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**Workers Defend Their Right to Speak Out and
Organize in Defence of Their Interests**

Air Canada Forced to Reinstate Editor of *New Horizons* and Another Flight Attendant Arbitrarily Fired

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Colleagues and other supporters of the Air Canada grievors at arbitration, September 16, 2016.

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Workers Defend Their Right to Speak Out and

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Air Canada Forced to Reinstate Editor of *New Horizons* and Another Flight Attendant Arbitrarily Fired



Air Canada flight attendants demonstrate in Ottawa, October 21, 2011. During the 2011 strike by Air Canada workers *New Horizons* provided a forum for the workers to discuss issues they faced, including government back-to-work legislation criminalizing defence of their rights.

People attending a September 16 arbitration hearing at Air Canada offices in Mississauga Ontario erupted into tumultuous applause upon hearing the ruling of an arbitrator. She ruled that Air Canada had unjustly fired two flight attendants in December of 2015 and must reinstate them with full compensation and no mention of the termination on their records. A third flight attendant, who was also unjustly fired along with her two colleagues had previously signed an agreement with Air Canada and decided to retire and thus was not part of the arbitration ruling.

The ruling ended more than 9 months of persecution and harassment of these workers for defending their right to speak out and organize in defence of the interests of Air Canada workers. One of the unjustly fired workers, Garnet Colly, has been working for 31 years as a flight attendant for Air Canada. He is also the editor of the *New Horizons Bulletin*, a publication by and for airline workers, particularly In-Flight Service workers. *New Horizons* has been published for 15 years and discusses issues pertaining to the living and working conditions of airline workers as well as broader economic, political and social issues.

In November 2015, *New Horizons* published articles discussing the 10-year tentative agreement that was reached in October between Air Canada and the Air Canada Component of the Canadian Union of Public Employees (CUPE). The bulletins criticized the tentative agreement, which was ratified on November 17, by a very small margin (50.4 per cent versus 49.6 per cent), calling for broad discussion on the agreement and on issues of concern for the workers, as it has been doing consistently for the last 15 years.

Having just arrived in Rio de Janeiro from Toronto on December 7, where Garnet was scheduled to stay for 55 hours, Air Canada officials abruptly ordered him immediately to take a flight back to Toronto. They said he was to be assessed for his overall performance and to answer charges of spreading false information damaging to Air Canada's brand and reputation. Removing a member of

a crew from his team in such an abrupt way is a dramatic move that is expected only in the extreme case of someone who has threatened a passenger or the company. Garnet was removed from Rio without notification to his co-workers who were completely unaware that one of their colleagues was literally being kidnapped by Air Canada officials.

Back in Toronto, Garnet was fired and charged with having breached both the company Code of Conduct and Social Media Guide. He was further accused of misconduct bringing discredit to Air Canada, all of which, according to officials justified immediate termination. None of this was remotely true. He had expressed disagreement with the tentative agreement and discussed its underpinnings with colleagues in a factual and reasoned way.

Workers in many sectors are familiar with such attacks of companies and governments on the right of workers to speak out and organize in defence of their interests. They have common experience of being accused of bad behaviour and disloyalty to their employer or country when they express their views about the problems they are facing.

Air Canada officials discharged the two other workers with similar concocted justifications. One worker was fired because she posted a *New Horizons Bulletin* on a non-public Facebook Page and the other because he authorized *New Horizons* to publish an article he had written about the tentative agreement and had it posted as well on the non-public Facebook Page.

All three workers were fired, and left with no revenue or any benefits including health insurance.

They refused to give up and agree that they were required to submit to whatever the company does or says and be silent about what had happened to them. For months on end, they endured a process that lasted far longer than the time it normally takes for a grievance to be resolved or reach an arbitration hearing. At each step Air Canada maintained its right to arbitrarily dismiss the workers.

Two days were booked for the arbitration hearing, September 12 and September 16, in Mississauga, Ontario. On both days around 40 colleagues and workers from other sectors of the economy came to support the workers, defend their records as flight attendants, and express their firm opposition to their discharge for speaking out and creating a space for discussion on issues of concern to the workers.

The Air Canada workers explained how the issue of "rebranding" of Air Canada has become a pretext for the company to systematically harass and discipline workers in order to depress their working conditions. This rebranding has been to the extent that workers' ability to focus on their jobs with peace of mind and attend to the needs of the passengers has been compromised. Clearly, they felt a lot was at stake in these proceedings as Air Canada wanted to make an example of the fired workers and their so-called "lack of loyalty."



On September 16, the arbitrator convened the formal hearing. The Air Canada lawyer began by saying that the company was conceding it did not have cause to terminate the employment of either worker and was therefore reinstating both workers with full back pay and without loss of seniority, and was expunging the discipline from the workers' files.

The arbitrator then asked the workers to describe the impact of the dismissal on their lives. She asked both parties to make a statement on the issue of freedom of expression, which she said is at

the heart of the dispute. In spite of the fact that the company had just conceded that it had no cause to terminate the workers, the Air Canada lawyer still argued that the policies of the company were just and would be maintained.

After a short recess, the arbitrator made a verbal ruling. She declared that Air Canada had no just cause to terminate the workers' employment and that the company must reinstate the two effective immediately with full compensation made whole in all respects. She said Air Canada records must be expunged of any reference to this termination. In addition, she briefly discussed the issue of freedom of expression, arguing that labour speech relating to collective bargaining issues is protected by the *Charter*. She said she would prepare a written decision on that aspect of the case.

As soon as the people attending heard the official ruling of full reinstatement of the fired workers, they applauded and went to congratulate the workers for the stand they took during the nine months of hardship.

In her written decision issued on September 20, the arbitrator said that the opinions expressed by these workers were protected speech and could not be considered as discrediting Air Canada or defamation. She said the material was "serious-minded, articulate, and critical of the employer. The employer may have not liked the commentary, but that was no reason to fire the two grievors. These grievors were engaging in protected speech."

Workers' Forum hails the determination of the workers who stood up to Air Canada's arbitrary dictate and of those who provided them with the support they needed. *New Horizons* is part and parcel of the journalism that defends the voice of the workers and creates a space for this voice to be heard and further consolidated. Such activity is part and parcel of the necessary work to solve problems in the airline industry, and in the economy and society generally, by involving the actual producers who do the work in thinking about the problems and working and acting together to bring solutions into being.



Mobilization of Workers Leads to Reinstatement of Suspended Mineworker

A mineworker from Abitibi, Quebec, André Racicot, a specialist in health and safety issues in the mining sector was reinstated without mention on his record on Monday, September 19. The IAMGOLD mining company had suspended André for speaking out against poor safety conditions in the mine at a joint working committee of the CNESST (Commission des normes, de l'équité, de la santé et de la sécurité du travail: Labour Standards, Pay Equity and Workplace Health and Safety Board).[1]

André has been active for 20 years on health and safety committees where he has gained a reputation for outspokenness and integrity regarding the defence of workers and improving mine safety. He is also the president of Local 9291 of the United Steelworkers and works at the Westwood mine of IAMGOLD in Preissac in Abitibi.



The company informed André on September 15, that he was suspended with pay because of comments on mine safety conditions he made at the meeting of the Working Committee two days earlier. The IAMGOLD mining company said the suspension was necessary so that it could verify André's information suggesting that perhaps some of it was "erroneous." The company appeared to want to set a precedent that disciplinary action could be taken against an employee for comments made to the commission.

People saw no logical connection between checking whether information is correct and suspending a worker. Immediately, the steelworkers' local representing Westwood workers together with other workers in the region held a demonstration outside the mine entrance. They used social media to alert everyone about what had happened to their colleague and demanded his immediate reinstatement. Reports circulated that members of the CNESST were also pushing for André's reinstatement.

"It's unheard of, such sanctions against a trade union activist who participates in good faith in a committee of the CNESST," said USW Quebec Director Alain Croteau. "Not so long ago, the mining sector was known for being a death trap for workers. And even today there are still too many serious accidents and fatalities in this sector. It has improved, thanks to the work of people on the ground like André Racicot and many others who made recommendations in order to make workplaces safer. There is no way we are going to let a company muzzle one of our pioneers in health and safety," he added.

The Westwood mine of IAMGOLD has experienced a number of incidents that could have been devastating to the lives of miners. On May 26, 2015 a collapse at the mine resulted in the mine exit routes being blocked. Nine workers were trapped in the mine for several hours. On January 22 the same year, a collapse occurred, which also trapped three workers for several hours. The problems raised by the workers are not mental concoctions. To criminalize workers who speak out does not solve problems but aggravates them.

André Racicot spoke to *Workers' Forum* shortly after his reinstatement: "The battle that we waged today will help all members of other unions, whether the Steelworkers, the CSN whatever. This will protect other health and safety representatives in the different unions and workers taking part in CNESST committees so that there are no reprisals following discussions which are held in closed meetings. Public opinion does not accept this, that there be reprisals for speaking out. How do you

prevent a union president from worrying about his members? We do not want other collapses to occur in the mining sector. I think this is a victory for democracy and freedom of expression. The employer must respect that we do not always agree with the position of the employer. If someone is not able to express their opinion because we are afraid of having sanctions then where are we heading?"

The workers are demanding among other things that the protection granted to the CNESST Board of Directors with respect to retaliation should be extended to all workers who participate in the various committees of the Board.

Note

1. The CNESST is a merger of the Labour Standards Board, the Pay Equity Board and the Occupational Health and Safety Board.



Nurses Denounce Conspiracy of Silence in Health System



Healthcare workers demonstrate against Bill 10 at Quebec National Assembly, October 1, 2015.

Nurses in Quebec are denouncing what they call a "conspiracy of silence" in the healthcare system, a silence the government and health authorities are trying to impose on nursing staff through threats and disciplinary measures. On September 22, the Quebec Interprofessional Health Federation in Abitibi-Témiscamingue, Quebec, learned that management of the Integrated Health and Social Services Centre had demanded that employees stop circulating a petition asking that the decision to close the mental health unit in La Sarre Hospital be reconsidered. It was also revealed that management had gone around the hospital seizing the petitions.

Management claims that circulating such a petition is contrary to the duty of staff loyalty to the institution, a pretext more and more commonly used to harass and criminalize workers who denounce attacks against their working conditions and the services they provide. Also, in light of the fact that the petition is sponsored by a member of the Opposition in the National Assembly, nurses

claim that management is actually acting against an elected representative of the National Assembly. The nurses' union, FIQ, is demanding that hospital management hand over the petitions immediately and is threatening legal action.

Earlier this year, the nurses' union revealed that management in the health and social services sector was resorting more and more to threats and scare tactics to stop health professionals from speaking out against unacceptable conditions, which have a negative impact on the quality and the safety of patient care. The union denounced the fact that workers who dare to reveal such cases are suspended without pay, subjected to disciplinary measures, and sometimes fired.

"We are dealing with a very real conspiracy of silence in the healthcare system," says the FIQ. The union points out that the situation has rapidly deteriorated since the majority Liberal government in Quebec stepped up its anti-social restructuring of health services. In February 2015, the Quebec government adopted Bill 10, which among other things gives full powers to the Health minister to appoint or withdraw people in charge of health and social services in Quebec. The FIQ says that this has resulted in an atmosphere of paranoia lying heavily over those in charge of the system. They respond with threats and disciplinary actions to any criticism from the workers in light of the fact that the minister has full authority over them and can dismiss them at will. Instead of airing problems, those in authority demand a conspiracy of silence to make it appear as if no problems exist. This is unacceptable, nurses say.



Mass Picket in Solidarity with Locked-Out MANA Workers



The MANA gates in Hamilton, Ontario were a wall of flags on September 30, as workers from as far as Grimsby, Welland and Brantford responded to USW 1005's call for a rally in solidarity with locked-out MANA workers. In December 2012, the German company Max Aicher North America (MANA) laid off all its workers to set the stage for demands for major concessions. On June 28, 2013 it locked out the 118 workers when they refused to submit to the company's dictate.

Locked-out now for over three years, the workers have maintained their picket line at the gates, as MANA carries on production with scab labour. Using the courts and laws to weaken the picket line,

MANA received a court injunction against the locked-out workers restricting the time they can prevent a vehicle from entering the plant to 15 minutes. Both 1005 President Gary Howe and 1005's representative for the MANA workers Tim Blackborow highlighted the injustice of a law that makes it illegal for locked-out workers to hold up a vehicle from entering the plant for more than 15 minutes while no law exists to take action against MANA for throwing workers out of work and denying them their dignity, rights and livelihood for over 3 years while carrying on production with scabs.



To add insult to injury, a provision was inserted in the injunction prohibiting "stacking." This means that if a second or more cars line up behind the first scab car before its 15 minutes are up, the locked-out workers have to let all the cars enter the grounds as soon as the 15 minutes for the first car is up. For most of the rally this was no issue as very few scab cars arrived at the same time but as the time approached 8 am, cars started to line up. The workers took the stand that each car would wait 15 minutes before being allowed to pass. This drove the security guards into a frenzy, as they could be blamed for not protecting MANA's scab production. They threatened to call the police if the workers did not abide by the "no stacking" provision.

The workers held their ground and the Hamilton police were called. Five officers arrived and insisted they were not taking sides but were just there to enforce the law. The law required the workers to let the whole line of cars in and what the workers were doing was illegal, they said. The workers countered by pointing out that this would mean that the locked out workers could not prevent scabs from entering the plant for even 15 minutes, while the company and the anti-worker law have prevented the actual MANA workers from going to work with their dignity and rights intact for over three years! The workers stood their ground until almost 8:00 am, when they allowed a line of cars to enter. The police left and the workers again held up each vehicle for 15 minutes until the last one entered the plant.



Unifor Local 504 and Local 87-M; the United Food and Commercial Workers Union Locals 175 & 633; the Teachers Federation of Ontario, Halton; CUPE Local 4207; Anthony Marco, President of the Hamilton and District Labour Council; the Steelworkers Organization of Active Retirees; Rolf Gerstenberger, former president of Local 1005 and President of the Marxist-Leninist Party of Canada along with Marxist-Leninist candidates in the region all came out to stand with the MANA workers in their fight for justice.

The picket continued from 5:00 am to well past 8:00 am protesting against the attacks on the dignity and rights of the MANA workers in the face of the total lack of a public authority that defends their rights and ensures justice is done.



Steelworker Killed at U.S. Steel Gary Works

Jonathan Arrizola, a 30-year-old steelworker was killed while working at the U.S. Steel slab storage yard in Gary, Indiana. Jonathan's tragic death on September 30, comes in the midst of steelworker protests and grievances at Gary Works over the outsourcing of maintenance work, layoffs of in-house maintenance workers, elimination of training programs, lack of proper regular maintenance and forced overtime of remaining workers. Gary Works' steelworkers predicted that no good would come from these attacks occurring under U.S. Steel's anti-worker Carnegie Way campaign. The regressive campaign has put pressure on local managers to attack the rights of workers such as by cutting corners on health and safety amongst other dangerous practices.

Workers' Forum extends its deepest sympathies to Jonathan's family, friends and coworkers. The slaughter of workers in the U.S. and Canada is a serious indictment of an economic system that cannot solve its problems and instead lashes out at the rights of workers and attacks them as a "cost of production," demanding concessions and cutting corners on basic essentials at the workplace.

Jonathan Arrizola was a member of USW Local 1066 and worked in a four-member crew of maintenance welders in the Gary hot strip mill. His young widow Whitney told the local media that he leaves behind two children and many broken hearts. She said Jonathan lately complained of

deteriorating conditions at the mill where remaining maintenance workers are working 70 to 90 hours a week. Whitney said her husband and other workers had major concerns about safety at the plant and the dangers they are facing, especially after so many maintenance workers were laid off in August. "This shouldn't have to happen to anyone," she told local media. "Please help keep this from happening to others. I cannot even begin to explain the hole in my heart."

A Gary Works' steelworker told local media that maintenance crews are so short-staffed that preventive maintenance is not being performed. Repairing breakdowns that slow down output is the only work that crews are currently doing. Maintenance workers are also receiving only minimal training after being transferred and required to work on some of the most dangerous jobs, which require heavy lifting and exposure to high temperatures. Workers are being moved within the plant to work on unfamiliar jobs before they have had the chance to complete training programs because the company has shut down those programs. The worker said that remaining maintenance workers are being forced to work double shifts on irregular schedules that change with only three days' notice, all of which creates dangerous unhealthy working conditions. The cuts are putting workers at risk by putting off preventative maintenance and causing repair work orders to pile up. Jonathan's death was a terrible outcome of the attacks on workers' rights and the deterioration of working conditions at North America's largest steel mill.

(With files from The Times of Northwest Indiana, CBS)



Statement from United Steelworkers Local 1014 Gary Works, October 1

A Brother from USW Local Union 1066, Jonathan Arrizola, perished yesterday while working in our mill. He was part of a four man crew assigned to troubleshoot a crane. While all the details are being sorted out one thing is indisputable: this is horrible news and this young man who was a Husband, a Brother, and a Father, didn't make it home last night. Until we know exactly what transpired I won't jump to conclusions but I will repeat something that has been said constantly in the past weeks. WE HAVE TO WATCH EACH OTHERS' BACKS!! Our company has decided that, to save a dollar, they'll farm people out all over this mill which only increases the chances for accidents like these happening. McKinsey Consulting doesn't care.

You'll see some quote later from USS corporate about how sad they are and what a tragedy this is. They should instead be asking themselves if it's high time they started listening to what we've been saying all along. Moving people all around a mill like chess pieces only promises to result in something tragic. Shutting down training when you need it the most is just bad business when you consider that we are "the company's most important asset." Working with bare bones crews ain't cutting it. Bad news is not an if, but a WHEN. As terrible as it sounds haven't we been saying that something was coming?? Make a promise to yourself that not only will you refuse to work unsafely, you will take a stand with the Brother/Sister next to you to keep THEM safe as well. We really are all we've got! Prayers and condolences to the Arrizola family. May God bless them. This should NEVER happen.

*In Solidarity, Rodney D. Lewis Sr.
President USW L.U. 1014*

