



# THE DISPATCHER

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# Call to the 35th

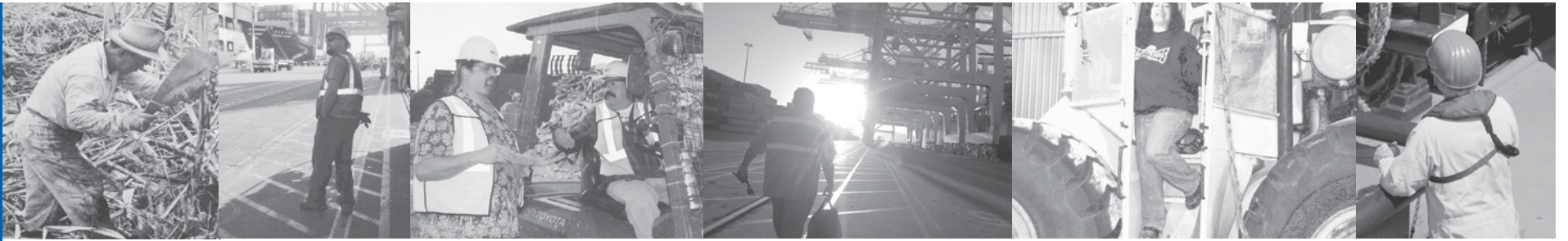
INTERNATIONAL LONGSHORE AND WAREHOUSE UNION



# JUNE 4 - 8, 2012

## SAN DIEGO, CALIFORNIA





## Notice of Nomination and Primary Elections at ILWU Convention and Longshore Division Caucus

The tri-annual Convention will be held at the Hotel del Coronado at 1500 Orange Avenue, Coronado, CA 92118 beginning at 10:00 a.m. on Monday, June 4, 2012, and closing on or about Friday, June 8, 2012. The elected Convention delegates will vote to decide the International budget, proposed increases in per-capita rates, as well as policies and direction of the ILWU for the next three-year period. Pursuant to Article VI, Sections 3 through 7 of the ILWU International Constitution, nominations and primary elections for the offices of the International President, International Vice President (Mainland), International Vice President (Hawaii), International Secretary-Treasurer and for approximately 20 International Executive Board members will be held on the last day of the Convention, which is expected to be on Friday, June 8, 2012.

All Convention delegates have the right to nominate candidates for titled office. Nominations shall be from the floor and shall be conducted separately for each titled officer. No person may be a nominee in Convention for more than one titled office. There shall be no limit for the number of nominees. No one not an accredited delegate from his/her own local to the Convention may be nominated, except that titled officers who by virtue of having held office in the previous term shall be eligible to be nominated for office. A roll call vote shall be held and the two (2) nominees receiving the highest number of votes shall be declared elected in the primary election. No person may be nominated for any International office unless such person has been a dues paying member of the ILWU for at least five (5) years, including having worked as a rank-and-file worker under jurisdiction of the ILWU for at least two (2) years, or has been a dues-paying member of the ILWU for a period of at least ten (10) years. The nominees so elected in the primary election shall be placed on a referendum ballot for a vote of the entire International active membership for final election.

At the Convention, caucuses of the delegates from each geographical area shall be held at the time and place designated by the International President for the purpose of nominations and primary election of Executive Board members. The nominations and primary election of Executive Board members shall be conducted by each caucus in the same manner as such nomination and primary election are conducted for titled officers by the Convention, provided that no more than twice the number of Executive Board members to be elected from the respective area shall be declared nominated at the primary election. Executive Board members shall in no case be a candidate to succeed themselves unless they are accredited Convention delegates from their own local at the time of nomination. A referendum ballot shall be conducted for the election of Executive Board members in the same manner and at the same time as titled officers, provided that only the active members of the local within each area designated by the Convention shall vote for executive board members for their respective area and provided further that exclusive of titled officers there shall not be over one executive board member from any one local. This restriction shall not apply to Local 142 in Hawaii. In Hawaii, there shall not be over one executive board member from any one industrial group in Local 142.

With respect to any primary election held at the Convention, such election shall be conducted by the International President, provided he/she is not a candidate for office. In the event the International President is a candidate for office, he/she shall appoint another International titled officer who is not a candidate for office to conduct the primary election. If all titled officers are candidates for office, the International President shall appoint an incumbent IEB member who is not a candidate for office, and if none is available then a credentialed Convention delegate who is not a candidate to conduct the primary election.

Each Convention delegate may vote for up to two (2) nominees in the primary election. A roll call vote shall be taken either by each affiliate or by individual Convention delegate within an affiliate as determined by the procedures of each affiliate.

A local may send as many delegates as it chooses to the International Convention. Delegates shall be elected by either secret referendum ballot of the entire membership or by ballot at a regular meeting of the local, or where for geographical reasons meetings of the entire membership are not practicable, by ballots of regular meetings of its subdivisions. Nominating procedures for delegates shall be established by the local. Where a local has more than one division or unit, it is up to the local to allocate delegates among the divisions or units. A local's constitution and/or by-laws may provide that one or more officers of the local, elected in a secret ballot election, are Convention and/or Caucus delegates. The credentials of delegates elected shall be signed by the President and Secretary of the local, must bear the seal of the local and certify that the delegate was elected as provided herein.

All credentials must be in the International Office thirty (30) days prior to the Convention.

The International determines the number of votes allocated to each local based on the average per capita payments on union members in the prior calendar year (2011). The number of votes allocated to each local is provided in the Call which is sent to each local. The International will send each of the locals copies of all resolutions, statements of policy, and Constitutional amendments for distribution to their delegates at least two (2) weeks prior to the beginning of the Convention.

All members in good standing of any affiliate of the ILWU shall be eligible to vote in the election in accordance with such affiliate's established rules defining membership in good standing that conforms to the International Constitution.

Pursuant to Rule 6.C of the ILWU Election Rules, which are an Appendix to the ILWU Constitution, any accredited delegate to the International Convention who publicly declares an intention to run for International office may request from the International Union a list of accredited delegates to the International Convention at any time within thirty (30) days prior to the Convention. A list of addresses of those delegates will also be available at the International Union for inspection. The International Union will not provide copies of the addresses of delegates or members of the Union.

Any accredited delegate to the International Convention who publicly declares an intention to run for International office may designate an individual to view on his/her behalf, the list of accredited delegates to the Convention with the following provisions: 1) The candidate must specify in writing the name of the individual designated to view the delegate list and the writing must be signed by the delegate; 2) the individual so designated by a candidate must be an ILWU member in good standing; 3) the rules governing the inspection of the delegate list will apply to the designated representative; and 4) if the candidate's designated representative inspects the delegate list, that will constitute the candidate's permitted one inspection of the delegate list.

The custodians of the Convention delegate list are International Research Director Russ Bargman, Executive Secretary Linda Kuhn and Manager, Assistant to the President Alexa Jurczak located at the ILWU Headquarters Building at 1188 Franklin Street, 4th Floor, San Francisco, California. For inspections, please first contact Russ Bargman and only if he is unavailable then ask for Linda Kuhn or Alexa Jurczak. Inspections of the delegate list may only occur during regular business hours between 9:00 a.m. and 1:00 p.m., and between 2:00 p.m. and 5:00 p.m., Monday through Friday.

Nominations and primary election for the offices of two (2) ILWU Coast Committeeman will take place during the Longshore Division Caucus, which will convene on Monday, June 11, 2012 and close on or about Friday, June 15, 2012. The Longshore Division Caucus will also be held at the Hotel del Coronado at 1500 Orange Avenue, Coronado, CA 92118. The Longshore Division Caucus elected delegates may vote to decide such matters as the budget, any proposed increases of the Coast pro-rata and other fees as well as the policies and direction of the ILWU Longshore Division and ILWU Coast Pro-Rata Committee. All Longshore Division Caucus delegates have the right to nominate candidates for the position of Coast Committeeman. Nominations shall be from the floor and shall be conducted separately for each position. No person may be a nominee for more than one Coast Committeeman position. There shall be no limit to the number of nominees. No one not an accredited Caucus delegate from his or her own local may be nominated, except that incumbent Coast Committeeman by virtue of having held office in the previous term shall be eligible to be nominated for office. A roll call vote will be held and the two (2) nominees receiving the highest number of votes shall be declared elected in the primary election. The nominees so elected in the primary election shall be placed on a referendum ballot for a vote of the entire Longshore Division membership for final election.

Publicly declared candidates for the position of Coast Committeeman have the right to inspect the list of accredited delegates to the Longshore Division Caucus at any time within thirty (30) days prior to the Caucus meeting. The procedures for inspection shall be the same as those provided with respect to nominations and primary elections held at the ILWU International Convention.

### CORRECTIONS:

Local 63's President was misidentified in the March issue. Mike Podue is Local 63's President; Mike Ponce is Local 63's Secretary-Treasurer.

The photo caption of International Secretary-Treasurer Willie Adams in the March issue was taken at the pensioner's meeting in Sydney, Australia, not the Mining and Maritime Initiative meeting there.

## DISPATCHER

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# Resolving ongoing legal issues in Longview



Photo by Dawn DesBrisay

ILWU Local 21 Vice President, Jake Whiteside, (in black sweatshirt), attempted to facilitate a peaceful orderly arrest outside the Cowlitz County Hall of Justice at 2 PM on Friday, September 16. The sheriff, Mark Nelson, ignored the offer, instead sending four law enforcement officers to pursue and arrest Whiteside two hours later in a church parking lot as he picked up his children from day care. Several children witnessed the arrest.

In the January 2012 issue of the *Dispatcher*, we reported that EGT had signed a contract with ILWU Local 21, ending a bitter and hard fought labor dispute, but that many legal issues remained unresolved.

Legal issues that could not be resolved by a settlement between the ILWU and EGT include the ILWU's appeal to the Federal Court of Appeals of \$300,000 in contempt fines ordered by the Federal District Court, the ILWU's ongoing civil rights lawsuit against Cowlitz County and City of Longview law enforcement for their program of harassment, assault, and intimidation of those involved in the labor dispute with EGT, the ongoing criminal prosecution of union officers, members, and supporters, and the National Labor Relations Board (NLRB) charges filed against the ILWU by EGT and the Pacific Maritime Association (PMA).

## Settlement of NLRB charges

During the labor dispute in Longview, both EGT and PMA filed numerous unfair labor practice charges against the ILWU. The NLRB investigated these charges and issued a com-

plaint against the ILWU in which it consolidated EGT and PMA's charges into one action. Once the NLRB issued its complaint, the NLRB became the representative for the charging parties. This meant that any settlement of the NLRB charges was now up to the NLRB and not the charging parties themselves and that any "amnesty" agreement between the ILWU and EGT would have no power to resolve the remaining NLRB charges.

In March, the ILWU finally reached a settlement agreement with the NLRB encompassing both EGT and PMA's charges. The settlement agreement included a non-admission clause clearly stating that the ILWU, by entering a settlement agreement with the NLRB, did not admit having violated any provision of the National Labor Relations Act (NLRA). In addition to the settlement agreement, the ILWU signed a notice in which it agreed not to take certain action at the EGT facility. All of the provisions of the notice are expressly limited to the past dispute with EGT, meaning that no one can use the notice to restrain union conduct in other future disputes.

While EGT agreed to and was supportive of the ILWU's resolution with the NLRB, PMA objected to the settle-

ment, arguing that the language of the notice was too narrow because it did not encompass a promise to abstain from future violations of the NLRA outside of the EGT context. While the ILWU prepared to go to trial and fight the NLRB on PMA's bogus charges, the NLRB decided, over PMA's objections, to approve the settlement agreement and the notice. PMA did not appeal the NLRB's decision, and the ILWU is in the final stages of compliance with the settlement agreement, which involves the posting and mailing of the signed notice.

## The ongoing prosecution of union officers, members, and supporters

More than 100 cases have been filed against ILWU officers, members, and supporters in what appears to be a pattern of targeted incrimination against longshore workers and their supporters for engaging in public protest and free speech demonstrations related to the EGT labor dispute. Members of ILWU Local 21 and their supporters protested at railroad tracks and around EGT's facility, which is located on public port property, from July 2011 through September 2011. During that time, local law enforcement arrested demonstrators on a range of charges, including disorderly conduct, trespass, train blocking, and assault. Many individuals facing criminal charges have been cleared of all wrong doing. Others have been forced to take plea deals on misdemeanor charges to avoid the risk of facing trumped up felony charges.

In December 2011, ILWU Local 21 member Shelly Porter received a not guilty verdict after a jury deliberated for 20 minutes. Porter was accused of assault for an incident that took place on July 22, 2011. Porter was on public port property when EGT's General Manager, Gerry Gibson, shoved a cell phone in her face. Porter raised her hand in a sweeping motion to get the phone away from her face and made contact with Gibson. Gibson alleged that Porter had assaulted him, and Cowlitz County prosecutors pursued charges against Porter. The jury determined that Gibson was the aggressor and that Porter was justified in using force to defend herself.

That same month, ILWU Local 21

member Kelly Palmer was found not guilty of disorderly conduct by a jury after the jury deliberated for 12 minutes. Palmer was among individuals picketing at the entry gate of EGT's facility on July 25, 2011. The president of an out-of-state security firm hired by EGT pulled alongside the picketers and took pictures with his cell phone. At no time did he attempt to turn and drive through the company gate so the picketers continued their peaceful demonstration. The driver then accused Palmer of intentionally blocking his car, and, despite the evidence to the contrary, Cowlitz County prosecutors pursued charges against Palmer. Following the trial and not guilty verdict, Palmer stated, "I'm relieved. I've never been arrested in my life. I couldn't believe I was being arrested when I didn't do anything wrong."

Shortly after the Porter and Palmer not guilty verdicts, Cowlitz County prosecutors dismissed a number of misdemeanor charges against individuals for demonstrations against EGT that took place on July 25, 2011 and September 7, 2011.

In February 2012, a jury found Erica Rane Farland, Cara Marie Lindemann, Kahne Bell Witham, and Jennifer Lynn Wood, four ILWU supporters, not guilty of misdemeanor trespass and train blocking. Police had arrested Farland, Lindemann, Witham, and Wood for peacefully sitting on railroad tracks on port property on September 21, 2011. Jack Peterson, the attorney for the four women acquitted stated, "The clear message the jury sent to the Cowlitz County Prosecutor's Office is that, when citizens assert their constitutional rights, it does not mean they are criminals." A month later, in March, another five supporters who took part in the September 21 demonstration were given 10 hours of community service and charged a small fine in exchange for a stay of proceedings and a dismissal of all charges.

In April 2012, a Cowlitz County jury acquitted Bill Roberts, the father-in-law of an ILWU Local 21 officer, who was facing misdemeanor trespass and train blocking charges associated with events that took place on September 7, 2011. In court, Cowlitz County

*continued on page 8*

## Local 21 members rally to support longshoreman Ron Stavas

Local 21 members showed their unbending support for one of their own on April 11 as he walked into the Cowlitz County courthouse to serve a 22-day sentence related to protest activities at EGT.

Greeted at the jailhouse by about 50 friends, family and Local 21 members, Stavas entered the jail at 10:30 a.m. among hearty cheers and a few tears from his supporters. Cowlitz County Prosecuting Attorney Sue Baur had threatened Stavas and others with trumped-up felony charges unless they pled guilty to lesser charges.

"Ron stood up for his union and his community, and he's being punished for it," said Dan Coffman, Local 21 president. "We showed up to tell him that we're behind him one hundred percent, and we can't wait to see him back in the hall when his time here is done."

Byron Jacobs, the local's Secretary-Treasurer and a personal friend of Stavas', served a week-long sentence of his own in March. Jacobs said that for reasons that were never explained to him, he was put in a maximum security cell for a significant portion of his sentence. There, he was alone with only a hatch where meals were dropped off.

He wasn't given a cup for four days and had to drink with his hands.

Jacobs said that he was hoping to be able to talk with Stavas within the coming days. Both will have to serve additional work-release time this spring.

Jacobs said he was happy to finish his sentence and get home to his wife, Megan, who is active in the Auxiliary, and their daughter, Harlow.

"She knew I was gone," Jacobs said of his daughter, who turned two just after his release. "She wouldn't leave my side for two days when I came home."





# New Zealand dockers resume work while talks continue

**B**y early April, union dockworkers were back on the job at the Port of Auckland, following an employer lockout that ended with an order by New Zealand's Employment Court and a massive show of international solidarity that included help from the ILWU.

"Many members of Congress understand how problems in New Zealand can quickly impact ports around the globe," said ILWU International Vice President Ray Familathe.

The Maritime Union of New Zealand (MUNZ) reported that negotiations have gone slowly since the lock-

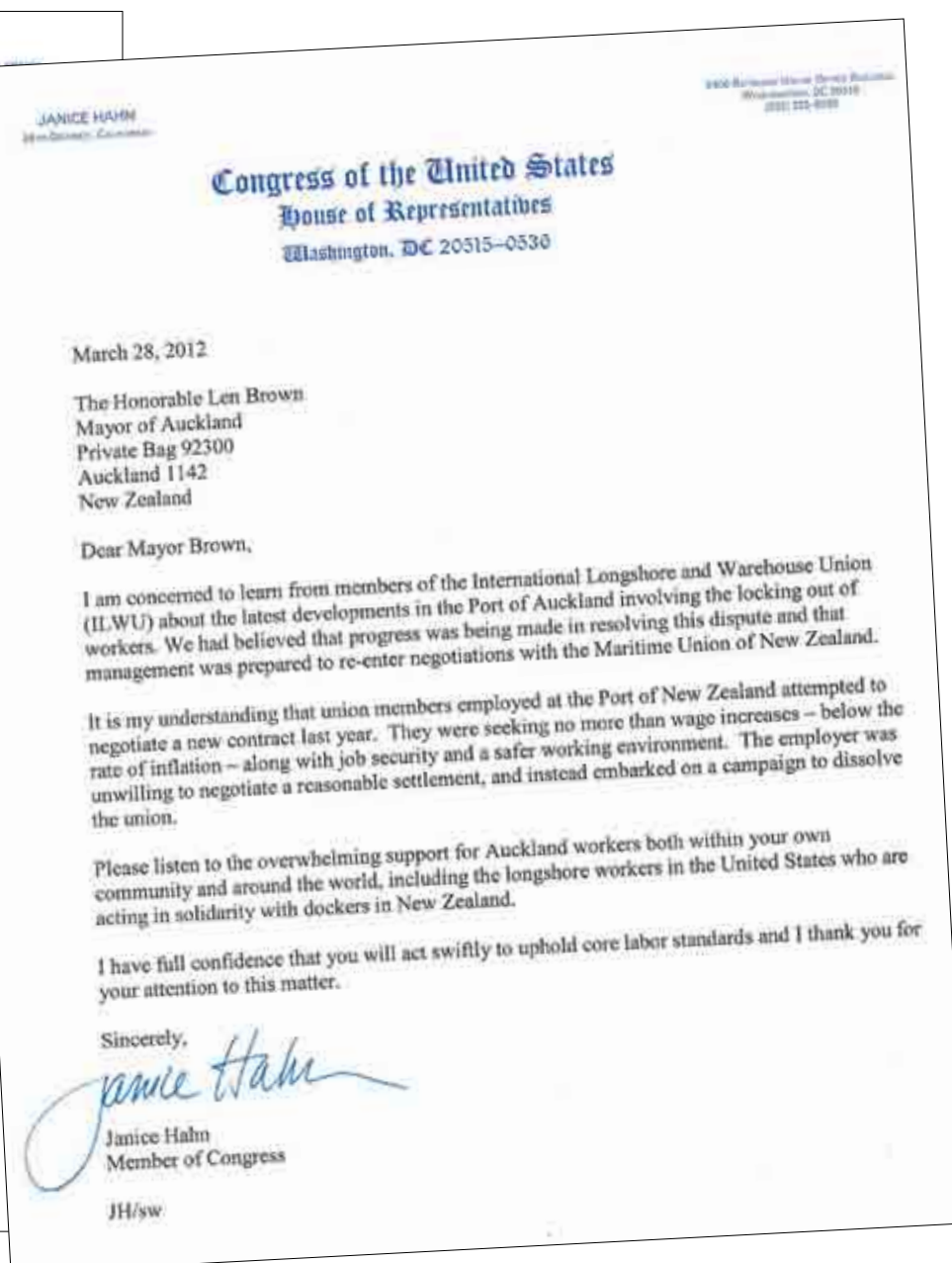
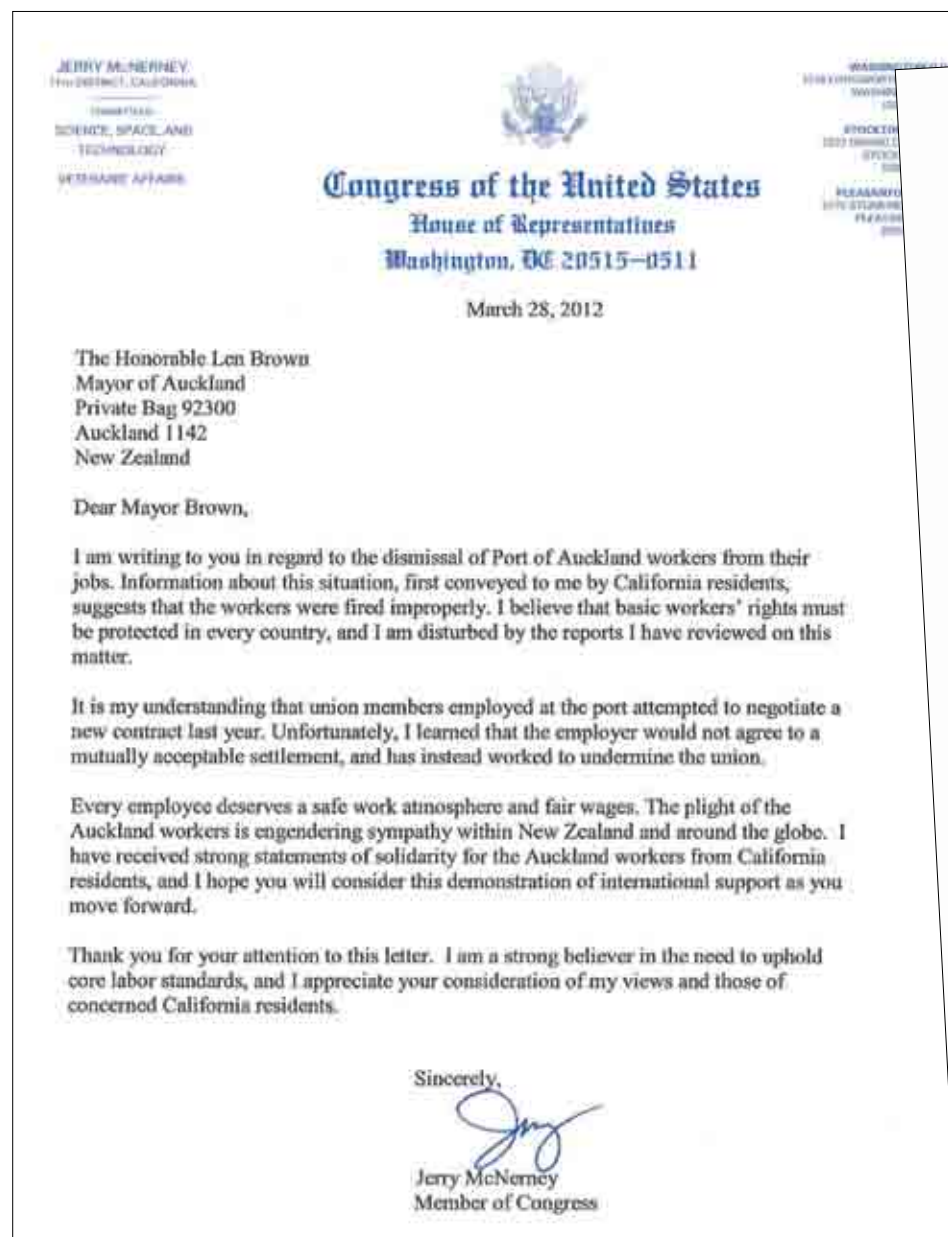
out ended. MUNZ President Garry Parsloe says negotiations should have been completed months ago.

"The only response we have ever got is that they want total flexibility in the workplace with no guaranteed days off, no protection against casualization and a package that would significantly reduce pay."

In March, members of the ILWU's Coast Legislative Committee briefed members of Congress in Washington, D.C. about the anti-union attacks then underway against dockworkers in Auckland. Members of Congress expressed their concern by writing formal letters to the government of New Zealand.



**Back to work in Auckland:** A group of engineers were the first members of the Maritime Union of New Zealand (MUNZ) to return to work on April 5th. MUNZ President Garry Parsloe (front, center) accompanied the returning workers. MUNZ has won an important battle but the war is far from over as the workers and the Ports of Auckland management return to the negotiating table.



**Congressional concern:** The Coast Longshore Division Legislative Committee met with several legislators while in Washington, DC at the end of March. ILWU members expressed their concern about the treatment of dockworkers by the Ports of Auckland in New Zealand. Congressman Jerry McNerney and Congresswoman Janice Hahn are among the members of Congress who wrote letters to Len Brown, the Mayor of Auckland, urging a reasonable settlement, a safe work environment and fair wages.



**Holding politicians accountable:** Members of the Coast Longshore Division Legislative Committee were in Washington DC from March 19-22. The committee met with key legislators and tackled a range of issues including support of a comprehensive transportation bill, the harbor maintenance tax, and getting congressional support for the New Zealand dockers. They also hosted a fund raising event for Norman Solomon, congressional candidate for California's 2nd District. In the photo from left to right are Federal Maritime Commissioner Mario Cordero, former talk show host Phil Donahue, ILWU Secretary Treasurer Willie Adams, congressional candidate Norman Solomon, ILWU Legislative Director Lindsay McLaughlin, Nor Cal District Council Chair Adam Mendez, International Executive Board member Max Vekich (Local 52) and Local 63 Vice President Peter Peyton.

## The Oregon Area District Council voted to endorse the following candidates on January 17, 2012:

**1st Congressional District:**

**Suzanne Bonamici**

**State Representative, District 36:**

**Jennifer Williamson**

**Portland City Commissioner, Position #1:**

**Mary Nolan**

**Portland City Commissioner, Position #4:**

**Steve Novick**

**To endorse Kate Brown in her bid for Oregon Secretary of State for the 2012 election.**

*Be sure to vote on or before the May 15 primary election*



# ILWU joins massive show of solidarity against Rio Tinto lockout in Québec

ILWU members joined 8,000 supporters for a massive march and rally on March 31 in Alma, Québec, Canada, where 780 families have been locked-out by the mining giant Rio Tinto since December 31, 2011.

The company's Alcan complex in Alma is a massive, modern and profitable aluminum smelter that runs on huge amounts of cheap hydro-power subsidized by the people of Québec. Like the Boron lockout two years ago, Rio Tinto imposed their lockout at Alcan after workers refused to go along with the company's scheme to outsource union jobs to independent contractors.

"Corporate greed doesn't respect international borders, and neither does our solidarity," said Local 13 member Mark Jurisic who joined the delegation of twelve ILWU members who marched with thousands through the streets of Alma where 30,000 residents live 300 miles northeast of Montreal, Québec.

Local 13 sent one of the larger international delegations with seven members that included Christine Aguirre, Sunshine Garcia Campbell, Melody Hall, Luke Hollingsworth, Mark Jurisic, Jeff Linares, and Jimmy Monti. Local 13 President Joe Cortez decided to send the delegation after meeting in his office with representative of the locked-out workers in February.

Also attending were ILWU members who work at Rio Tinto's U.S. Borax operations in California; Chuck Kennedy from Local 30 in Boron and Local 20 members Mike Clark and Dan Fraysure from the company's operation in Wilmington.

Romeo Bordignon, Dispatcher at Local 502 in Surrey, British Columbia, Canada, travelled from the West Coast to represent ILWU Canada members at the event.

After marching in the chilly weather, the group converged on a sports stadium in Alma where thousands filled the seats to hear speakers representing workers across Canada



**My generation:** A young woman holds a French sign that reads: For my father, for my region, for my generation.

and around the world, including solidarity delegations from Australia, New Zealand, South Africa, France, the Netherlands, the United Kingdom, Mexico and other nations.

The international solidarity was no accident, thanks to a meeting in Alma planned by the International Metalworkers Federation (IMF) and International Federation of Chemical, Energy, Mines and General Workers' Unions (ICEM). The groups represent a combined membership of 50 million union workers worldwide. ILWU Secretary-Treasurer Willie Adams represented the ILWU at the meeting where international solidarity efforts were coordinated.

"We're proud to be here with you today, but the truth is that most of us will be gone tomorrow," said Adams to supporters in the stadium. "That's why community support is so critical to sustain you in the days and weeks ahead," he said, noting the important role that community support played in beating Rio Tinto's lockout in Boron two years ago.

"We're all working class, so we just have to keep kickin' ass," Adams told the largely French-speaking crowd who seemed to have no problem translating his remarks.



**On the march:** ILWU Secretary Treasurer Willie Adams was a part of delegation of ILWU members who joined the massive solidarity rally in Alma, Québec, Canada for 780 families who have been locked-out by the mining giant Rio Tinto since December 31, 2011.



**Solidarity:** Local 13 sent one of the larger international delegations with seven members. Local 13 President Joe Cortez decided to send the delegation after meeting in his office with representative of the locked-out workers in February.

# Rio Tinto's greed contaminates Olympic medals

Rio Tinto executives hoped to score points at the company's annual shareholder meeting in London on April 19 by boasting that the global mining giant will supply the gold, silver and bronze used in Olympic medals at the London Summer Games.

Instead, shareholders heard a delegation of locked-out workers from the aluminum smelter in Québec who detailed the company's illegal labor practices – and announced plans for a massive public education campaign that will expose how Rio Tinto's illegal practices are tarnishing the Olympic Games and medals.

Protesters outside the meeting made their voices heard and distributed Olympic medal replicas with a message about Rio's abusive labor history.

Besides backing from the Steelworkers Union, support for the effort is coming from UK's Unite union, the London Mining Network and three global union federations: the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), the International Metalworkers' Federation (IMF) and International Transport Workers' Federation (ITF).

The company wants to phase-out union workers at the Alma smelter and replace them with subcontractors earning less than half of the current union wages and benefits. Besides hurting 780 families and the community in Alma, the lockout has been costly to the company. Shareholders were told that aluminum production in Alma has fallen to a fraction of the output before the lockout.



**Tarnished medals:** Protesters outside Rio Tinto's April 19th shareholders meeting in London drew attention to the company's abusive labor history. The demonstrators said that the Rio Tinto-mined gold, silver and bronze that will be used for in Olympic medals at the London Summer games is tarnished by Rio Tinto's poor treatment of workers around the world.



# Waste Management workers organize against rat infestation

**M**ost recycling workers at Waste Management Davis Street facility in the East Bay are being paid a paltry \$12.67 an hour or less. It's less than the Local 6 members need to support their families. On top of the low wages, they had to deal with a dangerous rat infestation that plagued their workplace until they organized to exterminate the problem.

## Big ugly rats

The Waste Management rats aren't just big and ugly – they can carry 70 dangerous diseases including the plague, typhus, and deadly hantavirus. Droppings and urine from diseased rats also can create dangerous disease vectors, especially if workers inhale dust or come in contact with the feces, urine or decayed carcasses.

## Breaking point

Allowing the rats to get out of control was Waste Management's first mistake. Ignoring worker complaints and concerns compounded the problem. Ordering workers to enter enclosed spaces where rats were roaming freely and defecating pushed workers to the breaking point.

"Making us work with the rats was dangerous and disrespectful," said Jaciel Gonzalez

## Company ignored safety & health laws

By allowing the rats to run wild and exposing workers to hazards, the company also was violating health

and safety laws, but the threat of violations didn't make management lift a finger to fix the problem.

## CEO's don't have to worry about rats

"The CEO doesn't have to worry about rats in his office, or get down on his hands and knees with rat urine or droppings, but some of us do," said Victoria León. Working without rats, Waste Management's CEO was able to take home \$7 million last year, and the company made almost a \$1 billion in profit. But the company's mega-resources weren't available to help workers address the rat infestation until early April, when something changed.

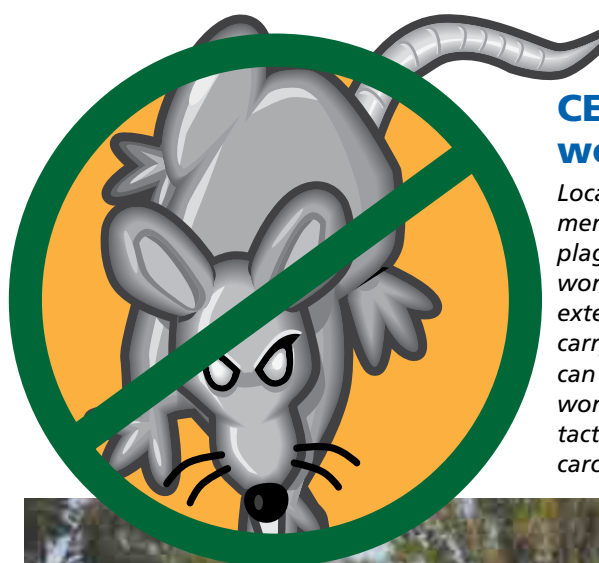
## Organizing made the difference

Waste Management recycling workers decided to get organized and do something about the rat problem. They circulated petitions that called on management to end the disrespect, solve the rat problem and start protecting workers.

## Sticking together, showing unity

After everyone signed, they got together and marched to the boss where they presented their petitions as a group. Most workers also carried signs with a large rat to make the point clear.

"We presented the petition together to show that all of us were involved and behind this," said Maria Hernandez who works on the swing shift. Both day and swing shift workers presented the petitions to their supervisors. The supervisors on both shifts accepted the petitions and



## CEO's don't have to worry about rats

Local 6 members at Waste Management's Davis Street facility were plagued by a rat infestation at their workplace until they organized to exterminate the problem. Rats can carry 70 dangerous diseases which can be spread to humans especially if workers inhale dust or come in contact with the feces, urine or decayed carcasses.



**Standing up for safety.** Recycling workers at Waste Management's Davis Street facility in Alameda County organized a petition campaign to make the company get rid of rats. Waste Management ignored previous requests to clean up the dangerously rat-infested workplace.

promised to pass along the workers' concerns to upper management.

## Company moves under pressure

Even before the petitions had been presented, management got word that workers were angry and organizing about the rats. The company quickly hired an exterminator. Work-

ers asked for more safety equipment, more frequent cleaning, and testing to make sure areas are safe before they enter to do cleaning, especially in enclosed areas. There are still some rats at Waste Management, but Local 6 workers are learning how to control them with organizing and unity.

## LETTERS TO THE DISPATCHER

### Dear Editor,

I wanted to share with the readers of The Dispatcher, my experience as delegate for the Bay Area Pensioners' Club to the Maritime Union of Australia's national conference that took place in February.

I arrived in Sydney, Australia on Saturday February 25th. The ILWU pensioner club delegates met on Saturday evening to discuss how we can increase membership and participation at our respective pensioners' clubs. One idea is to serve lunch at the meeting to draw more people and encourage socializing and informal discussions. The women members of the Maritime Union of Australia (MUA) like to have dances which has increased the retiree participation. I handed out letters used by the Bay Area Pensioners' Club to greet new retirees and encourage participation in the pension club.

The MUA represents 14,000 represents stevedores workers, seafarers, divers, port workers and office staff. The MUA holds a national conference once every four years to determine the union's course of the next four years and to strengthen the international solidarity that is so necessary in the present global economy.

Attending the conference were about 450 people including 100 international guests from all over the world. Representing the ILWU were the titled officers: President Bob McEllrath, Mainland Vice President Ray Familathe, Secretary Treasurer Willie Adams and Hawaii Vice President Wesley Furtado.

The conference convened on February 27th with the theme of Organize, Unite and Fight.

The conference was treated to a welcoming ceremony by two aboriginal groups that explained that they used to reside in the Sydney area.

We heard from Mick Carr, President of the MUA, and the keynote speaker, Paddy Crumlin, National Secretary of the MUA and President of the International Transport Workers' Federation. Crumlin said "The new world order has been one of greed, price manipulations and financial crisis which has caused massive unemployment around the world. Globalization of trade has seen a reduction of organized labor around the world and there is a war against workers and unions."

Crumlin also stated that, "We need a world union movement." He also stated that labor movement is at a crossroads and we need to build a movement that does things differently than what we have done before. "Union workers that mine or manufacture or move stuff that needs to be transported by trains, trucks or ships has to be a part of the world union movement. This will be our global supply chain of the future," he said. Crumlin added that "We can't call ourselves a progressive union if women are left out."

The MUA and other unions have been having trouble with Rio Tinto in Australia, New Zealand, South Africa and Québec, Canada. Rio Tinto has locked out and replaced union workers by working with labor brokers, recruitment companies or complete stevedoring companies who supply part-time non-union workers when union workers refuse to go along with Rio Tinto's demands.

I only attended the first day of the conference. The other days were taken up by retiree activities. It was a wonderful experience and a privilege to attend the conference.

**Lawrence Thibeaux, Local 10 (Ret.)  
Berkeley, CA**

Send your letters to the editor to: The Dispatcher, 1188 Franklin St., San Francisco, CA 94109-6800 or email to editor@ilwu.org. Letters may be edited for clarity and length.



# Cheated out of pension credit?

Local 10 member Rivers Williams has worked more than forty years on Bay Area docks. Like most longshore workers, he's had his share of accidents and close calls. Now he's finally looking forward to enjoying his retirement and pension benefits – but there's a catch.

## Denied pension credit

Williams says he can't get all the pension credit he's owed because his employers and the Pacific Maritime Association (PMA) are refusing to recognize time he was unable to work – usually with pay – after being injured on the job.

## "Informal" settlements

The problem was caused because employers encouraged Williams and other workers to reach "informal settlements" – instead of filing workers comp claims. These informal arrangements benefit employers by making it easier for them to conceal injury rates, keep insurance rates low and benefit from lax record keeping.

## Steep price paid by pensioners?

"Reaching an informal settlement on an injury can come back to haunt you when it's time to collect your pension," warns Williams, who says he only discovered the downside of such arrangements many decades later.

"Promises were made to me at the

time but not documented or put in writing, so now it's harder to prove that they owe me for that time I was told to take off after being injured," explains Williams.

## Did it happen to you?

During his investigation, Williams says he learned that many other longshore workers had also reached these "informal" agreements after being injured. Now he's asking to hear from other Longshore workers who are in the same situation of not receiving disability credit for years of service due to injuries settled informally.

"I just want everyone to get what we're entitled to," said Williams. "Employers encouraged us to reach



Local 10 member Rivers Williams

these informal settlements instead of filing comp claims, but now it's hurting our pension credit, so we need to get together and do something about it."

Williams is asking longshore workers who reached informal injury settlements that are now impacting pension credits to call him between 9am-5pm at 415-902-4440 or fax him at 415-467-0454.

# ILWU Canada Convention



**Canadian Convention:** ILWU International President Bob McEllrath (left) and ILWU Canada President Tom Dufresne at the start of the ILWU Canada's 32nd Convention.

ILWU Canada delegates tackled a range of challenging issues at their 32nd Convention on March 27-30. A Longshore Caucus was held the day before, on March 26.

"The convention gave us a chance to look back over the past two years and address some challenges that we'll face in the future," said ILWU Canada President Tom Dufresne who is retiring after 16 years at the helm. Dufresne noted that

delegates made some impressive financial commitments to back-up their concerns.

Delegates heard details about the recently concluded battle at EGT's grain terminal in Longview, Washington, from ILWU International President Bob McEllrath, who delivered an overview of the lengthy and sometimes bitter struggle that protected ILWU jurisdiction. Delegates responded generously by unanimously adopting a \$50 per member assessment to help defray the legal costs of defending President McEllrath

and the civil rights of others who led the fight for good jobs in Longview.


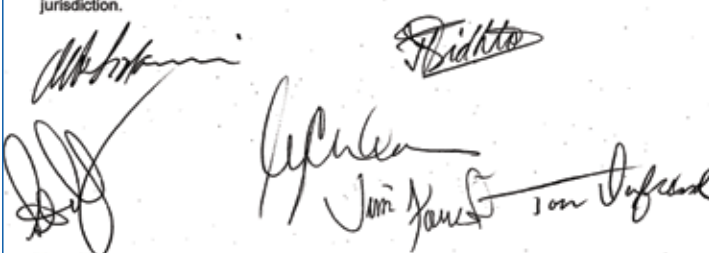
International solidarity was another hot topic, including the ongoing attack against dockers in Auckland, New Zealand. Delegates expressed concern that a victory by employers in Auckland would encourage companies to test unions everywhere. With this in mind, the body unanimously adopted a \$10 per member assessment to help the Maritime Union of New Zealand (MUNZ) defray some of their legal bills. ILWU International Vice President Ray Familathe shared some details of his recent visit to Auckland. ILWU International Secretary-Treasurer Willie Adams noted that solidarity begins "at home" and pointed to the upcoming ILWU support for Rio Tinto workers in Alma, Québec. Officials from the Maritime Union of Australia (MUA) were on hand to offer solidarity greetings, as were officers from the International Longshoremen's Association (ILA) locals in Montreal, Québec and Halifax, Nova Scotia. Other highlights included:


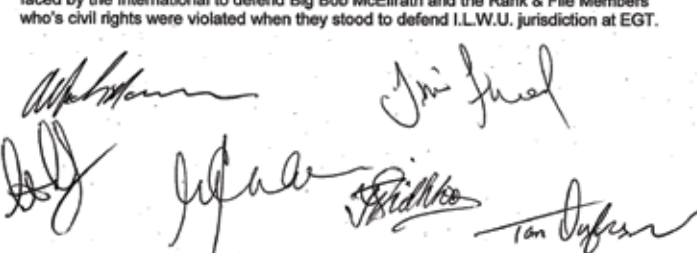
- A presentation by Deborah Cowen from the University of Toronto who analyzed changes in the logistics chain and documented recent dockworker struggles across the globe.
- A report on the successful solidarity action organized in Toronto to support Pacific Beach Hotel work-

ers in Hawaii. ILWU International Vice President Wesley Furtado was present to provide an update on the campaign, and he thanked ILWU Canada members for their support.

- A motion to boost funding for ILWU Canada's membership education program, including added financial support to help members participate from smaller locals. Delegates also voted to create several new college scholarship programs
- An enhanced political action program to counter anti-union political forces and promote politicians willing to stand up for Canada's working families and unions.
- A ceremony thanking ILWU Canada President Tom Dufresne was held to honor his 16 years of service as President.
- Nominations were accepted for ILWU Canada officers; results will be posted after ballots are counted on May 7th.

Delegates concluded their business and adjourned on March 30th, dedicating the 32nd Convention to the memory of brothers Frank Kennedy and Louis Kaufman, both of whom served as Secretary-Treasurers of ILWU Canada and officers at Local 500 in Vancouver.

Emergency Convention Resolution	
REFERENCE: ER- #5	
SUBJECT: MUNZ - Assessment	
SUBMITTED BY: ILWU Canada	
	
<b>THEREFORE BE IT RESOLVED</b>	
That we implement a \$10.00 per member assessment to help MUNZ defend their jurisdiction.	
	
ACTION: Misc UNANIMOUS	DATE: Mar 28/12
CONVENTION: <input checked="" type="radio"/> Adoption <input type="radio"/> Defeated	
Amendment	

Emergency Convention Resolution	
REFERENCE: ER- #4	
SUBJECT: International - EGT - Assessment	
SUBMITTED BY: ILWU Canada	
	
<b>THEREFORE BE IT RESOLVED</b>	
That we implement a \$50.00 per member assessment to help off-set the legal bills faced by the International to defend Big Bob McEllrath and the Rank & File Members who's civil rights were violated when they stood to defend I.L.W.U. jurisdiction at EGT.	
	
ACTION: Misc UNANIMOUS	DATE: March 28/12
CONVENTION: <input checked="" type="radio"/> Adoption <input type="radio"/> Defeated	
Amendment	

## Impressive commitment from ILWU Canada

Delegates to the ILWU Canada Convention passed two emergency resolutions – both unanimously – on March 28 to backed-up their sense of solidarity with financial contributions from every member. One calls for a \$10 per-member assessment to help New Zealand dockers defend their jurisdiction at the Port of Auckland. The other resolution is \$50 per-member assessment to help defray legal costs of defending International President Bob McEllrath and others who "stood to defend ILWU jurisdiction at EGT."



## Smolin-Melin Scholarship Fund

### ATTENTION: LOCAL 10 MEMBERS

Trustees of the Smolin-Melin Scholarship Fund are prepared to accept applications for scholarships for the academic year 2012-2013. Now is the time to indicate your interest.

**June 1, 2012 is the application deadline.**

Victor Smolin and Carlton Melin were long time members of Local 10. They left a sum of money to establish the scholarship fund. They specified that scholarships were to be available to children of Class A Local 10 members to further their "collegiate" education. Trustees of the Fund interpret "members" to mean active members in good standing at the time of disbursement of scholarship funds, deceased members and retired members. The Trustees interpret "collegiate" to apply only to full-time study (at least 12 units per semester or quarter) at either a four-year college or an academic junior college.

The Trustees have agreed that (1) no applicant will be awarded more than four scholarships, (2) a fifth scholarship would be considered after careful review of the applicant's record and if circumstances warrant and (3) in no event would an applicant be considered for a sixth scholarship.

Based always on available assets, the Fund historically has awarded scholarships in a range from \$1000 to \$2500 for full-time students at four-year colleges or universities, and from \$750 to \$1750 for full-time students at two-year colleges.

Trustees are Beth Ross, counsel for ILWU Local 10, David Erkkila, a retired member of Local 10 and a friend of Victor Smolin, and Eugene Vrana, Director of Educational Services and Librarian for ILWU.

If you have a son or daughter who is applying to enter college next fall, or is already a college student who is planning to continue, and the above requirements are met, you might want to apply for one of these scholarships.

To request an application, simply call Nicole Bridges at (415) 771-6400. She will then send you the application form with the necessary explanatory material.

## Local 98's retired and retiring foremen's dinner

*ILWU Local 98 will host its annual dinner to honor retiring and retired foremen on*

**Thursday, May 10th, 2012**  
**Hilton Seattle Airport at Sea-Tac**

All active and retired ILWU members and their spouse or guest are invited to attend.

For more information contact Local 98 at 1-800-824-7945.

## Resolving ongoing legal issues in Longview

*continued from page 3*

prosecutors tried to paint the picture that the entire ILWU organization was engaged in a criminal conspiracy to block trains and that criminal intent should be imputed to all those taking part in the protest. The jury acquitted Roberts because there was no evidence to convict him of criminal wrongdoing.

In addition to jury acquittals, a handful of individuals facing the Cowlitz County Prosecuting Attorney's threat of trumped-up felony charges have plead guilty to misdemeanors. Dan Coffman, President of ILWU Local 21, plead guilty to three simple misdemeanors because of the threat by the Cowlitz County Prosecuting Attorney that felony charges stemming from the peaceful demonstration at EGT's facility on July 11, 2011 would be filed otherwise. Several other union officers and members facing similar threats took the same course in order to avoid the strain of trial and the possibility of felony convictions, which result in long prison sentences and heavy fines.

The ILWU views the use of the threat of trumped-up felony charges to coerce plea deals on simple misdemeanor charges as a form of extortion and just another tool in the war chest of a local law enforcement that has engaged in a pattern of intimidation,

harassment, and the use of excessive force in defense of big business instead of the public interest.

### The ILWU's Civil Rights lawsuit

In September 2012, the ILWU filed a civil rights lawsuit against the City of Longview, Cowlitz County, and their top officials challenging law enforcement's conduct. Most recently, the United States District Court judge presiding over the civil rights lawsuit denied Cowlitz County and Sheriff Mark Nelson's request that the court dismiss the case. The judge ruled that "the Union has adequately pled its causes of action against Mr. Nelson" and the facts described in the union's complaint "are sufficient to state a claims for municipal liability" against Cowlitz County. In the same order, the judge granted the ILWU's request to add Cowlitz County Prosecuting Attorney Susan Baur and Deputy County Sherriff Charles Rosenzweig as defendants to the case.

### Appeal of contempt fines

In March 2012, the ILWU filed an appeal to the United States Court of Appeals for the Ninth Circuit challenging over \$300,000 in contempt awards ordered by a United States District Court during the EGT dispute. The appeals process could take up to two years.

## A Helping Hand...

...when you need it most. That's what we're all about. We are the representatives of the ILWU-sponsored recovery programs. We provide professional and confidential assistance to you and your family for alcoholism, drug abuse and other problems—and we're just a phone call away

### ILWU LONGSHORE DIVISION

**ADRP—Southern California**  
**Jackie Cummings**  
870 West Ninth St. #201  
San Pedro, CA 90731  
(310) 547-9966

**ADRP—Northern California**  
**Hunny Powell**  
HPowell@benefitplans.org  
400 North Point  
San Francisco, CA 94133  
(415) 776-8366

### ILWU WAREHOUSE DIVISION

**DARE—Northern California**  
**Teamsters Assistance Program**  
300 Pendleton Way  
Oakland, CA 94621  
(510) 562-3600

**ADRP—Oregon**  
**Brian Harvey**  
5201 SW Westgate Dr. #207  
Portland, OR 97221  
(503) 231-4882

**ADRP—Washington**  
**Donnie Schwendeman**  
3600 Port of Tacoma Rd. #503  
Tacoma, WA 98424  
(253) 922-8913

### ILWU CANADA

**EAP—British Columbia**  
**John Felicella**  
3665 Kingsway, Ste 300  
Vancouver, BC V5R 5W9  
(604) 254-7911

## TRANSITIONS

### NEW PENSIONERS:

**Local 10:** Joseph P. Lavin; **Local 13:** James Trotter Jr; Ralph T. Lopez Jr.; Hanson Henry; Thomas H. Duncan; Carlos Chairez; Dale O. Barnes; **Local 19:** Samuel J. Huniu; Local 26: Patricia A. Smith; **Local 34:** Jamie A. Valentino; Larry W. Holmes;

### DECEASED PENSIONERS:

**Local 8:** Donald A. Bozich, Sr.; William E. Arndt; **Local 10:** Christopher Tillie; Robert A. Lee; Edward Brown; **Local 12:** Harry S. Stamper; **Local 13:** John J. Royal; Henry G. Soto; John J. Malnar; Rudolph Svorinich (Winifred); Grgo K. Fistonich (Antica); Sam Mavar; Carl Saputo; Rodney T. Ricard; Constantino Castro; James R. Cayton (Olga); **Local 19:** Michael E. Anderson; Bert R. Pedersen (Karolina); **Local 23:** Robert V. Woodruff; Michael J. Grassman; **Local 34:** Jose M. D. Lopez (Judith);

**Local 40:** Napoleon Jelks; **Local 54:** William C. Miller; **Local 63:** Fred A. Monge; **Local 92:** Linell Hill; **Local 94:** Fred Patricio (Tran); Jack Stecker (Ruby);

### DECEASED SURVIVORS:

**Local 8:** Verna V. Justin; **Local 10:** Rafaelita F. Hughes; Dora B. Jackson; Elmira Rothschild; **Local 12:** Angelita M. Davis; **Local 13:** Rachael E. Garcia; Velma K. Marino; Anna Espinosa; Esther Johnson; Clair D. Thompson; **Local 19:** Jean Gantz; Mary Monsen; **Local 21:** Alice Smith; **Local 23:** C. Lucille Vorak; Nancy A. Green; **Local 34:** Ruth Harer; Pearl M. Scott; Lavon O. Lutich; **Local 46:** Josephine R. Lopez; **Local 50:** Rena E. Reimers; **Local 51:** Fay Spahn; **Local 54:** Mildred Hudspeth; Donna L. Hogan; Dora Yorset; **Local 63:** Opal V. Blackard; **Local 91:** Elizabeth Riggs; **Local 94:** Dorothy Van Mulligen;

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___ copies of <b>We Are the ILWU</b> VHS @ \$5 ea. =	\$ _____
___ copies of <b>A Life on the Beam</b> DVD @ \$5 ea. =	\$ _____
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