

October 12, 2017

# **Support Workers Locked Out by Max Aicher for Four Years**

# The Disgusting and Tragic History of MANA in Hamilton

- Bill Good, Retired Bar Mill Local 1005 Activist -

## **Benefit Dance for Locked-Out MANA Workers**



## Saturday, October 14 -- 3:00-10:00 pm

Steelworkers Banquet Hall, 1031 Barton St. East
Tickets \$10, all money raised will be donated to Hamilton area food banks.

For more information visit Local 1005's website: www.uswa1005.ca

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- Bill Good, Retired Bar Mill Local 1005 Activist -



Mass solidarity picket at MANA gates, September 30, 2016.

When the German company Max Aicher Corporation bought the bar and bloom Mill from U.S. Steel in 2010, it was called a rejuvenation of the steel industry and a great economic story for Hamilton, by the provincial Liberal Minister of Economic Development and Trade, Sandra Pupatello.

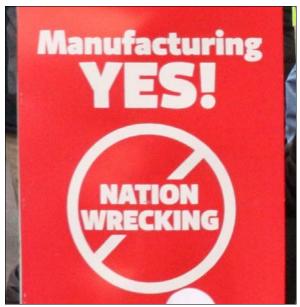
What it became was an ongoing tragedy for the workers, the city of Hamilton, United Steelworkers, Local 1005 and the whole trade union movement. To the shame of all levels of government, yet another foreign corporation bought a Canadian manufacturing asset and could thoroughly trample on the rights and livelihoods of Canadian workers

U.S. Steel had taken over Stelco in 2007 and in a short time they proved to be a brutal profit greedy employer locking out Lake Erie Works (LEW) workers in 2009 and the Hamilton plant in 2010 (USS would lock out LEW again in 2013). So, it appeared to be a blessing when Max Aicher took over the bar and bloom mill. Such would not be the case.

Max Aicher North America (MANA) had been interested in buying a plant in North America to supply its customers in the auto industry. Negotiations with U.S. Steel had progressed through 2010, closing with a sale November 2010. At the time, MANA stated "they had no problem with the 2006 contract with Local 1005."

U.S. Steel had idled both Hamilton and LEW in January 2009, and they supplied customers from

U.S. plants owned by U.S. Steel. When the MANA deal closed, 59 former bar and bloom mill workers were sold as a part of the asset sales agreement and *ordered* to report for work on November 15, 2010. *They had no choice!* USS was no longer their employer. Eight days before, on November 7, USS had locked out the Hamilton plant, and it appeared that these 59 (plus an additional 54 retirees and 4 apprentices) had won the lottery, having escaped the brutality of U.S. Steel.



The mill was up and running by the end of 2010 and ran through September 2011, when MANA stopped production. In June 2011, 40 workers were laid off and by November only a little over 20 workers remained in the plant.

The laid off workers were called back to work in April 2012. Only 3 workers took a severance package. Many of the rest were short of the 35 weeks in a 52-week period to qualify for severance. This was a pattern that would be repeated until all the work force was laid off by December 2012.

MANA played a USS-style of hardball in negotiations with Local 1005. Their first and final offer included a 30 per cent wage cut, no cost-of-living allowance, replacing the defined pension

plan with a contribution plan, *major reductions in benefits*, and a general *gutting* of the basic agreement.

The workers turned down this offer by a vote of 73 per cent in June 2012. With the entire work force laid off in March 2013, they rejected another offer by 86 per cent.

MANA would not consider any counter-offer by Local 1005. Breaking the union seemed to be the intent of its strategy. The second rejection of its offer led MANA to lock the union out at the end of June 2013, six days before some of the workers would qualify for severance!

In October 2013, assets paid for by the Canadian taxpayers were removed to the European Operations of MANA while the lock-out continued. The Ontario government helped finance this new equipment with a \$9 million loan, and the City of Hamilton contributed \$200,000 to dispose of 18 PCB laden transformers.

MANA began bringing in scabs to do bargaining unit work and in May 2014 signed a collective agreement with the Building Union of Canada (BUC), a rogue outfit not affiliated with the CLC and with a history of raiding unions and providing scab labour during disputes.



Since January 2015, MANA has been running the mill using scabs. They wound up the workers' pension plan, which has been challenged by Local 1005. MANA has continued to trample on the rights of workers to this day.

# These Workers Had No Choice, They Were Sold to Mana! Respect Local 1005's Picket Line! This Affects Us All!

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#### **Nova Scotia**

# **Nova Scotia Teachers Demand Their Right to Decide**

- Kevin Corkill -

Nova Scotia teachers have consistently highlighted the working conditions they face. They seek to improve conditions they contend are intolerable, unsuitable to learning and even dangerous. At the Law Amendments Committee's February 15 meeting on Bill 75, teachers, guidance counsellors and many others who work with and within the education system in Nova Scotia presented problems they face in their everyday work and demanded changes. Teachers brought forward longstanding problems they face as well as solutions they believe will improve the education system in Nova Scotia. As in years gone by, the concrete suggestions they presented, which reflect the expertise and firsthand experience of those who do the work, fell on deaf ears.

While Premier McNeil has paid lip service to the teachers he nonetheless imposed legislation that denies their right to decide their terms of employment. He used police powers of the legislature to dictate the working conditions of the teachers, which are in essence the learning conditions of students.

McNeil and his Liberal government cannot deny the truth that teachers are the decisive factor in the education system but use words to deflect from the government's anti-worker anti-social deeds. McNeil said while in the midst of depriving teachers of their rights, "I've heard from people who are watching, teachers who are watching it from home, 'This is my reality,' as well as friends of mine, people I know." McNeil feigns understanding that



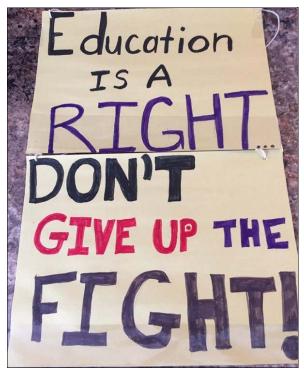
teachers face problems and are the best resource to solve the problems of the education system and improve the teaching and learning conditions, but in deeds, McNeil refuses to listen or allow them to make the necessary changes. He said the thousands of teachers who expressed through their mass demonstrations and resistance forced him to recognize the important role teachers play but he refused to recognize the most important lesson: Nova Scotia teachers themselves have the decisive role to determine their working conditions and terms of employment. How can it be otherwise in a modern society? Only an anti-social force that has usurped power could deprive teachers of their rights.

McNeil and his Liberal government repeat the anti-social fraud of "living within our means" or "taxpayers' ability to pay" *ad nauseam* but what problems are they solving? What working conditions and learning conditions are they improving in this instance? More importantly, why are the teachers and support workers marginalized from having a say over their conditions of work? The actual workers are quite capable of determining the means within which Nova Scotians must live.

As for the issue of taxpayers and their ability to pay, McNeil throws that out to suggest teachers are not producing anything and are a dreaded cost to the people. Just imagine for a moment the backwardness of the argument that modern education is a cost and does not add value to the economy and society. Take away mass education, which is a modern right of all, and what kind of society would Nova Scotia have? Not one to be proud of or that could be considered of value. The issue McNeil and his anti-social gang refuse to face is how to realize the value teachers produce within the economy, and not have education as an expenditure of the provincial budget.

# **Teachers' Demands Most Modest Are -- the Right to Decide!**

Teachers during the latest round of bargaining made modest demands for increases to their wages, improvement in class sizes and supports for students with specific needs, the replacement of aging equipment and materials and so on. On top of dealing with the impact of child poverty and all other social ills that many Nova Scotian children are suffering, teachers made important requests to improve the learning conditions of students.



The fact that the McNeil government could not meet any demands of the teachers and resorted to police powers to impose a contract is proof that it is not interested in the learning conditions of students, but rather in having the power to dictate working and learning conditions regardless of the views and suggestions of those who do the work. The McNeil government seeks to absolve itself of the very reason that Nova Scotia has a government: to put the needs of the people in first place and make every possible effort to meet those needs and the general interests of society. Investing in social programs and moving society forward with a pro-social program that recognizes the rights of its members and puts them in first place is the duty of any government fit to govern.

This much we know: teachers are the experts as to what the needs of students are. Teachers along with their students are the experts as to what is needed to support learning and development of the

youth and fulfil their right to education. They should be the decisive factor in determining their working conditions and the government should fully support and provide all necessary resources to make this happen.

With the dictate of the McNeil Liberal government, teachers have lost every mechanism available to determine their conditions of work, thus eliminating the ability of teachers to improve the learning conditions and outcomes of Nova Scotia youth. Teachers have proven time and again that they are up to the task of mending, repairing and being accountable to the youth, where the government is not.

What mechanisms are needed by workers to be able to determine their working conditions? How can workers as a social force deprive the government of its power to deprive the working class of its rights? What organization or system will put workers in the decisive role as decision-makers to make headway in resolving the problems they face at work and the specific problems they face such as teachers who are charged with educating the youth? Let's discuss!

# Workers Must Be the Decisive Factor in Determining Their Wages and Working Conditions

The discussion of who should decide the wages, pensions and working conditions of workers, unionized or not, is important. Especially so, as the federal, provincial and municipal governments and big corporations, under the discredited banner of austerity, are dictating lower wages, pensions and working conditions for the working class.

The motive of those who currently own and control the socialized economy is to drive down the standard of living of working people, thereby seizing a greater portion of the new value workers produce to further enrich themselves and their private empires.

Through their work-time, the Canadian working class produces new value to sustain themselves, the economy and society as a whole. The aggregate value workers produce is the amount available for distribution to themselves and society as a whole. The right to decide how the aggregate new value workers produce is distributed is a modern right of the actual producers. This is especially pertinent when the distribution of value affects the workers themselves in a particular sector or workplace.



The teachers of Nova Scotia brought to the fore the necessity to discuss and resolve this question of

who decides when they engaged in job actions to resist the attack of the McNeil Liberals denying teachers their right to decide their wages, pensions and working conditions. Their working conditions are also the learning conditions of students. The Liberal government used the royal prerogative of the legislature to force teachers back to work and impose on them a contract using Bill 75, the Teachers Professional Agreement and Classroom Improvements Act.

Depriving the actual producers, in this case teachers who produce educated students, their right to decide the conditions of their work is the height of arrogance of the rich and their representatives flaunting their class privilege. Teachers and other educational workers are those who know what the conditions are now and what is missing from those conditions to better serve their students and nation building. To argue that teachers do not know what the conditions should be for the betterment of all or that teachers want only to improve their personal lifestyles at the expense of others is an ugly anti-working class prejudice of the rich and their representatives. The rich are implying that teachers hold the same anti-social motive and aim as they do. The motive and aim of the rich to maximize their profits at the expense of working people and society is precisely the problem teachers and other workers are striving to overcome.

The aim of teachers is to educate the youth as best they can and to the highest possible degree given the level of development of the productive forces. Teachers are determined to fulfill the right of all to education. Teachers in concert with their students are society's best social force to decide their working and learning conditions.

# Coming Event Life in Nova Scotia with Stephen McNeil and the Liberals Is No Picnic!

# Rally and Lunch Outside Liberal AGM



Demonstration at Province House, September 21, 2017 against Bill 148.

Saturday, October 14 -- 11:00 am-1:00 pm
Park across from Westin Hotel
Organized by Nova Scotia Federation of Labour
Facebook

Let's join the Liberals for lunch outside their AGM on Saturday, October 14. They are meeting at the Westin Hotel, so we will be at the park across the street from 11:00 am-1:00 pm. Join us with your signs, banners and lunch as we make some labour lunchtime noise!

We have been under constant attack by the Liberals since they took office in 2013.

We have seen several anti-worker pieces of legislation being rammed through the house.

Students are paying far too much for post-secondary education.

More than 120,000 Nova Scotians do not have a family doctor.

Emergency rooms are closing.

Our overcrowded classrooms need more teaching assistants.

Liberals have cut budgets for our nursing homes by millions of dollars, lowering food quality for long-term care residents.

#### Ontario

# Continuation of Court Battle to Stop Privatization of Hydro One

- Mira Katz -



CUPE Ontario President Fred Hahn speaks outside provincial court about the union's lawsuit against the Ontario government, June 12, 2017.

The Canadian Union of Public Employees and CUPE Ontario President Fred Hahn filed a lawsuit against the Ontario Premier and Ministers in December 2016. The misfeasance suit alleges that the government knows full well that the privatization of Hydro One through the sale of shares in the enterprise is harmful to the people of Ontario yet is proceeding anyway. The suit argues that the sale is structured in a way to benefit parasites in the financial sector who are also supporters of the Ontario Liberal Party.

CUPE lawyers argue that the privatization of Hydro One is an abuse of power by government ministers for the benefit of select private interests. In defiance of public opinion and exhibiting an abuse of power, just weeks before a scheduled June hearing, the Ontario government announced the sale of yet another tranche of Hydro One shares. This brought private ownership of Hydro One to over 50 per cent.

Deregulation and privatization of Ontario's public electricity generation and distribution system has resulted in a dramatic increase in hydro rates for workers and others in Ontario, including small and medium-sized businesses. Resistance to the privatization of Hydro One is part of the struggle of the Ontario working class and others against the



broad anti-social offensive of the rich and their state as well as the schemes to turn Canada into a privatized source of electricity for the United States instead of using electricity distribution for the development of Canada on a self-reliant basis.

Another arm of the state, the Ontario Superior Court of Justice, ruled on June 12 that the government has every right to privatize whatever it wants and summarily dismissed CUPE's suit. In his ruling, Justice Peter J. Cavanagh stated the misfeasance suit is "an impermissible attack on a core policy decision taken by the Ministers that is immune from judicial review in a civil tort action and that the Claim should be struck out and the action dismissed....

"The acts taken to proceed with privatization or, as the defendants describe it, broadening of ownership, of Hydro One were authorized by amendments to the *Electricity Act*, 1998, a legislative act. The Ministers are high ranking political actors whose official responsibility requires them to assess and balance public policy considerations. The decision to proceed with privatization of Hydro One was a considered decision that represents a 'policy' in the sense of a general rule or approach, applied to a particular situation. It represents a course or principle of action adopted or proposed by the Ontario government....

"[CUPE's] pleadings are, in substance, policy objections to policy decisions made to privatize Ontario Hydro. Such objections may or may not be well founded from a policy perspective, but they are precisely the types of objections to which the immunity afforded to core policy decisions from civil tort claims is intended to apply."

As for CUPE's contention that the privatization of Hydro One is a way of favouring select private interests who are financially supporting the ruling Liberal Party and benefit personally from privatization, the judge states, "Political fundraising is a known and legitimate part of the political process" and is not unlawful.

The judge stated "core policy decisions" are generally immune from review by the courts. Exceptions occur, he contended, when these decisions are proven in court to be irrational and bad faith decisions amounting to an abuse of power, which he could not find in this case.



Queens Park demonstration, April 8, 2017.

The lawyers representing the Ontario Premier and Ministers of Finance and Energy pleaded for dismissal of the suit. They contended that as a result of parliamentary privilege, an exercise of authority viewed possibly as being in bad faith or made for an improper purpose is not in itself sufficient to establish misfeasance in public office.

CUPE Ontario President Fred Hahn disagreed with the arguments of the defence and dismissal of the suit. CUPE filed an appeal of the judge's ruling on September 21. Hahn said, "This case is about more than the sale of Hydro One. It's about the government's responsibility to act in the best interest of its citizens. This case is about protecting our democracy from elected officials who are tempted to use their power to benefit themselves and their friends at the expense of the people's good.... But the thing is, they didn't just privatize it -- they structured the deal in a way that led to donations in the

hundreds of thousands to the Liberal Party of Ontario.

"[The privatization of Hydro One has] saddled ratepayers with charges totalling more than \$1 billion. This is misfeasance in public office, and it cannot be allowed to go ahead unchallenged.... We hope that the Premier and her Ministers will still be held accountable for their decision to sell off our hydro system in a way that benefited their friends on Bay St. and their own political party.... Once this case moves to trial the Premier and Ministers will be required to provide full disclosure and the public will be able to know the full story of what went on."

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#### **United States**

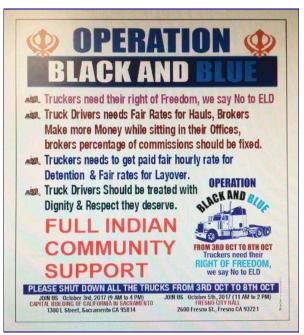
# U.S. Truckers' Actions Defend Their Dignity and Rights



Truckers protest outside the Department of Transportation in Washington, DC, as part of October 3-8, 2017 actions against imposition of E-logs.

From October 3 to 8, thousands of truckers operating in several U.S. states protested against the implementation of new regulations that will negatively affect their working conditions and increase harassment of drivers by transportation monopolies. The new regulation requires all transportation companies and independent truckers to install an electronic system to register the hours driven on their vehicles (Electronic Logging Device or ELD, also called E-logs). All truckers operating in the United States must comply by December 18.

Canadian authorities are in talks with their U.S. counterparts to harmonize the new regulations within a year or two, as soon as the provinces have agreed to implement the ELDs. Transport Canada confirms it "held an informal consultation process" in the summer of 2016 to introduce new



(click to enlarge)

rules for trucking. "The feedback from this exercise will guide the next steps," wrote Natasha Gauthier, Senior Advisor, Media Relations. "Transport Canada is looking at options before we begin the next steps," she said. "However, any modification should harmonize, as far as possible, with the United States final rules."

The U.S. truckers' protest is organized under the themes "Operation Black and Blue" and "ELD or Me." In recent months, truckers, particularly independent truck drivers, have been using social networks to protest. They are calling on people to rally behind them "to preserve the integrity and dignity of the transport industry and its drivers." Gatherings were held in the U.S. capital, as well as truck parades on the streets surrounding the White House and the Capitol, the seat of the U.S. Congress. In California, a long parade of nearly 500 trucks slowed traffic on a highway despite threats from the police authorities to intervene against the truckers. Similar actions occurred in Seattle where a rally and a parade of intermodal truckers from the Port of Seattle put forward demands for improving working conditions and against imposing ELDs. Actions have also taken place in New York, as well as in cities in Missouri and Florida and many other places. As a form of protest, truckers have also decided not to report to work and leave their trucks at home, or at their respective terminals, during the six days of actions.



The truckers who protested say the new regulations were decided behind closed doors and without their input even though these decisions will directly affect their lives. Their main demands to the Federal Motor Carrier Safety Administration (FMCSA) are the immediate revocation of the obligation to impose ELDs or at least that the federal government extends the deadline for compliance.

The FMCSA maintains that the purpose of ELDs is only to ensure the safety of drivers and road users by preventing "delinquent" truckers from exceeding their regulatory driving hours and falsifying the current paper log. The truckers who took part in the actions during the week reject this

logic and consider that the issue is the attempt of the government and transportation companies to control their working days, spy on everything they do, criminalize their work and deny them their right to decide those matters that affect their lives.

The next action is scheduled to take place on October 18, with the aim of demanding that the federal government and the FMCSA delay the implementation of the new regulation. On that date, truckers are encouraged to cease all activity for a full hour to demonstrate the importance of the work they do for the economy, and defend their dignity and rights.

(Photos: Overdrive Online, M. Owens, Operation Black & Blue)

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# Support the Fight of U.S. Truckers for Human Working Conditions

- Normand Chouinard -



Protest by U.S. truckers.

Clearly, the new regulation requiring electronic monitoring of truck drivers is a way to establish greater control over their actions, especially the "independents," those who own their trucks or own a very small fleet of trucks. The independent truckers represent about 20 per cent of the nearly four million truck drivers in the United States.

The proponents of electronic monitoring contend the measure will bring a modicum of safety for road users and for drivers themselves by ensuring the electronic control of driving hours. In contrast, the experience of truck drivers leads them to doubt the honesty of the U.S. federal government agency, the Federal Motor Carrier Safety Administration (FMCSA) and other major players in the industry who are behind electronic monitoring. Truckers suspect a more sinister agenda is at play.

The difficult situation facing truckers throughout North America is an integral part of the major upheavals affecting all sectors of transportation -- rail, marine, air and ground transport. Different levels of government, including the Trudeau federal government, are injecting billions of dollars into new trade corridors. The federal government is trying to privatize major infrastructure such as airports and seaports. U.S. and Canadian truckers are increasingly aware of these upheavals across the continent and fear that this new regulation requiring electronic surveillance is not intended to provide security but rather to increase harassment of truckers and to create conditions for major



changes in the trucking industry that will adversely affect their living and working conditions. Amongst other things, many suspect electronic spying is a dress rehearsal for driverless trucks to be introduced without consideration for the well-being and future of the millions of truck drivers.

In the context of the establishment of new trade and transportation corridors, cross-border arrangements, the "modernization" of NAFTA, and the increasing integration of Canada into the U.S.-led Fortress North America, the implementation of E-logs will effectively change many aspects of the continental production chain. Indeed, electronic logging, coupled with constant computer

monitoring of drivers, will allow the largest shippers and customers who dominate the market to better know the exact location and arrival times of their goods. This will maximize the role that existing and future transport corridors and routes play to increase the profits of global private interests. This trend further concentrates the economies of North America in the hands of a few oligopolies, which are fast becoming capable of dictating their will and control over all aspects of life throughout the continent.

The introduction of E-logs, a measure that has been in existence for years in Europe, will make it easier to create a continental transit system to improve the fluidity of trucking.[1] This will mean, among other things, minimizing the stops for the rest periods truckers must take. This resembles the so-called "train velocity" policy of the railway industry that led to the abandonment of basic safety measures in the operation of trains in order to keep them in motion as continuously as possible. "Train velocity" was a significant factor in the Lac-Mégantic tragedy.

Let us take the example of a trip from Montreal to Goose Bay, Newfoundland and Labrador, which is a driving time of almost 24 hours (1775 km). Based on the actual regulations on driving hours, a driver will make the trip in about two days. On the other hand, if a transit zone is established (a place where another driver takes over and begins his driving hours), two drivers would complete the trip in less than 24 hours. It would be possible to do this because it will be known beforehand precisely when and where the driver must stop to sleep.

Although this practice already exists and is used on some roads by large transport companies and their employee-drivers, E-logs will now place "independent" drivers under the strict discipline of the transport monopolies that contract work to them, as well as large shippers of all kinds, putting control over their working days into their employers' hands. Electronic surveillance in road transport, where workers are scattered across the continent, allows carriers and shippers to supervise their drivers as a foreman would do on a factory floor. This intrusion into their lives on the road imperils their security, stability, futures and any independence that remains. U.S. truckers are taking action against this change because as they know full well, electronic spying will worsen their working conditions and further wreck their trade and make them vulnerable to other adverse changes as has happened in the rail industry.

A key issue in this change is the one of **Who Decides**. Who decides the new laws and regulations and for whose benefit? Time will tell us the full effect of these changes. When the FMCSA or Transport Canada changes the rules, it invariably directly serves the financial oligarchy and the private monopolies, which are the ones actually dictating the changes to serve their narrow private interests.

Furthermore, how will monitoring of truck drivers' actions improve their health and safety and road safety? This is a gross misrepresentation of where safety resides and of the trucking trade itself. Safety lies in the struggle of truckers for their rights, including the right to decide the pace and duration of the working day. It is not an electronic monitoring system, however advanced it may be, which ensures safety but rather the actual working conditions of the workers and the role they play in deciding and implementing them.

U.S. truckers are not opposed to the introduction of new technologies, but is this new technology going to allow them to exercise control over their lives or will it wreck their lives even more than they have already been wrecked? No one is in a better position than truckers to feel the chaos and anarchy that prevail in the transportation system and in the economy.

Monopolies and governments may want to create their transit areas to make uninterrupted trucking the norm, but the problems these changes pose are enormous and workers will be made to pay because the working people are not in control of their lives, let alone the broad economy. Road

transportation, governed by global private interests and their dictate over the socialized economy, goes through recurring crises buffeted by many unforeseen events on a regular basis. The introduction of new technique may have the appearance of better regulating the situation but the unbridled competition for control amongst warring corporations soon bursts forth in anarchy and violence. Just look at the wild disruptive fight in the aerospace industry amongst Bombardier, Boeing, Airbus and Embraer.



The economy is not planned to operate to benefit the workers who work and produce the value or ensure the economy operates without crises. Nor is the aim of the economy to serve the people and society that depend on it for their existence. The economy exists today to make maximum profits for the few at the expense of the many. In this situation where a few exercising their class privilege dictate their will over the many, how can we even speak of electronic surveillance and new trade routes being of any help other than to strengthen the hand of those already in control.

Without workers being directly involved in making the decisions that affect their lives and work, and fighting for transportation systems that are part of a pro-social economy with a modern aim to guarantee the well-being of all, the changes that are being imposed by these new technologies, laws and regulations are creating more instability and insecurity in workers' lives and will give rise to even more disastrous crises. Truckers increasingly realize that only their efforts to organize actions in defence of their rights can ensure their safety, working conditions and way of life, E-logs or no E-logs.

## Note

1. In Europe today, an even more advanced system of personalized chips not only tracks cargo but records drivers' personal data 24 hours a day, seven days a week.

(Photos: United Truckers, Overdrive Online)

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**PREVIOUS ISSUES | HOME** 

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