

December 1, 2016

Stepping Up the Fight for the Rights of All!

Stelco Steelworkers and Retirees Demand Justice Not CCAA Injustice!



Local 1005 steelworkers banner in Labour Day parade, September 5, 2016.

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- **Stelco Steelworkers and Retirees Demand Justice Not CCAA Injustice!**
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Stepping Up the Fight for the Rights of All!

Stelco Steelworkers and Retirees Demand Justice Not CCAA Injustice!



A secret deal in the Stelco CCAA bankruptcy process pushed by U.S. Steel and a U.S. investment group called Bedrock has steelworkers and retirees deeply concerned. Justice cannot be served when those who hold immense economic and political power conspire behind the backs of those directly affected. The secrecy extends to the mass media that constantly release rumours that a good deal is afoot to bring U.S. Steel Canada (USSC -- the former Stelco) out of the *Companies' Creditors Arrangement Act* (CCA) process. This assertion is hollow indeed when workers, retirees and community members will be expected to make a rapid decision on a secret deal hatched by U.S. private interests who do not work or live in Ontario's steel communities. The worst part of this secrecy is that the aim is to railroad a decision to be made with a gun to the heads of those directly affected as liquidation accompanied with great loss is the widely promoted alternative.

November 28, 2016

LOCAL 1005
PROUD CANADIAN STEELWORKERS
ALL OUR LIFE

USW 1005 CCAA Court Update

Another Secret Deal?

We will be attending Court Wednesday NOV 30, 2016 @ 10:00am, we have a school bus leaving the Union Hall at 7:00 am. Please call the hall to confirm your seat or email the address below to reserve your seat on the bus
info@uswa1005.ca

The following motions are scheduled to be heard in court.

- **Stay extension until Mar 31st 2017,**
- **PSA (Potential Sales Agreement)**
It is tentative for Wednesday

Local 1005 has asked for the sales agreement that is being worked on and has been denied, it is Secret!

This is outrageous

We all remember the last secret deal where the Hedge Funds made 1.2 Billion and now we are having more secret talks where another fortune will likely be made, the workers both past and present will take the hit or be hung out to dry.

For more info, please call the hall at 905 547 1417

Click to enlarge.

However, there is no need to see secret deals when the real facts are already known, which is that thus far, not a single agreement ever entered into with either the company or the province has been worth the paper it is written on, as they change them whenever it suits them. It is unconscionable for the CCAA court to let the company and the province off the hook for the province's loan of \$150 million, the taxes to the city, the clean up costs and the pensions and benefits owed to the workers. Either they respect these things or what is there to deal?

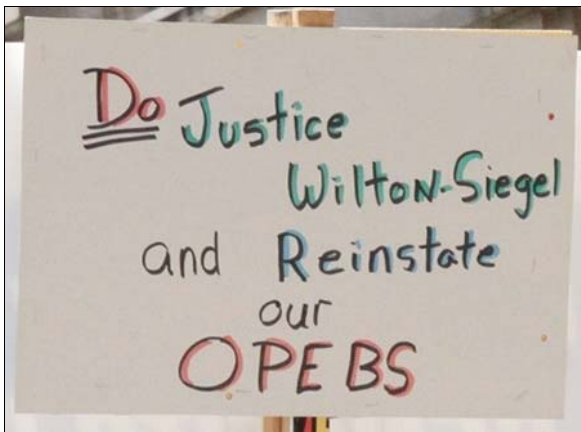
A rumour surrounding the deal is that the pensions will be taken off Stelco's balance sheet pleasing the new U.S. ownership group. In exchange the pension funds will receive much of Stelco's land in trust. This, according to the rumour, will make members of the pension plans happy as the return on selling the lands will allow the plans to meet most, but not all, retirees' benefits or so the

story goes.

But several problems emerge here. What guarantee exists that the lands will return enough revenue to meet the retirees' defined benefits? If the lands are so valuable why do the investment oligarchs want to dump them on the retirees in return for having pensions off the balance sheet? Why not just keep the pension plans on the balance sheet and sell off the lands piecemeal for the great killing that is rumoured? Perhaps because the lands are not that valuable and in terrible need of environmental remediation.

One obvious step would be an independent assessment of the value of the land as part of an informed discussion before the media go wild with applause. Also, taking the pension plans off the balance sheet makes permanent the discrimination against new hires who will not be members of the existing defined-benefit pension plans.

Other rumours are circulating that the OPEBs (other post-employment benefits) will not be made whole for the majority of retirees and that the conspirators are plotting a two-tier system for existing benefits to divide workers' resistance and further block new hires altogether from this post-employment benefit. In all this, making a killing for the oligarchs is the operative term, as that is the aim of Bedrock, just as it was the aim of those who seized Stelco during the last ordeal under CCAA in 2006, when they ran off a year later with a \$1.2 billion net haul.



The hype about the secret deal overwhelms clear thinking on the issue. If the deal were not secret, the mantra goes, we could reach a reasonable deal. Wrong! This disinformation wrecks the formation of positive opinion for a way forward to keep Stelco producing and within that nation-building initiative to have the value steelworkers produce meet the company's social, environmental and other obligations.

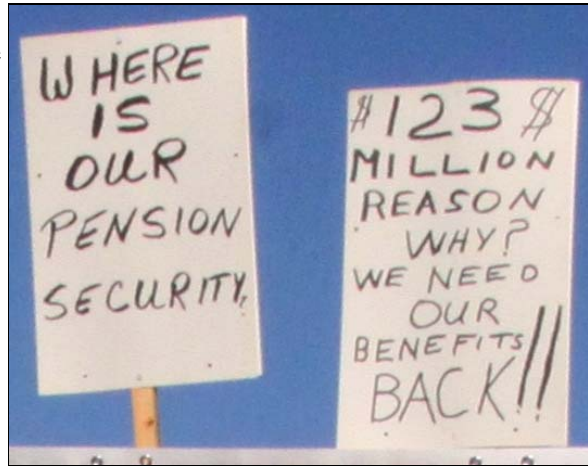
Also, the CCAA court has unjustly allowed USSC to stop paying the contracted OPEBs owed to retirees. This stop payment puts enormous

pressure on retirees who have many health concerns. Under stress, many may grasp at any possibility of an agreement that may ease their suffering and anxiety, even if the deal is fraught with uncertainty. The economic and political powers, right from the beginning, have refused to disclose the contents and discuss the aim of their deal-making. The workers can only accept an honest assessment by all concerned as the beginning of deal-making, not its casualty.

This is definitely not the way a modern society should operate where those directly affected are not allowed any knowledge or say over those matters of deep concern to them, matters that directly affect their lives and security. This stinks of autocracy, and is definitely not democracy.

An agreement arranged in this secret closed door manner with one set of U.S. investment oligarchs hatching a plot with another set to exchange Canadian productive assets in a manner that enriches both parties, steals Canada's assets and tramples on social obligations must not pass! Shameless as well is the rubber stamp approval of a CCAA kangaroo court that is objectionable, anti-social and tainted from the get-go. Such unjust scandalous activity should not be allowed in a modern civilized society where those who have worked and produced all their working lives are excluded from a meaningful role in reaching a decision that affects their lives and work. That decision must, as a starting point, fulfil what is theirs by right.

Rumours and secret backroom deals hatched behind the backs of the people directly affected are objectionable right off the bat. The CCAA process was born to serve the rich oligarchs. This is proven by the incoherent absurdity that the so-called bankrupt party to the deal, U.S. Steel, will be rewarded with \$126 million that the CCAA court has declared "not equity and subject to a loss" but a "secure loan to itself" in the person of its subsidiary U.S. Steel Canada! This nonsense promotes injustice and disequilibrium and should never happen in today's Canada. The entire CCAA process is not repairable and should be scrapped. There is nothing to negotiate so long as the premises are unacceptable.



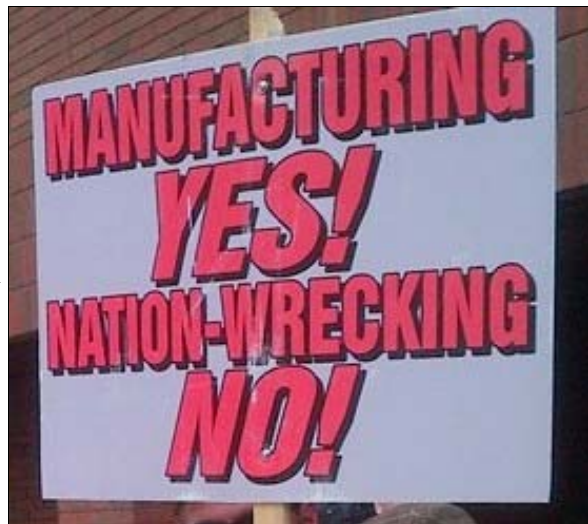
An open discussion to solve the economic problems confronting Stelco and the steel industry throughout Canada and affirm the social obligations to steelworkers, retirees, the steel communities and environment should start from scratch now with all alternatives put on the table beginning with the recognition that nobody should be permitted to negotiate away what belongs to the workers and the city by right.

***Stelco Steelworkers and Retirees Demand Justice Not CCAA Injustice!
Let's Discuss Alternatives That Serve Workers, Retirees,
the Economy and People of Canada!
Keep Stelco Producing!***



Secret Stelco CCAA Negotiations Extended into 2017

Forty Stelco steelworkers, retirees and their supporters arrived in Toronto by bus to attend a November 30 court hearing. They came to attend the hearing on a motion to extend U.S. Steel Canada's (USSC) *Companies' Creditors Arrangement Act* (CCAA) bankruptcy protection until March 31, 2017. Past and present members of the United Steelworkers Local 1005 executive from Hamilton Works were there along with executives from Lake Erie Works, Local 8782. Also attending were Local 1005 retirees, active members and MANA steelworkers.



Lawyer R. Paul Steep representing USSC opened the hearing stating the arguments for extending the stay within CCAA. He said negotiations with Bedrock were going well but would not reveal any content of those discussions or even who was participating. Steep said USSC was in good financial

shape and the financial forecast indicated an extended stay would not negatively affect the company or the CCAA process. The written motion itself went to great lengths to present a rosy picture of the health of U.S. Steel's Canadian subsidiary and that no Debtor-In-Possession funds would be necessary, as the cash flow from sales is positive along with the outlook. Steep did not say that any of the positive cash flow would be directed towards the legitimate social obligations due retirees for their post-employment benefits, which the CCAA court has cut off. Nor did he say that any funds would be allocated for the pension funds, which are seriously underfunded.

Rob Staley, the lawyer for the CCAA Monitor spoke next to support the motion for a stay. Staley referred to the recent Monitor's report to emphasize that USSC is in good financial shape. He said [that certain stakeholders] need time to continue negotiations [in secret] to reach a going concern solution, which accommodates their interests. He reiterated that the company is in good financial shape and the forecast is good. Staley said a PSA (purchase and sale agreement) is being negotiated [in secret] between USSC and Bedrock and time is required to bring it to a condition where court authorization can be sought.

Lawyer Michael Barrack representing U.S. Steel said the extension should only be for one month. USS has many times said it wants a deal completed quickly to guard against any unnecessary draining of company assets that it wants directed towards satisfying the demands of the parent company. Barrack said his client thought the court should be more involved in overseeing the actions amongst the parties, and more attention had to be given to deadlines. He said the negotiations with Bedrock were affecting the steel market and that had to be taken into consideration regarding deadlines. He said the commercial issues being worked out should be under court supervision and attention paid to deadlines.

No company lawyer suggested that negotiations on Stelco's future should be discussed in public and directly with those directly affected, the steelworkers, retirees and community leaders who are anxious for a positive outcome and have much to offer in terms of an alternative that serves the steel and local economy and nation-building.

CCAA Justice Herman Wilton-Siegel granted the motion but agreed with the U.S. Steel lawyer that the court should be more involved in overseeing the process. He said a series of case conferences needed to be organized with one held before the end of the year. Case conferences are held in secret and no communiqué is issued.



Steelworkers Hold Hands Off Our Pensions Rally





On November 25, 200 Hamilton Stelco steelworkers, retirees, salaried employees and their families and supporters rallied in front of Liberal MPP Ted McMeekin's office in Waterdown, Ontario. Local 1005 of the United Steelworkers (USW) called the rally to deliver the message to the Ontario government that the steelworkers and their allies say No! to another secret deal where a hedge fund is allowed to swoop in and buy Stelco with the aim of flipping it and making a fortune while the workers are "hung out to dry."

At the rally Gary Howe, President of Local 1005, said the last time Stelco was under *Companies' Creditors Arrangement Act* (CCAA) bankruptcy protection, the hedge funds walked off with \$1.2

billion of the value the workers produced. The Ontario government has aided and abetted the current owner, U.S. Steel, to underfund the pension plans to the tune of 800 million dollars while the CCAA courts have been used to take away retirees' benefits that are theirs by right. He called on everyone to go all out to fill the bus to attend the next CCAA court hearing at 10:00 am November 30 at 330 University Avenue in Toronto. Howe said the local's position remains unchanged. "Our demand is Jobs, Pensions and Benefits! This is the message we are taking to the court on November 30," he concluded.

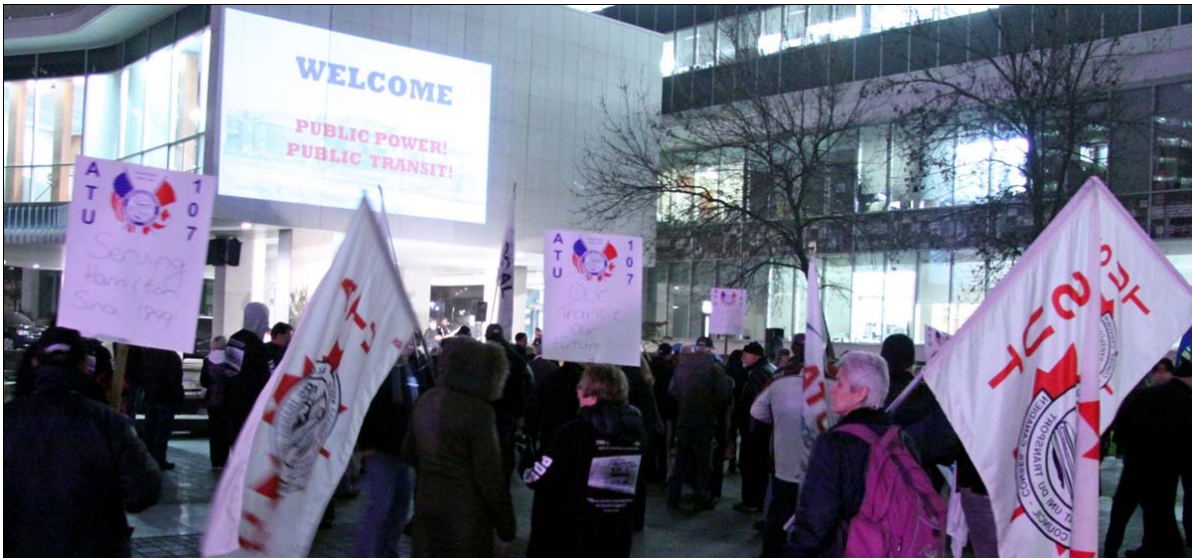
Tim Huxley, a retired salaried worker spoke of the united effort the salaried and unionized workers have made to guarantee their right to the pensions they have earned.

Anthony Marco, President of the Hamilton and District Labour Council and Steve Weller, President of USW Local 7135 (National Steel Car) spoke in solidarity with the Local 1005 steelworkers, pledging their support in the local's just struggle for jobs, pensions and benefits.





Hamiltonians Commemorate 110th Anniversary of Their Transit Strike



November 24, 2016 marked the 110th anniversary of 10,000 Hamiltonians filling the streets of their city in support of the Amalgamated Transit Union (ATU) workers' strike of 1906. To commemorate the occasion and to raise the demand for public power and public transit, ATU Local 107 organized a rally at Hamilton City Hall. Hamilton's public transit system centres around its electric trolley cars. Today's transit workers and the residents of Hamilton are fighting the privatization of Hydro in Ontario and against any new transit projects being run by a private entity. Currently, transit in Hamilton is run by the publicly-owned Hamilton Street Railway (HSR).

Hundreds of people attended the rally, including representatives from ATU Ontario, the Hamilton and District Labour Council, USW Local 1005, CUPE, and OPSEU. With flags and placards held high, they honoured the bold stand of the transit workers and citizens of Hamilton in 1906 and firmly declared Public Power! Public Transit! for Hamilton today.

ATU Local 107's invitation to the November 24 rally at Hamilton City Hall stated:

[...]Back in the early 1900s, a private company, Cataract Power Company, owned HSR and supplied electricity from Brantford to St. Catharines including Hamilton at prices well beyond the reach of most residents. A strike in 1906 began when the HSR refused to honour the terms of an arbitration report.

Realizing the important roles that electricity and transit would play in securing the future, 10,000 residents sided with the strikers on November 24th 1906. Their actions drove the political will to create a publicly owned and operated Power and Transit systems through Ontario Hydro.

They recognized the relevance of affordable, reliable Energy and Transit to the economical and sustainable viability of a prosperous future for generations to come.

But now Premier Wynne's government wants to take us back 110 years and make electricity and transit unaffordable and unsustainable, which is a danger to our economic future.

It's time to fight back and send a message to all politicians that our vital infrastructure built and paid for by generations of Ontarians is not for sale.[...]



Blue Water Bridge Workers on Strike in Ontario



PSAC Rally at the Bluewater Bridge, November 27, 2016.

Forty-seven workers at the Blue Water Bridge in Point Edward, near Sarnia, Ontario, went on strike on November 21 after their employer, the Federal Bridge Corporation Limited (FBCL), a crown corporation, walked away from the bargaining table. The workers include toll collectors, cleaners, maintenance workers and currency exchange cashiers who are members of the Public Service Alliance of Canada Local 501.

The Blue Water Bridge, which is run by FBCL on the Canadian side and the Michigan Department of Transportation on the American side, is one of the busiest border crossings between Canada and the United States. It links Port Huron in Michigan to Point Edward in Ontario. As a Crown corporation, FBCL is accountable to Parliament through the Minister of Transport.



Blue Water Bridge workers have been without a contract since November 2014. They report that

FBCL is demanding major concessions on benefits, pensions, maternity and parental leave, hours of work and scheduling. "It was all concessions on the table. Everything we had in our previous collective agreement, they wanted to modify, remove or change," said Public Service Alliance of Canada (PSAC) Local 501 President Paul Haney. He identified two major concessions that the employer is seeking. The first is a modification to the discipline policy which Haney says is " unacceptable to our members." The second is changes to the language on benefits. For example workplace benefits would cease for those who work past the age of 65. The union does not accept this age discrimination.

This is the first strike in the history of the Blue Water Bridge. On November 24, members of PSAC and supporters from other unions rallied over the noon hour outside the Ottawa headquarters of the Federal Bridge Corporation. "This corporation here gets its marching orders from the minister," Larry Rousseau, PSAC Regional Executive Vice President for the National Capital Region, told the rally. Workers at the rally said that they were holding the federal government responsible for both the refusal of FBCL to negotiate and its demands for concessions.



(Photos: PSAC, SIU-SDI)

Montreal Blue Collar Workers Announce Plans for Class Action if City Suspends Indexation of Retirees' Pensions

On November 21, a hundred active and retired blue-collar workers demonstrated in front of Montreal city hall to ask the Coderre administration not to suspend the indexation of the retirees' pensions starting January 1, 2017 as permitted by the legislation governing the municipal employees' pension plans. "If you go ahead with this project, you will force us to institute a class action," said Jean Lapierre, the coordinator of the Regroupement des retraités cols bleus of the City of Montreal.

The act in question is Bill 15, *An Act to foster the financial health and sustainability of municipal defined benefit pension plans*, adopted at the end of 2014 by the Liberal majority government of Philippe Couillard. The act imposes an anti-social restructuring of the municipal employees' pension plans which, in essence, removes issues relating to the pension plans of municipal

workers from the scope of collective bargaining. The legislation sets the percentage of contribution rates for future pension plans at 50-50 and prohibits automatic indexation. It breaks existing contracts and forces workers and pensioners to pay 50 per cent of the projected actuarial deficits that were borne by the municipalities. Workers must repay these deficits although the deficits were largely caused by the refusal of cities like Montreal to put the required money into the pension plans and by the aggressive investment policy of the municipal managers who delivered employee retirement savings to speculators and financial fraudsters. The legislation allows cities to cancel the indexation earned and considers this theft as a means of repaying deficits!

The Montreal City Council must make a decision on the issue of the suspension of the indexation of the retirees' pensions next month.

In a letter to Montreal mayor Denis Coderre, the Montreal city Regroupement des retraités cols bleus urges the mayor not to suspend this indexation, which would further impoverish the more than 5,600 families who depend on it. The authors of the letter explain that the particular circumstances of the blue collar pension plan results in a current pension indexation percentage for retirees of 0.5 per cent and one per cent, well below the increase in the cost of living. They present data which show that many blue-collar pensioners and their spouses are already living below the official poverty line, contrary to the scandalous propaganda of monopolized media that describe blue-collar workers as "fat cats" with "gold-plated" pensions.

"For us who are retired and for whom it is too late to decide to extend our years of service, suspending the indexation of retirees [pensions] would be, on the part of the mayor, an unfair and immoral decision and, in our opinion, illegal. This decision would make us undergo an unpredictable impoverishment," the pensioners argue.



The Labour Relations Code Is the Right Choice for Alberta's Academic Workers

- Dougald MacDonald -



Student rally, defending public education, at the University of Alberta, March 15, 2013.

Academic workers in Alberta are currently pondering two important issues. One, is how can the *Post Secondary Learning Act* (PSLA), which now governs Alberta's universities, colleges, and technical institutes, be revised to more favour the workers' interests. The other is whether Alberta's academic workers should stay under the PSLA, which is a universities act to which an

anti-democratic labour relations regime has been grafted, or move under the provincial *Labour Relations Code* (LRC), as is already the case in the other nine provinces? Currently, the various academic associations at Alberta's 26 post-secondary institutions are (1) Submitting their suggestions for revision of the PSLA, and, (2) Debating which of the (revised) PSLA or the LRC would be in their best interests as governing legislation. Simultaneously, university administrations are also weighing in on both issues, e.g., on October 21 the presidents of University of Alberta, University of Calgary, and University of Lethbridge sent a joint letter to the Minister of Post-Secondary Education arguing that their academic employees should stay under the PSLA.

The event that brought these issues to the fore was the January 30, 2015 Supreme Court of Canada decision in the case of the *Saskatchewan Federation of Labour (SFL) vs the Saskatchewan government*. The *SFL vs Saskatchewan* case began in 2008 when the SFL challenged the constitutionality of Saskatchewan's new *Public Services Essential Services Act* (PSESA) and the new *Trade Union Amendment Act*, both of which became law in May, 2008. Specifically, the SFL and other unions challenged the aspect of the two pieces of legislation which stated that only the employer, e.g., the university, could decide who had the right to strike. Obviously this was tantamount to denying workers the right to strike. The case worked its way up through the usual levels of appeal until in January 2015 the Supreme Court of Canada declared that the two pieces of legislation were unconstitutional because Canada's Charter of Rights and Freedoms does protect the right to strike.[1]

The January 2015 Saskatchewan court decision directly affected Alberta's PSLA, PSERA (*Public Service Employee Relations Act*), and LRC because all three pieces of legislation essentially prohibit strikes in the public sector. This led to the Government of Alberta necessarily deciding to amend all three so as to include the right to strike. On April 7, 2016, the government passed Bill 4, *An Act to Implement a Supreme Court Ruling Governing Essential Services*. The heart of Bill 4 is that it "provides public sector workers who are governed by these laws with the right to strike. This right, however, is limited by a need to ensure the life, safety, and health of the public. In these cases, unions and employers will be required to negotiate a protocol for the provision of minimal essential public services." In addition, Section 95.41(3) of Bill 4 states that the employer cannot hire replacement workers (scabs) to perform "the work of employees in the bargaining unit who are on strike or locked out."

It is instructive to first consider the "pro-PSLA, anti-LRC" arguments in the October 21 letter sent by the three university presidents. Those arguments can be summed up briefly as follows: Academic workers in Alberta should stay under the PSLA because it embraces "collegial governance" which works in academia because it considers all points of view and makes evidence-based decisions. A labour code model is inappropriate for academia. There is no evidence from the experience of other institutions in Canada that a labour code model has been positive (on the other hand, the presidents provide no evidence it has been negative). Interestingly, the presidents claim that they do support academics' right to strike but add that in academia the definition of "essential services" must be so broad that in practice striking would be unfeasible, e.g., welfare of lab animals, researcher agreements with third parties, student exams, etc.[2] Finally, the three presidents claim that the statutory and arbitrary designation of academic bargaining units by the PSLA rather than by the employees themselves is appropriate because academic workers already



"have their say" in university governance in other ways, i.e., collegial governance. Also, there is no need for any appeal process relating to collective bargaining because academic staff are already meaningfully consulted on university matters through collegial governance and, in any case, universities must decide their own mission.

The arguments of the three presidents essentially rest on a mythical notion of how Alberta universities actually function, i.e., through cooperative "collegial governance" by two bodies. One body is the university Board of Governors (BoG), the members of which are ultimately appointed by the provincial government. The BoG is ostensibly in charge of financial matters. Traditionally, the majority of its members, euphemistically called "public members," have come from the corporate sector, giving that sector a great deal of influence in university decisions.[3] The other body in collegial governance is the General Faculty Council (GFC) (aka Senate), which is made up of academics, and which handles educational matters. In practice, however, collegial governance by these two bodies is not the case. When administrators disagree with a GFC decision they argue the decision must be confirmed by the BoG, to which GFC is ultimately subservient, according to the PSLA. The final decision-making power rests with the BoG, not with the academics, which is a corporate rather than a collegial governance model. The reality of so-called collegial governance has long been under criticism by academic workers and its failure to function has caused some universities in Canada to switch to the Cambridge model of governance.[4]

From the perspective of Alberta's academic workers what then are some of the main problems with retaining the PSLA as governing legislation? Here are four of them: (1) The PSLA denies each academic association the right to structure its own organization as the members see fit; (2) The PSLA gives the employer the right to decide who can or cannot be a member of the bargaining unit;[5] (3) The PSLA fails to provide a statutory duty to bargain in good faith; (4) The PSLA denies academic staff the right to strike. In contrast, the *Alberta Labour Relations Code* would allow each academic association to choose how to structure itself, would give the power to each association at each institution to decide who can or cannot be a member, would provide a statutory duty to bargain in good faith, and would give each association the right to strike. The three presidents suggest in their letter that a labour code model is incompatible with how universities function, even though such a model is already in place in every other province. Perhaps what the presidents really mean is that a labour code model is incompatible because it would remove the very arbitrary decision-making power of Boards of Governors and return it to the academic workers where it belongs.

Moving from being governed by the PSLA to being under the *Labour Relations Code* would be a step forward for academic workers in Alberta. Presently, under the PSLA, Alberta academic workers have fewer rights and protections than their colleagues in any other province in Canada. Coming under the LRC would gain them some of those rights and protections that other academic workers in Canada already have. In contrast, taking up the recommendations of the three Alberta university presidents would put them even further behind than they are now. What the three presidents are proposing would take academic workers back to the days when they first began organizing to affirm their rights under provincial labour legislation some forty years ago. Certainly the LRC has its faults; workers know from their own experience that they must fight for their rights under any labour legislation, no matter how "fair" it claims to be. It should also be noted that the April 2015 *SFL vs S.* decision declares the right to strike to be a *Charter* Right, which could change if the *Charter* changed, rather than what it should be, that is, an inalienable human right which accrues to all workers by virtue of their being human. All this only reaffirms that Alberta's academic workers, like other workers, will need to continue to fight for their rights, in unity with all other workers, even when they are governed by the LRC rather than the PSLA.

Notes

1. Demonstrating the arbitrariness of such court judgments, in 1987, the Supreme Court of Canada ruled in the *Reference re Public Service Relations Act (Alta.)* case that the Charter did NOT guarantee the right to strike.
2. Such an expanded definition of essential services has not been implemented in the other Canadian provinces where academic organizations function under Labour Codes. Further, the *SFL vs Saskatchewan* decision specifically noted that an expanded definition constituted interference with the right to strike.
3. A recent uproar at University of Calgary (U of C) regarding the close connections of several governors, including the president, with energy monopoly Enbridge is a good illustration. U of C had opened an Enbridge-funded energy research centre in 2012. Questions were raised as to whether Enbridge was using its connections to interfere in university decision-making.
4. At University of Cambridge in the UK, the responsibility for decision-making on all academic and non-academic matters falls to administrators and faculty. All 3,000 members of the governing body of the university, known as the Regent House, have the right to vote on every major issue and to set policy and make decisions on the strategic direction for the university. This decision-making model has been in place at Cambridge since its founding over 800 years ago.
5. Designation is especially a problem for Alberta's contract academics who become members of their academic associations when they have a contract and are dropped from membership when they are between contracts.



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