



WHITE COLLAR

OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, AFL-CIO AND CLC

No. 485 Issue 4, Winter 2004

Philadelphia nurses win elimination of forced overtime



An 18-foot rat protesting "Tenet Greed" was on the picket line in support of the nurses.



Union and community supporters join nurses at November 24 rally.

On November 11, 2003, 268 registered nurses employed by the Medical College of Pennsylvania Hospital went on strike, not over money or benefits, but over patient care standards and concerns

that are shared by nurses throughout the country.

The nurses are members of OPEIU Healthcare Pennsylvania, Local 112 based in Allentown, Pa. and were represented at the bargaining table by Local 112 Associate Director Mary Rita Duvall-Quinn. The hospital is owned and operated by the California-based Tenet Healthcare Corporation. The hospital offered a two-year contract that included an 11 percent

wage increase and other benefit improvements. This offer was overwhelmingly rejected because the offer failed to address the nurses' principle complaint — forced overtime — which lowers

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Prudential agents want a piece of the rock!



OPEIU pickets the National Labor Relations Board on Wednesday, December 17 in Washington, D.C.



On Wednesday, December 17 the Washington headquarters of the National Labor Relations Board (NLRB) was picketed to protest the agency's foot dragging in a case involving nearly 2,000 Prudential Insurance Agents from across the country who have been trying to form a union

for more than two years to win a voice in their workplace.

More than a year-and-a-half ago the Prudential Agents voted in an NLRB-conducted election to determine whether they wanted to be represented by OPEIU, Local 153. The union lost the election narrowly due

to the employer's unfair labor practices. An administrative law judge found that Prudential had violated federal labor law in conducting an aggressive anti-union campaign leading up to the vote. Specifically, the Prudential company's internal e-mail system was used to communicate with the agents, urging them

to vote against the union and reminding them that they are employed "at will" by Prudential. The administrative law judge ruled that the company's failure to grant Local 153 equal access through the internal e-mail system constituted a violation of

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Work and Health

SARS, Influenza and the Use of the Influenza Vaccine

Submitted by Jeffrey S. Freed, M.D.

OPEIU Local 153, Health Fund Medical Director

The influenza vaccine is produced in advance of the flu season according to which strains of virus are predicted to infect Americans that year. The vaccination program has been supported and recommended by the Centers for Disease Control for reducing influenza infections and their complications. The vaccine, however, is not recommended as a preventive for severe acute respiratory syndrome, better known as SARS, which has similar presenting symptoms as influenza.

Influenza vaccine is effective only against the influenza virus infection and remains the best choice for preventing influenza and its complications. Children two years old or younger and persons 65 or older are most likely to develop the complications of influenza infection and should definitely be vaccinated to avoid these problems. People who have certain medical conditions (e.g., heart and lung diseases, immunosuppression and woman in the second or third trimester of pregnancy) are also at high risk of complications from influenza and should be vaccinated. Vaccination is also recommended for those persons who come in contact with those at high risk, for example mothers of very young children and caretakers of the elderly. Vaccination of health care workers is especially recommended to prevent transmission of the virus from patient to patient, especially those who care for persons who have a high risk of complications.

General use of the influenza vaccine will reduce the number of cases of influenza and decrease the severity of the illness in those vaccinated who still are infected. This reduction would result in a decreased number of cases of febrile respiratory illness, and therefore a decrease in the number of persons that will need evaluation for SARS. This decrease in cases will inevitably reduce the associated anxiety of the patients who require evaluation for the potentially deadly illness, SARS.

The present vaccine in use will not completely prevent the febrile respiratory illness caused by the influenza virus. The resulting fact is that antibodies (proteins that help to kill the virus) against the most common strain of virus now infecting people in this country was not included in the present vaccine. When the virologists and epidemiologists were deciding the strains to be included in this year's vaccine in January, they did not know of one of the strains that has become a major cause of infection. Even under these circumstances, however, there is cross-protection from certain of the antibodies that were included. At worst, if you are infected with the excluded virus, the vaccine will cause the severity of illness to be much less. It must be understood that the vaccine will not prevent infection by non-influenza agents and to repeat, the effectiveness of the influenza vaccine is less than 100 percent.

Therefore, if you are vaccinated and still develop a respiratory illness with significant fever, it can be influenza and a physician should be contacted if you have significant disability. And if you do develop this type of illness, it is still very, very unlikely to be SARS. If the fever, weakness, cough, shortness of breath or mental changes develop, however, and especially if any of these symptoms become worse, a physician should be contacted immediately. Do not try home remedies or delay seeking medical care if your illness is progressing.

Jeffrey S. Freed, M.D. specializes in general surgery/proctology. He can be reached at (212) 396-0050.

SAVE THE DATE!

The OPEIU Convention will be held June 21-24 at the Diplomat Hotel in Hollywood, Florida. Secretary-Treasurer Nancy Wohlforth will be sending out further information to the local unions shortly.

WHITE COLLAR

Official Organ of
OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION
affiliated with the AFL-CIO, CLC
<http://www.opciu.org>

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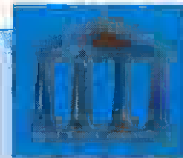


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Washington Window

The End of the Age of Idealism

November 22, 2003 marked the 40th anniversary of the assassination of President John F. Kennedy. It also marked the beginning of the end of the age of U.S. idealism — a watershed in U.S. history and attitudes that union members must still deal with today.

Just pause and think of what the country was like 40 years ago: A heightened sense of participation by all Americans in the great promise and projects of building a better society, a confidence that America "could do no wrong," trust in its leaders, high turnout by its voters, a forward outlook.

Winning World War II, in which organized labor played such a key role — as soldiers, sailors, Marines, merchant mariners and Coast Guards — and in the home front's astounding production in factories, played a large role in that era.

And Kennedy, a World War II hero who challenged voters and who met with workers and courted their support on everything from industrial policy to civil rights, was also part of that era of confidence and idealism.

Look what happened since: Kennedy's murder; the Vietnam War: 1965 and 1968 riots; assassinations of Robert Kennedy and Dr. Martin Luther King; Chicago; Kent State; Richard Nixon's spying on dissenters; the Middle East oil embargo.

And then came: Watergate and its immense violation of the Constitution that its plethora of scandals involve; the Iran hostage crisis; attempted assassination of Ronald Reagan; the Iran-Contra lawlessness; deficits "as far as the eye can see" under Reagan and Bush I; hatred of President Clinton, culminating in impeachment; al-Qaeda; the war in Iraq.

That's only a partial list of the events the U.S. has gone through since those shimmering days of 1963.

What's been a main result? A pervasive, bitter, destructive cynicism about government, its leaders, their trustworthiness and its ability to do positive things for us.

The bitterness appears in the fact that half of registered voters don't vote, even

in presidential election years. It appears in constant comments of people that "politics turns them off" and that they only want to make sure their ends meet.

It's just below the surface in "Bowling Alone," and in the dropping percentage of committed activists to causes to better America, from organizing to civil rights to social justice to volunteering at charities.

And it appears in the ideological divide that splits the U.S. into two angry halves, with one — the Right Wing and its big business allies — trying to literally destroy the other.

The age of idealism began to end with the assassin's bullets that felled JFK. Now it has virtually disappeared. What remains is an age of cynicism. As a result, citizens say "What's the use?" and retreat into their own shells.

This is the attitude labor must combat. This is the cynicism labor must overcome. This is the malaise — to use President Jimmy Carter's word — that threatens the U.S. far more than al-Qaeda or Saddam Hussein.

Cynical, jaded, tired, bitter citizens are more likely to listen to the siren songs of "white-knight" dictatorial types, or just ignore politics altogether, which is just as bad. That lets such phony "white knights" take office, taking advantage of our inattention and disgust.

And when they do, what replaces the age of idealism that started to die with the death of JFK? The age of hate.

We in the labor movement see that hate, from George W. Bush. Others see it from other sources. To cite a few examples: Americans see it from al-Qaeda; racial, religious and sexual minorities see it from non-minorities; political foes see it on the campaign trail and in the halls of Congress.

That's the bitter combination of cynicism, retreat and hate labor must battle. That's what we must overcome to get the nation moving again.

That's what we must fight to return the U.S. to the age of idealism that started to die when those bullets in Dallas struck JFK — because it is idealism, not hate, that helps unionists, and indeed all Americans.

Notice To Employees Subject To Union Security Clauses

This Notice is for all employees working in the United States under an OPEIU contract containing a union security clause which requires, as a condition of employment, that an employee pay dues or fees to the Union. The obligation stated in this Notice is the only obligation under such clause regardless of the wording of the clause. Individuals who are members pay dues, while individuals who are nonmembers pay equivalent fees. These dues or fees, which are authorized by law, are your fair share of sustaining your Union's broad range of programs in support of you and your coworkers, but nonmembers may file objections to funding expenditures that are nongermane to the collective bargaining process and thereby be obligated to pay fees representing only expenditures germane to the collective bargaining process.

Only if you are not a member of the Union or if you resign your membership, and in either case, file an objection to the funding of expenditures that are nongermane to the collective bargaining process, may you pay fees representing only expenditures germane to the collective bargaining process. However, if you resign your membership, the many rights and opportunities available to Union members will not be open to you. For example, if you resign your membership you will no longer be able to:

- Vote on the terms of your contract;
 - Participate in strike votes;
 - Participate in the development of contract proposals;
 - Nominate, vote for, or serve as a delegate to the International Convention; and
 - Enjoy discounts and other benefits available only to members, including eligibility for OPEIU scholarships for you and your family.
- Individuals who are employed by public employers in the states of New Jersey and Minnesota are covered by the demand and return system applicable to them and are not covered by this procedure. Other individuals

who elect to be nonmembers may object to funding expenditures which are not germane to the collective bargaining process. Expenditures germane to the collective bargaining process ("chargeable" expenditures) represent that portion of the Union's expenditure devoted to collective bargaining, contract administration, grievances, arbitration, and other matters affecting wages, hours and other conditions of employment. Examples of "chargeable" expenditures include: the costs of negotiations with employers; contract administration expenses; communication with employers in regard to work-related issues; handling employees' work-related problems through the grievance and arbitration procedure; lobbying on matters directly related to conditions of employment; and Union administration.

Examples of expenditures nongermane to the collective bargaining process ("non-chargeable" expenditures) include: expenses made for community services; for lobbying on issues that benefit represented employees and their families as citizens rather than as workers; for political purposes; for certain affiliation fees; and for benefits available only to members and their families. The fee reduction will represent these non-chargeable expenditures. The International Union's Voice Of The Electorate fund ("VOTE"), is an independent, segregated fund that receives voluntary donations and contributes to political candidates who support the needs of working men and women. No money received from dues or fees goes to the VOTE fund. Accordingly, the VOTE fund is not considered in the calculation of the percentage of expenditures that is spent on non-chargeable expenses.

Individuals who choose to file an objection will receive a rebate of their fees equal to the percentage of expenditures that is spent on non-chargeable expenses. This percentage is calculated separately for the International Union and for the Local Union. The major portion of an objector's fee remains with the Local Union. Studies show that the percent-

age of reduction for the Local Union ranges between 0% and 8%. The remaining smaller portion of the objector's fee goes to the International Union. The percentage of non-chargeable expenses of the International Union, which will be effective for the months of September 2003 through August 2004, is 13.25%.

Individuals who choose to file objections to funding expenditures that are nongermane to the collective bargaining process must file them in writing with the Office and Professional Employees International Union, 1660 L Street, N.W., Suite 801, Washington, D.C. 20036, Attention: Nancy Wohlforth, Secretary-Treasurer. The objection must include the objector's name, home address, Social Security number, employer, job title, department, work location, local union number, and business telephone number.

In order for an objection to be recognized at this time, it must be postmarked during the month of June, except that newly resigned members must submit their objections postmarked within thirty (30) days from the receipt by the Union of the resigning member's letter of resignation. All objections must be renewed each year in writing and all renewed objections must be postmarked during the month of June. All objections will be effective on the first day of the month following the month in which the objection was received by the Union.

In addition to any other avenue of relief available under the law, an objector may challenge the International Union's and/or the Local Union's classification or calculation of expenditures before a neutral arbitrator appointed by the American Arbitration Association pursuant to its Rules for Impartial Determination of Union Fees. Any challenge a nonmember makes may be coordinated or consolidated with other challenges to the Local Union or International Union determinations before a single arbitrator

selected by the American Arbitration Association. Such challenges may also be coordinated or consolidated with challenges to other OPEIU Local Union classifications or calculations.

Challengers must notify Nancy Wohlforth, Secretary-Treasurer, at the Office and Professional Employees International Union at 1660 L Street, N.W., Suite 801, Washington, D.C. 20036, in writing, within thirty (30) days of their receipt of the Objector Letter, of any challenge he or she wishes to make through this arbitration procedure. That challenge should specify which classifications and/or calculations of the International Union and/or Local Union are being challenged.

The Unions shall bear the burden of justifying their classifications and calculations. If a hearing at which the parties or witnesses may be present is held by the arbitrator, it will be held at a location most convenient to the largest number of involved challengers. The cost of any arbitrator proceedings will be paid for by the Unions. However, a challenger will have to pay his or her own lost time and travel expenses, and fees, costs, and expenses of any persons they involve in the proceedings.

Once a written challenge is received from an objector, the Local Union will place an amount equal to the challenged portion of the fee into an interest-bearing escrow account. It shall remain in that account until the arbitrator issues a decision. Should the decision lower the percentage of chargeable expenditures, the appropriate portion of the escrowed fees, plus the interest earned by that portion while in the escrow account, will be refunded to the challenger. All objectors in each Local Union affected by the decision of the arbitrator will then pay the adjusted fee amount determined by the arbitrator. If the arbitrator approves the Unions' classifications and/or calculations, the escrowed money and interest will revert to the Local and International Unions.

Unions protest at American Red Cross



New York City Central Labor Council Secretary Ted Jacobsen joins Local 153 Secretary-Treasurer Richard Lanigan in support of Dr. Annie B. Martin, (center) American Red Cross Labor Liaison, whose position was abolished on Dec. 31.



Members of OPEIU Local 153, UFCW Local 1500, RWDSU Local 338 and other trade unionists protest with an 18-foot rat in front of the American Red Cross in New York in support of Dr. Martin. Demonstrations were also held at ARC in Washington, D.C.

Editorial



Employers are not on your side

By Michael Goodwin, International President

Once again, OPEIU members have struggled through another difficult year. There have been many strikes, demonstrations, challenges to union representation, and more bold and aggressive resistance by the employers.

Despite all of these struggles, OPEIU emerges from 2003 as strong and as determined as ever to keep hope alive for working families. Former OPEIU President John Kelly used to say, "If they destroyed the labor movement tomorrow, new unions would be formed from the ashes." I believe he was right and the fight for better conditions and improved quality of life will always exist. But in the meantime, we have to deal with the issues that are thrust upon us each day.

We work in an environment where capitalism and the almighty dollar reign supreme. In this issue of *White Collar* you'll find two stories that demonstrate this point — the closing of MCP Hospital in Philadelphia and the relocation of the Maytag plant in Illinois to Mexico. Neither employer gives a damn about the damage done to families when the father or mother loses a job and there's no money to feed the family or pay the rent. They don't care if there are no other jobs in the community as long as their profit margin and bottom line improves. They don't care as long as the employer's pockets are lined well with the dollars that belong to laid-off employees.

In the MCP Hospital case, the facility is owned by Tenet Healthcare Corp. — a company that operates more than 100 hospitals in the United States. Their sole purpose is profit, and if the hospital isn't profitable — it's closed — leaving the staff without jobs and the community without service. Is this

the kind of treatment workers should receive as taxpayers who have real and urgent health-care needs? The Tenet Healthcare Corp. doesn't live in the community and couldn't care less about it.

The Maytag plant was profitable in Illinois — but they wanted to be even more profitable! There's no reason, other than greed, for Maytag to move to Mexico. In Mexico, they

down the road, the only thing getting greener is the boss's bank account. In hindsight, we should have listened to Ross Perot!

Where do we go from here? Members, please listen. It is critical for you to follow current events more closely and be involved in politics. The interests of big business are misleading workers under the banner of war, right to life, guns, school prayer, religious

vide for your family.

Please weigh your decisions on who to support for political office with your job as the number one consideration. Don't be sidetracked to other issues. Think about candidates that will do something for you and your family, that will worry along with you about workplace issues, that will care about you as a worker and will vote to protect your job. All too often workers will go into the voting booth and vote against their best interests. They do this because they are not following what our elected leaders do closely enough. They need to pay more attention.

As we proceed with the nominating process for the Democratic candidate to face President Bush this fall, we need to select a candidate who stands the best chance of winning. We need to select a candidate with the most experience. We need to select a candidate who is on your side as workers.

I urge each and every OPEIU member to register to vote in this year's elections and participate in the selection process. This year — 2004 — will be the most important year in determining how we as a country treat our workers than any other previous election. With four more years of the kind of treatment that workers have received from the current administration in Washington, D.C., I am afraid that John Kelly's premonition about labor unions being destroyed may come true. I hope it doesn't come to that!

If they destroyed the labor movement tomorrow, new unions would be formed from the ashes.

—John Kelly

can easily replace good, high-paying jobs with low wages and inferior benefits. After work, when workers leave the brand new state-of-the-art plants set up for exploitation, they return home to their run-down, shabby housing with ill fed and poorly clothed children running around. All of this in the name of profit!

When the North American Free Trade Agreement (NAFTA) was passed, we were told of the great benefits that would surely ensue. The grass was supposed to become much greener. As we now know, several years

values and many other issues that are simply not germane to your relationship with your employer and your need to have a good paying secure job. These issues have to be separated from each other. The first thing you have to concentrate on is YOU and YOUR FAMILY and in most cases that means YOUR JOB. You must set aside personal beliefs and preferences in favor of your job. If you don't have a job, you won't have to worry about these other issues — you'll be too busy worrying about how to eat and pro-



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Gen. Wesley Clark



Richard Gephardt



Howard Dean



John Edwards



John Kerry



Joseph Lieberman



George W. Bush

Local 100 joins fight to stop FTAA

Members of the Government Supervisors Association of Florida, GSAF/OPEIU Local 100, joined tens of thousands of workers for four days of rousing, energized "Stop FTAA" events in Miami, Florida. The demonstration was held to protest the November 18-21 closed-door meetings of trade ministers discussing the next steps in creating the Free Trade Area of the Americas (FTAA), a hemisphere-wide trade deal that will create massive job loss and environmental damage in the U.S.

FTAA negotiations, which have been going on for several years, are scheduled to finish in 2005, when the agreement would come to a vote in each country. The U.S. Congress would vote on the FTAA under fast-track rules, meaning that it would not have a chance to amend the agreement, but

could only vote it up or down.

According to the AFL-CIO, "if approved, the FTAA would eliminate tariffs from 34 countries with a population of more than 800 million and accelerate the staggering job loss and environmental damage experienced under 10 years of NAFTA, the North American Free Trade Agreement.

The event culminated in a march of 20,000 workers against FTAA on November 20 and included educational workshops, a People's Gala and Global Workers Forum, where eight workers from North, Central and South America described the impact of bad trade deals on their lives.

The event was marred by mismanagement by police officials in Miami, leading to "numerous instances of obstruction, intimidation, harassment and repressive tactics

against peaceful protestors," according to union officials testifying at a public hearing held in December. The AFL-CIO has called upon the U.S. Attorney General John Ashcroft and Florida Governor Jeb Bush to launch an independent investigation, as well as demanded the resignation of Miami Police

Chief John Timoney. Several unions have also called for a congressional investigation into the police mismanagement.

GSAF/OPEIU Local 100 represents more than 4,000 publicly employed supervisors and professionals in Broward County, Dade County and Miami Beach.



OPEIU Local 100 President Richard Ellis, Teamsters Local 769 member Elsa Lopez, South Florida AFL-CIO President Fred Frost and OPEIU Local 100 First Vice President Greg Blackman at the FTAA protest.



Ellis and Local 100 Board Member Arnie Klein.



Heavy police presence on hand. Labor officials are calling for an investigation into police mismanagement at the protest.

General Employees Association affiliates with OPEIU

The General Employees Association (GEA) has overwhelmingly voted to affiliate with OPEIU, creating OPEIU Local 115 in Ormond Beach, Florida.

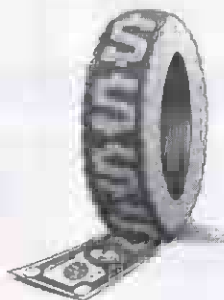
Ballots were mailed to 74 eligible employees, 37 returned with a YES vote and 1 NO vote. On November 19, 2003 the Executive Board met and affirmed the Affiliation Agreement. The GEA unit consists of a mixture of blue and white collar workers, including clerical workers and those who repair city roads and bridges.

"The General Employees Association was independent for more than 10 years, and recently started thinking about how to improve representation for their members," said Ed Darcy, Sr., OPEIU Florida Regional Director. "They decided that affiliation with a larger organization would provide needed power at the bargaining table, so they interviewed four different international unions and chose OPEIU."

Upon completion of the affiliation process, Bill Heric retired as president and Darcy assumed the position of Interim President. An election will be held later this year.

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Local 102 dedicates new union hall



(Left photo) Hundreds of union members and guests gather to celebrate the opening of the new Local 102 union hall in Daleville, Alabama. Local 102 represents more than 300 helicopter pilots who train army pilots at Ft. Rucker, Georgia. Pictured in left photo are OPEIU Director of Organization and Field Services Kevin Kistler, International President Michael Goodwin and International Representative Paul Bohelski. (Right photo) Steve Rush, Local 102 President, chairs the first union meeting held at the new hall.

NAFTA in Galesburg: free trade at the expense of working families

While free trade has expanded between the United States and Mexico for decades, the enactment of the North American Free Trade Agreement (NAFTA) on January 1, 1994, ushered in an era of change and uncertainty. Although NAFTA promised progress, and many pledged that it would raise the living standards for working families, the reality is that it made it more attractive for United States manufacturers to find cheaper labor abroad, and thousands of American workers are losing their jobs. This is precisely what happened when the nation's third largest appliance manufacturer, Maytag, decided to move their refrigerator manufacturing plant to Mexico.

What is the effect of NAFTA? Look no further than the town of Galesburg, Illinois, formerly the site of a large Maytag refrigerator manufacturing plant where 100 OPEIU members were employed. On October 11, 2001, Maytag announced it would start winding down production at the Galesburg plant in late 2003 in favor of a plant in Reynosa, Mexico. Pink slips were sent out on September 26, 2002 for 380 employees, leaving 1,200 still working at the plant, which is slated for closure in 2004. Only three years ago, however, Maytag employed 2,400 in Galesburg. While Maytag made the move to try to become more "competitively viable" the people of Galesburg are faced with unemployment and hardship.

Reynosa is a town 1,200 miles south of Galesburg, but lies right across the border with Texas. One of several towns along the border with the United States, Reynosa was one of the first maquiladoras. Maquiladoras are assembly plant towns that were created by a 1965 Mexican government program that

sought to improve the depressed economies of northern Mexico. The maquiladora assembly plants are used mainly to finish imported components and raw goods from the United States, and then ship them back to the United States. Zenith became the first large United States corporation to establish maquiladora operations in Reynosa, and now employs more than 20,000 workers in several maquiladora plants in northern Mexico. Right now, Reynosa employs about 200 people at its two Maytag plants, but expects to hire another 700 for all three of its Maytag plants.

The people of Reynosa, however, are not guaranteed a better way of life because of the maquiladoras. There are about 150 manufacturing plants that account for 70,000 jobs in Reynosa, but the influx of these plants has also brought huge contrasts. On one hand, there are the clean new plants that bring employment and increased economic potential. But, on the other, there are shantytowns, poverty, and huge infrastructure concerns such as electrical, water, medical, sewage and transportation needs that struggle to keep up with the influx of poorer immigrants from southern Mexico.

Adding to the difficulties faced by workers in Reynosa is the weakness of Mexican union representation. The Confederacion de

Trabajadores de Mexico (CTM) represents the majority of workers in Reynosa's maquiladoras. Often the subject of criticism from United States unions, CTM seems to protect the status quo and large corporations rather than advocate for its workers, since the union jobs it desires are available in large part because of the cheaper wages that can be paid. Blacklisting and preventing the right to organize freely are common, and smaller unions struggle to compete with the CTM.

Yet, in an irony produced by the global economy, Reynosa itself may lose out on jobs to a cheaper paying competitor. While Reynosa pays about \$6.50 per day, the same jobs in China pay only about \$2 a day. In fact, Mexico has lost hundreds of

thousands of maquiladora jobs to China because of lessened United States demand and the prospect of cheaper employees in China. The best hope for the maquiladoras, however, is that United States companies will want to avoid shipping costs associated with having plants in Asia, which bodes well for manufacturers of large and bulky items such as Maytag refrigerators.

But, what is the best hope for the manufacturing towns in the United States like Galesburg that have lost the large manufacturing companies that previously provided thousands of jobs? Downsizing drastically

affects the local economies, and other businesses suffer as unemployment lowers the spending power of the entire community. Property values suffer. Tax bases shrink, school populations dwindle, and as a consequence of federal funding formulas, school funding suffers. Even more apparent, though, the loss of a steady employer for decades also rips at the social fabric of the community, whose families now face uncertainty, and for many, the arduous tasks of either looking for work, moving, or going back to school. Yet, there is some hope, as the Illinois Employment & Training Center is available for anyone in Galesburg who is either underemployed or unemployed. This center provides unemployment insurance, employment services, job training, counseling, tuition benefits, and workshops to illustrate all the services offered.

While United States unions have fought and won long battles to improve the lives of those employed in manufacturing jobs, large corporations focused on the bottom line will only continue to be seduced by the siren calls of cheaper labor in Mexico and China as a result of NAFTA. Regrettably, Galesburg is not the only United States example, and if shipping prices lower, Reynosa itself may soon become the next Galesburg. Despite their best intentions, proponents of NAFTA clearly did not envision that the greatest job growth sectors stemming from the enactment of the free trade agreement would be manufacturing jobs in Mexican maquiladoras, Chinese factories, and Illinois unemployment training centers. Until Mexico and China are required to raise their labor standards, it appears likely that the current race to the bottom will continue.

Contributions can be made to:

**OPEIU, Local 444
Emergency Fund
c/o Monte Voss,
President
1706 282nd Ave.
Galesburg, IL 61401**

North Central/Erie and Northeast Educational Conferences highlight development of strategic contract campaigns

OPEIU members throughout the country continue to sharpen their skills at area educational conferences, learning the latest organizing, contract negotiation and communication techniques.

The North Central/Erie Area Educational Conference, held October 24-25, 2003 and the Northeast Area Educational Conference, held November 14-16, 2003, both had the theme "Creating Leverage in the Field to Win at the Bargaining Table." The conferences explored the development of strategic contract campaigns, and afforded participants the opportunity to break into small groups and evaluate recent contract experiences. Participants also reviewed helpful union communication strategies, and learned how to create long-range strategic contract campaign plans.

"These conferences are vital to our success as a union," said International President Michael Goodwin, who spoke at both conferences. "It's very important that our local leaders have the necessary skills to effectively negotiate contracts with employers, communicate with potential employers, and to create long-range strategic contract campaigns. All members are urged to attend these conferences in their regions, and to take advantage of the subsidy available to Local Unions from the International Union for these conferences," Goodwin said.

As usual, the conferences included an opportunity for participants to privately meet with International President Goodwin to discuss issues of concern.



Local 6 and Local 153 members busy at work.



OPEIU Healthcare Pennsylvania, Local 112 delegates.



Region II Vice President Richard Lanigan (second from right) with Local 153 delegates.

OPEIU Organizing Summit held

On September 29-October 1, 2003, OPEIU sponsored an Organizing Summit at the Wyndham Baltimore Inner Harbor hotel in Baltimore, Maryland. The three-day conference was led by OPEIU International President Michael Goodwin and Kevin Kistler, Director of Organization and Field Services.

The summit featured an organizing panel discussion on Public Sector Organizing with Ed Darcy, Sr., OPEIU Florida Regional Director, and Joseph Sano, Executive Director of OMCE. A panel was also conducted exploring organizing efforts of various industries within OPEIU, including: the Catholic Teachers, led by Richard Lanigan, OPEIU International Vice President and Secretary-Treasurer of Local 153; internal organizing, led by John Conley, President, ITPEU Local 4873; and the helicopter pilots, led by Steve Ragin, President of Local 108.

OPEIU International Representative John Lynch and Local 8 Director of Organizing Cindy Schu also led an in-depth discussion about organizing strategy, and OPEIU General Counsel Melvin Schwarzwald discussed legal issues in organizing with e-mail and unit clarifications.

Finally, a discussion and workshop was held exploring the ways to create an effective Local Union organizing plan.



Congressman Elijah Cummings (D-MD) and Kevin Kistler.



Ernie Grecco, President of the Baltimore Central Labor Council, addresses the Summit.



Local 391 delegates.



Members of Local 28.

Women activists meet at CLUW Convention

On October 9-12, 2003, more than 750 women activists from throughout the United States and Canada participated in the Twelfth Biennial Convention of the Coalition of Labor Union Women (CLUW). This year, the convention took place at the Westin Hotel in Seattle, Washington, and the women activists voiced their views and concerns on many issues of importance to today's working woman.

Approximately 40 OPEIU members participated, giving OPEIU a strong presence at the convention. These OPEIU women served on the many committees and honor guards,

acted as workshop presenters, and were involved in a variety of other responsibilities.

Several committee meetings took place in the days leading up to the formal convention opening on Friday, October 9. On Thursday, a successful Power Walk was held that raised funds for a local homeless women's shelter, and OPEIU made a very substantial financial contribution to this shelter. Additionally, an all-day Health Fair Conference with exhibitions was held, and a luncheon for all participants was generously hosted by a coalition of Kaiser Permanente Unions.

To begin the convention on Friday, OPEIU Local 2 member Renee Barnes McSwain presented a beautiful and quite memorable rendition of both the American and Canadian National Anthems.

During the opening session, the Parade of Banners presented the impressive array of Coalition of Labor Union Women Banners. Jearlene Fleming, Vice President of OPEIU Local 391 in Chicago, and Carmen Corral, a member of the Executive Board, Local 30 in Los Angeles/San Diego, proudly carried the OPEIU Banner.

During her opening address, CLUW

President Gloria Johnson urged members to step up to the "huge challenge of mobilizing voters in Election 2004" as a way of turning the tide on the Bush Administration's attacks on overtime pay, the courts, personal privacy, public education and many other issues that are vital to the well-being of working families.

Representatives from all six AFL-CIO constituency groups also presented their plans for mobilizing their respective bases for an Election 2004 victory, making the convention of the Coalition of Labor Union Women a rousing and inspiring success.

Lobbyist Corner

2003 Congressional highlights

Submitted by OPEIU Lobbyist Robert McGlotten of McGlotten & Jarvis

OPEIU members and their families did not fare well in the legislative arena in the 1st session of the 108th Congress. Today workers are faced with a President and a Republican Congressional Leadership that seems to be out of touch with the needs of working families.

Medicare Prescription Drug

Passed the Congress and signed into law by the President—

- Moves Medicare toward privatization and steers seniors and persons with disabilities to private HMOs;
- Forces 32.5 million beneficiaries to pay higher premiums and other Medicare costs;
- Prevents the government from negotiating lower drug costs and does nothing to rein in soaring prescription drug prices;
- Opens the door to a whopping \$139 billion in profits for the pharmaceutical industry, and worst of all, the American seniors won't feel the full effect until 2006 when the legislation is fully implemented.

OPEIU urges you to ask your Representative to review the unfairness of this law.

Minimum Wage

No action by the Republican Leadership on S. 224 introduced by Senator Daschle (D-SD) and a House bill, H.R. 965, introduced by Congressman George Miller (D-CA).

OPEIU urges you to contact your Representative to pass this legislation.

Mental Health Parity Bill

Senator Edward Kennedy (D-MA) and the Democratic Leadership sent a letter to Majority Leader Bill Frist (R-TN) asking for a vote on S. 1832, the "Paul Wellstone Mental Health Equitable Treatment Act," which is named after the late Democratic Minnesota senator who championed mental health parity. The legislation has 66 sponsors in the Senate.

OPEIU supports this bill and urges early action.

Patients' Bill of Rights

Both Houses of Congress have passed bills that are now in a conference to work out dif-

ferences. The main disparity is how much recourse patients should have in court.

OPEIU supports the rights of patients and asks for immediate passage of the bill.

Overtime Pay Protection

Senate Democrats blocked a move to ram through an omnibus appropriations bill that failed to include overtime pay protections that both the U.S. House of Representatives and the Senate previously approved. The omnibus bill combines several spending measures into one bill. Congress still has time to correct a serious flaw in the omnibus spending bill by adding overtime rights for up to eight million workers.

OPEIU urges you to call your Senator on January 20, 2004 when Congress reconvenes.

Getting Involved

Grassroots involvement significantly amplifies our Union's lobbying efforts. Phone calls and personal letters encouraging your congressional representatives to back labor-friendly measures are invaluable. Elected officials need direct feedback from our members urging them to sponsor and support OPEIU-endorsed legislation. Every letter counts. Every phone call can make a difference. If you prefer to make written contact, OPEIU strongly advises you to mail all correspondence as opposed to sending an e-mail. With your support, we can press for more immediate action on key bills awaiting hearings in both the House and Senate, such as the Minimum Wage and the Patient Protection Act.

If you know who your House Representative is, the Clerk of the House maintains addresses and phone numbers of all Members and Committees: Clerk of the House, U.S. Capitol, Room H154, Washington, D.C. 20515; phone: (202) 225-7000; hours: 9:00 a.m. to 6:00 p.m., Monday through Friday.

Please direct your questions about communications with your Senators to the specific office(s) in question by using the following format: Office of Senator (Name), United States Senate, Washington, D.C. 20510.

You may also phone the United States Capitol's switchboard at (202) 224-3121. An operator will connect you directly with the House or Senate office you request.

If you are not sure who your representative is, the following Web sites contain links to congressional directories: <http://www.house.gov/writerep> and http://www.senate.gov/learn_faq.html. You can also access this information at your local union.

Prudential agents want a piece of the rock!

Continued from page 1

federal labor law. The judge ordered a new election. Prudential appealed the ruling to the NLRB.

More than a year has passed since then. During that time Prudential agents have indicated their continued desire to form a union with Local 153 by again signing cards

to petition for another election. Since the NLRB was taking so long to rule on Prudential's appeal of the administrative law judge's year-old order to hold a new election, Local 153 petitioned the NLRB for an entirely new election in the spring of 2003. Remarkably, an NLRB regional director dismissed the petition because the

NLRB had still not ruled on the company's appeal of the order to re-run the old election!

Local 153 appealed the regional director's decision to the NLRB itself, which dismissed it, while still not deciding on the far older appeal by the company.

"The Prudential agents are being held

hostage by the NLRB," said OPEIU President Michael Goodwin. "We can't get the old election re-run and we can't get a new one scheduled! It's time for the NLRB to make a decision one way or another and give back to the Prudential employees their right to vote for union representation."

OPEIU scholarships awarded to deserving students

OPEIU is pleased to announce the 2003 winners of the Howard Coughlin and John Kelly Scholarship programs. Congratulations to all of this year's winners!

Howard Coughlin Memorial Scholarship Winners 2003

★ ★ ★ Full-Time Winners ★ ★ ★

★ ★ ★ Part-Time Winners ★ ★ ★

Justin Bagdady



Gabriel Lopez-Betanzos



Loren Brooks



Julia Cohen



James Merriman



Jessica Cerchio

Lyndsey Deaton



Jenna Rose



Veronica Churchill



Barry Fadness



Michael Skaggs



Diane Varsho

Robert Haddad [No photo available]

Michael Tucker



John Kelly Labor Studies Scholarship Winners 2003



Laura Legault



Kavi Vyas



Christopher Amoroso



Jessica Cerchio



Shaunna Mason



Michael Tucker



Andrea Zuniga

Local 2 member wins college scholarship

A scholarship provided by the Union Plus Education Foundation is helping Clarissa Reynolds, a member of OPEIU Local 2, to fulfill her dream of receiving a bachelor's degree from the George Meany Center-National Labor College (GMC-NLC). Reynolds is one of more than thirty union members this year to receive a cash award to attend the College as part of the Union Plus National Labor College Scholarship program. The scholarship program is administered by GMC-NLC.

The scholarship winners, who represent a wide range of union affiliations, goals and accomplishments, are enrolled in the GMC-

NLC, which is located in Silver Spring, Maryland. The GMC-NLC, one of the world's premier labor education institutions, has graduated nearly 800 students from its Bachelor of Arts (B.A.) program since becoming a college in 1997.

Reynolds, who works in accounts payable for the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM), began attending the College this past fall. She is planning to earn a B.A. degree in Labor Organization by June 2005.

"Attending the College has been a wonderful experience," said Reynolds. the moth-

er of a 22-year-old son. "The professors are great and it's been good getting to know other union members. The scholarship has been a real help to me, and I appreciate it."

"Higher education has become increasingly more difficult for working families to afford," said Leslie Tolf, Union Privilege president. "That is why we are proud to sponsor the Union Plus National Labor College Scholarship program and help men and women in the labor movement achieve their dreams for a higher education.

"The National Labor College offers a unique program that is tailor-made for working men and women," Tolf adds. "The pro-

gram allows students to attend classes at their own pace; the curriculum complements the work and union experiences of students; and it provides a learning assessment program that enables many students to obtain college credit for their relevant life and work experiences."

In addition to the B.A. program, GMC-NLC offers a Master's in Public Administration and a Master's of Arts in Legal and Ethical Studies. The Master Degree programs are offered in partnership with the University of Baltimore. GMC-NLC also offers certificate programs and individual program studies.

OPEIU shows its Pride at Work

More than two hundred Pride at Work (PAW) trade unionists and their allies and supporters braved Hurricane Isabelle to attend the Fifth Biennial Convention of Pride at Work.

Pride at Work is an official constituency group of the AFL-CIO, and Secretary-Treasurer Nancy Wohlforth serves as Co-President with Josh Cazares, the AFL-CIO's United Way Labor Liaison. At the convention, Wohlforth was re-elected for her fourth consecutive term. Pride at Work honored OPEIU International President Goodwin for his outstanding commitment to fight for justice and equality for workers who continue to be discriminated against in the workplace. He was presented with an official plaque for OPEIU's commitment to having all of Pride at Work's material translated into Spanish to benefit the group's large Latino membership. PAW also presented him with the symbolic "Tinky-Winky Award" for his willingness to take on the conservative, anti-union right wing who claim that even in children's programming there is a pro Pride at Work agenda. As you can see from the photos, a wonderful evening was had by all.



OPEIU International Secretary-Treasurer and President of Pride at Work Nancy Wohlforth presents International President Michael Goodwin with the "Tinky-Winky Award."



OPEIU members at the Fifth Biennial Convention of Pride At Work.

Philadelphia nurse strike

Continued from page 1

The nurses were subject to a procedure called "mandation," which allows hospital managers to force nurses to work 12, 16 or 20-hour shifts when the hospital was short staffed. The problem is that the hospital is constantly short staffed and the nurses were forced to work overtime. They had very few options to refuse and this created havoc in their lives. They couldn't attend planned events outside of work as management would threaten them with "abandoning the patients" if they were to refuse forced overtime.

MCP Hospital is a Level One Trauma Center with a busy emergency room. It is an acute care facility where life and death decisions are made daily. "Patient safety was at risk and nurses licenses were at risk," said Michael Bodinsky, Executive Director of Local 112.

Under the expired contract, nurses were paid premium pay for working these unscheduled forced overtime shifts. The hospital was demanding a reduction in pay for the extra hours. The nurses stated that the premium pay reduced what could have been an even greater amount of forced overtime. Without premium pay, management would have no incentive at all to schedule sufficient staff to handle the patient load.

The nurses, first timers on the picket line, began a riveting strike that captured the imagination and support of the press, politicians and the public at large. Their mantra was that "Someday, everyone will need a nurse — whether due to injury, illness or simply old age." Two weeks into the strike, the hospital made what they called a "last, best and final offer." That offer was also rejected because it did not eliminate forced overtime.

Joining in support of the nurses in their struggle was the staff of Local 112, the International Union and an array of other trade unionists from across the state including many unions based in Philadelphia. The nurses were pleased to receive the support of Henry Nicholas, President of Local 1199C and Bill George and Rick Bloomingdale, President and Secretary-Treasurer of the Pennsylvania State AFL-CIO, respectively. Patients and residents in the community also lent support to the effort. Huge public rallies

were held and attended by hundreds of supporters. International President Michael Goodwin, speaking at a rally on November 24, 2003, urged the nurses to continue their fight. He pledged the full support of the International Union along with weekly strike benefit payments to each striker.

The picket line was up twenty-four hours a day at the hospital's four entrances and the nurses' story was on TV and radio as the nurses were interviewed to explain their fight to the public. The Philadelphia City Council passed a resolution in support of the strikers and their principles. The nurses fought every hospital rumor and deceit and they erected an 18-foot high inflatable rat in front of the hospital's main entrance and published a list of members and merchants who dared to cross their picket lines.

The hospital attempted to undermine the strike by bringing in scab nurses from Colorado and California who they paid \$5,000 a week. The hospital also took out newspaper ads misrepresenting the nurses' concerns but when all was said and done the nurses' message rang true. With the assistance of the International Union, Local 112 and a federal mediator, negotiations were resumed and finally led to an offer from management that contained a provision of "no forced overtime." The nurses had won their strike!

Sadly, however, the hospital was not done with their efforts to defeat the nurses. On the morning of the ratification vote the hospital announced that it was going to close in March 2004! The nurses do not look at this as the end but only the beginning of yet a new fight to save the hospital and keep it open and available to the community. As this issue of *White Collar* went to press, meetings were being held to plan this new fight, which the nurses fully expect to win!

The negotiating committee consisted of Patricia Donohue, Tawana Hardy, Janet McDermott, Sharon McKee, Cheryl MacDonald, Linda Hennessey and Thomas Witham. Executive Director Mike Bodinsky also joined the negotiations after the strike began and facilitated the settlement offer.

The union acknowledges the contributions made by Robert Bedard of R.J. Bedard Associates who contributed so much in handling the public relations effort that was critical to the success of the strike.

Canadian News

Local 378 continues fight for its members and public auto insurance

Local 378 continues to fight for the approximately 4,600 OPEIU members who are up against substantial concession demands from ICBC, the crown corporation's public auto insurance company for British Columbians. While the collective bargaining agreement expired June 30, 2003, members of OPEIU Local 378 were in negotiations with ICBC since March 2003. Although they are continuing to work at ICBC, members of Local 378 announced their 84 percent strike vote on August 8, 2003 because of the lack of progress in negotiations.

At the bargaining table, Local 378 proposed the continuation of their existing collective agreement, and has rejected the massive concessions demanded by the ICBC. This is an important fight for the 378 members, as they strive to keep what they have, and at the same time protect public auto insurance in British Columbia. "[ICBC is] attempting to destroy the benefits of public auto insurance," said Jerri New, Local 378 President and International Vice President for Region VII. "The employer is asking for very substantial concessions, and is being very aggressive about those concessions, in terms of employee scheduling of work, leave entitlement, sick day provisions, and seniority."

The two sides are still not talking, although Local 378 is still fighting for its members by correcting false characteri-

zations spread by ICBC President Nick Geer. In a recent fax to Geer, New accused him of publicly demeaning the work of ICBC employees, withholding information from the bargaining sessions, attempting to embarrass the workforce, and undermining the corporation.

Fortunately, Local 378 has a strong continuation clause in their ICBC collective agreement, which has the effect of continuing the terms and conditions of their existing agreement until a new agreement is negotiated. To pursue this aim, Local 378 has initiated innovative job actions to preserve their 84 percent strike vote, and to put pressure on the employer without creating financial hardship for their members. These include such on-going measures as having an overtime ban on Halloween; changing voice mail and messages to inform people that the employees are still working "despite the fact that my employer has not been willing to negotiate a fair collective agreement;" changing email signatures to read "Good People Deserve a Good Contract;" a button and sticker campaign with the same slogan used in the email signature, and "Don't Wreck Public Auto Insurance;" the initiation of a "Cyber Picketline," which advises customers to call employees rather than file claims with ICBC through the internet; and the proliferation of highly visible lock-out emergency survival kits.

To fight for its members, Local 378 is also opposing proposed legislation, Bill 93, known as "The Insurance (Motor Vehicle) Amendment Act." This legislation will pave the way for changes that will harm all auto insurance policyholders by drastically increasing rates. Local 378 is still running their "Don't Wreck Public Auto Insurance" campaign in opposition to this legislation. "This is a government giveaway to the private auto insurance companies that will be paid for by young drivers and seniors through higher insurance rates and northern and interior drivers through loss of coverage," New said.

Despite the fact that ICBC just announced a \$112 million profit for the third quarter of 2003, and a recent report of the Consumers Association of Canada (BC) illustrated that ICBC is seen as a model for auto insurance across Canada, they continue to demand concessions. At this time, however, no further bargaining dates are scheduled. Says New, "We have repeatedly said ICBC management is provoking an unnecessary labor dispute - our members are not looking for anything more than a continuation of the existing terms and conditions of the current contract with renewed gainsharing as proposed by the Union. With ICBC enjoying [\$112 million Q3] profits ... and rewarding its executives with individual bonuses of up to \$100,000, it makes no sense to force employees to take significant concessions."

The British Columbia Liberal government, however, is also intent on pursuing its blind ideology of privatization whether or not the crown corporation will be successful. Unfortunately, in the eyes of Local 378, this strict adherence to privatization prevents the government from seeing the benefits of public auto insurance, and is an impediment to the protection of Local 378 members. Other governments moved past the ideological straightjacket of privatization, as huge increases in private auto insurance rates caused the Alberta and Ontario governments to introduce rate freezes on private auto insurance. In fact, the contrast between public and private auto insurance is clear. There were 58 percent increases in auto insurance premiums in places such as Alberta, Nova Scotia and New Brunswick this past year, but the public auto insurance rates from ICBC only increased 7.3 percent last year, and are only expected to rise by less than 1 percent in 2004.

With no further bargaining sessions scheduled, Local 378 will continue to dig in its heels and prepare to fight with job actions and public calls for ICBC to negotiate a continuation of the existing terms and conditions of the current contract. While waging an important fight to protect the rights of OPEIU members, Local 378 also continues to fight to preserve the success of public auto insurance in Canada.

BC Hydro members transferring to BC Transmission Corp find few rights after Bill 39 legislation

Local 378 members at BC Hydro in British Columbia who transferred to the newly created BC Transmission Corporation (BCTC) attended union meetings to discuss their few remaining rights after their collective agreement was stripped by new provincial legislation, and hear about the steps Local 378 is taking in an attempt to stop the breakup of BC Hydro. About 44 Local 378 members from BC Hydro transferred to BCTC on August 1, 2003.

Bill 39, the BC government's legislation to break up BC Hydro by separating its transmission functions and turning them over to a newly-incorporated separate company, BC Transmission Corporation, breaks OPEIU Local 378 and International Brotherhood of Electrical Workers (IBEW)

contracts at Hydro as well as provisions of the BC Labour Code.

Confined by the new legislation, transmission employees had little say in the matter. In contrast, the 1,400 Local 378 members from BC Hydro who transferred to Bermuda-based Accenture earlier in 2003 were considered privatized so they had normal rights such as being eligible for severance and could bump back to Hydro.

Local 378 members at BCTC will keep their BC Hydro collective agreement until it expires in 2005. Under Bill 39, however, the employer can apply to the Labour Board for a single union certification.

If BCTC gets its wish to have just one union in the company, Local 378 membership would be at risk. IBEW members out-

number OPEIU three to one in the new company.

Pension issues are also worrisome. Employees are not being allowed to continue contributing to the BC Hydro Pension Plan. Members must either leave their pension credits at BC Hydro and take a deferred pension or transfer their credits to the new company.

Transferred employees must join the new BC Transmission Pension Plan that has a much smaller employee base. This is a concern because it may not be as financially viable in the future.

Local 378 has made a last ditch stand in the courts in an effort to reverse the breakup of BC Hydro. OPEIU 378 President Jerri New says that as well as launching a Hands

Off Hydro campaign to raise public awareness, the Local, supported by BC Citizens for Public Power and IBEW, has filed a BC Supreme Court action that says Bill 39 and Bill 10 violate the Canadian Charter of Rights and Freedoms [see story on page 9 for further details].

Last year, BC Citizens for Public Power launched a class action lawsuit against the government's actions in a case that began to be heard in October 2003.

"We're doing all we can in the Charter challenge, the class action lawsuit and organizing Local 378 members and communities to resist the BC Liberal's privatization agenda and avoid disastrous mistakes made with electricity deregulation in Alberta, Ontario, California and elsewhere," New said.

Canadian News

Supreme Court of Canada dismisses Laurentian Bank appeal application

In a decision rendered on September 25, 2003, the Supreme Court of Canada dismissed an application for leave to appeal made by The Laurentian Bank of Canada. The appeal was to quash a decision by an arbitrator who had ordered the reinstatement of a cashier, a member of OPEIU Local 434, who had been dismissed for having taken \$2,500 in order to satisfy a pathological addiction to gambling.

The facts in this case are simple. A cashier, with almost 25 years of service with the Laurentian Bank, suffering from depression, having family and professional problems, turns to video lottery terminals for escape. Prior to the firing, while the disappearance of the money was being investigated, she admitted to management that she had taken the money as well as admitting that she had a gambling addiction and had started attending Gamblers Anonymous meetings.

At the arbitration hearing, the facts having been admitted, lawyers for Local 434 presented expert witness testimony to confirm that this employee was indeed a pathological gambler who satisfied the relevant criteria as laid out in the DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition). This diagnosis was corroborated by the expert psychiatrist who examined this employee on behalf of the Bank.

In rendering his decision, the arbitrator considered the aggravating circumstances of the case, which included the taking of the money and the lying on the stand about having gambled again during the arbitration process, a process which lasted several days over a period of many months.

On the other hand, the arbitrator also considered all of the attenuating circumstances of the case, namely, this employee's long service of employment, flawless disciplinary record, depression, family and professional problems. More importantly, relying on expert testimony from both sides, he concluded that the money was taken to satisfy a pathological addiction, evidence having been presented that this employee was fundamentally an honest person, but for the pathological addiction to gambling, would never have acted in a manner contrary to her moral values. On this basis, the arbitrator ordered the employee reinstated as a cashier at the Laurentian Bank, without compensation for the 22 months that had elapsed since her firing.

On appeal to the Superior Court of Quebec, the learned judge reviewed the arbitrator's decisional process and concluded that he had committed no error in fact or in law, thus rendering a decision that was within his jurisdiction. This was further evidenced by the fact that the parties in the collective agreement had not limited the arbitrator's powers and therefore he could revise, rescind or substitute a lesser sanction to any disciplinary measure imposed by the employer.

The Laurentian Bank of Canada appealed to Quebec's highest court, and on March 5, 2003, the Quebec Court of Appeal, in a unanimous decision, concluded that the learned judge in Superior Court had committed no error in his review of the arbitrator's decision. Furthermore, the Court also examined the arbitrator's decision and based on all of the facts and expert evidence submitted in this case, concluded that the latter had acted

within his jurisdiction in ordering the reinstatement of this employee.

This decision is a landmark case in the Canadian labor movement. In refusing to grant leave to appeal to this employer, the Supreme Court of Canada has clearly stated that this type of decision, if permitted by the parties in a collective agreement, falls within the jurisdiction of the arbitrator who has the authority to review any disciplinary measure imposed by an employer. In doing so, an arbitrator must consider all of the relevant circumstances, both attenuating and aggravating before rendering a decision.

Furthermore, if the arbitrator has such authority, no employer can dismiss an employee with impunity as in the case at hand. Prior to taking the decision to dismiss, this employer was aware that the employee had a gambling addiction and was trying to overcome her problems.

In conclusion, it must be stated that this was not an easy victory. A defense based on a pathological gambling addiction will not be accepted at its word. It requires the testimony of psychiatrists and expert psychologists in this field in order to be accepted. If accepted, however, a finding of pathological addiction to gambling will become a significant attenuating circumstance that will be considered with the rest of the merits of each particular case.



SEPB Director Serge Cadieux, who argued the case before the Canadian Supreme Court.

Local 378 launches unique challenge under Canadian Charter of Rights and Freedoms to stop breakup of BC Hydro

In British Columbia, OPEIU Local 378 and President Jerri New have launched a legal challenge under Canada's Charter of Rights and Freedoms to the provincial government's Bills 10 and 39 that privatize and break up the crown corporation, BC Hydro.

"We're trying to maintain BC control of our electricity system," said New. "BC Liberals want to put our power resources in the hands of foreign corporations and

export markets."

The Charter challenge is also a response to BC Liberal attempts to hide secret negotiations with Bermuda-based Accenture Corporation and the privatization of a third of BC Hydro from the BC Utilities Commission (BCUC) and the courts.

The provincial government's legislation tries to put itself above the law by denying access to the BCUC, the Labour Relations Board and the courts in any potential review.

The legislation also lets them break Local 378 and IBEW collective agreements.

Activists are concerned the provincial government is handing over rights to foreign corporations to control transmission lines. Only the BC Liberal's corporate friends will profit.

If successful, the Charter challenge will force the government to hold full public hearings before the BC Utilities Commission about the electricity system

in British Columbia. A similar court challenge in Ontario forced the Conservative government to abandon their plans to privatize Ontario Hydro.

In a related action, a local group, BC Citizens for Public Power, has a class action lawsuit underway in an effort to stop the BC Liberal's privatization agenda. More than 52,000 signatures from BC residents and OPEIU members support the BC Citizens for Public Power's lawsuit.