



International
**LONGSHORE & WAREHOUSE
UNION**

LOCAL 500

BULLETIN

November 5, 2010

Welcoming Back Workers That Choose to Work Past the Age of 65

Two Union Members that had reached the age of 65 filed a complaint with the Canada Human Rights Commission (CHRC) that they were being discriminated against on the basis of age by the Union and the Employer because we enforced mandatory retirement at the age of 65 years. On March 22, 2010, the ILWU Canada Longshore Caucus passed a motion to return to mediation with the Canadian Human Rights Tribunal (CHRT) with an offer to allow the appellants to work as usual until the Air Canada airline pilots appeal on this issue was decided. That judicial review is going to the Federal Court on November 23, 2010.

The parties at the CHRT mediation were the appellants represented by the CHRC, ILWU Canada, and the BCMEA. The parties have now agreed that the date on which the appellants can return to work is November 1, 2010.

Under the mediated agreement the appellants (and all other workers covered by the ILWU/BCMEA Collective Agreement that have reached the age of 65 since November 1, 2009) will be allowed to return to work and to be despatched as usual.

- They will return to the board that they were on when they reached the age of 65. They will go out in rotation.
- There is no recognition of any accrual of seniority from their date of mandatory retirement to their date of reinstatement.
- Workers that were on the RWF when they reached the age of 65 will not return to their RWF position. They will return to the Despatch Hall. They will be able to apply for RWF jobs through new postings or rotations in the future.
- The Industry Trustees will decide any issues in regards to pensions and benefits.
- Any issue in regards to these workers' rights under the ILWU/BCMEA Collective Agreement they will be represented by the Union.

These workers have exercised their rights as Canadians to challenge what they believe to be a discriminatory practice. It is an offense under the Human Rights Act to retaliate against these workers. The Employer and the Union have agreed to put in place penalties on any worker that is found guilty of retaliatory conduct toward any worker that chooses to work past the age of 65.

Mark Keserich
ILWU Local 500 President