

**MARCH 2013**  
**Vol. 14 No. 2**

## NEWS FROM THE CLC, FEDERATIONS & NATIONAL UNIONS

**The Presidents of the four Federations of Labour in Atlantic Canada** are condemning changes by the Harper government to the country's Employment Insurance program, saying the changes are about creating a pool of cheap labour and suppressing the wages of all Canadians. They are calling on the government to "scrap the changes" and halt its campaign to "demonize and vilify" the unemployed. Michel Boudreau, President of the New Brunswick Federation of Labour, said workers will continue to demand better from the Harper government. "We will continue to fight these changes. We have only begun our campaign to get these changes scrapped. Employment Insurance is our program. It is paid for by workers and employers. These changes ignore the reality of the job market in New Brunswick. We have 10 unemployed workers for every job vacancy. Not everyone can move or commute to Alberta to work. We have families, we have communities. This is a not a solution, it is a penalty," said Mr. Boudreau.

**A Supreme Court of Canada** decision has confirmed that federal insolvency legislation must be reformed to better protect pensioners, the United Steelworkers (USW) union declared. "The Supreme Court has ruled that even when an

insolvent company breaches its fiduciary duty to its pensioners it does not have to satisfy its pension obligations," said USW Canadian Director Ken Neumann. The case involved Toronto-based Indalex Limited and the United Steelworkers union, which represented Indalex workers. The Supreme Court agreed with the union's position, but failed to provide a remedy. "Here we have a significant breach of the law, but no remedy for those affected. Clearly, the law must be changed to protect pension plan members." The union said 170 Indalex pensioners will suffer pension cuts while \$6.75 million is put into the pockets of Indalex and its debt financier.

**Canadian unions met with the** Mexican Embassy in Ottawa on February 14 to express grave concerns about Mexico's ongoing and flagrant violations of international labour rights and standards. Union delegations also met with Mexican representatives in Toronto, Vancouver, Quebec and Montreal as part of the International Days of Action events. The unions called on the Mexican government to end trade union rights violations as outlined in an International Trade Union Confederation 2012 report. In Ottawa, the delegation also raised the failure of the Mexican Government to properly investigate the Canadian Labour Congress complaint against



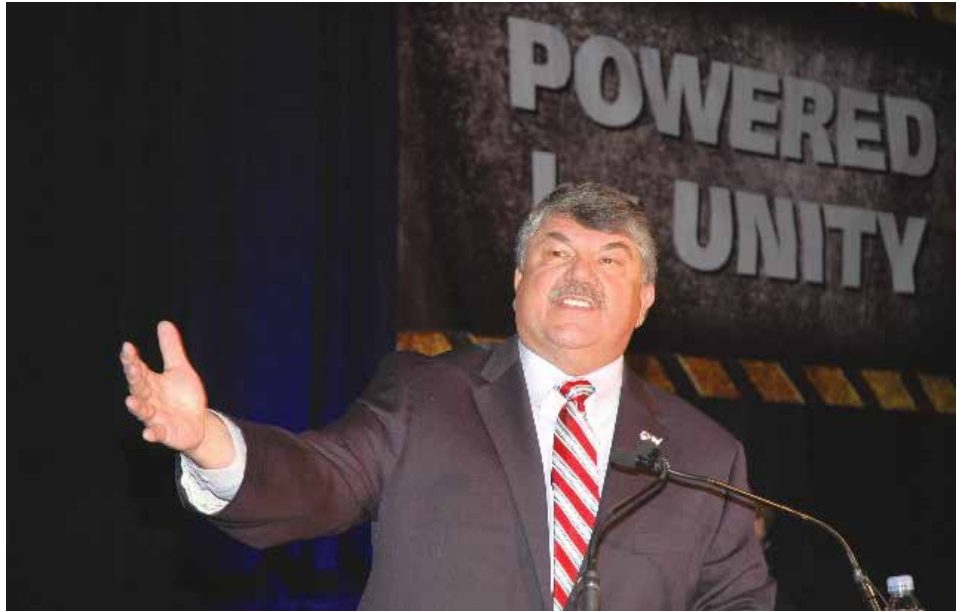
Steel worker.

**JAMES WILLIAMS**, General President - International Union of Painters and Allied Trades, Chairman - AIL Labour Advisory Board  
**VICTOR KAMBER**, Vice President - American Income Life Insurance Company, Executive Director - AIL Labour Advisory Board  
**ROGER SMITH**, Chief Executive Officer - American Income Life Insurance Company, President - AIL Labour Advisory Board  
**DENISE BOWYER**, Vice President - American Income Life Insurance Company, Secretary - AIL Labour Advisory Board  
**DAVE BARRETT**, Former Premier of Province of British Columbia, Honorary Member - AIL Labour Advisory Board  
**DEBBIE ENSTEDT**, Vice President of International Public Relations - American Income Life Insurance Company

Canadian-based Excellon Resources under the OECD corporate responsibility guidelines. Other events in Canada included street demonstrations, protests and delivering letters to the Mexican government consulate offices. The actions were organized by the Tri-National Solidarity Alliance (TNSA) with labor groups that included the AFL-CIO, and community and activist organisations.

## **INTERNATIONAL LABOUR NEWS**

**The Australian Council of Trade Unions (ACTU)** said February 17 that the Gillard Government's \$1 billion plan to support Australian manufacturing will keep jobs in Australia and create new opportunities for Australian manufacturers. ACTU secretary Dave Oliver said new laws requiring developers of projects valued at more than \$500 million to allow Australian firms to bid for contracts were a welcome step towards creating a level playing-field for Australian businesses and workers. "We need to make sure that the benefits



AFL-CIO President Richard Trumka. Flickr.com photo used under Creative Commons from Ohio AFL-CIO.

of major projects being built in Australia flow through to Australian manufacturers and businesses," Oliver said. The Government also plans to establish 10 innovation precincts around Australia by 2014, starting with a manufacturing precinct based in southeast Melbourne and Adelaide.

**The AFL-CIO Executive Council** unanimously called for repeal of the self-imposed "sequester" of \$1.2 trillion in across-the-board federal budget cuts, and planned a series of events to mobilize public opinion in support of the demand. "We urge President Obama and members of Congress of both parties to just say no to Republican ransom demands," said AFL-CIO President Richard Trumka. "The best way to disarm the hostage takers is to cancel the sequester. Then we can turn our attention to the urgent task of fixing the economy, raising wages, investing in our country and putting America back to work." The AFL-CIO scheduled March 20 for the next in a series of events to pressure congressional leaders. "We need to repeal the sequester," Damon Silvers, the policy director of the AFL-CIO, told the news media. "It's bad economic policy, and it feeds a dynamic that encourages hostage taking. We are calling on elected officials not to play this game of substituting one bad thing for another bad thing. We're insisting that our elected officials not buy into this inside-Washington game of manufactured crises."



ACTU Secretary Dave Oliver. Flickr.com photo used under Creative Commons from David Jackmanson.

**Creation of a Crown stand-alone health and safety agency**, a key recommendation of the Royal Commission on Pike River, received universal praise from New Zealand's unions. "Creating a stand-alone agency will also give health and safety

the more singular status it deserves,” said Public Service Association National Secretary Richard Wagstaff. Council of Trade Unions President Helen Kelly welcomed the announcement and pledged “the union movement is committed to working with the Government to improve the health and safety of our workforce.” She noted New Zealand has an accident rate at work that is twice that of Australia and seven times worse than the United Kingdom. Minister Simon Bridges said the new Crown agency will enforce workplace health and safety regulations and work with employers and employees to promote and embed good health and safety practices. He said the new agency would set a target of a 25 per cent reduction in workplace fatality and serious injury rates by 2020. Legislation to establish the agency is expected to be introduced to Parliament in June and the agency will be in place by December.

**In what was described as a** “full-scale attack against Turkey’s public sector union,” police on February 19 issued arrest warrants for 167 people in 28 of the country’s 81 provinces under the nation’s anti-terrorism laws. They detained more than 50 people in Istanbul and raided the headquarters of public sector union KESK in Ankara. More than a hundred members of KESK, including Steering Committee member Akman Simsek, were arrested as well as his wife. “We can no longer accept that trade unionists are arrested, detained and jailed under false accusations of terrorism. The Turkish authorities must immediately and unconditionally release all arrested trade union members and stop labeling them as terrorists. In a true democracy, trade unionists have the right to play their legitimate role without having to fear being arrested,” said Sharan Burrow, ITUC General Secretary.

## NATIONAL & POLITICAL EVENTS

**The Federal Court ruled in a** nine-year old case that employers must try to accommodate employees with family obligations in a landmark decision that will affect thousands of Canadian parents balancing work and family needs. Federal Court Justice Leonard Mandamin upheld a 2010 Canadian Human Rights Tribunal decision that the Canada Border Services Agency discriminated against former Toronto airport customs inspector Fiona Johnstone when it denied her request for regular hours so she could make child-care arrangements. The federal agency’s policy was “based on the arbitrary assumption that the need for accommodation on the basis of family obligations was merely the result of choices that individuals make, rather than legitimate



KESK Protestors at Taksim Square located in Istanbul, Turkey. Flickr.com photo used under Creative Commons from Aschevogel.

need,” Mandamin added. “This is a huge win for all Canadian workers with family obligations,” said Robyn Benson, national president of the Public Service Alliance of Canada, which represents about 9,000 workers at the federal agency and helped Johnstone with the case. Johnstone filed her complaint against the agency in April 2004 after her son was born.

### **B.C. Liberal Party's chances**

in the May 14 election dimmed after a plan from the premier's office to woo ethnic voters was made public. The 17-page memo was leaked by the NDP opposition and appeared to suggest the use of public money to help Liberals communicate with and target growing immigrant communities, such as Indo-Canadians and Chinese Canadians. The leak led to intense party unrest as a group of B.C. Liberal Party members, describing themselves as having an “ethnic background,” called for Premier Christy Clark's resignation. Clark's long-time friend and advisor, deputy chief of staff, Kim Haakstad, who sent out the document to several people working on a Liberal re-election plan, was forced to resign as part of the political fallout. The NDP appears far ahead in the race at this time, and the incident only serves to

“cement” the Liberals' “brand” in the mind of voters, suggested Norman Ruff, a University of Victoria professor emeritus of political science.

## **NEWS FROM CANADA'S UNIONS**

### **Teamsters Canada Rail Con-**

**ference Maintenance of Way Employees Division members and signal maintainers represented by the International Brotherhood of Electrical Workers jointly ratified a new five-year rail contract. The union workers are employed by the Ottawa Valley Railway and Southern Ontario Railway and the contract was negotiated with the new owner, Genesee and Wyoming. Talks began on October 22-23 with the former owner of the two short lines, RailAmerica without reaching an agreement. Negotiations were postponed until 2013 as a result of the pending sale of the RailAmerica properties to G&WRR. The deal provides industry standard annual wage increases and improvements to expense reimbursement as well as work rules. The new contract features significant improvement to annual vacation entitlement as well as the introduction of Flex days to the two Railways.**

### **Union representatives on the**

Minister of Labour Relations and Workplace Safety's Advisory Committee urged the Government of Saskatchewan to place Bill 85 on a longer legislative track. The committee members, representing a variety of sectors and organizations, pressed the government not to rush passage of the proposed Saskatchewan Employment Act through the spring session of the Legislative Assembly. “There is no crisis to fix and no necessity to rush through with an omnibus bill that will likely govern workplace relations for a decade or more,” said advisory committee member Hugh Wagner. Bill 85, the proposed Saskatchewan Employment Act (SEA), introduced in December 2012, is a sweeping re-write of the province's labour laws, including the Labour Standards Act, the Occupational Health and Safety Act, the Health Labour Relations Reorganization Act, the Construction Industry Labour Relations Act and the Trade Union Act.

### **Negotiations between the Alber-**

**ta Teachers Association and the provincial government “are over” and any incentives previously offered are now “off the table,” Education Minister Jeff Johnson announced March 3. Negotiations with the province broke down in February after the teachers rejected a four-year province-wide deal that included three years of salary grid freezes. Bargaining on all issues, such as workload and compensation, now falls on 62 local schools boards. The teachers' union accused the education minister of interfering with the collective bargaining process and “manufacturing a crisis.” “He's trying to make this out to be a much bigger crisis than it needs to be,” said Jonathan Teghtmeyer, Alberta Teachers' Association spokesman. “We have a long history of local bargaining in this province and the vast majority of collective agreements are reached without labour disruption.” Teachers have been without a contract since the end of August 2012.**



Southern Ontario Railway Locomotive. Flickr.com photo used under Creative Commons from Bobolink.

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**Nancy Hutchison**  
Secretary-Treasurer  
of the Ontario  
Federation of Labour  
(Shown carrying a  
sign at a workplace  
safety event.)

## WORKERS' LIVES WORTH MORE THAN PROFITS

In the early morning of May 9, 1992, 26 men were working underground at the Westray Coal Mine in Pictou County, Nova Scotia. A violent explosion deep in the mine at 5:20 am rocked the community awake. There were no survivors and some of the bodies have never been recovered.

A public inquiry led by Justice Peter Richard resulted in a report appropriately titled, "The Westray Story: A Predictable Path to Disaster." Justice Richard found that, "management at Westray displayed a certain disdain for safety..." He went on to say that the Westray story is "one of incompetence, of mismanagement, of bureaucratic bungling, of deceit, of ruthlessness, of cover-up, of apathy, of expediency, and of cynical indifference."

The incompetence and concealment did not end with the explosion. Legal maneuvering saw charges under the province's workplace safety legislation laid and dropped in favour of Criminal Code charges which were subsequently also dropped. The Criminal Code as it was written at the time was not sufficient to secure a conviction against the corporation's negligent management and directors. Ultimately, no one was held to account for the deaths of the 26 miners that devastated a community.

This grave injustice led the United Steelworkers (USW) on a 12-year campaign to amend the Criminal Code and include criminal negligence provisions

for companies that disregard the health and safety of workers.

They were successful and, in March 2004, Bill C-45 amendments to the Criminal Code of Canada became the law. This Bill, known as the "Westray Bill," established new legal duties for workplace health and safety and established criminal liability for negligent corporations, their directors and managers.

While the Criminal Code is a Federal responsibility, setting the standards for police investigation and prosecutions under the Code is a provincial role. The struggle then shifted to ensuring that the Westray Bill became routinely integrated into provincial responses to workplace death and injury.

However, since the passage of this law, the devastating carnage in our workplaces remains unabated. In Ontario, over 400 workers die and nearly 250,000 are injured each year. Perhaps even more shocking is the fact that nearly two decades after Westray, most police officers still appeared to be unaware of the Criminal Code changes and not a single negligent employer had faced a criminal conviction in Ontario. The Ontario Federation of Labour (OFL) decided to change that.

On December 24, 2009, six construction workers plunged 13 stories from a West Toronto high-rise when the swing stage broke in two. Four of the workers fell to their deaths and a fifth — a 22-year-old — sustained such serious injuries that he may never fully recover. Only two safety life-lines were affixed to the swing stage that held the six men. This tragedy outraged many and triggered a province-wide campaign by the OFL under the banner "Kill a Worker, Go to Jail."

At the time, OFL President Sid Ryan announced to the media: "Unless negligent employers face jail time, they will continue to put personal profit ahead of the safety of their workers. We won't stop campaigning for justice until bad bosses are marched out of corporate board rooms in handcuffs."

Across the country, provincial labour federations, the Canadian Labour Congress (CLC) and unions have come together to draw attention to the Westray Bill. However, while the wheels of justice have turned slowly, the diligent work of the labour movement has begun to show progress.

In addition to an aggressive media campaign demanding justice for the victims of employer negligence, the OFL has been engaged in a concerted educational campaign directed at police forces and crown attorneys in every community.

In October 2010, four counts of criminal negligence causing death and one count of criminal negligence were laid against Metron Construction for what had become known as the "Christmas Eve tragedy." After a two-year trial, an Ontario Court made history when it convicted Metron Construction of criminal negligence in 2012 and leveled a \$200,000 fine — a sentence that is currently being appealed by the crown as "manifestly unfit." While the company's sole owner, Joel Swartz, struck a plea deal to avoid a personal conviction that could have resulted in jail time, a trial date is still pending for the company's project supervisor and the OFL remains committed to seeking justice within the full extent of the law.

As others are doing elsewhere in Canada, the OFL has resolved to publicly pursue justice for workers who are killed due to employer negligence. We strongly believe that every worker who is killed at work deserves to have their death investigated through the lens of the Westray Bill. And when employer negligence is found to be at fault, the victims and survivors deserve nothing less than to see these unscrupulous bosses wind up behind bars.

*Nancy Hutchison is the Secretary-Treasurer of the Ontario Federation of Labour. Representing 54 unions and more than one million workers in Ontario, the OFL is Canada's largest provincial labour federation.*

# LABOUR ADVISORY BOARD

These outstanding union leaders are members of American Income Life Insurance Company's Labour Advisory Board.

With their advice, American Income Life Insurance Company provides substantial financial assistance to labour and labour-related causes, and develops programs to best meet the needs of union members and their families.

Membership on the Labour Advisory Board constitutes neither an endorsement of American Income Life Insurance Company nor its products. The only obligation of membership on the Board is to provide guidance on how AIL might best serve the interests of their respective members and the labour movement.

Labour Advisory Board members recognize that AIL is a fully organized, 100 percent union company that offers supplemental insurance plans primarily to union members. AIL is honored to be among those "All-Union Wall-to-Wall" companies cited by the AFL-CIO Union Label and Service Trades Department.



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*Honorary Member,*  
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American Income Life  
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United Association of Journeymen and  
Apprentices of the Plumbing and Pipe  
Fitting Industry of US and Canada



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International President,  
Transport Workers Union  
of America



**Matthew Loeb**  
International President,  
International Alliance  
of Theatrical Stage  
Employees



**William Lucy**  
President Emeritus,  
Coalition of  
Black Trade Unionists



**Hon. Ray Marshall**  
Former US Secretary  
of Labour  
Honorary Member,  
Labour Advisory Board



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Executive Director,  
Actors' Equity Association



**Sean McGarvey**  
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Building and Construction  
Trades Department  
AFL-CIO



**Joseph Nigro**  
General President,  
International Association of Sheet  
Metal, Air, Rail and  
Transportation Workers



**Terence O'Sullivan**  
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International Union of  
North America



**Oscar Owens**  
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**Laura Reyes**  
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American Federation of State,  
County and Municipal Employees,  
AFL-CIO



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National Air Traffic  
Controllers Association



**Clyde Rivers**  
President Emeritus,  
California School  
Employees Association



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General Secretary-Treasurer  
International Association  
of Machinists and  
Aerospace Workers



**Cecil Roberts**  
President,  
United Mine Workers  
of America



**Kinsey Robinson**  
International President,  
United Union of Roofers,  
Waterproofers and Allied  
Workers



**Arturo Rodriguez**  
President,  
United Farm Workers  
of America



**Milton Rosado**  
President,  
Labour Council For Latin  
American Advancement



**Michael Sacco**  
President,  
Seafarers International Union  
President,  
Maritime Trades Dept, AFL-CIO



**Veda Shook**  
International President,  
Association of Flight  
Attendants-CWA



**Elizabeth E. Shuler**  
Secretary-Treasurer,  
AFL-CIO



**Bruce R. Smith**  
President,  
Glass, Molders, Pottery,  
Plastics and Allied  
Workers International



**John J. Sweeney**  
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AFL-CIO



**George Tedeschi**  
President,  
Graphic Communications  
Conference / International  
Brotherhood of Teamsters



**Richard Trumka**  
President,  
AFL-CIO



**Baldemar Velasquez**  
President,  
Farm Labour Organizing  
Committee



**Walter Wise**  
General President,  
International Association of  
Bridge, Structural, Ornamental  
and Reinforcing Iron Workers



**Diann Woodard**  
President,  
American Federation of  
School Administrators



**Hon. Jim Wright**  
Former Speaker of the House  
Honorary Member,  
Labour Advisory Board

## LABOUR ADVISORY BOARD ADDS THREE NEW MEMBERS



**Frank Christensen**  
IUEC

AIL/NILICO welcomes International Union of Elevator Constructors General President Frank Christensen to the company's Labour Advisory Board. On September 11, 2012, Christensen was elected unanimously by the General Executive Board to replace the retiring Dana Brigham as General President of the union. On December 18, 2011, Christensen received a prestigious International appointment as a Trustee to the National Elevator Industry Educational Program. He also has served as the Chairman of the Illinois Elevator Safety Board since his first appointment in July 2003.

Christensen joined the Elevator Constructors in 1979, joining Local 2. In 1998, he became President of Local 2 and served in this office until his appointment as business manager on September 15, 2001. In 2005, Christensen was selected as the Illinois Maritime Labour Man of the Year. In the 2011 General Election, Christensen ran unopposed and became the longest-serving Business Manager of Elevator Constructors Local 2 in its 114 year history.



**Laura Reyes**  
AFSCME

Laura Reyes, Secretary-Treasurer of the American Federation of State, County and Municipal Employees, AFL-CIO, is the newest member of the AIL/NILICO Labour Advisory Board. She was elected at the union's 40th International Convention in June 2012. A native of San Diego, CA, Reyes grew up in a union family, her father and grandfather both advocates for workers' rights. After graduating high school, Laura taught preschool and experienced first-hand the disrespect many education workers face.

In 2002, she joined the United Domestic Workers (UDW) Homecare Providers Union/AFSCME Local 3930. She was elected as a delegate to the AFSCME convention for the first time in 2006, and she became a member of the committee that modernized and wrote the present UDW constitution to make it more member-focused. Reyes was elected UDW President in 2008 and an AFSCME International Vice President in 2009. As President of UDW, she led the largest AFSCME affiliate in California.



**Joseph Nigro**  
SMART

Joseph Nigro serves as General President of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART). He was General President of the SMWIA since July 2011 after serving as General Secretary-Treasurer since March 2006 and as Assistant to General President since September 1999.

He heads up a diverse workforce of over 200,000 members in the building and construction trades and in the railroad, bus, transit and air industries. Some 650 local unions are located throughout the United States, Canada and in Puerto Rico.

His union career began with an apprenticeship as a Sheet Metal Worker from 1969 until 1973 in Boston, Massachusetts at Sheet Metal Workers Local 17. He held local positions as Trustee in 1976, Vice President in 1982, President in 1985, Business Agent from 1988 to 1994, and was elected Business Manager in 1994 and 1997.



**Ontario New Democrats  
Visions Dinner**

Daryl Barnett (left), AIL Canadian Director Labour Relations, presents a contribution on behalf of AIL in Canada to Darlene Lawson, Provincial Secretary, Ontario New Democratic Party, in support of the Ontario New Democrats Visions Dinner.



**BC Dave Barrett  
Scholarship Fund**

AIL recently donated \$5,000 to sponsor a BC Federation of Labour Dave Barrett Education Scholarship. Shown at the presentation are (left to right) Irene Lanzinger, BC Fed Secretary-Treasurer; Fran Christie, AIL Public Relations; Jim Sinclair, BC Fed President; Daryl Barnett, AIL Director Labour Relations; Denise Perry, AIL Public Relations. Barrett, a member of the AIL Labour Advisory Board, is a long-time advocate of union rights and political leader who once served as provincial premier. "His actions as Premier ensured workers in the public sector had the right to unionize and freely negotiate collective agreements, these and other initiatives contributed to a strong middle class and an economy that worked for families and ordinary British Columbians," said Barnett.



**BC Federation of  
Labour Convention**

United Food & Commercial Workers Local 1518 President Ivan Impright visits the AIL booth at the recent B.C. Federation of Labour Convention. UFCW 1518 represents AIL employees and agents in Western Canada. Shown are (left to right) Limpright, AIL BC Public Relations, Denise Perry, Secretary-Treasurer UFCW 1518 Frank Pozzobon, AIL BC Public Relations Rep Fran Christie.



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