be capped at the \$1500.00 per family.

We are aware that Claim Secure is telling employees outside the postal code areas, that they **MUST** use the affiliated dentists to get coverage (only if you are outside the postal code areas and using fee for service dental benefits) for now anyway, this could change if we find the savings more valuable to our members and the plan, however currently you have a choice so if you are told you must use the affiliated dentists please contact us and we will straighten it out.

We are looking into another possible affiliation with a dental clinic on the East end, since anyone using public transportation will have some difficulty getting to the far West end of Windsor. Stay tuned ... For now, here are the affiliated dentists in SWO.

**Kitchener**

Monarch Dentistry  
51 Benton Street  
Kitchener, Ontario N2G 3H1  
Phone 519 208-0690

**Windsor**

Eye Smile Dental  
2055 Sandwich West Parkway Suite #900  
Windsor, Ontario N9H 2S4  
Phone 519 250-5056

## **BENEFIT CONTACT INFORMATION (SAVE THIS)**

**Please mail all manual reimbursement claims for Prescription Drugs, Extended Health Care, Vision and Fee-for-Service Dental to Claim Secure** and for any questions on these issues call Toll Free **1-888-513-4464**

ClaimSecure  
P.O. Box 6500 Sudbury, ON P3A 5N5

**All Group Life, AD&D, Short Term Disability and Critical Illness claims** should continue to be sent to the **Plan Administrator** and for questions about these listed issues call Toll Free **1-888-290-9777**

Benefit Plan Administrators Limited – Steelworkers' Benefit Plan  
P.O. Box 3071, Station "A" Mississauga, ON L5A 3A4

Be advised we negotiated Spousal benefits last round of bargaining so that if something were to happen to you your spouse and any dependents will be covered for benefits by the plan for up to 2 years after you pass away. Please let your family know about this benefit.

### ***You can now access your benefit information online – Have you Registered Yet?***

To register for your eProfile™ account simply logon to **www.claimsecure.com**, then either click on the eProfile™ Services tab or the top menu bar, select LOGIN and then click on Register Now tab OR scroll down the home page to eProfile™ Login and click on the Register Now tab and follow the instructions. You will need your Group number (**3169**) and your 10-digit certificate number (as shown on your ClaimSecure drug card – the white card) to get started.

## **Tone-Gard Workers**

We are aware that you are experiencing a somewhat rocky start with Tone-Gard and we want to assure you that we are here for you, PLEASE contact us if you have any issues, questions or concerns. Our contact numbers and emails can be found on the back page.

## **INCOME TAX 2019 - MAKE SURE YOU GET THE T4A from the Benefit Plan**

If you were in benefits last year you will get something called a T4A from the benefit plan office for your life insurance benefit. You **MUST** claim this on your income tax; if you do not receive one at the end of February or by the beginning of March at the latest call the benefit office immediately.

If you have moved or are not sure if the benefit office has your correct mailing address **call them** and ask to speak with someone about changing your address so you can be sure to get your T4A.

Please keep in mind this T4A is issued **EVERY YEAR** from the benefit plan, if you are an employee and in benefits you must claim this on your income tax as an income. ***If you do not claim this on your taxes you could receive a penalty from Revenue Canada.***

## CANNABIS INFORMATION

With the recent legalization of cannabis in Ontario, most of the Employers have renewed and/or revised their Drug & Alcohol policies. We have filed grievances against Securitas and GardaWorld because some of the items contained in their policies violated your right to use cannabis (when you're off the clock), wanted you to submit to random drug tests, which is a violation under our Collective Agreement, UNLESS the Employer can prove that you were under the influence or have a drug/alcohol problem, and there was no reference to medically prescribed cannabis which is legal to use even at work (in some cases). If you are not sure, you need to contact us immediately, so we can guide you through the process of self-disclosing to your Employer. Be assured they CANNOT terminate your employment for doing this, however we totally understand your hesitation in not wanting to disclose and we are looking at case law on this subject to keep you up to date on the laws.

We are also currently looking into whether an Employer can terminate you if you do not self-disclose, either a medical prescription or a drug or alcohol addiction, we believe it may only be for employees in very highly sensitive or safety positions, as we navigate through this issue we will keep you posted through the web site.

For now, here are some tips, and the #1 being "***you cannot use cannabis at work, (there could be exceptions if it is medically prescribed and if you're not sure, you need to look into this further or contact us), whether you are on a break or not.***"

You can purchase up to 30 grams of cannabis at a time. In public, you may personally possess up to 30 grams of cannabis. You are allowed to grow up to four cannabis plants per residential dwelling (not per adult).

### Consumption

Cannabis consumption is legal in your private residence and in some public areas.

#### It is illegal to consume cannabis in:

- Enclosed public places and all workplaces
- Indoor common areas of condominiums, apartment buildings and university residences
- Schools and school grounds, and within 20 meters of the grounds of a school or community center
- Restaurant and bar patios, and public areas within nine meters of a patio
- Child-care centers, home child-care centers and where an early years program or service is provided
- Children's playgrounds
- Outdoor grounds of hospitals and certain Ontario government buildings
- Publicly owned sporting areas (except golf courses)
- Vehicles and boats that are operated by the user (in the case of all forms of consumption) or under someone's care or control (in the case of cannabis being smoked or vaped)

For more information visit - <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations.html>

# Sadly, We Called this One...

On October 23, 2018 the Government of Ontario introduced Bill 47, the Making Ontario Open for Business Act (“Bill 47” or the “Bill”) in the Ontario Legislature. Today, it received Royal Assent.

Below is a summary of the changes to both the Employment Standards Act (the “ESA”) and the Labour Relations Act (the “LRA”) pursuant to Bill 47. As always, if you have questions regarding this Memorandum, please contact one of the local offices.

## CHANGES TO THE ESA

Bill 47 alters a number of ESA provisions introduced through Bill 148. In particular:

- The increase in the minimum wage from \$14 to \$15 per hour effective January 1, 2019 is cancelled and the yearly minimum wage increase tied to the rate of inflation will be delayed until October 1, 2020.
- The section of the ESA which prohibited discrimination on the basis of employment status is repealed.
- The ten-day personal emergency leave (PEL) provision of the ESA is repealed and replaced with three separate leaves – the first for personal illness (three days), the second for family responsibility (three days), and the third for bereavement (two days). These leaves will be unpaid, thus reducing the total number of personal leave days under the ESA from 10 to 8, and eliminating the two paid sick days introduced by Bill 148. In addition, employers will now be able to require a doctor’s note or other evidence reasonable in the circumstances to support an employee’s entitlement to leave.
- All of the scheduling protections introduced through Bill 148 and set to come into force on January 1, 2019 are repealed. This includes the right to refuse a request to work where the request is made with less than 96 hours’ notice; the right to three hours’ pay where the employee is on-call and works less than 3 hours; the right to 3 hours’ pay where an employer cancels an employee’s shift with less than 48 hours’ notice; and the right to request changes in a work schedule or work location. The rule guaranteeing employees a minimum of 3 hours’ pay where a worker has their shift reduced to less than 3 hours during the course of a work day will remain in the ESA.
- The Government has repealed the “reverse onus” provision which requires an employer to prove an individual is not its employee. This language was introduced by Bill 148 in an effort to combat the misclassification of employees as independent contractors.
- Fines for contraventions of the ESA are reduced.

## Some of the ESA changes introduced through Bill 148 remain. They are as follows:

- Three weeks’ vacation for those employees who have 5 or more years of service.
- Paid (and unpaid) leave for victims of domestic and sexual violence.
- Changes to pregnancy, parental, critical illness, and family medical leave that correspond to changes in the federal Employment Insurance Act.
- Minimum 1 weeks’ notice or pay in lieu of notice for temporary workers with assignments that were anticipated to last at least 3 months, but are terminated early.
- Increased leaves for parents who are abducted and subsequently found deceased.
- Simplified rules for overtime pay for workers who have different rates of pay depending on the specific work being performed.
- The elimination of the requirement to show an intent to defeat ESA rights when establishing two businesses constitute a single employer.
- The designation of Family Day as a public holiday in the ESA (as opposed to in a regulation as it was pre-Bill 148).

## CHANGES TO THE Labour Relations Act

In addition to changes to the ESA, Bill 47 repeals or amends a number of union-friendly provisions introduced through Bill 148. In particular:

- The provision allowing unions to obtain employee contact information where it can show it has the support of 20% of a proposed bargaining unit is repealed. Unions in possession of such lists pursuant to previously issued Board orders will be required to destroy them.

- Card-based certification is eliminated for workers in the building services, homecare, and temporary help agency industries.
- The provision allowing unions and employers to access automatic first contract mediation-arbitration (including requests for labour relations education from the Ministry of Labour) is repealed, and the pre-Bill 148 language in respect of first contract arbitration is restored. In addition, a party applying for conciliation must now file a copy of the most recent collective agreement with its request. In addition, under Bill 47, all collective agreements in Ontario must be filed with the Ministry of Labour.
- The provision granting employees an unconditional right to return to work at the conclusion of labour dispute, including the right to displace replacement workers hired during the course of the dispute, is repealed and the pre Bill-148 language is restored.
- The provision making it easier for unions to access remedial certification is repealed, and the pre-Bill 148 language is restored.
- The provision giving the Board the power to consolidate newly certified bargaining units with existing bargaining units upon application by an employer or union is repealed.
- Fines for contravention of the LRA are reduced.

**Certain Bill 148 amendments to the LRA remain. They are as follows:**

- Successor employer protection in the building services sector (including security services) remains. However, Bill 47 repeals the power of the Government to extend these protections to other sectors through regulations.
- Bargaining unit employees continue to have statutory just cause protection against discipline or discharge from the period of certification until the ratification of a first collective agreement.
- Bargaining unit employees continue to have statutory just cause protection against discipline or discharge from the time the bargaining unit is in a lawful strike position until the ratification of a new collective agreement.

**BE WARNED – MOBILE PATROL DRIVERS** If you are a mobile patrol driver (most are now unionized), the vehicles you are driving have GPS tracking and monitoring in the vehicles, meaning they know where you are, when you are there as well as the speed you are travelling. If you go over the speed limits, and it's ALL tracked, (your speed & the limit in the area), we are not sure how, but reports are generated to the Employer identifying the posted speed limit and the speed you were going. This has resulted in discipline being issued and in some cases a removal from the mobile position. Be careful and don't speed.

## **URGENT CALL OUT**

### **Joint Health & Safety Committee – All Employers & Areas**

We are still looking for Joint Health & Safety representatives for the following Areas & Employers:

**Paladin – Ottawa airport and hospitals – East & Southwest Ontario**

**Securitas – SWO – Hamilton & Barrie**

**GardaWorld – Southwest Ontario (SWO) – Windsor, London, Hamilton**

If you are still interested in making sure that your work places and co-workers are safe, please call or email me and let me know you are interested. We are always looking for people to sit on the Joint Health & Safety Committees, so if you are interested give us a call to see if there is a vacancy on the committee in your area.

All training is provided to you free of cost, you will be paid for any time spent in training (if your scheduled to work) and you are also paid for your attendance to these JSHC meetings (which occur bi-monthly & some monthly). If overtime is incurred you get paid overtime, or you get the day off with pay (depending on when the meeting is scheduled & what shift you work), but you can negotiate the days/times when you are appointed to the committee.

# EMPLOYEE ASSISTANCE PROGRAMS

Please be advised that Securitas has a new EAP Program – the information is outlined below

Your Employee Assistance Program (EAP) provides you with **immediate and confidential help** for any work, health or life concern. We're available anytime and anywhere. Let us help.

[workhealthlife.com](http://workhealthlife.com)



Access your Employee Assistance Program (EAP) 24/7 by phone, web or mobile app.  
**1.800.387.4765**  
 TTY 1.877.338.0275  
[workhealthlife.com](http://workhealthlife.com)  
 Download My EAP app now at your device app store or scan the QR code.



Access your EAP 24/7 by phone, web or mobile app.

**1.800.387.4765** TTY 1.877.338.0275  
[workhealthlife.com](http://workhealthlife.com)

Download My EAP app now at your device app store or scan the QR code.



**Error in the last newsletter regarding the EAP program for Paladin. GardaWorld & Paladin are still currently using the Lifeline program – they can be reached at 1-877-801-7762, this information is on the back page.**



## GARDA AIRPORT SCREENERS NEWS

The employer & Union have a conciliation date set up on Wednesday January 16, 2019 to see if we can come to an agreement. We will keep you posted if we have any news for you and if you want up to date news, please go to our website and register as all news is posted there first.

**SHOVELLING SNOW ... do I or don't I? – the answer is NO ...** you should not and if anyone is asking you to shovel snow you should contact the union right away so that we can intervene on your behalf. You may think you are doing the company or the client a favour, but you really are setting yourself up for a possible law suit, civil suit or most definitely a liability issue.

If you are asked to shovel snow out of a parking lot or sidewalks, rather than saying “no” be diplomatic and tell him/her that before you do any shoveling you have to call your Branch office because you were told not to do it, then make that call and get direction from someone at the office. This way you can have your Supervisor deal with the client rather than you doing it, unless of course it is your Supervisor/Branch Manager telling you to shovel the snow, then your only recourse is to contact the union.

Since our policy is “**do now grieve later**” if we are talking a small side walk do it, but then call and notify us right away! The only exception to this rule is if you are being asked to just sweep the snow out from the door to your office so it can be opened, but **shoveling, salting or spreading de-icing pellets** is a liability issue. Please call us so we can provide you with some guidance and/or contact the company Manager on your behalf, if you have any issues.

**Local 9597 Website - Make sure to register today to get important updates immediately as they occur, rather than waiting for the newsletter. You will only have access to the private member's section when you register. [www.9597usw.ca](http://www.9597usw.ca)**