



# BC FERRY & MARINE WORKERS' UNION

Message to SOC  
February 14, 2023

## Message to the Ships' Officers from your President

For those of you who are not aware, there is a recall campaign against me. Unfortunately, that campaign is circulating some misinformation. The fuel for the outrage initially started when the Employee Recognition Program was grieved, and the company put payment for the certificate allowance on hold last year. I have reserved messaging out against the petition misinformation because of other more pressing matters, like getting the certificate allowance and employee recognition into signed Agreements rather than potentially allow the company to hold off on certificate allowance which has now increased from an eligible 10% of SOC members to 100%. The Company could have used it to ensure a Union unrest and bargain wage re-openers against an inexperienced SOC president and a divided Union, and that would be, in my opinion, putting the entire SOC wage gains for 2023 at risk, which is unacceptable.

Instead, our Union's grievance against the Company achieved wage re-openers moved up to this year and maintained the retroactive 3<sup>rd</sup> shift, and certificate allowance to October 1, 2022. The wage re-openers are our main avenue to bring up the wages to industry standards. The MOA on certificate allowance and employee recognition is signed now and guaranteed until 2025, where it will have to be re-negotiated by whomever you choose for SOC President next term.

The recall campaign organizer has requested my resignation, which I had briefly considered. However, with much on the line, like wage re-openers in August, ongoing arbitrations such as LNG, Rescue Boat appeal tribunal, clean shaven policy, and Canadian cabotage issues, I can't with a good conscious resign, and I am not a quitter.

In view of the issues I've identified, and many others, I think it's important to note our Union leaders receive significant training, both through experience and courses. For example, a SOC President ought to receive bargaining training, facing management, public speaking, parliamentary procedures, many hours of legal consultations on arbitrations, arbitral jurisprudence, and emerging labour law, as well as stay abreast of complex and changing regulatory frameworks. All these skills and knowledge can and will be learned by leadership but takes time. I will be back onboard the ships soon enough, but I am not comfortable sacrificing this knowledge and experience given what we have on the table: This includes our wage re-openers, which should not be in the hands of anyone who does not have a plan.

The recall campaign has referenced the [Don Cott Agreement](#) and a [2003 BC Supreme Court decision](#), which they feel I am not following. They are wrong; legally, historically, and constitutionally. Moreover, we should note our Union agreed to binding arbitration at that time which gave away our right to strike. Vince Ready's decision to take away our right to strike, with binding arbitration in its place can be seen as a countermeasure against this

historical fractiousness. From the historical documents transferred to me by my predecessor, Eduardo Munoz, it is quite clear to me, as it was to him, that this Union has miss-spent too much effort infighting, and that has cost us dearly. Look at our wages and right to strike.

Spending some time going through history of our Union and speaking to people whose names are on the documents, I must correct the inaccuracies being levelled in this recall campaign, or at least the ones I am aware of.

First, the 1993 Don Cott Agreement states 7 points the parties at the time agreed to. Points 1-3 were completed before my time, and the Ships' Officers' Component was established within the BCFMWU. Points 4-7 have all been carried out and have continued while I have been SOC President. Point 7, I believe, is where the petitioner believes that the SOC President has a "veto" over all matters, and can be used to benefit exclusively the Ships' Officers. Repeated attempts to explain the plain language to him have been futile to date.

It was put in in writing to me that my actions "*demonstrates very clearly to many officers that you (Dan) have little understanding on how Law works*". I will note the person who wrote this message, and the recall petition has misunderstood the 2003 BC Supreme Court decision in multiple ways which are clearly and accurately explained below.

Second, court decisions can make an impact on law going forward and precedent setting cases can be used again and again to make argument. Others, or the vast majority of trial and arbitral decisions rely on precedent setting cases to make a determination. All of which can be used unless there is another case which alters that precedent after or the conditions that are relied upon for the decision change. The 2003 ruling in question established the delegates to the 2003 BCFMWU Convention, which happened in 2003.

The matter of dispute brought to the Supreme Court is in fact covered in the first line of the first paragraph of the decision.

*What number of delegates shall be accredited to represent the Ships' Officers' Component ("SOC") of the B.C. Ferry and Marine Workers' union at its Triennial Convention scheduled for March 30 through April 2 2003?*

In other words, whether or not the SOC locals 11-19 (local 20 was not formed yet) get proportional representation to the 2003 triennial convention.

Within the decision it mentions a SOC Vice President or SOC Vice Presidents (VP) five times that I can see. At the time, all Local Presidents including SOC Local Presidents were called Vice Presidents, and the SOC President was called "[SOC Vice President](#)". The petitioner has read the SOC Vice President language in the court order and has an understanding the SOC should have a Vice President position at the Provincial Executive (PE) table. The SOC VP title was changed at the 2003 Convention to SOC President. As the SOC President, I sit at the Provincial Executive and the Provincial Executive Officers Table, along with the Engineering and Deck Representatives. The belief there should be a SOC VP at the Provincial Executive table is in fact inaccurate. Or put another way, the concern has been satisfied by constitutional changes that were put in place in 2003 and have not been subsequently amended.

In summary at the end of the order you can see what the outcome was at the end of Para. [21]

*For Purposes of the 2003 Triennial convention, the SOC locals are entitled to the accreditation of delegates from Locals 12 through 19 inclusive in the manner specified in Article 8, Section 6 (b), of the 1997 Constitution and the Union Executive is ordered to accredit such delegates accordingly.*

In other words, the SOC members will have proportional representation at the 2003 Convention which happened, and still happens.

Third, I have also been asked in writing *“Please, do not hide behind the constitution that require 50% + one vote because of your friend Graeme who changed the threshold”*. This statement implies the threshold for recall language, which last changed in 2012, was on my behalf. This is inaccurate. The threshold for recall has been fixed since 2003, before I became a Union member. Also, rest assured I do not hide behind our Constitution or the SOC by-laws. As our governing documents, I stand behind and for our Constitution and SOC by-laws.

In view of all of this, our Union's history, and what we've lost due to infighting (like our right to strike, and historical wage patterns), it seems to me the Company could not have written a better plot at a better time to once again drive our Union into chaos. Sadly, I don't believe our proper adversary is the author of this plot, the proper adversary is the employer who has held wages back in the face of rising costs, low unemployment, and a competitive market for Engineering and Navigational Officers of the BCFMWU.

I would like to thank you for your time in reading this, and if you would like a personal or group clarification on any of the above-mentioned statements with enough notice, I can provide supporting documents and history.

In Solidarity,

**BC FERRY & MARINE WORKERS' UNION**



Dan Kimmerly  
SOC President