

[June Level](#)[August Level](#)

# On the Level

November, 1999

[escape frames](#)

<a href="#">International to appoint takeover crew</a>	<a href="#">Carpenter Bursary Awards</a>
<a href="#">"Fight back", says Port Alberni 513</a>	<a href="#">Job Site leafleting - Supreme Court decision</a>
<a href="#">John Reimann, 713, faces charges</a>	<a href="#">Condo Rot Health Warning</a>
<a href="#">Council Comment by Dave Flynn</a>	<a href="#">BC Apprentices take thirds at National Contest</a>
<a href="#">Local 1370 builds senior's housing</a>	<a href="#">Local 1735 Celebrates 90 Years in Union</a>
	<a href="#">Interim relief order halts forced mergers</a>



## The President's Corner by Len Embree

**Membership votes well over 95% in favour of maintaining strong Provincial Council  
Referendum shows strong support for Council**

Vote results show "We are alive and well"

Having had the opportunity to visit most of our local unions around the province in the last month, coupled with the results of the province-wide referendum, has led me to a certain amount of reflection on the health of our Union in BC.

It seems patently obvious that we are alive and well. Somewhat beat up in certain areas, slightly disheveled, but nonetheless alive and well.

The referendum results with percentage support in the high nineties, is not a surprise. The participation in the main was quite high, which simply exaggerates our disappointment that five local unions chose not to exercise their democratic rights. One can't help but assume the results in those local unions would have been similar.

One other encouraging result of the referendum meetings was realizing the extent of our members' awareness of what's going on in our Union. Their response to the General President's letter attacking me personally was to treat it with obvious disdain. Add to that the telephone poll being conducted by the International and some of our members felt genuinely entertained.

I should say in regards to the letter that it is not factual. Most members had already figured out that if someone appoints the delegates that elect the trustees, that's a significant departure from what is governed now under the Provincial Council constitution.

In regards to the telephone poll, one can only guess at the reasoning for this kind of expenditure. It somewhat defies any logic. Oppose the rights of the members to have a vote, but spend their dues dollars on a continent-wide telephone poll. It must be an American thing.

Labour Relations Board dates have been set for November 3 and 4, 1999, regarding the differences between ourselves and the International over the merger of Dawson Creek and Prince George. This is the first step in a probably long and drawn out legal battle. I think it needs to be restated that the Provincial

Council is committed to representing our members on this issue. In fact we're duty bound to represent the positions passed by Convention and Executive Board. Any attempt by the International to personalize the issue is quite transparent to the Council and our members.

It seems to me that we are quite fortunate to have a well-informed active membership. They are committed to having their say in running their Union and the Provincial Council of Carpenters is committed to representing their position.

Referendum confirms Council position on Union democracy

Carpenters in British Columbia recently affirmed their faith in the BC Provincial Council of Carpenters by voting overwhelmingly in favour of maintaining the Council as their bargaining agent and supporting the Council's position that Local Union mergers must be determined by majority vote of the affected membership.

In the referendums, held at Local meetings in September and October, members were also asked to approve four changes to the Provincial Council constitution. All six ballots were approved by at least 95 per cent of voters.

Ballots #4 and #5 were crucial questions that asked for reaffirmation of the Provincial Council as bargaining agent and its position on democratic decision making within the union.

"Do you wish the British Columbia Provincial Council of Carpenters to retain its jurisdiction as your bargaining agent in British Columbia?" received 97.6 per cent approval.

"Do you wish to have Local Union mergers determined by majority vote of the affected membership?" won 96.2 per cent approval.

This is a clear indication of where the membership stands in the dispute with the International over restructuring, says Council President Len Embree.

"The members of this union have sent a strong message to General President McCarron," said Embree. "They insist on their democratic right to determine the structure of their own organization and they will not be disenfranchised by some fiat from the General Office."

General President McCarron has stated unequivocally (most recently at a Local Union meeting in Port Alberni this summer) that he is not willing to allow members to vote on any of his proposed restructuring initiatives including selecting delegates to Regional Councils and Local Union mergers.

Other issues voted on in the province-wide referendum deal with constitutional amendments recommended by convention decisions.

Ballot #1

Ballot #1 clarifies the convention transportation pool fares in the Council constitution which are designed to help distant Local Unions send delegates to convention. It received 95.5 per cent approval.

The amended Section 3K now reads, "To equalize the transportation costs of delegates from the various Local Unions and District Councils, and thereby maximize participation in the convention, a pool fare will be tabulated to establish an equal amount per delegate. Such transportation costs shall be based on one and one-half times the cost of bus fare. Following the convention, each Local Union and District Council shall be assessed or reimbursed accordingly."

Ballot #2

Ballot #2 makes it clear that strike or lockout pay can start on the first day of the strike or lockout. Section 18 B now reads, "Strike or lockout pay will be paid from the first day of registration following the commencement of a strike or lockout."

### Ballot #3

Ballot #3 removes mention of the specific number of Vice-Presidents that sit on the provincial Executive Board to allow for expanded representation as the union grows into different areas and the number of affiliates increases. It also increases the number of Executive Board Members by one to provide each industrial sector with representation. This entitles newly re-affiliated Marine & Ship Builders Local 506 to a representative on the Executive Board.

With the new wording, the Vice-Presidents are to be elected as follows:

The Vancouver, New Westminster and Fraser Valley District Council of Carpenters elects two Vice-Presidents, the five other District Councils each elect one Vice-President. A caucus of Industrial Local Union delegates at convention elects two Vice-Presidents from their Executive Board Members. One of the Industrial V-Pros must be from the Lower Mainland. At this time, there is no increase in the number of Vice-Presidents, just Executive Board Members.

The four School Board Locals elect their one Executive Board Member at a caucus of their convention delegates. The other Industrial sectors: Lower Mainland Shop Workers, Okanagan Shop Workers, Marine & Ship Builders, Millwrights, Floorlayers and Pile Drivers all elect their Executive Board Member through their respective Local Unions. Vancouver, New Westminster and Fraser Valley District Council elects two Executive Board Members and Vancouver Island District Council elects one.

Under this arrangement, the current provincial Executive Board consists of a President and Secretary-Treasurer elected at convention for three-year terms, nine Vice-Presidents and eight Executive Board Members.

### Ballot #6

Ballot #6 affirms the right of the Executive Board to determine how much of the Strike and Defense Fund interest earnings may be spent on legal and defense in any one year. Section 20 A, effective January 1, 1998, will now read: "Unless authorized by the Executive Board, the maximum monies utilized for legal and defense purposes as defined in Section 19 A by the Strike and Defense Fund in any one year shall not exceed 50 per cent of its annual interest income earned in the previous fiscal year."

Five didn't vote

Five Local Unions did not provide their members the opportunity to vote in this referendum. Local 527 Nanaimo, Local 1370 Kelowna, Local 1541 Floorlayers, Local 1598 Victoria and Local 1907 Chilliwack-Mission.

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## McCarron says he will deny democracy

## **International poised to appoint takeover crew**

by Doug McCorquodale

Imagine a union constitution that gives all power to a foreign president, overriding any other provision in the Constitution. Imagine a president that relies on a provision in the Constitution giving him full power to suspend the right to

vote and the right to elect officials to govern the union. Imagine losing the right to ratify collective agreements, or prevent the replacement of elected officials with appointees or prevent the seizure of assets from the local unions. This is the nightmare scenario facing Carpenters Union members in British Columbia today. The American led United Brotherhood of Carpenters and Joiners of America is poised to appoint a leadership to takeover from the presently democratically elected leadership of the BC Provincial Council of Carpenters.

The Provincial Council is the bargaining agent for 18 construction carpenters and millwright local unions and represents another nine affiliated industrial, floorlayer, shipbuilder, piledriver and school board locals. The leadership of the 56-year-old Provincial Council of Carpenters and its affiliated unions is elected by its membership. These elections will become a thing of the past if the American leadership successfully replaces democracy with unaccountability and dictatorially appointed union officials.

In 1995, Doug McCarron, a new International President of the Carpenters Union was elected south of the border. In order to shore up and combat a decline in union membership and work, he instituted a new order in the Union called restructuring. This restructuring is a strategy to recover the union by removing the democratic right of the members to ratify collective agreements, and elect their leadership. He has imposed this structure everywhere in North America except in Ontario and BC. He claims the use of a sweeping power of presidential privilege in the constitution as his legal justification for doing this.

McCarron avows a large union recovery in the areas where he has instituted his "reforms," but thousands of union carpenters mounted large, angry demonstrations and wildcat strikes from coast to coast in the United States protesting against his restructuring and contradicting his claims of success.

In Ontario the Local unions are locked in legal battles at the Ontario Labour Relations Board to determine the question of electing union leaders. The Ontario law prevents the seizure or trusteeship by a parent union (such as the International) over a subordinate union without the application of natural justice. Natural justice prevents dictatorial dominance of a parent union over a subordinate without just cause. The Ontario Law allowed the Bricklayers in Ontario to form a Canadian union. Until the Ontario law was passed it was extremely difficult for an International construction union in Canada to declare independence from its American parent union. Construction unions in Canada, because they are wrapped in tight trust laws with complex bargaining relationships, have a more difficult time severing from their International parent than Canadian industrial unions have.

The Ontario labour law allows Ontario Construction workers, like the Bricklayers, to become a Canadian Union. British Columbia has no such provision in its Labour Code. There is no 'just cause' statute in British Columbia Labour law that would prevent a parent union imposing its will on a subordinate. The BC Projectionists' Union managed to use the argument of natural justice to narrowly escape being crushed by their own International only because the interlopers refused to allow them legal representation at the hearings. We can be sure that mistake will not happen again.

BC Carpenters in a recent referendum voted overwhelmingly to support their Provincial Council but that may not be enough without Labour Code backing for their democratic rights.

“It would be a simple matter to amend the section of the Code that already deals with the subject of trusteeships to put the onus on the International to demonstrate that they have just cause for imposing such a drastic step on a local body,” says BC Carpenters President Len Embree. “Just cause flows from natural justice in common law and should be a motherhood issue.”

Code changes needed

BC Carpenter president Len Embree suggests some simple additional wording to Section 150 of the Labour Code :

1. No provincial, national or international trade union shall assume supervision or control over a subordinate trade union or otherwise interfere with the autonomy of a subordinate trade union without just cause.
2. No provincial, national or international trade union shall suspend, remove from office, or change the duties of an elected or appointed official of a subordinate trade union without just cause.

Since 1954, the BC legislature has intentionally excluded international or national unions from the definition of trade union so that key collective bargaining issues are not determined by people located outside the province. But this is not sufficient to protect the autonomy of local trade unions and the rights of their members.

## LETTERS

### **Alberni Local urges fightback**

Draft proposal stuffs mergers down Locals' throats, says Lang

The editor

Local 513 has received a copy of a draft report from General Executive Board Member James E. Smith to General President Douglas McCarron regarding the forced dissolution of Locals 2068, 1812 and 513 and the forced implementation of a Regional Council for Vancouver Island/Powell River. I use the word forced advisedly.

The draft proposal has not changed in any way from the Notice of Consultation sent out by G.P. Douglas McCarron in June. The members' right to vote has still not been recognized.

The so-called “consultations” obviously had a pre-determined outcome. Despite the window dressing, the International intends to institute the mergers and establish the council against the express wishes of the membership.

Several Island locals, 1812 Duncan, 1989 North Island, 2068 Powell River and 513 Port Alberni, had been conducting talks and examining merger possibilities before the purported consultation meetings were announced. The locals know that mergers should and will take place, but the membership must be involved and have the opportunity to make the final decision with their democratic vote. Stuffing a decision down our throats is not acceptable.

Brother Smith has said that imposing a Regional Council on Island members will not be disruptive. Well Brothers and Sisters, if the unrest, uncertainty, animosity and mistrust that has shown itself since the July 7 meeting here in Port Alberni is not disruptive, I sure would hate to see any real disruption!

Brother Smith also suggests that the reasons for poor membership turnout at many of the consultation meetings were apathy and acceptance of the issues. I suggest that members who were aware of the issues either refused to attend the meetings in protest of a sham hearing or walked out in disgust at what they

heard. Others didn't attend in some areas perhaps because information on the issues was intentionally not passed on by their locals. The Port Alberni membership turned out in large numbers expressly to show G.P. McCarron how they felt about any attempt to frustrate their right to a democratic process. After G.P. McCarron told us he was not about to allow us to vote on mergers or who would hold the seats in a new council, our members walked out. But some senior retired members (50 plus years), waiting for the crowd to thin, asked him, eyeball-to-eyeball, why was he insisting on taking away the members right to vote? His cursory response was because he "had the power."

This attempt by the International to come into our country and impose a Regional Council staffed with their appointed yes men and gobble up the little guys has stirred up a lot of emotion throughout the province. Brothers and Sisters, you can be sure that if the International is successful here on Vancouver Island/Powell River, that they will next steamroller across the rest of British Columbia.

Brother Smith suggests in his outline that he be assigned to meet with the representatives of the newly formed locals as soon as possible. Once again a pre-determined outcome?

"We must take into consideration the welfare of the membership in British Columbia and the welfare of the membership as a whole." This is a direct quote from Brother Smith's proposal to GP McCarron. How does taking away our right to vote protect our welfare? This paternalistic attitude of "Big Brother knows what's best for you" flies in the face of our long democratic legacy of making our own decisions.

It is my firm belief that the General Executive Board is out for blood with no concern or regard for members' rights. We live in a democratic country and must never lose sight of that. I am not prepared to accept this process just because the International says it is good for me.

This fight is far from over. I urge all members to stay aware of the battle as it develops and to give the Provincial Council their support. Without the Council, this battle would have been lost already.

In solidarity

Mike Lang, Local 513 BA

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## **Carpenter bursaries awarded**

\$450 Carpenter Union bursaries were won by eleven deserving BC students this year

Eleven post secondary students have qualified for Carpenters' Union bursaries this year. Each of the winners will receive a \$450 cheque to help defray the costs of their education. Applicants were required to write a short essay on some aspect of trade unionism in relation to politics, economics, social reform, history or personal experience.

Two applicants were eligible to win from each participating District Council area. A total of 19 applications were received this year. Seven from the Lower Mainland, five from the Okanagan, two each from Central BC, the Kootenays and Vancouver Island, and one from the Northwest. Bursary cheques will be distributed by the winners' Local Union office.

Kalea Buckler, daughter of Castlegar Local 2300 member Roy Buckler, and

Angela Gerst, daughter of Victoria Local 1598 member Paul Gerst were repeat bursary winners from last year.

Any member, or son, daughter or grandchild of a member, who is attending most types of post secondary education may enter the annual bursary contest. Bursary application forms will be available at Local Union offices in May 2000, and will be printed in that issue of On the Level. The deadline for applications is the last working day of August and the winning selections are usually announced in October.

**Bursary Winners for 1999:**

Central Area: Deb Miedema, Local 2397 - Kristin Travis, Local 2397

Kootenay Area: Kalea Buckler, Local 2300 - Tamara Rilkoﬀ, Local 2300

Lower Mainland Area: Kristina Oldenburg Local 1995 - Melissa Waddell Local 1995

Northwest Area: Trevor Brady Local 1081

Okanagan Area: Carmen Wentland Local 1370 - Will Valley Local 2511

Vancouver Island Area: Dave Hamilton Local 1598 - Angela Gerst, Local 1598

**John Reimann faces charges over strike at San Francisco airport**

The International has taken a swing at Northern California Local 713 representative John Reimann, charging him under the constitution with not being “obedient to authority” because Brother Reimann took part in the wildcat strike at the San Francisco Airport reported in the June issue of On the Level.

United Brotherhood of Carpenters General Executive Board member Mike Draper, in bringing charges against Reimann, alleges that he orchestrated a “Wild Cat Strike” and that violates the obligation of the UBCJA to be obedient to authority. In this case, the authority is the Project Labor Agreement in place at the San Francisco Airport and PacBell Park, which forbids any work stoppages. Brother Reimann is one of many hundreds of union carpenters who chose to protest and rally against the concessionary contract negotiated by the Regional Council, and for this, he says, he is being singled out by Board Member Draper. Several members of his local expressed outrage that Reimann was given all the credit for the demonstrations, saying most of the Local was on side with the protests and that charges would have to be laid against them all rather than one individual.

Reimann claims categorically that he has not violated anything in the UBC Constitution. “The real reason, of course, that Draper is preferring these charges is that he is trying to intimidate the (pro democracy) movement here, to prevent people from running for office, to use me as an example,” asserts Reimann.

Reimann claims that this is not the first time he has been cited by the Union.

“This is the third (or fourth, I can’t remember for sure) time I’ve been brought up on charges and none of the others have ever stuck; I feel confident that we will beat these too.”

At press time, the International had yet to make a determination on the charges, but Reimann is prepared to appeal if necessary.

Many Local Unions around the continent have sent letters of support for Reimann, including several BC Locals. Castlegar Local 2300 applauded Reimann for his “advocacy for members’ rights and his protests against the International

for having forced Northern California carpenters to work under terms and conditions that the membership did not have the right to vote on.”

BC Carpenters will have the opportunity to meet John Reimann later this month when he visits the Carpentry Centre in Vancouver. Reimann is expected to visit the Local 1995 dispatch office on November 24 between 4:00–7:00 p.m.

International’s charges against Reimann

The following are the charges brought against John Reimann by the International:

- 1) UBC Constitution provides that, Any officer or member found guilty after being charged and tried... for any of the following offenses... (13) Violating the Obligation
- 2) Among other things, the Obligation provides that: “I pledge myself to be obedient to authority...”
- 3) The Authority of the Project Labor Agreement covering work at the San Francisco International Airport provides that there will be no strike during the term of the Agreement.
- 4) The Authority of the master collective bargaining agreement covering work in Northern California provides that there will be no strike during the term of the agreement.
- 5) Pursuant to their Authority, officer(s) of the Northern California Carpenters Regional Council (“Council”) directed members of its affiliated local union(s) to return to work and cease “wildcat” strike activity.
- 6) Since at least May, 1999, John Reimann, as a member of the UBC Local Union 713 and/or as Local Union 713 Recording Secretary, has taken actions that are detrimental to the best interests of the United Brotherhood of Carpenters and Joiners of America (“UBC”), its affiliated unions and their members. Brother Reimann caused or attempted to cause, incited or attempted to incite, urged and encouraged unlawful conduct by members of the UBC and local union(s) affiliated with the Council by promoting among and encouraging members to engage in unlawful conduct, including a “wildcat” strike in May, 1999 at the construction site located at the San Francisco International Airport, and to engage in future unlawful conduct.

The activity and course of conduct engaged in by Brother Reimann was and is detrimental to the best interests of the UBC, its affiliated unions and their members, including those which are party to and/or work under the Project Labor Agreement covering the work at the San Francisco International Airport.

- 7) By actions described above, Brother Reimann has violated Section 51 (A) (13) of the UBC Constitution.

This was signed by Mike Draper, 7 & 8 District GEB Member.

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## **Highest Court says job site leafleting OK**

Workers using leafleting campaigns to build public support got a green light from the Supreme Court of Canada.

The court ruled that laws preventing workers from leafleting at places other than the site of a labour dispute infringe on workers’ right to freedom of expression. BC Kmart employees took their case all the way to the top court, challenging a provincial labour relations board order to stop leafleting at Kmart locations beyond the two stores where workers had been locked out for six months.

The leaflets encouraged customers to do their Christmas shopping elsewhere. The workers didn't try to block access to the store.

"The importance of freedom of expression during labour disputes cannot be over-emphasized," wrote Justice Peter Cory in the unanimous decision.

"Leafletting is of fundamental importance for workers and has a very real social value."

The B.C. government has six months to clarify section 5 of the labour code so that workers are free to leaflet.

A similar decision was also handed down in a New Brunswick case where UFCW members were barred from distributing pamphlets in support of an organizing drive.

The court's ruling recognizes that handing out leaflets about an employer's labour relations practices is a legitimate way of getting customers and consumers to apply pressure-no matter where it takes place.

Carpenters and other building trades unions have frequently been ordered to not leaflet or inform the public and other workers during disputes with contractors on sites shared with other contractors or in malls. Provincial Legal and Defence co-ordinator Doug McCorquodale says the new rules should make it easier to mount an "effective public awareness campaign" about bad employers.

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## **Health alert for rotten condo owners and restoration industry workers**

### **Molds may be hazardous to workers and occupants**

by Bill Duncan, Local 1995

Some molds present in rotting wood-frame buildings may be hazardous to your health.

Although the majority of molds found in modern day structures are relatively harmless, exposure to some of the more toxigenic strains can lead to escalating medical complications and severe consequences.

One such mold, *Stachybotrys Atra*, associated with wet conditions and cellulose-derived material, such as the paper backing of drywall, can be toxic. These mold colonies can lurk within the cavities of concrete blocks, pipe wrappings, in-slab ducting, HVAC components and ceiling tiles. The safe removal of these substances requires expertise and money.

The spores of this microorganism are toxic and may cause respiratory illness, rashes and chronic fatigue.

In 1993, the New York City department of health recommended a protocol to deal with large scale remediations that is similar to that commonly used for asbestos removal.

Many rotten condominiums have very large areas contaminated by this organism yet at this time very few precautions are taken to protect the health of occupants or restoration workers.

As the leaky condo crisis continues, workers in the restoration industry are increasingly put at risk of exposure to molds. Workers who come into daily contact with concentrations of these pathogens can accrue a life-time of exposure in a very short time.

A generation ago, asbestos was thought to be harmless. Those who even dared to question the conventional wisdom of the times were dismissed as lunatic fringe. Nobody is laughing now!

In fact, the Workers Compensation Board is taking our inquiries very seriously. They have just announced funding approval for an innovative university research initiative proposed by the Carpenters Union and UBC's Occupational Hygiene Department.

According to Chris van Netten, a researcher at UBC, there is presently no policy or guideline for educating construction workers regarding the hazards of exposure to molds and other fungi. The newly proclaimed Bill 14 Occupational Health & Safety Amendment Act gives the WCB the authority to make regulations to protect worker health and safety from harmful substances (including worker training and instruction), but no regulations have yet been adopted that deal with mold exposure.

Dr. van Netten says that a large number of fungal species have been identified from construction sites that have been associated with hypersensitivity pneumonitis, inflammatory lung disease and allergic reactions, but at present no local studies clearly demonstrate the type and level of occupational exposure to fungal contaminants. "Worker protection," he says, "is often non existent." The union initiated study will test several building sites for fungal contamination and test the workers for lung function and other medical results of exposure to mold toxins.

Findings from the research will help provide a better understanding of the hazards posed by mold remediation and determine the type of protection required by workers in that industry.

Our first goal, of course, is to protect our workers from unnecessary risk of exposure to potentially hazardous substances. But after that, comes concern that already victimized leaky condo residents may face unknown health risks in re-occupying rebuilt apartments that have not had the mold problem controlled.

### **Union holds first mold remediation course**

The Carpenters Union has just completed the delivery in Prince George of our first Occupational Health & Safety pilot course on mold remediation. The participants in the inaugural class were all from School Board Local 2106. The one-day seminar was delivered by The Sheltair Group and JL Hockman Consulting Ltd.

The trainers were consistently informative while speaking directly to the needs of those present. They established their credibility with the participants by dealing directly with the workers' worksite observations.

After first explaining the basics of how mold, mildew and fungus occurs in the biomass, the instructors explained exactly why workers should care about risk of exposure from an occupational health and safety perspective. They then explained proper use of protective equipment, how to identify mold species and effective methods of treating mold as well as disposal of contaminated materials. Mike Finnigan of Local 2106 said the course was made possible through the generous contributions of his Local, the BC Provincial Council of Carpenters and School District 57. He has a six-hour video tape of the proceedings he can make available to any Local interested for a modest cost. Call Local 2106 and leave a message at 250 564-2268 for further information.

The union hopes to be able to offer this or similar courses in other areas as the need arises, perhaps in conjunction with the Building Envelope Restoration course already developed.

## **Quality control was a classic race to the bottom Condo disaster caused by deskilling and deregulation**

October 14 marked the five-week threshold for the part-two sequel of the Barrett Commission of Inquiry into the Quality of Condominium Construction in British Columbia.

The Carpenters Union presentation, made that evening by Local 1995 organizer Bill Duncan, followed fast on the heels of submissions by UA 170's Wayne Peppard and Dave Thompson of the IBEW leaving no doubt in the minds of the three commissioners that there is still much work to do to come to grips with the leaky condo crisis in British Columbia.

Duncan stressed that the deskilling and deregulation of the construction industry that has resulted from the rise of non-union, unprincipled contractors has become a recipe for disaster.

Duncan said this "harvest of bitter fruit has its roots firmly planted in the soil of regulatory neglect and criminal incompetence."

According to Duncan, the smoking gun in this who-done-it "always points to the usual suspects."

He speculated that the motives of these builders were always the same.

"Plain and simple, it was just good old-fashioned greed," he explained. "Their alibi? The building code made them do it!"

From the union perspective the incriminating evidence at the crime scene is overwhelming. The culpability of builders is encoded within their own marketing mantras. Cleverly orchestrated propaganda extolling the virtues of ownership saturated the media. The faithful were assured that pride of ownership would deliver them to the promised land of carefree, double digit real estate appreciation. Square footage profits were being maximized because the use of skilled trades people was being minimized.

In terms of quality control, according to Duncan, this was a classic case study of the race-to-the-bottom syndrome.

But while collective hands were being wrung and feeble excuses invented, the Carpenters Union, with others, has been lobbying government for change. Bill 46, the Homeowners Protection Office Act, is the successful result of that lobby. Future consumers of residential construction in British Columbia will be protected by some of the most in-depth builder licensing and warranty protection in North America.

Pending HPO regulations which move into the territory of licensing restoration contractors will do much to alleviate consumer worry about accountability for repairs and renovations made to their leaking condos.

However, one area of concern that the Carpenters felt had been overlooked during the first Commission hearings concerns the issue of mold remediation in restored structures.

Duncan made it quite clear to the commissioners that workers who participate in the structural rehabilitation of damp, rotting and moldy buildings must not be put at risk of exposure to toxogenic microbial substances. He also raised concerns about inhabitant exposure to toxic molds during and after restoration work.

"Factions within the development community are waging a vigorous, behind-the-scenes campaign to have the costs of mold remediation factored entirely out of the building envelope restoration cost formula," Duncan charged.

When asked by commissioner Peter Leask if the resistance of some developers may be out of simple ignorance, Duncan's answer was simply, "No." He later added, "The forces acting to keep mold remediation off the scoreboard are sophisticated and knowledgeable."

He asked the commissioners to direct the WCB to exercise its authority under Bill 14 (the new Occupational Health & Safety Amendment Act proclaimed this October) to ensure that adequate protocols are established for province-wide protection of all workers engaged in the restoration process.

Duncan also asked that strata councils be directed to post disclosure statements to advise inhabitants of affected dwellings of the possible indoor air quality health hazards associated with toxic mold contamination.

### **Look to the web for union information**

The World Wide Web can be an interesting place for trade unionists to discover links to other union activists around the world. For instance, the International Labour Organization (ILO) is sponsoring an on-line conference on labour and social issues that is open to any interested person with access to the internet. Sign on at [www.ilo.org/public/english/130inst/research/network/index.htm](http://www.ilo.org/public/english/130inst/research/network/index.htm)

The current debate on restructuring of the Carpenters Union is amply covered by links that can be found on the BC Carpenters website to be found at [www.carpentersunionbc.com](http://www.carpentersunionbc.com)

Information on contractor licensing can be found on the Homeowners Protection Office website at [www.hpo.bc.ca](http://www.hpo.bc.ca)

The Telephone Workers Union has some good information and the best labour links at [www.twu-canada.ca](http://www.twu-canada.ca)

Information on the BCAA strike is on [www.picketline.com](http://www.picketline.com) and IATSE can be found at [www.bcprojectionists.com](http://www.bcprojectionists.com)

### **Carpenter Lather Journeyperson Upgrading**

The Carpenter Lather Joint Apprenticeship Advisory Committee has the following journeyperson upgrading courses available for presentation.

1. Blueprint Reading
2. Acoustic Tile
3. Steel Stud (Light or Heavy gauge)
4. Refresher
5. Stucco Wire/Metal Lath
6. Computer Flooring

Any Carpenter Lathers interested in these courses should contact the CLJAAC office at 604 437-6031 or their Local Union office for courses to be scheduled in your area.

### **Spotlight on organizing**

#### **Members contracting work non-union can be an organizing problem**

by Josh Coles, Provincial Organizer

A great frustration faced by construction organizers is with union members who run their own non-union companies. The problem is not with the many members

who partner-up with friends to do small side-jobs. Our union has long tolerated members who try to make ends meet in between union dispatches.

But there are other members who contract to developers or institutions, hire crews of workers, and directly compete with our signatory union companies. These member-owned companies resist or deliberately thwart organizing attempts, frequently pay beneath union rates, and run their business like any other non-union company.

All this while the owner often remains ready and available for work on a Local's dispatch board. In other words, these members enjoy the benefits of the union, including union employment at decent rates, and yet they work against us when "unemployed."

A Local 1995 member who owns a company working on a University of BC restoration project has recently highlighted this problem. On this \$500,000 plus project the company had a revolving door of employees, ranging from 10 to 15 carpenters who were receiving \$18-\$20 an hour. Unfortunately, high employee transience makes bottom-up organizing difficult.

When organizers approached the member/owner to sign a collective agreement he refused. Top-down organizing wasn't working either. Our union's traditional response to member-owned companies has been to increase membership education. The logic has been that our problems would decrease if member-owners understood how taking the work of union companies only hurts themselves in the end.

But in this case ample membership education has not worked either. This member, who has historically been a big supporter of organizing, remains vocal at meetings about our organizing programs, has participated in COMET training, sits on Volunteer Organizing Committees, and can frequently be seen wearing "Organize or Die" t-shirts.

He was such an "organizing supporter" in fact that last year he was sent by our International union to their two-week organizing course in Las Vegas.

Even more troublesome is that this member-owner attended Local 1995's Restoration skill-building course and hired many of his fellow students for the UBC job. Once again we are training and upgrading skills of carpenters for the very contractors that eat at our market share.

The tragedy of this problem is that the wrong message is being sent non-union workers. How can we ask workers to assume the risks of organizing their job sites when one of our own members runs a non-union company?

More importantly, how can we tell non-union workers that we are trying to increase wages for all carpenters when one of our own is undercutting them?

Our problem is greater than minor dispatch penalties and beyond traditional membership education. Our problem lies in the very nature of craft unions and our trend towards acting more like a labour broker and less like a worker-first organization.

Owners working shoulder to shoulder with other members is unheard of in other unions.

It's hard to imagine another union allowing a mechanic, for example, to work in a union shop while owning a competing non-union shop that pays its crew beneath the union rate.

Other unions design themselves to prohibit members from hurting members – maybe we should do the same.



**Council Comment by Dave Flynn**  
**Union considers separate residential agreement**  
**CLR hardens negotiating stance**

Members expect and deserve a wage increase that at least reflects the rising cost of living. Yet union employers are finding it increasingly difficult to secure work bidding against low wage non-union contractors.

As an officer of the union, I'm frequently stopped on the street by members with questions about what is going on with their union. These are generally worthwhile encounters, giving the members an opportunity to get any number of issues off their chests, and giving me a little more insight into the concerns of the members.

Generally, but not always. A chance encounter a few weeks ago with a long time member left me scratching my head. When I repeated the conversation to other members I discovered that it was more than an isolated opinion. The meeting went something like this.

The member approached me, angry because his Local has made a decision to stop all enabling. His steady employer is having difficulty securing any work. He is working less now than he has ever worked since joining the union over 20 years ago.

"If we make the union contractors bid everything at the full rate we're never going to get any work," he moaned.

That opinion was straightforward enough, and we talked for a few minutes about some of the reasons why the members of his local might have voted to suspend enabling, when he does a 180 degree turn and inquires about negotiations. I start to explain that things are moving very slowly when he cuts me off.

"Just make sure we get a decent raise," he demanded. "The cost of everything keeps going up, and we haven't had a wage increase for years."

With that he turned and walked away, I think unaware of the contrasting opinions he had put forward, and leaving me with, I'm sure, a look of bewilderment on my face.

That little story pretty much encapsulates the dilemma of our Provincial Negotiating Committee. On one hand the members are frustrated. They expect and deserve a wage increase that at least reflects the rising cost of living. On the other hand, the union employers are finding it increasingly difficult to secure work—bidding against low wage non-union contractors.

This isn't a new problem. We have been dealing with similar issues since the '80s. In the past we attempted to overcome these conflicting interests through the enabling process. Project agreements were entered into which reduced rates and conditions, giving the union contractor a better opportunity to win jobs from the non-union competition. This approach also allowed members the opportunity to work at full rate on those jobs that weren't enabled.

Problems arose, however, when, over time, the enabled rate became the norm. Membership frustration grew, particularly in the Lower Mainland, as fewer and fewer jobs were done at full rate. This culminated in a decision last spring at a Local 1995 meeting to cease all enabling.

With the volume of work being performed under the HCL and the Allied Hydro Council agreements, the effect of that decision on the hours of work has been

difficult to determine. The effect on negotiations has been more obvious. The contractors are no longer prepared to rely on an enabling clause that can be withheld at any time. Their position now is to negotiate reduced rates in the collective agreement, particularly in the Institutional/Commercial sector. This hardening of positions will certainly make it more difficult for the Negotiating Committee to reach the type of agreement the membership expects. Talks are scheduled to continue the first week of November, but unless we can find a way around this obstacle of competitive wage rates there may not be much to talk about.

As well as the CLR/Bargaining Council negotiations for the Institutional/Commercial and Industrial sectors of construction, the Provincial Council responded to requests from union residential builders and developers to consider an independent residential agreement. Union pension funded Concert Properties, (formerly Greystone) for example, has a number of projects pending that they are unable to proceed with at the commercial rates because the return on investment simply isn't there. The advantage of dealing with Concert is the unions can get full disclosure on the dollar figures. We don't have to worry that they are just another greedy developer wanting to negotiate a wage cut so they can put the extra money in their pockets. Profits, if there are any, become a return to the participating pension plans. There is a potential for thousands of hours of work just laying there because union developers like Concert can't proceed without some expectation of at least breaking even financially.

Leaky condo restoration work is an other area that could take off in the next short while for union carpenters if a residential agreement were in place. It is estimated that the Lower Mainland alone may hold over \$600 million in restoration work that needs to be done soon. So far, union contractors have had difficulty getting a foot in the door because strata councils look at the unit labour cost when awarding contracts. Although there is probably a preference for union trained workers, the owners inevitably look at the bottom line in the end.

The Provincial Council Negotiating Committee has recently approved a draft Residential Agreement that will provide for the wage rates to be negotiated on a regional basis. If approved by the membership it could allow our union residential builders an opportunity to create some more badly needed union jobs and take some pressure off the ICI negotiations.

### **BC apprentices both take thirds at National contest in Toronto**

Two BC apprentices traveled to Toronto in August to compete with the country's finest new journeyperson carpenters and drywallers.

Jason Davies, of Vancouver, took the third place honour in the drywall contest behind Pierre Bergeron of Toronto, first, and Michel Robichard of Ottawa, second. Each contestant was required to build a steel stud and drywall module complete with doors, openings and windows as well as a "T bar" ceiling.



Jason  
Davies  
Local 1995

Chris Martin, of Victoria, came third in the carpentry contest behind Ron Kumpitsch of Toronto, first, and Jason Karlesen of Sarnia, second. The carpentry contestants each built a playhouse that was donated by sponsoring contractors to their favorite cause.

Chris Martin  
Local 1598

The contest was sponsored by the Carpenters' District Council of Ontario, Local 27 of UBCJA, and Drywall Acoustic Lathing and Insulation Local 675 with tools and prizes donated by Dewalt Tools.

All contestants excelled and showed themselves to be first class tradespeople and admirable representatives of their provinces.

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## **Rupert members share long history in Carpenters Union Northern Local 1735 celebrates 90 years in union**

Over 50 members of Local 1735 gathered at the Fishermen's Hall in Prince Rupert on June 2 to celebrate the Local's 90th anniversary and to receive their union service pins. They also participated in a question and answer period with Union Pension and Benefit Plan administrator Wayne Stone and Jane Richey, who will be assuming Brother Stone's duties upon his retirement next year. The social evening featured refreshments, door prizes and reminiscences by the older members who regaled the younger members with how the young generation has it so much easier with all the advances in building technology.

### **The 1735 story**

On May 17, 1906, the steamer Constance entered Tucks Inlet, the future harbour of Prince Rupert, and landed two union carpenters Brother Legatt and Brother Edgecombe. Their first job was clearing of a site for the tents and tool shed. A piledriver was brought in from Port Essington and construction of a wharf began.

While clearing was still in progress and construction underway, Local 1735 received its charter, dated August 3, 1909, the fourth in the Province. D. Kiser was elected president, and Dan McLean financial secretary. It was the most northerly Carpenters Union local at the time. As the interior of British Columbia developed, the local's geographic boundaries shrank to the present 75,000 square miles of Northwestern BC.

When the first city council was elected in 1910, Local 1735 member Jack Hilditch became one of the eight aldermen.

Shortly after the local was formed, the members pledged a day's pay or a day's labour to build a hall. With no money to purchase a lot, Alderman Hilditch got permission from the city to build a hall on Fraser Street where the lane was supposed to be. It was almost 50 years later that the city discovered that the local had never been billed for taxes on the property. The building was demolished in the early sixties when the United Fishermen and Allied Workers Union built the Fishermen's Hall and rented office space to Local 1735 were they remain tenants still today.

The membership takes pride in their history and the fact that their charter precedes the city of Prince Rupert by a year and that their fellow members

supplied the labour that built up the City, Haida Gwai, Northwestern BC and the North and Central Coast.

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**Local 1370 carpenters** from left Dan Goebel, Dan Musksch, Lorne Vipond, John Freisen, Mike Campbell, Ken Ning at Heritage House site in Oliver.

### **Okanagan carpenters build unique site all union**

Okanagan carpenters are justly proud of another quality project built with union labour in their area. Heritage House, an assisted living apartment for seniors, is the first four-story all-wood building constructed in the South Okanagan at Oliver, BC. Lorne Vipond, Kelowna Local 1370 recording secretary, thanks Sawchuk Contruction for providing 10 members with almost nine months work. “Another project to be proud of,” he says. The building is very near some condominiums previously built by Western Housing from 1991 to 1994.

[Return to top of page](#)