



Newsletter

December 2019

SEASONS GREETINGS

SIDNEY & BRENDA CHELSKY WISH YOU, YOUR FAMILY, AND YOUR STAFF A VERY PEACEFUL AND HAPPY HOLIDAY SEASON.

New Member

Welcome to **Jamin Soehn of Classic Cleaners & Tailors in Red Deer, Alberta** as a new member of CFA. In his application he said, "We look forward to be a member of this wonderful association, and my thanks for inviting us to the conference last month". Welcome to **Sheldon and Tasha Fishman of Fishman's Personal Care Cleaners in Calgary, Alberta**. They attended our conference in October and were impressed with the quality of speakers and our association. As well, we welcome **Ahmed Said of Top of the Table Linen Supply in Toronto**. Thankyou to Bruce Miller of Sparkle Solutions for recommending him to join our association.

News from our Members

Steve Elliott of Barth's Cleaning Centres in Orangeville came across an advertisement in the DLI fabricare magazine about a water purification system that runs on compressed air and attaches to the perc machine directly and vaporizes to a mist which is discharged to the outside. It's called an EZ timer and the ad is on page 34.

He emailed me and asked what I knew about it. I contacted Artur Keyes of Exttox Industries and he explained that this system is not allowed in Ontario or in most provinces as it discharges solvent to the atmosphere, which is a not permitted.

Allied Trades

Starting this month, you will notice advertisements and information from and for our allied trade members. This is a courtesy we are extending to them for their continued support of our association and programs that we conduct. Please read them and keep them in mind when considering purchasing goods or services.

Renewal Notices

You will be receiving your **2020** membership renewal this month. There is a small increase in dues as a result of increased costs of membership in the Dry Cleaners & Launderers Institute (DLI), and we have only increased the dues to cover these costs. This is the first increase in three years, and we will do our best to keep our membership dues as low as possible.

We look forward to your continued support of the Canadian Fabricare Association and we will continue to assist you whenever the need arises, as well as represent you and the industry going forward with government regulations. We have partnered with various government departments to advise them of the needs of our members and to ensure them that all our industry representatives are compliant with the rules.



Launderers in New Zealand ban Plastic Bags

More and more laundries in New Zealand have started to stop using plastic bags or plastic covers to protect the cleaned garments during transportation.

Although customers seem to be satisfied without this kind of coverage of their clothing, the industry is also looking for alternatives. For instance, one laundry uses compostable dry cleaning bags, which decompose to approximately 95% within a period of six weeks. The bags are only provided if a customer asks for it. They do not disturb the quality of the product nor do they bring about any change in the laundry processes. Another laundry owner stated that clients are completely happy with their garment clean and uncovered.

This development seems to be a logical consequence of the ban on single-use plastic shopping bags that has been effective in the country as from 1 July 2019. The ban is meant to help reduce the amount of plastic in the environment.

We should consider being proactive on this issue. I recommend that you acquire reusable garment bags. They can promote your company and your services. We gave out sample garment bags to all the registered attendees at the last conference. They were supplied by The Green Garmento at no cost to CFA. They can be reached at www.thegreengarmento.com or toll free 866.681.6659.

.Response to an article on Reddit with a readership of over 250,000. Thankyou to Chris Haddad for alerting me to this article and information about Reddit.

I find the comments in this article incorrect, misleading, and downright idiotic. There are many dry cleaners who may fit the bill of this writer. However, I can speak from my many years of experience in this industry that our membership consists of the best textile care professionals in the industry. Please visit our website at www.fabricare.org to see the list of Environmentally Certified dry and wet cleaners available in your area. Many of our members have won international awards for the Best Practices in the profession. Read our latest newsletters to view the winners of the CINET Global Best Practices awards which will be competing against 100 countries in Frankfurt, Germany in June 2020. You can trust your clothes to a member of CFA.

Executive Director of Canadian Fabricare Association

https://www.reddit.com/r/LifeProTips/comments/e0egyz/lpt_tips_what_you_should_never_to_bring_to_a_dry/



Planning has begun for the **2020 McConnell Classic!**

Please mark your calendars today and share this email with family and friends so that you won't miss the **27th Annual McConnell Classic**

Exciting news! On **Tuesday June 2nd 2020** we will be hosting the McConnell Classic at CLUBLINK PLATINUM **GLENCAIRN GOLF CLUB**, conveniently located in Halton Hills, on Highway 25 just north of the 401. <https://glencairn.clublink.ca/>

It's been said that Glencairn Golf Club is the closest you'll come to Scotland without crossing the Atlantic.

Most importantly, we'll be helping more kids experience the magic of Camp Ooch.

Registration and sponsorship opportunities will be sent out early in 2020.

Best wishes to you and your families for the holiday season

On Behalf of the Classic

Rob McConnell

Today vs yesterday



I want to introduce you to **Kim Sekleski-Polley of Wright's Cleaners in Barrie**, our newest member of the CFA Board of Directors. The following letter to me is self-explanatory of her capabilities.



I just want you to know that I appreciate the time you take to help our members in this industry. I enjoy our talks and resolving issues with clothing manufacturers.

I have been involved in the dry-cleaning industry as a married business owner with my partner John. We have owned **Wright and Cotty's Cleaners** since June of 2002. We have grown our business of 5 staff to just under 40, work side by side and keep things as successful as possible. We do help other local cleaners when they are down as good neighbors and do other charitable things for the community.

Over the past 7 years I have been directly involved with our customer service department. I have had many successes and a few failures. Both welcomed for growth. The one thing I have come to notice in our industry is the quick and ease of the customer to try and take dry cleaners down if something goes wrong. Either our fault or not. Clothing failures and misrepresentation happen more and more. Making it difficult to clean and maintain for our customers whom purchase these items. There are tricks we have learned like many but sometimes they fail. And we are again stuck at the hand of a customer claiming fault and demanding a refund or credit etc. They still have no issue with supplying a rough Google review anyway.

The day in age of instant gratification and customer satisfaction has brought me to a point in my customer service experience. That we should no longer be at fault for products that simply don't stand up. Gone are the days of a customer threatening to take "one to the cleaner's".

I have a format that works for a customer complaint and with success it is handled and resolved within 24 hours.

I feel my time has come and my experience in the industry has allowed for my knowledge to expand. I enjoy speaking to people and providing service that leaves them speechless.

I would like to extend this knowledge to our group and others whom may have a language barrier or smaller staff or lack of experience with clothing whom are susceptible to being taken advantage of.

I'm not sure how this format would look like, but I would love to sit and talk with you about it. We can change the way the industry is seen and has been seen for years. Technology has changed, society has changed along with demands of our customers. If we can bind our industry and strengthen how we respond to issues at hand, we can rid the impression viewed by the upcoming generation.

We don't lose your clothes on purpose
We don't wear them on weekends
We don't ruin them for our benefit
And we don't like being taken for.

We are here to make your clothing investments last longer. Keeping you looking better. We are a valued industry that has been around a long time.

I trust you run into issues all the time. Perhaps we can make something out of experience, so others don't feel trapped at their business in fear of lawsuit over a shirt or tie.

Regards
Kim Sekleski

Website – www.fabricare.org

Many consumers visit our website and are looking for the closest CFA member location. It would benefit your business to list all your depot and plant locations on our website. Please submit a list of all these locations (name, address, phone, website, or email address) to be listed on our website. There will not be any fee for the listing. If you require additional decals for your doors or windows, they will be available at a cost of \$10.00 + \$1.30 (HST) = \$11.30 to cover our costs.

President's Annual Holiday Dinner & Dance

This year we celebrated the upcoming holidays and recognized the work of our President Rob McConnell and the entire Board of Directors for their time and effort to represent our members and the industry this past year. The evening was a great success and everyone who attended had a great time. Thank you to **Bruce Miller and Sparkle Solutions** for their financial assistance as a **sponsor** for this event. Next year, we are looking at combining this event with our Gala Dinner on the Saturday night of our conference and making it a more glamorous event with plenty of entertainment. This will also lessen the cost to those members who find it too difficult to attend both events. So, save the dates October 23rd & 24th.



An inspiring 2-day Young Executives in Professional Textile Care (YEP) session in The Netherlands discussing business development with participants from 5 countries sponsored by CINET.

Ms. Linley McConnell (4th from the left) – Gibson's Cleaners: "It was really great to be here, to meet individuals from around the world who are in the textile care industry. We've learned a lot from one another, and I have a lot to bring home to our drycleaning business in Canada. And the last, just taking away actionable steps that we can implement in our businesses. For me, that means putting pen to paper and solving some of our marketing issues."

Canada: Employer Flexibility Does Not Modify the Employment Contract

Employment, Labour and Human Rights Bulletin

Last Updated: October 30 2019, Article by [Justin P'ng](#); Fasken

It is a fact of life. Employees sometimes need flexibility to start or leave work at different times than originally agreed with their employer. Sometimes this is because of childcare issues. A recent appellate decision, *Peternel v. Custom Granite & Marble Ltd.*, confirms that employer flexibility in granting occasional requests does not always modify the underlying employment contract.

What Happened

The employee worked as a scheduler. Her schedule was 8:30 a.m. to 4:30 p.m. with earlier morning work on occasion. This was a verbal agreement between the parties. The employee claimed she was allowed to arrive any time before 10:00 a.m. to handle childcare obligations (which the employer disputed). It was agreed that the employer had told her mornings were important to her position. On occasion, the employer had discussed her irregular arrival times with her, and clarified that she was expected to arrive at work for early mornings as required.

The employee went on maternity leave. While on leave, the employee was told that when she returned to work, she would have to arrive consistently at 8:30 a.m. The employee claimed she was unable to secure before-school daycare for her children, and that the employer refused to accommodate her childcare needs.

She sued. She claimed the employer violated employment standards legislation by not reinstating her to her original position, constructively dismissed her by modifying her employment, and discriminated against her based-on family status.

The Decision

Her lawsuit was dismissed. The trial judge said the employer did not modify her employment. The company was enforcing her previously agreed schedule because of a real business issue requiring early morning attendance. There was also insufficient evidence of discrimination.

The employee appealed. She argued that flexibility in her start time was a fundamental term of employment based on past practice. This could not be unilaterally modified by the employer without providing her with reasonable advance notice of the change.

The appeal court agreed that the 8:30 a.m. start time was a fundamental term of employment despite previous flexibility by the employer. Based on this fact, it was reasonable for the trial judge to find it was the employee who was trying to change her employment. Not the other way around. No reasonable advance notice from the employer was required in the circumstances.

In [another bulletin](#), we wrote about the trial judge's decision not to pick one of two family status discrimination tests as the correct test. Like the trial judge, the appeal court did not pick a test. The court decided it was not necessary. The employee did not meet either family status discrimination test. Any accommodation efforts by her employer were frustrated because she did not participate and provide necessary information.

Takeaways for Employers

Employers can take some comfort from this decision. Occasionally allowing employees flexibility to deal with personal matters does not mean the employer will be unable to enforce agreed employment terms.

This case highlights the importance of applying both family status discrimination tests to request for accommodation. It also highlights a few important best practices that were not followed by the employer. Key employment terms should be documented in writing. The agreed terms of employment should be enforced by employers. Where occasional exceptions are granted, the employer should be clear these are exceptions and not a permanent change.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Do not hesitate to contact Christine Jonathan of MacDonald, Sager, Manis LLP at 416-364-1553 if you require specific advice for your situation.

In reading the following ruling, I am reminded of the possibility of a person wearing a religious garment that may get entangled in a piece of equipment in a dry cleaning or laundry plant and cause serious harm or death.

Canada: Difficulty In Conciliating Freedom Of Religion And The Protection Of Workers

Article by [Laurence Bourgeois-Hatto](#) and [Philippe Bélisle](#); Langlois lawyers, LLP

Recently, the Court of Appeal rendered a [decision](#) with respect to the complex relationship between the freedom of religion of certain workers and the health and safety obligations of employers. In some cases, it turns out that the freedom of one will have to give way to the obligations of others.

Brief reminder

Three truck drivers who are of the Sikh faith and wear the turban challenge a policy applicable to the terminals of the Port of Montreal (the "**terminals**"). Under this policy, they are required to wear a helmet when they leave their truck and move around the site of the terminals where they deliver or retrieve containers in the context of their work.

An accommodation was tested for a few months in different terminals. The truck drivers who refused to wear the helmet were asked to stay inside their trucks at all times, while other employees did the required maneuvers outside of the truck. This resulted in significantly longer operational delays. The accommodation was therefore abandoned because the truck drivers and terminals considered it unsustainable on the economic and organizational levels.

One year after the adoption of the policy, the three appellants initiated proceedings with the Superior Court to be exempted from wearing protective helmets when moving around the terminal sites. The Superior Court rejected their application – they challenged this decision, which the Court of Appeal ultimately upheld.

What should be remembered from the decision of the Court of Appeal

The appellants have cleverly attempted to draw a parallel with a decision that was highly publicized over ten years ago, the *Multani* case. In that case, it was submitted that the risk of an incident involving the wearing of kirpan by students was theoretical because no such incident had occurred in a school in the last 100 years.

According to the appellants, their situation is similar since the terminals have only demonstrated a theoretical risk of head injury without providing accurate statistics on accidents involving truck drivers.

The Court of Appeal dismissed this proposition on the basis of the extensive evidence presented by the terminals regarding the objective dangerousness of the workplace in a terminal. It also confirmed the risk of an argument to the effect that the absence of actual injuries demonstrates the futility of a preventive measure, even though such measure could well be the cause of a lack of actual injuries.

The Court then decided that the evidence leads to the conclusion that the policy interferes with the freedom of religion as little as possible. The Sikh truck drivers are not required to remove their turban – they are simply asked to wear a helmet, over the turban if necessary, when they must get out of their trucks while working at the terminals.

The Court noted that the occupational health and safety regime does not allow a person to voluntarily expose himself to risk by refusing, for example, to wear a protective helmet. It emphasized that allowing such behaviour would be inconsistent with the legislature's intent to create a safe work environment to protect everyone from the risks and dangers inherent to that environment.

Finally, the Court mentioned that the duty to accommodate is certainly not one-sided and that the cooperation of both parties is necessary. In this case, it should be noted that the appellants did not suggest any accommodation but required an outright exemption from wearing the helmet.

Conclusion

Considering the health and safety obligations of the terminals under the *Criminal Code*, the *Canada Labour Code* and the applicable regulations, the Court of Appeal, when considering the balance of positive and negative impacts, concluded that the safety of the workplace objective must prevail over the temporary detrimental effects on the appellants' freedom of religion. The violation of freedom of religion is therefore justified within the meaning of the *Quebec Charter*.

This demonstrates that a well-crafted health and safety policy that aims for a real goal and is the least intrusive possible about the individual rights and freedoms will be difficult to challenge in court.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice I

If you require further advice, do not hesitate to call our corporate lawyers at MacDonald, Sager, Manis LLP and speak with Christine Jonathan (416-364-1553).

Many years ago, in Scotland, a new game was invented. It was ruled "Gentlemen Only. Ladies Forbidden'....and thus, the word GOLF entered the English language.

The first couple to be shown in bed together on prime-time TV was Fred and Wilma Flintstone.
Only

in Americado drugstores make the sick walk all the way to the back of the store to get their prescriptions while healthy people can buy cigarettes at the front.



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Apolitical Aphorisms: More true today than ever before !!!!! submitted by Ian Gibson

If God wanted us to vote, he would have given us candidates.

~Jay Leno~

The problem with political jokes is they get elected.

~Henry Cate, VII~

We hang the petty thieves and appoint the great ones to public office

~Aesop~

If we got one-tenth of what was promised to us in these State of the Union speeches, there wouldn't be any inducement to go to heaven.

~Will Rogers~

Politicians are the same all over.? They promise to build a bridge even where there is no river.

~Nikita Khrushchev~

When I was a boy I was told that anybody could become President; I'm beginning to believe it.

~Clarence Darrow~

Why pay money to have your family tree traced; go into politics and your opponents will do it for you.

~Author unknown~

Politicians are people who, when they see light at the end of the tunnel, go out and buy some more tunnel.

~John Quinton~

Politics is the gentle art of getting votes from the poor and campaign funds from the rich, by promising to protect each from the other.

~Oscar Ameringer~

I offer my opponents a bargain: if they will stop telling lies about us, I will stop telling the truth about them.

~Adlai Stevenson, campaign speech, 1952~

A politician is a fellow who will lay down your life for his country.

~Tex Guinan~

I have come to the conclusion that politics is too serious a matter to be left to the politicians.

~Charles de Gaulle~

Instead of giving a politician the keys to the city, it might be better to change the locks.

~Doug Larson~

There ought to be one day -- just one -- when there is open season on senators.

~Will Rogers~

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