

Employees fighting back against unfair dismissal

The days when an employer could hire and fire almost at will have come to an end as more and more employees are fighting back against what they feel are unjust firings, according to a local lawyer.

Doug Black said in a recent interview there has been a change in the way that the courts have been viewing unjust dismissal suits brought by disgruntled employees.

"The courts are much more willing to listen to the employee's side of a case now," Black said.

He explained that in the absence of collect agreement or some other contract, employers were free to establish their own definition of competence.

Employees could then be fired for incompetence and there was almost no defence.

"The courts are scrutinizing the employer's definition of competence more closely now. At one time that definition would have been accepted without question," he said.

"If an employer feels that the employee is incompetent, then he has to tell that to the employee and give him a chance to improve" he said.

"If the employee feels that things are going properly then it's also important for him to do the same thing in reverse, and like anything in litigation it's important that records and notes should be kept."

Black noted one case he handled in which a woman had been fired from her job because she contravened the employer's dress code.

"It was a case where she didn't follow all of the codes to the letter, but she did her job and she did it well," he said.

When the axe finally fell in that case, Black added, there was no discussion or notice, "but she was smart enough to line people up before she left."

The witnesses she was

able to call, when her suit finally came to trial, made a great difference in the final award, Black said.

"The point is that if you know it's coming, then get ready and do your homework in the organization," he said.

In the past, Black noted, unjust dismissal suits have been the exclusive area of upper echelon management workers, but the lower ranks have been making greater use of that avenue now.

He also noted that the size of the awards that have been made in some cases have led a few employers to help employees find other jobs, rather than simply firing them, "because they are starting to accept the fact that because a person is incompetent in one job he may not necessarily be incompetent in all jobs."

An employee's private life, in many cases, has been found by the courts to be insufficient grounds for firing, unless it can be shown that a person's business performance has been affected.

"Simply knowing what a person's sexual preference is wouldn't be taken as justified grounds," he said.

In many cases, Black added, the courts haven't compelled employers to give back a job, but have chosen instead to grant damage awards, usually some multiple of the employee's salary.

As an example, he said that if an employee was unemployed for five months and then accepted a job at only two thirds of his former income, he would be entitled to damages for the lost income, if he won his case.

"The employee does have an obligation to minimize the damages however by trying to find something," Black added.

"More and more cases are being settled."



Looked better in the water

Eric Robertson, right, doesn't seem to be pleased with the fish he hauled in during the annual Oakville Fishing Derby. Designed for the entire family, the fishing derby is held in Bronte and Sixteen Mile Creeks.

High licence fee for body rub shop

Halton Hills obviously wants to discourage body rub parlors from operating here.

Council has made the licensing fee very high, \$2,500 a year, to discourage anyone from setting up a shop.

Last week councillors received a report from Councillor Dave Whiting outlining the changes made by a committee in the draft regulatory licensing bylaw.

Besides upping the body rub or adult entertainment parlor licence by \$1,500, the committee also set the licence fee at \$10 a year for each pin ball machine, hiked the miniature golf operation licence from \$10 to \$25 a year, bumped golf driving range licence fees from \$10 to \$50 a

year, and increased to \$2,500 the fee charged to run a car racing track. The fee for selling cigarettes and other tobacco products was dropped. It had been \$5.

The penalty for running a body rub parlor without a licence is \$1,000 for each offence.

This bylaw also licenses "trades and callings". Town staff will meet representatives of various trades and callings to discuss the fees and report back to council.

Councillors have until August 12 to advise the clerk's department of any changes they'd like to see made in the draft bylaw and copies of the bylaw are being sent to both the Acton and Georgetown BIAs for comment.

Fund thanks

The Hastings County Flood Relief Fund, through Chairman J. D. Hughes, has thanked Milton Council for a cash donation to the relief fund.

The flood last year left many people in the Belleville, Tweed, Thurlow, Hungerford, and Grimsthorpe area homeless and without food.

Sheridan administration not inept - governors

The administration committee of Sheridan College's board of governors has rejected union suggestions of administrative mismanagement.

In a letter personally addressed to Ontario Public Service Employees Union (OPSEU) local 244 president Ron Martin, the board called into question Martin's motives for criticizing the college's administration.

"You do a great disservice to the faculty you represent by using excessively strong terminology in an attempt to make a case for increasing program hours. We know that the faculty and staff are proud, as we are, to be associated with Sheridan," says the letter signed by committee chairman Bill Hawkins.

revenue from parking fees will be evaluated annually.

Other points such as use of natural attrition to reduce the college's staff have already been put into effect by the administration and an automatic review occurs for every position open.

But union president Ron Martin disputes the low administrative costs claimed by the college and puts it down to creative accounting.

"There is a certain looniness about the whole system in respect to the system of reporting as a whole. Well, if you were in the nut house, compared to the other nuts you don't look too bad," Martin said.

"The college has had a successful record

perhaps, in spite of the administration," he added.

Martin's first reaction to reading the report was that it was addressed to him personally and not to the union which he represents. "The local executive represents the faculty and was elected to represent the faculty. I myself had a contest for president and won by a vote of three to one after a vigorous campaign. I know who I represent."

He suggests that the Sheridan's board of governors, which is not accountable to any group and is not representative of the public, should be elected rather than appointed by Queen's Park.

"My overall reaction

is that they don't want to do very much." Martin believes teachers should have input into the academic planning insofar as expenditures, the number of course hours and the number of students per session is concerned.

"Job security is at the core of this dispute and the other side of the coin is the quality of education the students are receiving."

The pressure is now on the community colleges to replace full-time

teachers with cheaper part-time teachers, where a great savings can be realized, he said.

If some sort of resolution isn't achieved by October 13, the teachers and support staff will shut the colleges down, he warns.

Ford going off oil use

Ford of Canada has awarded a \$750,000 contract to a Cambridge firm to get plant and office heating facilities off oil.

The program is part of the company's long range to reduce its consumption of oil in favor of cheaper natural gas.

In a press release the company said the conversion would mean a reduction of about

seven million gallons a year in the company's requirement for oil.

The project is planned to be completed in mid-December of this year.

"This is certainly the direction that government has been encouraging us to move in," Ford spokesman Jim Hartford said.

Hartford added that Ford is a member of the manufacturing section of the federal govern-

ment's Energy Conservation Task Force which has been working to promote the change-over from oil in industrial operations.

"That whole group is well ahead of its target in cutting consumption," he added.

Part of the cost of the project is being borne by a \$50,000 grant received from the provincial Ministry of Energy.

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Church Services

<p>MILTON GOSPEL HALL 306 Ontario St. N. 878-2022 Christians Gathered In The Name Of The Lord Jesus Christ</p> <p>Sunday, Aug. 9/81</p> <p>10:00 a.m. - Breaking Bread. 11:45 a.m. - Sunday School 7:00 p.m. - Gospel Service</p> <p>Wednesday 8:00 p.m. - Prayer and Bible Reading All Are Welcome To These Services These things have I written unto you that I believe on the name of the Son of God; that ye may know that ye have eternal life. 1 John 5:13</p> <p>THE PRESBYTERIAN CHURCH IN CANADA KNOX, MILTON 170 Main St. E., 878-6066 Rev. Trevor J. Lewis, Minister Organist-Choir Director Mr. Brian Stoll</p> <p>Sunday, Aug. 9/81</p> <p>10:00 a.m. - Morning Worship. Rev. Gerald Rennie Guest Preacher. Adult Supervised Nursery All Welcome</p> <p>ST. PAUL'S OF THE UNITED CHURCH OF CANADA Main St. at James St. The Rev. E.T. Jack Birch</p> <p>Sunday, Aug. 9/81</p> <p>10:00 a.m. - Morning Worship. Guest Speaker, Harry Gregg</p> <p>All Welcome Nursery Facilities</p> <p>CHURCH OF CHRIST 1412 Britannia Rd. West Minister Brian Cox 878-5696</p> <p>Sunday, Aug. 9/81</p> <p>10:00 a.m. - Bible School Class For All Ages 11:00 a.m. - Morning Worship and the Lord's Supper 7:30 p.m. - Preaching of the Gospel</p> <p>Thursday 7:30 p.m. - Bible Study "The Church of Christ Salutes You." Romans 16:16</p>	<p>BOSTON and OMAGH PRESBYTERIAN CHURCHES Rev. Larry A. Welch 878-3888</p> <p>BOSTON 3rd Line, Halton Hills 9:30 a.m. - Divine Worship & Sunday School</p> <p>OMAGH Britannia Rd. West 11:00 a.m. - Divine Worship</p> <p>EMMANUEL BAPTIST CHURCH 245 Commercial Pastor: Dr. J.R. Armstrong 878-3908 Associate Pastor Dr. Ken Campbell 878-6600</p> <p>Sunday, Aug. 9/81 10:00 a.m. - Sunday School and Adult Bible Classes 11:00 a.m. - Assembly and Worship Sermon: By Pastor Armstrong, "A Man Of God Faces A National Crisis" 7:00 p.m. - Church in the Park With Special Music By Carlos Figuerido and a Challenging Sermon By Pastor Armstrong entitled: "Preparations For Our Royal Wedding"</p> <p>Wednesday 7:30 p.m. - Meeting for Prayer and Bible Study. Nursery at all Sunday Services</p> <p>HIGHWAY GOSPEL CHURCH Pentecostal Assemblies of Canada Corner of Wakefield and Ontario Sts. Pastor: Rev. M. Christensen 878-2064</p> <p>Sunday, Aug. 9/81</p> <p>9:45 a.m. - Sunday School 11:00 a.m. - Morning Worship Also: Children's Church 6:00 p.m. - Family Prayer 7:00 p.m. - Evening Worship</p> <p>On Wednesdays 9:00 a.m. - Ladies Prayer Meeting 7:30 p.m. - Bible Study</p> <p>MILTON BAPTIST CHURCH Pastor: Kelvin F. Mutter 878-0035</p> <p>Sunday, Aug. 9/81 10:00 a.m. - Sunday Worship Location: Auditorium of the Halton Centennial Manor. Nursery Available.</p>	<p>EPIPHANY LUTHERAN CHURCH Robert Baldwin Public School 180 Wilson Dr. Rev. Thomas Pracher 878-2562</p> <p>Sunday, Aug. 9/81</p> <p>9:30 a.m. - Sunday School 10:30 a.m. - Family Worship Listen to "The Lutheran Hour" on Sundays 8:00 a.m. - CKOC 1150 12:30 p.m. - CHIN 1540 "Come and Grow With Us!"</p> <p>ANGLICAN CHURCH OF CANADA GRACE CHURCH 317 Main St., Milton</p> <p>Sunday, Aug. 9/81</p> <p>8:00 a.m. - Holy Communion 10:30 a.m. - Mattins Nursery Facilities Available</p> <p>Thursday 10:00 a.m. - Holy Communion</p> <p>ST. GEORGE'S Lowville (Guelph Line and Derry Rd.) 10:00 a.m. - Morning Prayer Church School</p> <p>No Services During August At St. John's Rev. Charles Masters Rector, 878-4384</p> <p>TRINITY BAPTIST CHURCH 4272 Appleby Line Rev. W.E. Payne</p> <p>Sunday, Aug. 9/81</p> <p>9:45 a.m. - Bible School for all ages 11:00 a.m. - Morning Worship 7:00 p.m. - Exposition of the 1st Epistle to the Thessalonians</p> <p>Wednesday 8:00 p.m. - Prayer Meeting & Bible Study</p>
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