



## TC LOCAL 1976 USW

2360 ave. de la Salle, # 202, Montréal, Québec H1V 2L1

TEL: 514-526-8280 FAX:514-526-0537 EMAIL: info@1976usw.ca

### Canpar Unit President Meeting Minutes

**Date: November 18, 2023**

Location: Online via Zoom

The meeting was called to order at 11.13 am Mountain Standard Time (MST) / 1:02 pm Eastern Standard Time (EST), by **Erin Zuchotzki**.

There was a total of 11 participants in the meeting, including a Recording Secretary to record the minutes of the meeting.

- |                     |  |
|---------------------|--|
| 1. Annie Daigneault | 7. Robert Ramjohn                              |
| 2. Erin Zuchotzki   | 8. Stephen Aubertin                            |
| 3. Jules Rochemont  | 9. Jonathan Grdic                              |
| 4. David Hill       | 10. Todd Schulstad                             |
| 5. Susan Jonah      | 11. Larry James ( <i>Recording Secretary</i> ) |
| 6. Peter Aligianis  |  |

#### **Erin Zuchotzki**

- Has been away filling in for a Staff Rep position.
- Glen Rankine and Jerome Molcan unable to attend because they are working.
- Announced that she would present the report for Jerome Molcan.

#### **Erin Zuchotzki** (for Jerome Molcan)

- 2 Owner Operators quit; freight was divided up.
- Canpar preload gone, now loaded by Loomis employees.
- Surrey terminal not allowed to work overtime, but Canpar allowed to work Saturday's.



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### **Dave Hill**

- Not a lot happening.
- Freight is low.
- Employees are being asked to volunteer to go home.
- Freight being given to Loomis behind his back
- Glad he is retiring in a few years.

### **Susan Jonah**

- Fuel subsidy for O/O is nowhere near what it is supposed to be, and it keeps going down. It seems to go down faster than it goes up. They say it doesn't, but I don't believe that either.
- Filed a grievance for a guy in Dartmouth.
- Warehouse B employee is now receiving benefits.
- A driver had an accident.
- Driver with \$500 in tickets, the company is defending him.
- Freight down a bit in Fredericton, not sure about anywhere else.
- The 2 Loomis O/O have still not hired anyone. I keep fighting with Jeff about it. I will have to figure out this outsourcing business, because he has basically lied straight to me and said that he had hired.

### **Stephen Aubertin**

- Not much to report.
- Jon continues to be a tremendous help for me, resolving issues that I didn't even know were an issue. He was very instrumental in helping a warehouse worker in Bracebridge, who had never received his seniority raises and was still at the starting rate.
- The company went back and calculated all his seniority raises through the years, and it turns out that he was owed just over \$8,000.00. That made Mark a very happy guy for Christmas.
- I have an issue with an O/O in Bracebridge. I expect that he is going to be terminated.



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- We are still having the same issues with the fuel subsidy. The O/O are not aware of when the rates change and how it is calculated. They have no way of knowing if their pay is correct.

### Jules Rochemont

- In our unit, we have over 25 grievances outstanding right now.
- Guys finding it difficult to complete the Dangerous Goods course in one shot.
- It says it allows 135 minutes to do the course, and then it says you are allowed 180 minutes to do the exam.
- After talking to a couple of managers it seems that it is at their discretion as to how many hours they want to pay the guys who have done the course. For example, Lachine is paying the guys 3 hours, and in St. Hubert they are paying them 2.5 hours.
- If you look at the CBA article 8.5 states that anyone who is required to work on their day off is entitled to 4 hours overtime minimum.
- Outsourcing has got to a point where they are very arrogant about it now.
- We have a Canpar employee who stopped working as a driver to join the preload shift. The company did not replace the driver, they just gave the route to Loomis. It has been done by Loomis ever since about 3 years ago. A few months ago they posted the route for Loomis drivers to bid on. So the Loomis drivers are bidding on our Canpar routes.
- The company does not seem to care about grievances filed if there is no money value on the grievance. As soon as there is money value, is when you see something happen.
- We filed 7 grievances for this one guy who had no work, when our work was being done by Loomis. His response was he could bump onto the preload or the hub, which is a joke when Loomis is taking our freight.
- Lachine is now about 98% O/O. The company has just stopped hiring and all the hourly paid work is going to Owner Operators.
- Same thing is happening in St. Hubert now. The drivers' routes are broken up, and they now have to do several areas to make up their route.
- The CBA says the company can convert 12 routes per year to O/O when someone quits or gets fired. What is happening is, they just give the freight to existing O/O, and it does



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not get counted as a conversion and does not count against the limit of 12 conversions per year.

- The people that are doing the work are not even Owner Operators, they are third parties hired by the Owner Operators.
- They are taking our freight that we could be using rather than having to go into 3, 4 or 5 postal codes away from our area that we usually work.
- If you happen to be a warehouse guy, you will never get promoted as an hourly paid driver because there are no jobs. Unless you are willing to give up your seniority, vacation, pension, and go work for an Owner Operator.
- I am trying to protect the hourly paid routes.
- Guys are starting to stand up for themselves as far as grievances are concerned.
- When the freight drops and the company has to cut a route, they take the whole route and give it to an Owner Operator instead of dividing it up between the hourly employees.
- Management goes behind your back and begs the worker to drop the grievance or take less than what we are willing to agree on.
- Difficult working with management. They tell the employees "If I don't like your face, I can fire you" in the morning meeting.

### Robert Ramjohn

- Issues with outsourcing. Have had grievances before, and we were told that the outsourcing would stop. They did stop for some time, but went back.
- It is a problem we are going to have as long as we have any other company in your terminal.
- We have drivers that will stop and give away their freight to Loomis on the side of the street.
- It is not something that is easily fixed, and it might take an arbitration case to push the company.
- It is tough because the CBA tells you that if they do not have manpower or equipment that they can outsource the freight.
- The company has changed a lot of managers and supervisors in operations. They seem to be cleaning house and getting rid of everyone that Jeff hired in favour of Canpar people with more experience.



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- Lucas had agreed to stop outsourcing, but now he is gone, so according to Tom, that deal is out the window, and we will have to redo it.
- 2 terminations recently.
- Low freight.
- Canpar raised rates, does not make sense.
- Labour relations are going well for us. We have been getting good results with regard to grievances.
- Health and Safety issue with 1 terminal not doing their minutes and not doing a good job at safety. They are telling the employees they are moving, so they are not going to fix anything.

### Todd Schulstad

- Was not aware that the company raised their rates, and agrees it does not make sense.
- Does have freight that goes to Loomis, but Canpar delivers more Loomis freight than what they do of ours.
- We are fortunate in Ottawa we have not had any layoffs.
- We have always had guys that are willing to go home, or take vacations.
- 1 driver will be retiring at the end of December, and possibly 2.
- Talked with the manager regarding working Black Friday weekend because there has been no talk about it, and they don't think we will be working next weekend.
- I have no grievances.
- I do have a couple of issues with a couple of Owner Operators.
- No H&S issues. They seem to be really quick and get things fixed when reported.

### Peter Aligianis

- Asked if anyone has noticed if Loomis freight is going down also.
- Everyone said "Yes".
- Canpar tried to push drivers to give out cards promoting Loomis.
- I don't know what that was all about but most drivers just didn't bother handing them out because that would be just like hanging yourself.



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### **Erin Zuchotzki**

- Asked Peter to elaborate.

### **Peter Aligianis**

- Explained that Canpar was asking their drivers to hand out promotional material asking their Canpar customers to use Loomis. He said he saw them in Ottawa and Montreal.

### **Robert Ramjohn**

- Unfortunately, there is no Canpar sales rep. They are Canpar/Loomis. All the sales reps' cards say Canpar/Loomis.

### **Peter Aligianis**

- The ones I seen were just promoting Loomis.

### **Todd Schulstad**

- I have never seen that in Ottawa.

### **Peter Aligianis**

- There was a whole pile of them in the Cafeteria.

### **Robert Ramjohn**

- We had them too.

### **Peter Aligianis**

- We had a Labour Relations meeting back in the fall that went very well.
- We got some demerits removed and we brought a guy back, but he found a job somewhere else so he did not come back.
- Had a driver tell him that he lost one of his accounts but was still picking up the freight through a 3rd party account.
- Having problems with management at JCC, who are using bully tactics and lying about the numbers.



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- At Robert's terminal they got rid of Lucas and put Tony Lau in there, and it is only a matter of time before he hangs himself because he is constantly lying about everything.
- Me and Jonathan just finished a bargaining course.
- We learned quite a bit of stuff, and hopefully we will be able to use it in the next couple of years.

### **Robert Ramjohn**

- Reminded Peter about the message sent out through the scanners to all the heavy machinery truckers that going forward, they need to wear steel toe shoes.
- This has never been a policy before, they implemented it effective Nov 20th, and they never contacted or consulted the union on it, and yet they are demanding the steel toes be worn effective Nov. 20<sup>th</sup>.
- It is not going to work, because the company will not pay for it, and the company has to pay for it as of the new law.

### **Peter Aligianis**

- Loomis' contract allows \$150 a year.

### **Erin Zuchotzki**

- We get up 50% up to \$50, so if you buy a pair of \$50 shoes you only get \$25.
- Wearing steel toes is a mandate from OSHA for anyone operating heavy equipment, or anyone who works around heavy equipment.

### **Peter Aligianis**

- A driver was refused entry into a Walmart yard for not wearing steel toes. We have been going there for years and now all of a sudden now it has changed.

### **Erin Zuchotzki**

- It is the customers prerogative, if they want to change, they can change.



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### **Jon Grdic**

- As far as my unit, things are slow.
- There is one employee in London who has been laid off for about 5 months now.
- They could probably lay off 3 more.
- Volunteers going home every day in London.
- It is usually busy Monday and Tuesday, and then it tails of Wednesday, Thursday and Friday.
- One guy is retiring in December, that will help the lay-off situation, but it doesn't look good for January.
- Windsor has a few guys on STD, so they are usually short drivers.
- They are a little busier because they have Loomis and DHL freight.
- No grievances in the unit.
- They were sharing freight for a bit, but we stopped that because it wasn't working out, so our guys just took all our freight back
- As far as a Business Agent, in Bracebridge the owner operators are getting quite brave.
- They don't feel like they need to show up for interviews.
- They don't feel like they need to show up for work.
- They don't feel like they need to deliver the freight, or return the freight when it is supposed to be returned.
- There will probably be a guy terminated this week, but the company is afraid to fire the owner operators because they can't find anybody to do the work.
- A guy in Barrie who didn't go to 4 interviews, and they gave him 5 demerits.
- Hopefully they will hire more hourly drivers.
- A guy with an important health care product on his truck from Thursday did not deliver it. He held it on his truck. He did not come in on Friday and said he had a dentist appointment, and he did not arrange for anyone to deliver his freight.

### **Stephen Aubertin**

- He did end up coming in on Friday and taking his freight.
- Not sure if he delivered that ATS piece, but by Karen's last message he picked up all his freight but as of 2.40 pm he had not delivered a piece.



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### **Jon Grdic**

- He thinks it's ok.
- We tell him it's not ok, but he doesn't want to listen to us.
- He will probably find himself terminated on Wednesday because he has 4 or 5 interviews for not showing up for work.
- Talked to Lucas briefly, asked him why he thought he was terminated.
- According to Lucas, he disagreed with some of the decisions made by Tom and George, and that's the reason he no longer works for Canpar.
- As far as Tony Lau, I have not had to deal with him yet, but I am sure it is coming very shortly.

### **Peter Aligianis**

- The Owner Operators seem to want to run their business the way they seem fit.
- They feel they can just do what they want and not follow their contracts.

### **Erin Zuchotzki**

- That is what Susan was mentioning in the last meeting.
- Not knowing where that line is between employee and small business owner.
- We still have work to do on it. We don't have an answer.
- Stephen was really pushing when the conversions were happening in the north.
- The owner operators obviously want to be business owners of their own businesses but Canpar treats them as employees, which they technically are not employees.

### **Susan Jonah**

- I think we need legal opinions, not just for within this company, but a legal opinion of how it is with this type of situation.

### **Erin Zuchotzki**

- That's something we can discuss when we have all of our ducks in a row, which I don't think we do at this moment.



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### **Stephen Aubertin**

- It all boils down to an essence of control, subordination and time.
- As an O/O your boss can't tell you to go in your truck and sort your freight, because that is not in their contract, they can legally say no.
- If management is telling you that you need to be here by 10.30 and out the door by 11.00, that is not in the contract.
- However, if you have a parcel that has to be delivered before 11 am, then you have to uphold that contract.
- That is where the line is drawn.

### **Jules Rochemont**

- The situation in Lachine depends on who you are.
- We had an O/O who had 1 route and was not getting the freight delivered, when the freight dropped, they fired him.
- Another guy who owned several routes, had freight sitting for several weeks because he did not want to rent a truck, and they put up with it.
- It is a double standard because they are afraid of the guy who owns 10 routes.
- If you have a big monopoly, they are not going to touch you.
- These guys are not owner operators, because they are exclusively working for 1 company
- There have been class action lawsuits such as FedEx where the judge has ruled that they are employees because they work for 1 company.
- I think that Loomis CBA states that they are employees.
- FedEx has taken all the owner operators' routes back and everyone by 2024 will be hourly paid.

### **Susan Jonah**

- I hate to say it, but I agree with Jules.
- I sat through a Labour Board meeting, nothing to do with Canpar, but to do with our Municipality regarding the very same topic of someone who was not an employee but wanted to be considered an employee.
- They explained the definition of an employee.



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- Stephen is right, it has to do with control and how much they control the time.
- They are controlling what the owner operators do but they are doing it unfairly and using it to get rid of people if they don't like them or if it is to their advantage.
- I would like to see a legal decision on a company like ours and how it can be compared to how things are operated with us.
- I do believe from the definition that I sat and listened to for 3 hours, that we are employees. Period.

### **Robert Ramjohn**

- I want to touch base on some of those things.
- A FedEx guy had 41 runs, and FedEx took 30 routes back and made them hourly.
- DHL converted 12 routes back to hourly.
- The case that Jules was talking about is an amazing case that you can read online.
- In California they deemed the company liable for employees because they control everything including uniforms, and time to come in. They converted everyone back to hourly.
- Uber is in the process of doing the same, they are in court right now.
- Companies are switching back because they have no control over owner operators, and they want control.
- The trend is happening all over the world.
- Canpar may follow suit soon, but Canpar is always late, so don't expect it too soon.

### **Jon Grdic**

- The owner operators doing what they want are actually hurting us because if the freight is sitting there all week and not being delivered, it looks bad on us as a company.
- Agrees with Robert that the trend is going back to hourly employees because they cannot find owner operators.

### **Erin Zuchotzki**

- Has also heard that big chain stores are starting to weed out their self-checkout because they have no control over it.



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- Thanked everyone for their updates.
- Gave Annie the floor and asked everyone to mute themselves.

### **Annie Daigneault**

- Mentioned that it is very strange because the FedEx website says that they are growing their owner operator fleet in North America, and it was updated today.
- Updated the Health and Safety Meeting held earlier today.
- In regards to the H&S reps that are inactive. They do not get back to us, so I may ask you to name someone that will work with us, so we can do our duties to protect the members in the workplace in regard to Health and Safety.
- I will work with Erin on a newsletter probably before Christmas.
- We will talk about Workplace Medical, because we have a lot of issues with them.
- They ask a lot of questions, from our members, not even sure if it is legal.
- They refuse a lot of accommodations.
- We will mention that in the newsletter.
- If you hear of members who have issues with Workplace Medical, I want to know about it because I am writing a complaint right now.
- We will talk about Education Week of Local 1976.
- We will talk about sharing freight.
- We will talk about the Anti-scab Law because I was involved in that project bill C-58 and I will keep you updated because it is important for the transportation industry.
- We have a lot of work to do, but I think that if we stand together, we can get results.
- Arbitration was difficult because CROA was jammed, but now it is getting better, so I will be able to do those arbitrations.
- In the meantime, as a unit we can organize. You guys are all dedicated people and there are a lot of things we can do together. Even if a grievance is set for arbitration, there are things we can do to pressure the company.
- If we blame the union all the time, the company will know, and I want them to feel that we are organized. We can find solutions together.



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- I hear Jules, and I am as frustrated as he is because after 4 or 5 Labour Relations meetings the company says they are open to resolve, but they keep putting things off and nothing gets resolved.
- We have a meeting on December 12th, and we will discuss if it is better to go straight to arbitration.
- It is not all negative. At the beginning of the year, we had more than 100 grievances, and we were able to resolve a lot of them.
- We need to put the pressure on the company, not the union, because the union is us.
- If the Unit Chairs have an issue, we can set up a meeting. We don't have to wait; we can meet more often to try to find solutions together.
- Also, I want Jules to know that I did receive an offer last week, but it was ridiculous, so I did not call you to ask, you won't you think about it.

### Robert Ramjohn

- Asked Annie when she is going to organize the outsourcing committee and present it to the company.

### Annie Daigneault

- I was hoping to have more than 4 people on the committee, hoping to have at least 6.
- I sent out an email hoping to get more names.
- I have approval from the Local, but I will have to talk to Manny and Nancy on Monday, so the Local can arrange leave for them to do the work.
- As of Monday, I should be able to get back to you on this.
- I have created an Action Plan, so the committee knows what should be done.

### Peter Aligianis

- Asked if we would get another Labour Relations meeting with Tom by December.

### Annie Daigneault

- The next one will be in January.



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- For those follow-ups with no grievances, I did ask him last week to have some time for you, me and Robert.
- They did promise to follow up with the issue with Alejandro, outsourcing, and it will be before Christmas.

### **Erin Zuchotzki**

- We will be releasing the meeting dates after the Executive Meeting in December, probably the first week in January, just to make sure there are no conflicts.

### **Jules Rochemont**

- How do I get the union to send me to Hawaii.

### **Erin Zuchotzki**

- You have to be on the Pension thing.
- That has got something to do with the Pension.
- The regulator of our pension belongs to a certain pension group of other pension things.
- They have 4 meetings a year. 2 over Zoom and 2 in person meetings.
- 1 of the in-person meetings is always within North America, and the other one is always somewhere unbelievably fantastic like Bermuda or Hawaii.
- It has to do with the International Federation of Pensions or something, the Local has no control over it.

### **Jules Rochemont**

- Is Dave Neal there also?

### **Erin Zuchotzki**

- No, he is not because I got a picture of Dave and Amanda attending something happening in Hamilton.
- I have heard the work on the Pension Committee is super boring. I would like to go to Hawaii, but I wouldn't want to participate in the courses.



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### **Jules Rochemont**

- I don't think my \$158.00 per month is going to cut it to Hawaii.

### **Erin Zuchotzki**

- Everyone is going to go, and we will charge it to Jon's Lodge because he has control over his money.
- Asked if anyone else had anything to added.
- Asked Annie to end the meeting.

The meeting was closed at *12:25 pm* Mountain Standard Time (MST) / *2:25 pm Eastern Standard Time (EST)* by **Annie Daigneault**.

Minutes submitted by Larry James on December 13, 2023.