



BULLETIN

Kitimat Smelter and Kemano Power Operations Workers

COVID-19 AND LEGAL UPDATE

Sisters and Brothers,

We know you have been following the day-to-day developments of the COVID-19 pandemic in our community, country and all over the world. We are seeing the impact on workers and their families. We want to ensure the well-being of Unifor members as we continue to build our plan to navigate this pandemic. We are concerned about the health, safety and livelihoods of our members. We are concerned the Company does not take advantage of you and ride roughshod over our Collective Agreement rights all under the guise of expediency. We would like to update you on a number of measures and actions being undertaken by the Local to protect your safety and your hard-earned Collective Agreement rights. In the past few weeks, we have had daily communication with the Company and we have negotiated a "Covid-19 Emergency Measures Agreement" which sets out in part, temporary changes in certain shifts schedules, with the following provisions:

- This Agreement will expire when either the BC Provincial Health Officer removes COVID-19 related restrictions or when both Parties agree to end this Agreement.
- Prior to implementing any agreed measures, the Company must communicate them to the affected crews and provide an opportunity for input. Any input received will be shared with the Union giving the parties an opportunity to modify the agreement if needed.
- The Union Full-time Safety Rep or alternate will work together with a Company Representative to respond to Covid-19 related issues. Their responsibility will be to address Covid-19 complaints from work areas and recommend solutions.
- The Company will put measures in place to support physical distancing e.g. staggering start and stop times, break times, shower times and meeting times.

The Local is monitoring the impact of the pandemic across the workplace, and as a result, the need for us to include additional measures to protect our members will potentially increase.

On Friday April 3, 2020 the Company sent out a notice to our members from Affonso Bizon, General Manager. In that notice, Mr. Bizon references a letter he sent to the Local President, Martin McIlwrath and Business Agent, Cliff Madsen, titled "Notice of Force Majeure and Workplace Changes Needed to Protect Our Workers". Don't be intimidated or fooled by the title of Mr. Bizon's letter to President McIlwrath and Business Agent Madsen, there is no such thing as a *force majeure* clause in our Collective Agreement – even during this time of Covid-19, the Company is not allowed to trample our rights. The Local has responded accordingly to Mr. Bizon's letter. The Company is legally obligated to follow the Collective Agreement and if a variance is required, it must be negotiated. The Local is always willing to work cooperatively and in good faith with the Company, but unfortunately, in recent interactions the Company has not reciprocated equally. Examples of the Company's lack of good faith has been coming from the highest level:

- we've seen a Letter of Agreement agreed to by the Company's representative negotiator and then at the last minute refused to be signed by the Plant Manager;
- an Executive member singled out by three members of management and chastised over the position taken by your Executive on an issue;
- the Union being served with a notice of *force majeure* which has no legal basis and is an attempt to intimidate the Union; and
- attempts by the Company to overcontrol at a time when working together is paramount.

We know that the situation is evolving and we want to express that we are here to support you, to demand protections for you and respect for our Collective Agreement, and to continue to work with the Company and with you to face the challenges that will confront us.

We are asking you to communicate with the Local to seek help, ask questions, or make suggestions:

Union Hall – 250-632-4611

President -Martin McIlwrath – 250-639-5308

Business Agent - Cliff Madsen – 250-639-5601

Grievance Committee - Ed Abreu – 250-639-6039

Union Full-time Safety Rep – 250-639-8411

YOUR UNION AT WORK!