



The Brief

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Subsidized manufacturing company fires workers after they sign up to unionize



Representatives of the provincial and federal government joined BWS company officials on May 14, 2013 to celebrate BWS Manufacturing's new facility and to announce provincial and federal investments to help the company acquire a neighbouring manufacturing facility to establish a new plant. From left to right: Dale Graham, Speaker of the Legislative Assembly; Victoria-Tobique MLA Wes McLean; Premier David Alward; BWS president Randy MacDougall; and Tobique-Mactaquac MP Mike Allen. Photo by the Government of New Brunswick.

By RUTH BREEN

Fredericton - A Steelworkers union organizer is calling the September 2013 firing of workers at BWS Manufacturing in Centreville, in western New Brunswick, the "most flagrant violation of the provincial labour law" in his 14 years as a union organizer.

Mario Fortunato, a Fredericton-based Steelworkers organizer, was part of unionization attempts at BWS, which he feels resulted in the firing of 26 skilled workers. Approximately 90 workers are employed at BWS Manufacturing building highway truck trailers and plow blades as well as sanding units and toxic waste containers.

The BWS workers contacted the Steelworkers through their national website. According to Fortunato, the workers were strong in their determination to organize. Facing low wages and poor working conditions, the workers were ready to go out West if they were not able to unionize.

Fortunato is calling BWS the worst sort of corporate welfare abuser. "The company received millions in grants and loans from the taxpayers on the promise of creating good jobs. But they're really paying starvation wages with the corporate welfare they're receiving. Before I started my organizing drive, the company got another \$1.5 million and announced 30 additional jobs would be created. It seemed like a good time to unionize," says Fortunato.

The Government of Canada provided a \$750,000 loan to BWS through the Atlantic Canada Opportunities Agency's (ACOA) Business Development Program. Meanwhile, the New Brunswick government invested a total of \$813,500 in BWS through Economic Development's Financial Assistance to Industry Program.

"I am proud that the Government of Canada's support to BWS Manufacturing will help improve the skills of the local workforce, increase direct and indirect benefits for the region, and generate significant jobs and economic benefits in the Centreville area," said Mike Allen, Member of Parliament for Tobique-Mactaquac in a news release from ACOA on May 13, 2013.

"Our plan to rebuild New Brunswick focuses on creating economic growth and new jobs across our province," said Premier Alward of the investment in BWS. "This investment will allow BWS Manufacturing to establish a new plant and seek new and greater opportunities."

Randy MacDougall, the owner of BWS, happens to be Premier David Alward's first cousin and his brother-in-law is Dale Graham, the local MLA and former deputy premier under Bernard Lord.

Within the first week of arriving in Centreville to organize the union, Fortunato signed 44 union membership cards after seeing 55 of the 88 workers. The New Brunswick Labour and Employment Board can certify a vote on a union when sixty percent of workers have signed union cards.

In a conversation with the workers early in the organizing drive, Fortunato recalls a worker asking him what they would do if they were fired. "I assured them that would not happened during an active drive. I told them that they may be intimidated and slyly questioned. If the employer fired them during a drive, the labour board would order a union certification. The next day on my way back to Centreville, I received a call from my contact telling me that they were all fired!" says Fortunato.

"Anyone who had met with me or had helped in signing union cards or had been forthcoming about their support to unionize had been 'laid off' with no expected date of return. I couldn't believe it was for legitimate reasons because of the 26 sent home 24 had signed a card. The math was too great in favour of this being a punitive measure aimed at preventing the union from succeeding," says Fortunato.

"Many laid off were senior employees. One worker had been there 30 years, while some of the workers that they kept had only been hired weeks before. Some of the workers let go were the most skilled, one built the highway sanding units from raw steel to full assembly. A layoff seemed less likely also because they had been running extra shifts on Saturdays to build a second assembly line, which was to accommodate an increase in business. On that Monday, a supervisor and the company rat went station to station interrogating people demanding to know who was involved, who signed and who created the list," recalls Fortunato.

Fortunato arranged for the workers to meet a lawyer the day following their firing. They filed for interim relief, contending that irreparable harm had been done to the organizing drive as a result of the employer's illegal action.

"We sought to have workers put back to work immediately thereby showing them it was safe to exercise their right to form a union. The Labour Board convened quickly and the chairman agreed that harm had been done but rather than order the workers back, the only possible remedy, he said he would ensure a swift hearing on the matter so that evidence could be heard apart from affidavits, which were all that was allowed in the hearing for interim relief," says Fortunato.

The chairman of the Labour Board gave dates when he was available but the Employers Council claimed they were busy on those dates and weeks turned into months. Fortunato feels the delays are an effective tactic used against blue-collar workers who live paycheque to paycheque. The workers had three full days of hearings before the labour board in December. The workers await more hearings in March.

Workers through the Fredericton District Labour Council (FDLC) have raised over \$7,000 in funds to support the fired workers.

Alex Bailey, the President of the FDLC, said, "It's interesting that when it comes to workers attempting to pull themselves out of poverty and empower themselves by forming a union, there's little to no support from the government to enforce the law, which is supposed to protect workers in this situation," says Bailey.

Some of the laid off workers have returned to work at BWS but eleven workers still have not.

Ruth Breen is an executive member of the Canadian Union of Postal Workers Fredericton/Oromocto Local and the Fredericton District Labour Council.

Send letters to jailed Mi'kmaq warriors, Aaron Francis and German Junior Breau, to:

**Southeast Regional Correctional Centre
435 Lino Road
Shediac, NB
E4P 0H6**

No spiritual elders for jailed Mi'kmaq warriors

Province lags behind federal programming, may be breaking Canadian Charter

By MILES HOWE

Shediac - The spiritual health of Germaine (Junior) Breau and Aaron Francis, the two members of the Mi'kmaq Warriors Society who have been incarcerated since the RCMP raided the anti-shale gas encampment along Highway 134 on October 17, appears to be of little concern to the New Brunswick Department of Public Safety, Communities and Correctional Services.

The two men are currently jailed at the provincially run Southeast Regional Correctional Centre (SRCC), located in Shediac. There, Breau and Francis await their trial dates, which are scheduled between mid-March and early April 2014.

The SRCC has a paid chaplain on staff. It is unclear whether the chaplain uses a multi-faith approach, or whether he serves Christians only.

Whatever the case, Suzanne Patles, who has visited Breau on numerous occasions during his months-long incarceration, relates that he has made "over a dozen requests" for an indigenous spiritual elder. Breau and Francis have only received one visit from an elder in over three months.

When asked about Breau's request to pray with an indigenous spiritual elder, Deputy Superintendent John Cann refused to discuss the particulars of any one inmate's case, but let it be known that the SRCC is always looking for "new volunteers" of the spiritual persuasion.

"Spiritual advisors of any faith are welcome on a volunteer basis," says Cann. "We don't have a spiritual elder from the native community that would be willing to come in on a volunteer basis at the moment."

The lack of spiritual services given to Breau is likely only the tip of the iceberg with regards to the situation for other Indigenous inmates.

Breau is a high profile inmate, due to the international attention that the months-long anti-shale gas protests in Kent County garnered. Patles is also social media-savvy and has developed networks on a variety of platforms. While Breau's refused requests for a spiritual elder, as championed by Patles, has received attention via social media, it is likely that the spiritual requests of other indigenous prisoners at the SRCC have also gone unanswered and unpublicized.

In choosing to financially support a chaplain while not providing such support to religious services that cannot be provided by a chaplain, the New Brunswick government may have disregarded Section Two of the Canadian Charter of Rights and Freedoms, which notes that freedom of conscience and religion is a fundamental freedom in Canada.

If Breau and Francis were stationed in maximum security, such as Renous, their spiritual needs would be regulated by the federal department of Correctional Services.

At the federal level a variety of documents are currently being developed to address the spiritual needs of the disproportionate number of incarcerated indigenous peoples in Canada. Among these is the *Commissioner's Directive Policy on Aboriginal Offenders*, which falls under the Safe Streets and Communities Act.

Among other mandates, the policy notes that the institution head (superintendent) will: "Ensure that Elders/Spiritual Advisors are afforded the same status as Chaplains... [and] ensure... (continued on page 2)



Annie Clair and her son Germain Junior Breau. Breau was arrested during the RCMP raid on the blockade against shale gas near Elsipogtog on Oct. 17. He faces a number of charges and remains in detention in Shediac, where he is being denied access to a spiritual elder. Photo by Shanelle Clair.