



Minutes of the meeting of the Provincial Executive (the “Executive”) of BC Ferry & Marine Workers’ Union (the “Union”) held January 27 & 28, 2021 via Zoom.

### **Wednesday January 27, 2021**

#### **Present:**

<b>President</b>	Brother Graeme Johnston	<b>1<sup>st</sup> Vice President</b>	Brother Kevin Lee
<b>2<sup>nd</sup> Vice President</b>	Brother Carl Campbell	<b>Secretary-Treasurer</b>	Brother Brian Lalli
<b>SOC President</b>	Brother Dan Kimmerly	<b>Deas Dock President</b>	Brother Maurice Bruchet
<b>SOC Deck Representative</b>	Brother Aaron Sigurgeirson	<b>SOC Engineering Representative</b>	Brother Laurence Spencer
<b>Local 1</b>	Sister Christine Spencer	<b>Local 2</b>	Brother Eric McNeely
<b>Local 3</b>	Brother Bobby Sangara	<b>Local 4</b>	Brother Stuart Pelly
<b>Local 5</b>	Sister Lisa Hayes	<b>Local 6</b>	Brother Mike Cafik
<b>Local 7</b>	Brother Khris Falls	<b>Local 8</b>	Brother Alex Blackburn
<b>Local 9</b>	Sister Iris Sunday	<b>Local 10</b>	Brother Blaze Pihl
<b>Local 11</b>	Brother Bill Brett		
<b>Labour Relations Officer, Ex-officio</b>	Brother Kevin Hall	<b>Relief Labour Relations Officer, Ex-officio</b>	Sister Chantel O’Neill
<b>Labour Relations Officer, Ex-officio</b>		<b>Labour Relations Officer, Ex-officio</b>	Sister Lori Horvat

By invitation: Jack Bruckman, Executive Director and Melanie McAulay, Recording Secretary

#### **Call to Order/Roll Call**

The meeting was called to order at 1030 hours.

Graeme Johnston acted as Chair of the meeting. Melanie McAulay acted as Recording Secretary.

Graeme Johnston declared the meeting duly constituted.

A roundtable introduction was made.

#### **Adoption of the Agenda**

New Business –

Add:

- r) Quarantine Passengers
- s) Atrium Policy Grievance Update
- t) Island Class
- u) Casual Hours vs. Days
- v) Lieu Days for Convention



Amend:

b) Committee Reporting

**M/S/C TO ADOPT THE AGENDA AS AMENDED**

Introduction of new Executive Director Jack Bruckman.

Order of the day – Craig Bavis from Victory Square Law

**M/S/C TO ACCEPT ZOSIA HORTSING, VICTORY SQUARE LAW, AS GUEST WITH VOICE**

Craig Bavis presented memo re. Company grievance Anti Abuse Campaign and Zosia Hortsing discussed of WorkSafe submission.

**M/S/ TO PROCEED WITH GRIEVANCE – ANTI ABUSE CAMPAIGN**  
**M/S/F TO TABLE**  
**CARRIED**

BREAK FOR LUNCH AND RECONVENE AT 1340

Order of the day – Women’s Committee Report

Tracy Goyer, Chair of the Women’s Committee joined the meeting to present Committee report.

As Chair of our Women’s Committee, I attended two separate meetings for the BCGEU Women’s Committee in 2020. These were forums for representatives of Locals to speak to what their members have been faced with. For example, less work/less income, insufficient PPE, stress, childcare, etc.

**Committee Zoom**

I had so craved and missed the connection since the Committee hasn’t been able to meet in person. I thought others may feel this way too so I organized a Zoom call for our Committee members for a check-in. It was so great to be able to talk and ‘see’ everyone. From this meeting, after talking about what had transpired for each of us and how the pandemic has affected our lives, I put forward an idea. The idea of a Community Zoom Support came forward.

**Women’s Committee Zooms for Women and Non-Binary Members**

Our idea is to hopefully have ongoing meetings featuring various speakers from our community. We would like to have a qualified counsellor there for members to be able to ask questions and receive qualified support. We want to create a space for others to come and listen, ask questions or just talk about what is happening in their lives. We hope to glean information from the members at the same time to see what



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they feel they need. We want to see how we can help them in these crazy times of the pandemic, but also going forward with other issues that affect their lives. The first Zoom is slated for February 22<sup>nd</sup> with two sessions, one at 10:00 am and the other at 3:00 pm. Natasha Tony is our first guest speaker with an opportunity for our new Executive Director, Jack Bruckman, to introduce themselves.

\*These Zooms can be tailored to other subjects and include all Members.

### **Health & Wellness Webpage Tools**

We keep working and getting up and smiling (behind masks) and dealing with the public, every day. We need tools since we have never dealt with something quite like this before. Our website is lacking and adding more and broader information for all members to our Health & Wellness page is important. We need to have a source where we can go to find support, compassion and tools to help.

I hope to gain support on these issues as they are not only for the Women members but important to all. I would like to see all of our committees get together on this.

Respectfully Submitted,  
Tracy Goyer  
Chair, Women's Committee

### **M/S/C TO ACCEPT THE WOMEN'S COMMITTEE REPORT**

### **M/S/C TO SEAT TRACY GOYER**

### **Provincial Executive Reports**

#### **President's Report**

Graeme Johnston provided a written report. The following is verbatim:

#### **New Executive Director**

It is with great excitement that I welcome our new Executive Director Jack Bruckman. In the early going, Jack has shown a tremendous desire to learn and engage in the important projects of our Union. Should this trend continue, I am confident they will make an incredible addition to our Union by adding significant leadership and capacity to our Executive team.

#### **LNG Arbitration**

After many years of delay from the Company, and the slow turn around for hearings, we have finally had our first dates for the LNG Arbitration hearing with Arbitrator



Bell. As is the case with Union led grievances, our side of the case is being heard first, with testimony from SOC President Kimmerly, expert witness Dr. Melham, 3<sup>rd</sup> Engineer Jeff Lee, Director of Labour Relations Hall, and possibly even myself. Through the first four days of hearing, we have done openings direct with Brother Kimmerly (but not cross or redirect), and completed testimony from the expert witnesses.

Consequently, we have had to arrange further dates for this hearing in December of this year, and March of 2022. In my opinion, this is part of the Company's tactic to delay, obfuscate, and muddy the issues.

Of note, the expert witness brought by the Union, Dr. Georges Melham, is one of the world's foremost experts on process safety for gas and petroleum products.

Despite our Expert Witness' PhD in the field, decades of relevant and world renowned experience with governments and industry, and 185+ publications on the subject, BC Ferries counsel contends he is wrong and contested nearly every part of his evidence. However, BC Ferries has no expert witness to rebut these assertions. It is my opinion our expert witness' testimony will be essential to the success of our case, but also note his expertise does not come cheap.

Continued dates are: December 13, 2021; March 2-4, 2022.

### **BC Ferries' Appeal of WorkSafeBC Fine for QoCumb and SOVI Rescue Boat Incidents**

For those looking for a fascinating but lengthy read on the rescue boat incidents and BC Ferries appeal of the subsequent WorkSafeBC fines, I encourage you to read our WorkSafeBC submission re. BC Ferries' appeal.

The extent to which BC Ferries is challenging WorkSafeBC's decision is incredible. In their 210-page submission, BC Ferries throws nearly every conceivable legal argument against WorkSafeBC to overturn the \$648,000 fine that was levied against them. This includes a lengthy argument that significant portions of BC Ferries operations fall outside WorkSafeBC jurisdiction. For what it's worth, we addressed just about all of those arguments, as noted in our submission's introduction:

"In response to the Penalty, the Employer initiated reviews of the Incidents and the Penalty. In its submission dated December 14, 2020 (the Submission), the Employer objected to WorkSafeBC's jurisdiction to regulate certain aspects of ferry worker OH&S." After decades of regulating ferry operations in BC, the Employer has now decided to challenge WorkSafeBC's jurisdiction over life-saving equipment and procedures. In seeking to avoid paying a fine, **the Employer threatens to fundamentally alter the regulatory oversight of ferry worker OH&S. Removing WorkSafeBC jurisdiction would leave aspects of ferry safety unregulated.** Transport Canada has shown neither the interest nor willingness to regulate the training and supervision of rescue boat drills. **The Union is contesting this review**



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**and the Employer's attempt to dismantle the OH&S framework which has protected ferry workers for over half a century.**

In this submission the Union will

- explain the constitutional and statutory basis for WorkSafeBC's jurisdiction over ferry worker OH&S and how the Employer is regulated as a provincial undertaking;
- distinguish Transport Canada as the operational safety regulator and WorkSafeBC as OH&S regulator and the scope of each agency;
- explore the implications if WorkSafeBC declines jurisdiction;
- review the factors which contributed to the Incidents;
- examine the failures of the Employer's systems, practices, and procedures;
- discuss why the resulting WorkSafeBC findings and Orders are appropriate;
- accept the reasonableness of WorkSafeBC's imposition of a financial penalty; and
- respond to the Employer's demand for s. 343 costs."

**Human Rights Tribunal Complaint for Women Engineers**

As many of you will recall, our Executive approved a plan to file a Human Rights Tribunal Complaint on behalf of our women engineers over systemic discrimination that has been perhaps most visibly characterized by a lack of appropriate washroom and change facilities.

As you may be aware, this complaint has stirred passions among many members, and has created some very interesting and disappointing responses in some quarters. Indeed, several male engineers have called for the resignations of the Engineering Representative and myself, and some of our members have taken actions to threaten and intimidate our women complainants. As is the case with clear cut issues of discrimination and oppression, we remain resolved to not back down. As for our Complainants, LRO O'Neill and Local President Spencer have done tremendous work to help the affected members feel heard and safe (where possible). LRO O'Neill is currently working on general and specific safety action plans for these members.

To date, we have held an "off-the-record" meeting with BC Ferries to discuss if a settlement framework is possible. We are still waiting on their reply.

**Collective Agreement Implementation**

While there may be several outstanding issues, there are a few that have been identified and resolved (e.g. boot allowance), and at least one that has crystalized as a potential dispute (Hours of Work Committee). As we move forward, I am sure there will be questions, issues, and disputes that will arise. Please direct any questions about new language to your LRO, cc DLR Kevin Hall. In most cases, a quick resolve is likely.

If you wish for me to discuss these issues further, please move to go into committee.



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## **Vaccine Implementation**

Despite lobbying from us, other Maritime Unions, and numerous Unions representing front line workers, the Government of BC has instead chosen to distribute COVID-19 vaccines to “low risk” groups by age brackets. In my capacity as President, I am disappointed our workers were not given priority, but recognize the decision made to prioritize human life. On a personal level, I agree with this decision.

## **Operational Safety**

Our Union has taken up a renewed interest in an effective Operational Safety Committee. It is our belief that this venue will provide an opportunity for information and discussion that is not being produced elsewhere. At the current stage, we are still trying to convince the Company we can provide value to them regarding their Operational Safety determinations.

At our meeting with the Company yesterday, we offered the following analysis to delineate Operational Safety from OHS:

“Transport Canada regulates the operational safety of ferries. Operational safety is the system of policies and rules which ensure that vessels are constructed, maintained, navigated and equipped to operate in a safe manner. Operational safety sets the standards for fire protection, hull integrity, engine strength, life-saving equipment, navigation, etc. These are federally regulated because they are matters of shipping and navigation, which is a federal power. Operational safety ensures that the undertaking (such as a ferry fleet) operates safely.

WorkSafeBC regulates occupational health and safety on ferries. Occupational health and safety is the system of policies and rules which ensure that the employees run on the vessels work are trained, supervised, and protected so that they can work in a safe manner. Occupational health and safety sets the standards for PPE for crew fighting fires, air quality for workers repairing the hull, hearing protection for engine rooms, supervision when workers are launching saving equipment, and training on how to safely use navigational aids instruments. These are provincially regulated because they create rights and responsibilities between employers and workers share the same dynamic as labour relations which are s within the jurisdiction of the province as civil rights. Occupational health and safety ensures that ensures that the workers operating the undertakings stay safe when doing so.”

We also asked that the Operational Safety Committee be reformed and produce a Terms of Reference that reflects the intent of the Committee as described in Article 27.13 of the Collective Agreement. This was met with cautious enthusiasm from the Company.

Our agenda from yesterday’s meeting is below:

- A. Standing Items
- A.2 LNG Fueling
- B. Other Business



- B.22 Cargo, Fumigation and Tackle Regulation 152 – No Passengers on Closed Vehicle Decks
- B.63 Rescue Boat Update
- B.68 Keeping Abuse Out/Passenger Compliance to Crew Direction
- B.73 TC and MSM Changes
- B.76 Watch Handover
- B.84 COVID-19 Operational Considerations
- NEW* B.85 COVID-19 Quarantine policy for passengers
- NEW* B.86 New COVID-19 Variants
- NEW* B.87 Hybrid/electric Vehicle firefighting policy
- NEW* B.88 Island Class - Route 23
- NEW* B.89 WorkSafeBC Jurisdictional Issues

In Solidarity,  
 Brother Graeme Johnston  
 Provincial President

**M/S/ TO ACCEPT THE PRESIDENT’S REPORT**

Lengthy discussion on Human Rights Complaint, concerning reactions have been noted in some locals. More work needs to be done and overall improvement in communication filtered through local presidents.

**M/S/C TO ENTER INTO COMMITTEE**

**M/S/C/ TO RISE FROM COMMITTEE**

**CARRIED**

**Secretary-Treasurer’s Report**

*UNION DUES & INITIATIONS – SEPTEMBER 2020*

	<b>Members</b>	<b>Dues</b>	<b>Initiations</b>	<b>Initiations \$</b>	<b>Totals</b>
<i>Casuals</i>	995	60,595	2	120	60,715
<i>Exempt</i>	14	1,705	0	0	1,705
<i>Regulars</i>	2,732	280,157	2	120	280,277
<b>Totals</b>	<b>3,741</b>	<b>342,457</b>	<b>4</b>	<b>240</b>	<b>342,697</b>

**TOTAL MEMBERSHIP AS PER THE ALPHA LIST:**

<b>BCFMWU</b>	<b>Actual</b>	<b>Budget</b>
<b>Year to Date Totals to Budget</b>	<b>June - Sept 2020</b>	<b>June 2020 to May 2021</b>
	<i>(33% of year)</i>	



<b>REVENUES:</b>				
<b>Dues:</b>				
	Regular	1,117,220	3,378,959	33%
	Casuals	188,715	400,000	47%
	Excluded	5,310	18,500	29%
	Rupert Cleaners	-	4,000	0%
		1,311,245	3,801,459	34%
<b>Draw Down from Investment Account</b>		-	240,000	
<b>Initiation fees income</b>		780	12,500	6%
<b>Investment Income (Loss)</b>		398,331	200,000	<i>Exceeded</i>
<b>Total Income</b>		1,710,356	4,253,959	40%
<b>EXPENSES:</b>				
	<b>Accounting &amp; Audit</b>	-	10,000	0%
	<b>Advertising &amp; publicity</b>	1,531	7,500	20%
	<b>Arbitration expenses</b>	21,536	30,000	72%
	<b>Amortization</b>	27,117	-	
	<b>Bank charges</b>	1,009	2,500	40%
	<b>Building costs</b>	21,646	75,000	29%
	<b>Employee Assistance Program</b>	26,618	88,200	30%
	<b>Investment Management Fees</b>	16,512	36,000	46%
	<b>Legal, Arbitrator &amp; Mediator fees</b>	92,061	175,000	53%
	<b>Locals</b>	96,703	306,214	32%
	<b>Office</b>	59,381	160,000	37%
	<b>Per Capita</b>	37,476	125,000	30%
	<b>Printing &amp; publications</b>	1,481	45,000	3%
	<b>Promotional items</b>	35,975	15,000	<i>Exceeded</i>
	<b>Education Awards</b>	20,400	31,045	66%
	<b>Staff training</b>	1,356	10,000	14%
	<b>PE Designated activities</b>	464	5,000	9%
	<b>President expenses</b>	1,970	15,000	13%
	<b>President relief costs</b>	1,831	2,500	73%
	<b>SOC President expenses</b>	579	15,000	4%
	<b>SOC President relief costs</b>	-	2,500	0%
	<b>LRO Relief Wages</b>	46,442	65,000	71%
	<b>LRO Expenses</b>	1,938	50,000	4%



<b>Telecommunications</b>		18,538	75,000	25%
<b>Wages &amp; employee benefits:</b>				
	Permanent	390,523	1,300,000	30%
	Temporary	21,676	45,000	48%
	Benefits	85,175	290,000	29%
<b>Committees/Components</b>				
	Bargaining/Constitutional Resolution's Committee	4,840	5,000	97%
	Communications Committee	45	5,000	1%
	Convention/Bargaining Planning Committee	-	5,000	0%
	DEAS Component	-	10,000	0%
	Education Committee	-	5,000	0%
	Finance Committee	1,195	10,000	12%
	First Nations Visionary Committee	2,000	5,000	40%
	Human Rights Committee	-	5,000	0%
	Provincial Executive Meetings	65,878	150,000	44%
	Provincial Officers' Meetings	4,890	10,000	49%
	Returning Officers' Committee	1,530	5,000	31%
	Ships Officers' Component Meetings	19,672	75,000	26%
	SRJOSH Committee	154	15,000	1%
	Trustees	2,709	7,500	36%
	Women's Committee	279	5,000	6%
	Workforce Planning	297	5,000	6%
	Young Workers' Committee	-	5,000	0%
<b>Conferences &amp; Conventions</b>				
	Affiliates/Associations (NUPGE; CFOA; ITF)	548	45,000	1%
	Bargaining - BCFS	125,959	200,000	63%
	BCFMWU Convention - March 2021	54,417	425,000	13%
	BC Federation of Labour	298	30,000	1%
	CMAC	-	25,000	0%
	Point Blank Campaign	58,148	50,000	<i>Exceeded</i>
<b>Donations</b>		3,526	10,000	35%



<b>Education</b>				
	Internal	-	50,000	0%
	External	11,877	30,000	40%
	<b>SOC Deck Rep.</b>	1,532	15,000	10%
	<b>SOC Engineering Rep.</b>	712	15,000	5%
	<b>1st Vice-President</b>	-	10,000	0%
	<b>2nd Vice-President</b>	1,600	10,000	16%
	<b>Secretary-Treasurer</b>	14,854	30,000	50%
	<b>Total Expenses</b>	<b>1,406,899</b>	<b>4,253,959</b>	33%
	<b>Total Income less Expenses</b>	<b>303,457</b>	-	
	Add Back:			
	<b>Amortization</b>	<b>27,117</b>	-	
	<b>Capital Expenditures</b>		-	
		<b>330,574</b>	-	

<b>B.C. Ferry and Marine Workers' Union</b>		
<b>Profit and Loss Statement</b>		
<b>September 2020</b>		
<b>REVENUES</b>		
Members' Dues		342,843
Initiation Fees Income (Refunded)		240
Investment Income (Loss)		19,087
Change in Unrealized Investment Gains (Loss)		<b>-27,512</b>
<b>TOTAL REVENUES</b>		<b>334,659</b>
<b>EXPENSES</b>		
Advertising & promotional items	<b>Golf Shirts</b>	5,180
Amortization		6,799
Arbitration and legal		61,317
Bank charges & foreign exchange		326
Building costs		8,455
Committees:		



	Bargaining	BCFS	63,732
	BC Fed		298
	Communication Committee		11
	Convention 2021	Chromebooks	55,473
	Media Campaign	Point Blank	46,010
	Political Action Committee		232
	Provincial Executive		16,435
	Provincial Officers'		792
	Returning Officers' Committee	Referendum Vote	1,345
	Safety Advocate		11
	Ships' Officers' Component		4,885
	SRJOSH		120
	Trustees'		2,357
	Education Awards		500
	Education:		
	External	Bargaining Training	3,611
	Employee assistance program		6,654
	Investment management fees		4,343
	Locals	Lieu Days \$22,776	33,255
	LRO's Expenses	Relief Wages \$11,371	12,075
	Office expenses		18,084
	Per Capita		9,800
	Printing & Publications		557
	Prov & Soc Table Officers expenses		4,001
	Salaries, wages & benefits		105,087
	Staff Training		938
	Telecommunications		3,970
	<b>TOTAL EXPENSES</b>		<b>476,654</b>
	<b>REVENUE LESS EXPENSES</b>		<b>-141,995</b>

## **M/S/C TO ACCEPT THE SECRETARY-TREASURER'S REPORT**

### **1<sup>st</sup> Vice President's Report**

Kevin Lee gave a verbal report.

## **M/S/C TO RECEIVE 1<sup>st</sup> VICE REPORT**

### **2<sup>nd</sup> Vice President's Report**



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Carl Campbell gave a verbal report.

### **M/S/C TO RECEIVE 2<sup>nd</sup> VICE REPORT**

#### **SOC PRESIDENT'S REPORT**

Dan Kimmerly provided a written report. The following is verbatim:

Much of my time since we last meet has been taken up by the LNG job classification arbitration. The hearing started last week with on Tuesday, January 19<sup>th</sup> and went for four days until Friday the 22<sup>nd</sup> of January 2021. There are additional days scheduled for the hearing at the end of this year, and into the early part of 2022. The arbitration has developed into a large case. I am still optimistic we will have a positive outcome. The earliest our members were affected on the dual fuel (LNG) vessel is 2017, and this arbitration seeks to recover the additional wages those members we claim are owed.

I want to thank Pete Spencer, Local 20 President, for participating in the Queen of Cowichan Oil Spill site investigation and I look forward to any recommendations coming out of that.

There has been much discussion and deliberation at the SOC Executive table around a Deckhand/Watchkeeping Mate position (D4). The position would mirror that of the 4<sup>th</sup> Engineer position and was discussed here at the PE. The SOC Executive have some concerns around seetime accrual positions, relief work, lower number of 2<sup>nd</sup>/3<sup>rd</sup> Officer positions. These are just some of the concerns that were raised. I have been instructed to seek formal clarification on those concerns and report back.

Island Class vessels implementation to Quadra and Gabriola. There is going to be an impact to the members both licensed, unlicensed and excluded who work on these routes. Right now the information we have is there will be a one watch daily system (10 or 12-hour day) for the ship on Quadra and a two watch system (am/pm) for the ship docking on Vancouver Island. Route 19 (Gabriola) will be the inverse of this, so there will be less, if any, impacted employees. Gabriola being a minor vessel currently doesn't have the complication of Excluded Master and Chief Engineer positions either.

Respectfully submitted,

Dan Kimmerly  
SOC President

### **M/S/C TO ACCEPT SOC PRESIDENT'S REPORT**

#### **Deas Dock Component President's Report**

Maurice Bruchet submitted a written report. The following is verbatim:



We have several outstanding grievances that were submitted before Christmas 2020 without a response. I have advised our Employee Relations Manager that it is our intention to adhere to the timelines set out in Article 4, and we will now expect to hold the Company accountable as well. Our Manager has had more than enough time to get up to speed.

With the help of Brother McNeely, I will now try to fulfill my obligation to the members of my Local, Union and those that I sit with at this table. I have called a meeting for this Friday to meet and discuss implementation of the 3 local committees mandated by our Constitution, as well as a few of our own. I feel the structure of our Executive Committee, although hard working and effective, is not operating as it should be. I believe that with the right structure, and better organization, we will better represent the members at Deas Dock.

Lastly, the Company has made certain comments that have made the members uneasy resulting in desperate attempts to secure credits for a possible layoff period throughout the refit season, or through the summer down time. Votes have been taken to eliminate certain groups from being excluded from overtime opportunities that just aren't allowed.

The ships that are sitting in the dock today are the Northern Adventure, Queen of Alberni, Queen of Oak Bay, Spirit of BC and Queen of Burnaby.

Respectfully submitted,

Maurice Bruchet  
Deas Component President

## **M/S/C TO ACCEPT DEAS DOCK COMPONENT PRESIDENT'S REPORT**

### **Director of Labour Relations Report**

Kevin Hall submitted a written report. The following is verbatim:

Ongoing General Labour Relations:

- Day to day labour relations issues continue to be managed by Sisters Horvat and O'Neill, with the assistance of Local Presidents. I have been bringing myself back into conduct of Licensed issues as the circumstances dictate and continue to work with Sisters Horvat and O'Neill to ensure information is shared.
- Last week spent primarily on prep and attendance at the LNG Arbitration.

General Matters:

- LROs will be seeking direction on catering initiatives (see email thread forwarded to the PE/SOC Executives).



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- Crosstrained Casual Recall – The latest correspondence on that matter has been forwarded to the PE.
  - Other matters covered under separate agenda items/reports.

LRO Unit:

A review of LRO, Locals of responsibility, continues. These changes will be confirmed within the next few weeks and we'll update all Local Presidents accordingly.

Respectfully submitted,

Kevin Hall  
Director of Labour Relations

### **M/S/C TO ACCEPT DIRECTOR OF LABOUR RELATIONS REPORT**

#### **Labour Relations Officer's Reports**

Chantel O'Neill provided a written report. The following is verbatim:

Step 3 meetings held December 16, 2020. Next Step 3 meeting to be determined. Have had a number of follow up discussions on active files and in the process of concluding a number of outstanding files. Group grievances remain outstanding and will be looking to address at next Step 3.

#### **Grievances at Step 3 by Local:**

- Local 2: Currently 7 individual grievances (excludes those advanced to Arb or with another LRO).
- Local 3: Currently 10 individual grievances (excludes those advanced to Arb or with another LRO).
- Local 5: Currently 4 individual grievances.
- Local 6: 2 individual grievances.
- Local 7: No grievances files.
- Local 11: 2 individual grievances (excludes those advanced to Arb).
- Licensed Locals: No new grievance files.
- Group Grievance Files: 11 active group grievances.

#### **Ongoing:**

- Ongoing day-to-day labour relations work with Stewards and Local Presidents – nothing to bring to the Executive for discussion at this time.
- Support role in active HRT Case with the Company and impacted members on Safety Action Plan and members in future. – Licensed.
- Group Grievance Flash Glucose Monitor - resolve pending.



- Presented to Company on the various CSD concerns and given notice that we will file grievances pending further information. Additionally, the same in relation to Article 44 (new) to be presented and will be our position on Overtime Records- 18.09 - Locals 1, 2 and 3.
- Reviewing potential grievance related to Staffing Pool Cashiers –Local 3.
- A number of Arbitration dates fast approaching working with member and legal counsel in preparation.
- Assigned as LRO to Constitutional Resolutions Committee.
- Direct member calls and emails for support.

### **Upcoming:**

- Arbitrations
- Company meeting re: Safety Action Plan
- Company meeting to resolve outstanding grievances
- Company meeting Staffing Pool 3rds and Bowen Queen
- Numerous member meetings for new grievance files
- Ongoing discussion with Company related to CSD
- Review of all grievance files with Locals
- Internal review of all the Group Grievances within my caseload.

Respectfully submitted,

Chantel O'Neill  
Relief Labour Relations Officer

### **M/S/C TO ACCEPT LABOUR RELATIONS OFFICERS' REPORTS**

### **M/S/C TO ADJOURN UNTIL THURSDAY, JANUARY 28 0900 HRS**

***Thursday, January 28, 2021***

#### **Present:**

<b>President</b>	Brother Graeme Johnston	<b>1<sup>st</sup> Vice President</b>	
<b>2<sup>nd</sup> Vice President</b>	Brother Carl Campbell	<b>Secretary-Treasurer</b>	Brother Brian Lalli
<b>SOC President</b>	Brother Dan Kimmerly	<b>Deas Dock President</b>	Brother Maurice Bruchet
<b>SOC Deck Representative</b>	Brother Aaron Sigurgeirson	<b>SOC Engineering Representative</b>	Brother Laurence Spencer
<b>Local 1</b>	Sister Christine Spencer	<b>Local 2</b>	Brother Eric McNeely
<b>Local 3</b>	Brother Bobby Sangara	<b>Local 4</b>	Brother Stuart Pelly
<b>Local 5</b>	Sister Lisa Hayes	<b>Local 6</b>	Brother Mike Cafik
<b>Local 7</b>	Brother Khris Falls	<b>Local 8</b>	Brother Alex Blackburn
<b>Local 9</b>	Sister Iris Sunday	<b>Local 10</b>	Brother Blaze Pihl
<b>Local 11</b>	Brother Bill Brett		
<b>Labour Relations Officer, Ex-officio</b>	Brother Kevin Hall	<b>Relief Labour Relations Officer, Ex-officio</b>	Sister Chantel O'Neill
<b>Labour Relations Officer, Ex-officio</b>		<b>Labour Relations Officer, Ex-officio</b>	Sister Lori Horvat



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Lori Horvat provided a written report. The following is verbatim:

**General Labour Relations:**

- Ongoing day-to-day labour relations work with Stewards and Local Presidents – nothing to bring to the Executive for discussion at this time.
- Continuing work with Banister and Victory in regards to files referred to Arbitration.
- Daily work on a variety of member issues at various POA's on my caseload – still experiencing an uptick in the number of direct member driven calls/email requests for support – examples of issues include bullying/harassment, attendance management, complex/involved medical issues, LTD, WCB, return to work, accommodation planning.
- Ongoing work with Chantel relative to CSD issues and concerns across three POA's.
- Continuing work relative to numerous issues in regards to Retail Services - involves members based at/from Locals 1, 2, 3 and 4 (next meeting with ER is scheduled for February 2<sup>nd</sup>).

**Step 3 Grievances:**

- Date for the next Step 3 meeting not yet established. Awaiting responses from Employer in regards to grievances discussed at December 16<sup>th</sup> step 3.
- Continued efforts to find resolves for grievances in discussions with Employer reps as a means to move files along in a timely fashion.

Wishing you all a safe and healthful 2021! Again, extending my thanks to all Stewards and Local Presidents for continuing to take on issues at the local level whenever it is possible to do so, as well as keeping me in loop – much appreciated.

In Solidarity,

Sister Lori Horvat  
Labour Relations Officer

**M/S/C TO ACCEPT LABOUR RELATIONS OFFICER'S REPORTS**

**Office Report**

Melanie McAulay provided a written report. The following is verbatim:

With the arrival of 2021 we have been excited to welcome changes in the office and turn the page on 2020. Most notably we have our new Executive Director Jack Bruckman in the office and we are eager to embrace a new direction and have Jack lead us in facilitating that.



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Day to day remains very busy in the office and additionally with:

- Preparation for virtual Convention
- Finalizing Resolutions package for delegates
- Looking at internal processes for tracking information
- A shift in some responsibilities between staff

On that note this week also brings the retirement of one of our long time staff members, Marilyn Whitworth. Marilyn has been with us since 2010 and has been instrumental in bringing forth areas in need of change. Her most recent years have been spent working with the LROs where she has worked hard to ensure processes and timelines are followed to ensure member advocacy is priority. Marilyn's presence will be missed in the office and we wish her much happiness in her retirement.

With the restructure of some responsibilities we will be posting a new position to meet office requirements.

Respectfully Submitted,  
Melanie McAulay

**M/S/C TO ACCEPT THE OFFICE REPORT**  
**M/S/C TO GIVE RETIREMENT GIFT FROM THE PROVINCIAL EXECUTIVE TO**  
**MARILYN WHITWORTH OF SIMILAR COST TO PREVIOUS RETIREMENT GIFTS**

**Unfinished Business**

GAC – none

**Committee Reporting**

Brian Lalli presented a draft document.

**M/S/C THE OWNERSHIP AND IMPLIMENTATION OF PRESENTED DOCUMENTS**  
**BE TRANSFERRED TO EXEUCTIVE DIRECTOR**

**Fatigue Calculator**

Carl Campbell spoke to this item, looked to dispel myth that Company is attempting to block fatigue calculator to fleet. Stemmed from Company stepping in to clarify issues to be captured by calculator, educational materials to be circulated to explain calculator. Direction given to Carl Campbell - next SailSafe meeting ask Company not to implement until the Provincial Executive has reviewed.

**Convention Update**

Melanie McAulay provided a status update.

**Convention Financial Guide**



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Some members attending convention will be sacrificing days and will forgo days of rest.

**M/ ANY MEMBER SPENDS TWO OR MORE DAYS OF REST AT CONVENTION BE GIVEN REPLACEMENT DAYS**

**M/S/C TABLE TO AFTER LUNCH**

### **New Business**

#### **BCGEU Convention**

BCGEU Convention set to take place in June, would like to send PEO to Convention, with exception of SOC President and Deas President whose terms end in July.

**M/ BCFMWU TO SEND THE PEO TO BCGEU CONVENTION**  
**M/S/C THE FIRST ALTERNATE BE THE CURRENT CHAIR OF THE WOMEN'S COMMITTEE**

#### **Pension Buy Back**

Supreme Court overturned decision on pension, female employees who are job sharing are disadvantaged by most plans and are unable to accrue full pension benefits. Question has been asked if our plan has same provision. The PSPP has function for people to buy back services at reduced rate.

#### **Retailer Update**

Lori Horvat gave an update on bullying/harassment issue. Looking for opportunity to have members voice to the manager how the bullying treatment has impacted them and have manager acknowledge and apologize.

#### **Memo Legal Opinion – Constitutional Art. 18**

Graeme Johnston reviewed legal opinion.

#### **M/S/C RECEIVE REPORT**

**M/S/C SEND EMERGENCY RESOLUTION TO CONVENTION TO DELETE ART 18 SEC 2 FROM CONSTITUTION**

*\*Noted that Labour Relations Officers have opportunity to speak to resolution at Convention.*

**M/S/C TO SEND EMERGENCY RESOLUTION TO CONVENTION TO AMEND CONSTITUTION DELETING ARTICLE 19 SECT 8(E)**



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## **CSD Collective Agreement Language**

Covered in LRO O'Neill report.

## **Make Whole – Article 12**

Local 2 expressed frustration with slow process in Art 12 make whole, looking for detail breakdown on where we are at. Kevin Hall provided update.

## **Western Maritime Institute**

Local 1 President brought forth disappointment in process for vetting applications and concerns with this year's applicant selection.

Provincial President noted the following:

- Union takes no part in adjudication of any scholarships
- Rules around scholarships – primary criteria must be grounded in academia
- Not our process
- Able to withdraw Union support

## **M/ TO REINSTATE HARRY CAMERON SCHOLARSHIP**

Out of order – scholarship based on agreement with WMI

## **M/S/F INVESTIGATE CREATION OF A NEW SCHOLARSHIP FOR DECKHAND/BRIDGEWATCH IN NAME OF HARRY CAMERON**

## **M/S/C PE TASK THE EXECUTIVE DIRECTOR TO INVESTIGATE CONCERNS RAISED BY LOCAL 1 PRESIDENT AND REPORT BACK TO THE EXECUTIVE.**

## **Constitution Article 19 Sec 13**

Requests have been submitted to view Union documents. Given the current health pandemic and office protocols members are not able to come in to view in person.

## **M/S/C ALLOW REQUESTS UNDER ART. 19 SECT. 13 TO BE SATISFIED VIA AUDIO/VIDEO CONFERENCE**

## **Retirement Gift**

Local 2 suggestion to have retirement gift catalogue with tiers based on number of years as Union member.

## **M/S/C TO HAVE UNOIN INVESTIGATE TIERED RETIREMENT GIFT CATALOGUE FOR MEMBERS OF 10 YEARS SERVICE AND OVER.**



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## **M/S/C TO REFER TO FINANCE COMMITTEE**

### **Communication**

Prior to COVID, meeting breaks and lunch provided opportunity for local presidents to discuss ongoing issues and receive updates, in general would like more communication to ensure all are better informed.

Action item: ensure Q&A is added to agenda for two day meetings.

### **Order of the day – Lenora Lee, KPMG**

Lenora Lee presented Auditors Report.

## **M/S/C TO ACCEPT AUDITORS REPORT AND AUDITED FINANCIAL STATEMENTS**

### **Staffing Pool Scheduling**

Discussion around displacement of staffing pool cashiers. With COVID and licences being reduced large number of staffing pool significantly reduced hours.

### **Collective Agreement Vote Breakdown**

Local presidents requesting stats on percentage of local that voted as well percentage make up of entire vote.

## **M/S/C TO SEND VOTE BREAKDOWN TO PE AND SOC**

### **Disciplinary Letters**

Letters of expectation and discipline being dated and not being provided to Union until weeks after.

### **Memo on Article 5 Sec 5(a) of the BCFMWU Constitution**

After review, I do not believe Article 5 Section 5(a) of the Constitution contemplated the recapture of excluded positions to the bargaining unit. Accordingly, I ask the Provincial Executive adopt the following two interpretations:

1) Article 5 Section 5(a) of the Constitution does not contemplate the recapture of excluded positions to the bargaining unit.

2) In the event of the recapture of excluded positions to the bargaining unit, the Union will recognize any previously accrued service seniority, and, so long as there has been



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no break in employment with BC Ferries, the Union will allow the affected member to buy back lost seniority by payment described in Article 5 Section 5(a)

In Solidarity,  
Graeme Johnston  
Provincial President

### **M/S/C TO RECEIVE REPORT**

Discussion of Union recapturing excluded positions

### **M/S/C TO SUBMIT RECOMMENDATION IN THIS REPORT AS EMERGENCY RESOLUTION TO CONVENTION**

#### **Quarantined Passengers**

Issues raised with process on quarantined passengers. ALERTS have been submitted. With new COVID variants process needs review; recommendations made at the Operational Safety meeting.

#### **Atrium Policy Grievance**

Removed from agenda – Local meeting is being scheduled.

#### **Island Class**

Remove – no discussion

#### **Local and Standing Committee Reports**

#### **SOC Deck Representative's Report**

Aaron Sigurgeirson provided a written report. The following is verbatim:

#### **Island Class**

The test in Campbell River did not go well as the ship had some mechanical issues. The thruster shut down twice and the ship was taken to Blubber Bay for repairs. This was a ship that just came out of warranty work re-fit.

We have asked if there will be a replacement date(s) for the test, at least to test in large current conditions, and have been told they plan on testing it in the simulator. There is also talk of home porting one ship on the Campbell River side. The people making these decisions have clearly never been at that dock in a big south east blow.

#### **New Collective Agreement (CA)**



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There has been a lot of discussion around the new CA. The dates the new or amended Articles take affect is unclear to many. The boot allowance issue has been brought up. If the new boot allowance does not start until April 1, 2021, then Officers will not be getting a boot allowance this year. This is not acceptable. The issue of MED refreshers has been brought up as well. March is the date for the certificate extensions. As such, some members are going to be on the hook for MED refreshers once this date passes.

### **Operational Safety Meeting**

Will discuss the Operations Safety Meeting minutes. The Operations Safety Meeting is scheduled the day before the PE Meeting.

### **Members Delayed in Taking up New Positions for 90 days or more**

I was contacted about compensation for members being held in a POA longer than 90 days. This is not the first time I have been contacted about this and there is a lot of misinformation around this subject.

**Actionable item:** Would the office send out a bulletin with the correct information regarding expenses and compensation for members that accept positions in other POAs?

Respectfully submitted,

Brother Aaron Sigurgeirson  
SOC Deck Representative

### **M/S/C TO ACCEPT THE DECK REPRESENTATIVE'S REPORT**

#### **SOC Engineering Representative's Report**

Laurence Spencer provided a written report. The following is verbatim:

Since our last meeting, a lot of my time has been taken up with the Human Rights case regarding change rooms for women in our Engineering spaces. While the initial talks with the Company were promising and progress, albeit slow, was happening. The talks broke down with no response being given to any of my attempts at communication. Almost 3 weeks went by with no reply from the Company. It was at this point I made the decision to go ahead with filing the Human Rights case and go to the media with the information. The very next day I received replies to the emails and communications that I had sent the Company. There has been admission from the Company that there is a problem that has been let slide. The interim solution that the Company has come up with is that no one is to get changed in the common areas and that a room with a locked door must be available to get changed in, one person at a time. The Company has agreed to pay any OT incurred due to it taking longer to get changed and do your watch handover.



A meeting with the Fatigue group happened last week regarding the fatigue calculator and how it will be rolled out. All the team were concerned that the Directors that were assigned to assist us missed the point of this calculator and the training that would be given to everyone. At this point there are just a few changes to be done so it will be able to run smoothly on roll out and should be ready in the next month or two.

There have been some questions that have come up in regards to renewing both Engineering certificates as well as Deck certificates. The bottom line is that as long as you are renewing your certificate and not upgrading to a higher one, then any time coded as 808 on the timesheets counts towards your sea time.

Respectfully submitted,

Brother Laurence Spencer  
SOC Engineering Representative

## **M/S/C TO ACCEPT THE SOC ENGINEERING REPORT**

### **Local 1**

Christine Spencer gave a verbal report.

### **Local 2**

Eric McNeely provided a written report. The following is verbatim:

#### **The Good**

In early January Local 2 and 12 held an Executive only meeting to discuss many issues. Most notably:

- Online meetings
- Cashier issues
- WorkSafe appeals
- Retirements
- New Collective Agreement 'goodies'
- Homeweb options
- Winter school bookoffs
- Facebook 'confidentiality'
- SFM for catering (TC requirement)
- Massage motion (JL)
- Mutual exchange issues
- Grievance status/process
- Retailers

#### **The Bad**



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Crewing and Employee Relations continue to interpret the Collective Agreement in new and detrimental ways for our membership. Article 18.06 and the refusal to provide overtime records for our Duke Point Commercial Services Drivers in order to ensure compliance with Article 44 sub article 3.03 are low lights. A Local 2 member's family has been struck with a medical challenge and while terrible, I am again struck by the amazing ferry family in Nanaimo and fleet wide in supporting the member.

### **The Ugly**

COVID, the long term effects of constant stress and under staffed terminals and vessels is taking its toll on members. The protracted 'make whole' process is having a negative impact on members. Complaints of abuse from managers and passengers are up, grievances are not being responded to in a timely manner and the employer seems to be straying from past practise and the Collective Agreement when responding to grievances.

### **The Future**

To end on a more positive note, Local 2/12 are still planning for our Halloween party in 2021 to replace the missed event this past year. Additionally, there is a potential opportunity to re-calibrate the Union-Company relationship in Nanaimo with the bulk of long term managers and excluded employees in both Crewing and Employee Relations departing this spring. Members are excited for the new 2021 terms and there has been much discussion about new and returning member interest in various positions.

Respectfully submitted,

Brother Eric McNeely  
Local 2 President

### **Local 3**

Bobby Sangara gave a verbal report.

### **Local 4**

Stuart Pelly gave a verbal report.

### **Local 5**

Lisa Hayes gave a verbal report.

### **Local 6**

Mike Cafik gave a verbal report.

### **Local 7**

Khris Falls gave a verbal report.

### **Local 8**



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Alex Blackburn gave a verbal report.

**Local 9**

Iris Sunday provided a written report. The following is verbatim:

Happy New Year!

There is not much to report from Local 9 at this time.

With the end of 2020, the Receptionist at the Atrium was awarded a term-certain exempt position. Due to the closing of the reception to the public and visitors and not many tasks available to that desk, the Company decided that during this period the reception will not be staffed.

Most Atrium staff continues to work remotely and only on occasion go into the office.

With the ratification of the new Collective Agreement, many questions have come up as to when the various Articles are coming into effect and when hard copies of the new Agreement would be available to the members.

Respectfully submitted,

Sister Iris Sunday  
Local 9 President

**Local 10 Report**

Blaze Pihl provided a written report. The following is verbatim:

I hope this report finds you all well.

The following are some of the issues that have arisen this month:

**Catering, Bella Coola**

We are currently in disagreement with the Company about what happens to catering when the Seawolf is not on the run. Employee Relations would like a temporary, and mandatory, move to other POAs with limitations on possible expense claims. Local 10 is in disagreement. Our members should not be forced out of their POAs without their consent. Their job still exists and no such arrangements were ever mentioned in the original job postings for the positions. If a member should choose to accept a shift at another POA, they would be entitled to all expenses that such a change would incur. There will be a meeting set up in the near future to discuss the issue further.

**Staffing Pool Positions, Prince Rupert**

During the December Northern Expedition SSC, the Senior Chief Steward informed the SSC that the Company would be getting rid of staffing pool positions for the Prince



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Rupert POA. We have multiple staffing pool vacancies that are not being reposted and even had one recently cancelled that was already being bid on. When the issue was raised with Employee Relations, they stated that they would no longer post staffing pool positions for the foreseeable future. When asked for a possible ending date to this embargo, they could not give any clear timeline.

Respectfully submitted,

Blaze Pihl  
Local 10 President

### **Local 11 Report**

Bill Brett provided a written report. The following is verbatim:

Our Northern Gulf Islands region has had a big cluster of various meetings. We are almost through all of our GRTW for some employees that have been off for long periods of time. There has been a lot of grievance meetings as well.

We are still having some long standing issues with job descriptions on all the new vessels since the Salish Class was implemented. The Baynes Sound Connector and the Island Class vessels are creating all kinds of problems. It's been a difficult transition.

The Company is struggling again with the implementation of the Island Class on Route 23 (Campbell River - Quadra) and still having all kinds of safety and graveyard ERA work issues on Route 25 (Port McNeill - Alert Bay).

A big thank you to our LROs for helping out and to our Local 11 Executive and Shop Stewards. There's been so many FFI meeting's going on recently. There are also numerous pay discrepancies going on that are taking too long for our members to get their pay.

Little River Terminal Maintenance is experiencing some unfair practices again that we are currently working on.

A meeting being held January 29<sup>th</sup> regarding the Route 23 Island Class implementation will be interesting.

Respectfully submitted,

Brother Bill Brett  
Local 11 President

### **M/S/C TO ACCEPT/RECEIVE THE LOCAL REPORTS REPORT**

### **CARRIED**



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**M/S/C TO ADJOURN**

The meeting will reconvene at 0900 hours, Wednesday, February 24, 2020.