



# The Canadian Merchant Service Guild

A NATIONAL ASSOCIATION OF  
MASTERS – MATES – PILOTS – ENGINEERS AND OTHER MARINE OFFICERS

FOUNDED 1917

AFFILIATED WITH

INTERNATIONAL MARITIME PILOTS' ASSOCIATION

INTERNATIONAL TRANSPORT WORKERS FEDERATION

# BULLETIN

DATE	February 24, 2016
TO	CMSG MEMBERS @ SEASPAN ULC
SUBJECT	CONTRACT POSITION AND ARBITRATION UPDATE

Dear Guild Members,

This bulletin is being submitted to you on behalf of the Negotiating Committee for information purposes only. Any questions or concerns should be directed to Seaspan ULC.

On February 17, 2016, the Parties concerned with the arbitration attended a vessel orientation at Seaspan's main dock in North Vancouver. This orientation was for the benefit of Arbitrator Dalton Larson's insight of the vessels and equipment used in the industry.

Attending for Seaspan were Rob Armstrong and two Seaspan Lawyers, for the Guild were Mark Chambers, Rick Cahill, Jerry Bowen and Lawyer Brett Mathews, and for the ILWU, Paul Lumsden.

Arbitrator Larson's keen interest reflected in the questions asked was well appreciated. The crew on the "Cates 8" were very informative, including their opinion of the "pager system". Although the "Corsair" is a dead ship under refit, the Arbitrator took a sincere approach in its facilities including the engine room. Hopefully, this will help our position going forward.

## Overtime Leave and Red Days' Issue

This issue has been strongly put forward to our Business Agent Trevor Lang and Legal Counsel Brett Mathews to address with Mr. Larson to find for a resolution on "consequences and manageable conditions" that would include:

- Requirement to use overtime rather than red days.
- Are we full-time or part-time Employees?
- The 'leave of absence' requirements and continued medical and benefits as these have been carried forward from previous contracts instead of pay raises.
- A level of overtime leave established to maintain the 'special conditions' that we are faced with including the 'STD' waiting period as we have no 'sick days' available to use as in other industries.
- Overtime is pay for extra work on a regular day and is voluntary.
- The red day/black day system is an averaging system that has stood the test of time over the industry as a whole. Why now is considered insignificant?
- As we work a pay and leave system posted and unposted, Employees are exposed to the 'red day' accumulation as their leave runs out. This occurs when the employee waits for the Company to schedule work. This is also an industry wide system.
- Overtime is in excess of what we work for our monthly basic wage and is voluntary.
- To remain in the black not incurring red days is working in excess of the basic monthly and is not possible for a good amount of Company's scheduling.
- Disregarding the overtime leave ability would eventually force unemployment for junior personnel.

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It's important to mention that conversion of stat holidays into leave banks to be used at a later date is protected under the law, as far as we are aware. There is no distinction between overtime banks and converted stat holiday time. It is the Committee's understanding that even if Mr. Dalton allows the Company to continue taking our converted overtime, our converted stats should be protected for our use.

### **Trial Pager System**

The introduction of a trial pager system is a slippery slope and caution is advised. The Company is looking for a 12-15 hour day with 9 hours off not including travel time. This system will be susceptible to a shifting start time as operations demand. This should be examined closely, as if ignored it will become a precedent. What also should be examined is the total number of hours workable in a week including overtime as per West Coast hours of work.

Arbitrator Larson mentioned the Company's position as stated in arbitration was for 50% of the boats to be on a pager, Mr. Dalton stated that 50% was not realistic, but the Company understood the opposite.

### **Boat Hopping**

The boat hopping issue is still on going. The Canadian Watch Keeping Standards (STCW Code adopted Resolution#2, 1995 conference) addresses this and should be adhered to.

### **For The Time Being...**

It may be in your best interest to direct your inquiries and concerns to the pertinent Managers including the Marine President to the personnel department.

It may be in your best interest to cash out your overtime account to help preserve the averaging system as we know it now. This is naturally your personal decision.

Again, we suggest your inquiries and concerns would be better addressed directly with the pertinent Managers or the personnel department of Seaspan ULC.

Although the process of negotiation, mediation, arbitration has lasted more than two years and the timeline to get a new collective agreement is unknown, it is worth noting that the Members of the Negotiating Committee have devoted a great deal of their own time dealing with this issues.

Yours truly,

### **CMSG WESTERN BRANCH**