



2019 Forest Industry Bargaining

USW LOCAL 1-1937 UPDATE

2019 BARGAINING UPDATE #13 – July 24, 2019

Coast Bargaining Committee - News Release

WFP'S WOODLAND CONTRACTORS VIOLATED LABOUR CODE: BY FAILING TO COLLECTIVELY BARGAIN WITH THE UNION

On Friday July 19 the BC Labour Relations Board made a ruling, following an application by the Union, that three Woodland Contractors (**Island Forest Company Ltd., Big Lake Logging Ltd. and Mount Sicker Timber Company Ltd.**) all violated the BC Labour Code, by failing to collectively bargain with the Union when the Union served them written notice to bargain.

The contractors through WFP had previously given up on their position that the Union had to bargain with all five (5) of them at the same time as well as their position that the Union also had to negotiate with two (2) contractors that had already signed 'Me-Too' agreements.

The Labour Board Vice-Chair ordered the three Woodland Contractors (all of whom contract to Western Forest Products on TFL 44) to separately agree to bargaining dates with the Union prior to July 26th.

Following the LRB order, the Union again contacted Island Forest Company, Big Lake Logging and Mount Sicker Timber and again gave them dates and time to meet for collective bargaining. All of these Woodland Contractors finally agreed to meet after the ruling they all violated the Labour Code was issued. Bargaining for all three proceeded today in Duncan at separate times today in Duncan with a WFP representative speaking for them.

At the bargaining table today, in three separate meetings, the WFP representative tabled very similar concessions on behalf of the Woodland Contractors, including the same attack on our pensions, vacation pay, contracting out language, Seniority, H&W Plan, Long Term Disability and a two-tiered wages for new employees.

It remains clear to the Union that WFP, through TFL 44 Limited Partnership (which is 93% owned by WFP and 7% owned by the Huu-ay-aht First Nation) is making the decisions for these contractors which are contracted to work on TFL 44, under the Woodlands Letter of Understanding in the Collective Agreement.

The Union continues to believe that having the licensee bargain on behalf of the Woodlands Contractor is the exact opposite of what was intended when the Woodlands Letter of Understanding was put in place in 2004, making Woodland Contractors the deemed successors to the licensees.

When the Union met with Huu-ay-aht representatives prior to bargaining, we were clear our objective is to negotiate the same collective agreement in TFL 44 that is negotiated with WFP everywhere else to ensure a level playing field for all contractors. The Union made it clear we are prepared to negotiate unique or Local Issues, but in reaching those agreements it should be contained in Local Agreements, not at the main table in Collective Bargaining. WFP seems (with or without Huu-ay-aht approval) to have a different idea; one that the Union believes will ultimately lead to a worse working relationship for all of the parties.

USW Local 1-1937 members working for these contractors on TFL 44 are very aware that WFP is influencing their employers, but the Union remains confident that WFP will not divide our members and that the agreement the Union negotiates at the end of the day, in TFL 44, will ultimately be the same one the Union negotiates for all WFP members.

WFP CONTINUES TO LITIGATE INSTEAD OF NEGOTIATE

Western Forest Products is continuing with its **"American Style"** litigation program by filing 4 separate applications with the LRB that have either been heard or scheduled to date. With WFP's negotiator coming to his current job after working in Chicago for years, it is not a surprise. So far to date:

1. WFP lost its application to declare all logs in saltwater as imminently perishable.
2. WFP then lost its second argument (brought by the 5 Woodlands Contractors in TFL #44) that Me-Too Agreements (which have been in place for well over 40 years) were illegal. They did, however, get a ruling that the Union cannot deem those who didn't sign a Me-Too as having signed when fail to respond. Therefore, we applied at the LRB and forced all of these contract companies to the bargaining table.
3. WFP then applied to the LRB saying the USW and the BC Federation of Labour could not declare lumber or logs away from USW operations as hot. The Labour Board issued a bottom-line decision today. WFP failed in its attempt to have our **"Hot"** declarations declared void. For reasons which have not yet been given, the Board found the Union had engaged in unlawful secondary picketing at the tie-ups. We have requested full written reasons so that we may consider appealing that part of the decision.
4. The Union then won its own application that the three Woodland Contractors in TFL 44 violated the labour code by not responding to the Union. This has forced those contractors to the table in Duncan today.

5. WFP also applied and a hearing is being held this week on their ridiculous assertion the Union didn't bargain in good faith because we did not spend enough time considering WFP's concessions at the bargaining table, and, allegedly "put our pens down" at one point.

WFP REFUSES VINCE READY, LRB ASKS PARTIES FOR THREE MEDIATOR NAMES

Following WFP's application for mediation and then their confusing refusal to have renowned Mediator Vince Ready work with the parties, the LRB Associate Chair has asked the parties to each submit three (3) names of mediators they would accept. If the parties have one in common the LRB will then appoint them to try and mediate a settlement. If the parties do not propose a name that is on the other parties list the LRB Associate Chair will again consult the parties. Both parties have submitted their initial lists.

WFP PLAYING GAMES WITH UNION OVER BENEFIT CONTINUATION

WFP is sending members, who work for WFP, a package of documents that includes letters between the Local Union and the Company over the issue of benefit continuation. The issue of benefit continuation is an issue in every labour dispute. In the in years past, during labour disputes, Companies have continued the benefits and members have reimbursed the Company on a graduated payback after the dispute ends.

WFP is continuing to pay for the benefits at the moment but has indicated they do not want to continue benefits. **WFP has been heard on radio stations through its public relations person, publicly stating the Union is legally bound to pay for the benefits when they know full well the Union is not legally bound to pay for benefits, nor could the Union afford to do so and nor have they done so in the past.**

WFP has tried to spin it that since the Union went on strike; the Union should pay the benefits and Union members should blame the Union if WFP cut off benefits. Our members know that the real reason their Union (which is all members) was forced to take action was because of the massive concessions tabled by WFP and their refusal to address any of our members' proposals.



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