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Our File: 205-20-006 KM

March 18, 2020

Alberta Labour Relations Board  
501, 10808 – 99 Avenue  
Edmonton, AB T5K 0G5

FAX No. 780-422-0970

PAGES: 13

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**Attention: Tannis Brown, Director of Settlement**

Dear Madam:

**Re: An Unfair Labour Practice Complaint and *Charter* Challenge brought by the United Nurses of Alberta, Heather Smith, Diane Lantz and Melinda Skanderup affecting Alberta Health Services**

We are counsel for the United Nurses of Alberta. Please find enclosed an Unfair Labour Practice Complaint and *Charter* Challenge, as noted above.

We suggest that in the current circumstances we explore the possibility of video conferencing for a resolution conference after the Employer provides its reply.

Yours truly,

**CHIVERS CARPENTER**

A handwritten signature in blue ink that reads "Kristan A. McLeod".

**KRISTAN A. MCLEOD**  
(Email: [kmcleod@chiverslaw.com](mailto:kmcleod@chiverslaw.com))  
KM/ljn

Enclosure

cc: Alberta Health Services, Attn: Jackie Laviolette – via fax (403) 943-0972  
United Nurses of Alberta, Attn: David Harrigan – via email

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## LABOUR RELATIONS BOARD

Unfair Labour Practice Complaint and *Charter* Challenge brought pursuant to:

- ss. 12(2)(a), 12(2)(e) and 16(1) of the *Labour Relations Code* RSA 2000 c. L-1 (“Code”),
- the *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3, and
- s. 2(d) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act* 1982 being Schedule B to the *Canada Act* 1982 (UK), 1982, c 11 (“Charter”).

### I. COMPLAINANTS/APPLICANTS:

The United Nurses of Alberta (the “Union” or “UNA”), Heather Smith, Diane Lantz, and Melinda Skanderup (together the Applicants”)

**MAILING ADDRESS:**

#700, 11150 Jasper Avenue,  
Edmonton, AB T5K 0C7

**CONTACT PERSON:**

David Harrigan  
Director of Labour Relations

**PHONE:** 780-425-1025

**FAX:** 780-426-2093

**LEGAL COUNSEL:**

Kristan McLeod  
Chivers Carpenter Lawyers  
Suite 101, 10426-81 Street, Suite 101  
Edmonton, AB T6E 1X5

**PHONE:** 780-439-3611

**FAX:** 780-439-8543

### II. NAME OF PARTIES AGAINST WHOM THE COMPLAINT/APPLICATION IS BEING MADE (RESPONDENTS):

Alberta Health Services (“AHS” or the “Employer”)

**MAILING ADDRESS:**

900, 9925 – 109 Street NW,  
Edmonton, AB T5K 2J8

**CONTACT PERSON:**

Dennis Holliday

**PHONE:** 780-342-2000

**FAX:** 780-424-4309

**LEGAL COUNSEL:**

Jackie Laviolette  
Legal and Privacy,  
Alberta Health Services  
10301 Southport Lane S.W.  
Calgary, AB T2W 1S7

**PHONE:** 403-943-0924

**FAX:** 403-943-0972

### III. SECTIONS AND SUB-SECTIONS ALLEGED TO HAVE BEEN VIOLATED:

1. The Union alleges that the Employer has violated ss. 60(1)(a) and (b), 60(3), and 148(1)(a)(ii) of the *Code*.

2. The Applicants allege that sections 3 and 4 of the *Public Sector Employers Act*, SA 2019, c P-40.7 (the "*Act*") violate their freedom of association as protected by s. 2(d) of the *Charter* and are not saved by s. 1.

3. The *Act* allows the Minister to issue mandatory and confidential directives to an employer, including a regional health authority, Covenant Health, and Lamont Health Care Centre (s. 1(a)(v); Schedule). Those directives may include directives regarding the term of a collective agreement and fiscal limits on the employer. Specifically, pursuant to s. 3 of the *Act*, "The Minister may issue directives that an employer must follow before, during and after engaging in collective bargaining or a related process." Such directives may be with respect to the term of a collective agreement an employer may propose or agree to and the fiscal limits the employer must operate within.

4. Section 4 of the *Act* stipulates that, "A directive issued by the Minister under this Act is confidential and may not be disclosed by the employer to any third party without prior consent of the Minister."

5. Section 5 of the *Act* stipulates that, "If there is a conflict or inconsistency between [this *Act* or regulations and the *Code* or regulations], this Act or the regulations under this Act apply."

### IV. PARTICULARS

6. UNA is the certified bargaining agent representing employees of AHS employed in "direct nursing care or nursing instruction" in a bargaining unit described in Board Certificate No. 163-2012.

7. Heather Smith is a Registered Nurse, an employee of Covenant Health, President of UNA, and an officer and representative of UNA. Diane Lantz is a Registered Nurse, an Employee of AHS (Peter Lougheed Centre, Calgary), and Co-Chair of UNA's bargaining committee. Melinda

Skanderup is a Registered Nurse, an Employee of AHS (Brooks Community Centre, Brooks), and Co-Chair of UNA's bargaining committee.

8. UNA and AHS, Covenant Health, Lamont Health Care Centre, and the Bethany Group (Camrose) are parties to a Collective Agreement with a term from April 1, 2017, to March 31, 2020. For the purpose of negotiating with UNA, AHS acts as agent for Covenant Health, Lamont Health Care Centre, and the Bethany Group.

9. On December 17, 2019 UNA served Notice to Bargain on the Employer (and the other Employers for whom AHS bargains).

10. At the commencement of bargaining, the parties exchanged proposals. AHS's proposals seek to reduce or eliminate from the UNA Collective Agreement the following terms among others:

- a. Delete semi-annual lump sum payments. These have existed for over a decade. Deletion would result in approximately a -2% compensation rollback for employees.
- b. Eliminate Education Allowances for Baccalaureate Degree, Master's Degree and Doctorate for all future employees. Educational Allowances have been part of the agreement for more than three decades.
- c. Reduce overtime from 2x rate of pay to 1.5x rate of pay for the first 4 hours of overtime. Two times the rate of pay would apply after 4 hours worked at 1.5x or on scheduled days of rest for full-time Employees. The Employer admitted it has no statistics on how much money this change would save the Employer.
- d. Eliminate monthly car allowance for employees required to have a vehicle. Vehicle allowances have been part of the Collective Agreement for more than three decades.
- e. Amend the Collective Agreement to permit the Employer to unreasonably deny a request to work permanent evening or night shift.
- f. Eliminate designated days of rest for part-time employees.
- g. Allow the Employer to terminate casual employees without just cause in certain circumstances.
- h. Remove any requirement for the Employer to ensure a Registered Nurse or Registered Psychiatric Nurse is in charge. The inclusion of this clause averted a province-wide illegal strike 23 years ago (see Attachment 1 and 2).

- i. Reduce evening premium from \$2.75 to \$2.11 per hour. Reduce night premium from \$5.00 to \$3.10 per hour. Reduce weekend premium from \$3.25 to \$2.55 per hour. These rates have been unchanged for more than a decade.
- j. Reduce the time period that attracts shift differential and weekend premium. The current time frame has been in existence for more than 30 years.

11. The UNA bargaining team made it clear to the AHS bargaining team that UNA cannot accept the AHS proposal. AHS tabled some of the above items in previous rounds of negotiations but withdrew them quickly in the normal course of bargaining. Yet, in the current round of bargaining AHS has not withdrawn any of the above items and is prohibited by statute from telling UNA if they have direction from the provincial government on any of the above.

12. AHS has withdrawn one proposal; to remove all benefits for employees who are less than 0.4 Full-Time Equivalent (FTE).

13. On Wednesday, March 11, 2020, the parties met for their seventh day of collective bargaining. During bargaining, Raelene Fitz (AHS' Senior Negotiator), on behalf of AHS, indicated that the Government of Alberta had given AHS directives with respect to bargaining. On behalf of UNA, David Harrigan, UNA's Director of Labour Relations, asked AHS to ask the Minister of Health whether AHS could disclose those directions to UNA in order to fulfill AHS's duty to bargain in good faith. Ms. Fitz agreed that she would ask the Minister.

14. With respect to the duty to bargain in good faith, Mr. Harrigan noted by way of example that AHS had proposed a four-year Agreement and UNA first proposed a two-year Agreement then a three-year Agreement. He observed that if the Minister has directed AHS only to agree to a four-year agreement, then it is important for UNA to know that so the parties can bargain in good faith. He noted that it is not good faith bargaining for AHS to force UNA to guess which directives it can move on.

15. On Thursday March 12, 2020, the parties met for their eighth day of collective bargaining. At that meeting, Ms. Fitz indicated that AHS had formally requested that the AHS bargaining committee be given permission to disclose their mandate to UNA. She said that Kevin Davediuk

then directed AHS not to share their mandate. She indicated that Mr. Davediuk has delegated ministerial authority under the *Public Sector Employers Act* to issue all required collective bargaining directives, including mandates and information requests. Finally, she indicated that AHS had received bargaining directions from the Minister or his delegate on December 19, 2019.

16. In response, Mr. Harrigan stated the parties were at an impasse as they cannot have informed discussion and UNA cannot agree to AHS' proposals.

17. Also, in bargaining on March 12, UNA proposed that the parties put their negotiations on hold, with an agreement that there will be no layoffs, so they can focus on the COVID-19 crisis.

18. The Employer responded positively but said they did not have the authority to make that decision. They said they would try to get the organization to agree and hoped to have an answer to UNA by the next day. The Employer also asked UNA not to go public with its proposal. UNA agreed and said it would only inform its members and would not do a media release or put anything on its website or in social media.

19. Later on Thursday March 12, Dennis Holliday, AHS Executive Director of Negotiations and Labour Relations, phoned Mr. Harrigan and, among other things, said that he and Susan McGillivray, AHS Senior Program Officer of HR Talent and Workforce Strategies, were trying to get an official answer to UNA's proposal.

20. On Friday March 13 at approximately 1:30 p.m., Ms. Fitz phoned Mr. Harrigan to let him know that there was still no answer to UNA's proposal and there might be an answer later that day. Around 3:00 p.m. that day, Kim LeBlanc, AHS Senior Negotiator, phoned Mr. Harrigan to say that AHS would not have an answer to UNA's proposal that day but that AHS negotiators were still trying to get an answer. As a result, Mr. Harrigan sent an email to all UNA Locals indicating that AHS would not be giving an answer to UNA's proposal until Monday.

21. However, approximately an hour later on March 13, Alberta Minister of Finance Toews and Alberta Health Minister Shandro, who appears at the top of the AHS organizational chart, held a news conference during which they announced to the public that there would be no nursing

layoffs during the COVID-19 crisis (<https://www.cbc.ca/news/canada/edmonton/pandemic-coronavirus-health-shandro-covid-19-1.5497911>).

22. On Monday March 16, AHS's Senior Negotiators Kim Leblanc and Raelene Fitz told David Harrigan that they still had no instructions to provide an answer to UNA's proposal, despite what the Ministers of Finance and Health announced to the public three days earlier.

23. On Tuesday March 17, AHS's Senior Negotiator Kim Leblanc informed David Harrigan that AHS had instructions on UNA's proposal, and the parties agreed to a Letter of Understanding providing for no nurse lay-offs during the COVID-19 crisis.

## V. SUMMARY AND BASIS OF THE APPLICATION/COMPLAINT

24. UNA submits that the parties cannot have informed, rational discussion when the Employer is prohibited from disclosing the Minister's directions that are affecting bargaining.

25. UNA also submits that AHS is bargaining through the media, announcing their position publicly before telling UNA, and sending people to the bargaining table who have no authority to bargain.

26. Further, the Employer has pushed the parties to an impasse by making a proposal it knows UNA cannot accept and refusing to amend that proposal.

27. By failing to bargain in good faith and to make every reasonable effort to enter into a collective agreement, the Employer has violated sections 60(1)(a) and (b), and 60(1)(3) of the *Code*.

28. By interfering with the representation of employees by a trade union, the Employer has breached s. 148(1)(a)(ii) of the *Code*.

29. The Applicants also submit that the *Public Sector Employers Act* violates the freedom of association of UNA, UNA's Members employed by the Employers, and the individual Applicants.

This freedom is protected under section 2(d) of the *Charter* and the violation of this freedom is not demonstrably justified under section 1 of the *Charter*.

30. The freedom of association the *Charter* protects includes the freedom of employees to engage in collective bargaining, including good faith negotiations with an employer, and to enter into a binding collective agreement with an employer regarding terms and conditions of employment. Employees have a right to unite, to present demands to employers collectively, to access a dispute resolution mechanism, and to engage in meaningful discussions in an attempt to achieve workplace-related goals.

31. In addition to being protected by s. 2(d) of the *Charter*, freedom of association is also recognized in the common law and in international law.

32. As the *Act* allows the Government of Alberta to determine AHS' bargaining position and to order AHS not to share any such directions with UNA, it prevents meaningful, good faith collective bargaining and results in AHS negotiators lacking bargaining authority. In this way, ss. 3 and 4 of the *Act* violate s. 2(d) of the *Charter*.

## **VI. SPECIFIC REMEDIES REQUESTED:**

33. On the basis of the above, the Applicants seek the following remedies:


- a) A declaration that the Employer has violated sections 60(1)(a) and (b), 60(3), and 148(1)(a)(ii) of the *Code* and any other sections of the *Code* that the evidence discloses have been breached and the Board allows to be raised;
- b) An order that the Employer cease and desist in violating the above sections of the *Code*;
- c) An order directing the Employer to disclose to UNA any and all current and future directions from the Minister or his delegate with respect to bargaining;
- d) An order directing the Employer to meet and make every reasonable effort to enter into a collective agreement;
- e) A declaration that sections 3 and 4 of the *Public Sector Employees Act* violates the Applicants' freedom of association as protected by s. 2(d) of the *Charter* and is not



saved by s. 1 and thus is of no force and effect with respect to the parties' collective bargaining and protections under the *Code*;

- f) An order directing the Employer to make the Union whole for any losses suffered as a result of the Employer's breaches of the *Code*;
- g) An order directing the Employer to pay general damages to the Union and to affected employees relating to the Employer's breaches of the *Code*;
- h) An order that the Employer post a notice to employees at all worksites in the bargaining unit setting out the Board's orders in this matter;
- i) Any of the above remedies on an interim basis;
- j) Costs of the within application; and
- k) Any other order or direction that is appropriate in the circumstances.

DATED at the City of Edmonton, in the Province of Alberta, this 18<sup>th</sup> day of March, 2020.



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David Harrigan, on behalf of UNA

# **ATTACHMENT 1**

# The Edmonton Journal



Brett Wells, Grade 2  
Flurries, High -13, Weather/C8

http://www.edmontonjournal.com

EDMONTON'S NEWSPAPER SINCE 1903

Tuesday, March 4, 1997

## Voting begins on illegal walkout

ANDY OGLE  
Journal Staff Writer

Edmonton

Nurses across Alberta are casting strike-vote ballots today as hospitals and patients try to figure out what's next if there's a strike.

Polls opened at 7 a.m. and will stay open until 8 p.m. The 13,000 member United Nurses of Alberta expects to hear the results from its 140 or so locals by 10 p.m.

As they vote, operating rooms across the city are empty and hundreds of patients who expected to have everything from cancer surgery to joint replacements today are waiting at home instead.

The Capital Health Authority cancelled all elective surgery starting today after the threat of a nurses' strike became more imminent Monday.

Talks were to continue through the night over key staffing and wage issues but the UNA said the vote would go ahead even if a last-minute deal was brokered.

"If we need a mandate and if it's there, we'll use it," said UNA vice-president Bev Dick. "We have nurses across the province ready to cast their ballots."

Until today, some out-patient procedures and day-surgeries were still being

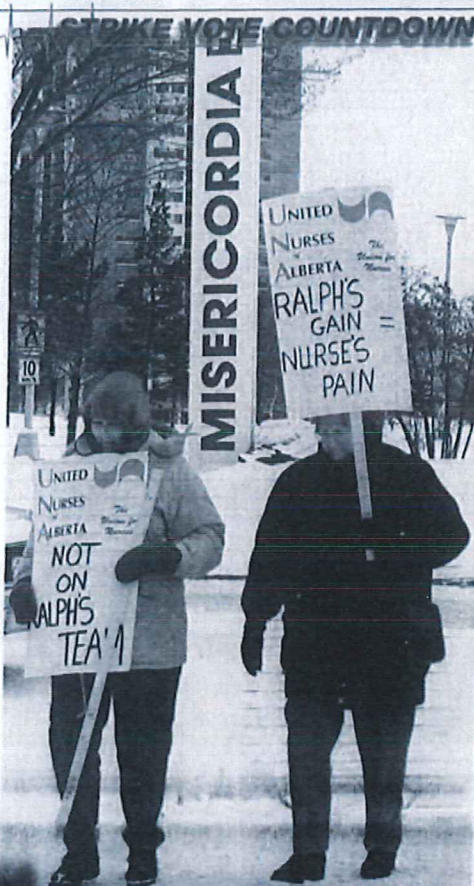
done at the CHA's five hospitals. But only emergencies will now be handled.

That means as many as 200 to 250 people a day waiting for anything from hip replacements, elective heart bypass and cancer surgery to less serious operations will have to wait a while longer.

Shaughn Butts, The Journal

Please see NURSES/A12

Support staff deal may help keep hospitals open/B2



Brian Gavriloff, The Journal

Nurses picketing in Edmonton Monday. Below, Danielle Arlitt with son Christopher, is upset that her son's medical tests are being delayed by the looming strike



Shaughn Butts, The Journal

### After the strike vote

**What's next?**  
If their members give them a strike mandate, the United Nurses of Alberta will take that back to the table for last-ditch talks before calling for a walkout. Union officials couldn't say Monday how quickly that might occur if talks collapse.

**What can the government do?**  
Since the nurses are essential workers, they are not legally allowed to strike. They ignored that in 1988 and were assessed

heavy fines but remained out until an agreement was reached.  
**What are the unresolved issues?**  
The UNA says the health authorities rejected their key proposal of having registered nurses, or people with equivalent or greater clinical qualifications, in charge of units where nursing services are provided.

**Other issues include pay** — the UNA is seeing nine per cent over three years. The health authorities offered 7.03 per cent with the last increase not coming until the final day of the agreement in 1999.

## Klein furious at northern MDs' protest

### Hospital shutdowns called a 'war on the sick'

LARRY JOHNSRUDE  
Legislature Bureau Chief

Peace River



Rick MacWilliam, The Journal

**"Does this sound political? To put patients at risk for political gain and to piggyback on the nurses?"**

— Premier Ralph Klein while campaigning Monday in Grimshaw, one of the Peace River area towns affected by a three-day doctors' protest

Doctors in northern Alberta have declared "war on the sick" by shutting down admissions at four northern hospitals, says Premier Ralph Klein.

He accused doctors in the Mistaha Health Region of acting unprofessionally and betraying their Hippocratic oaths to heal the sick.

"This sounds to me like war on the sick," Klein said Monday during a campaign stop in Peace River.

Health care began heating up as an issue in next Tuesday's provincial election on a new front this week when doctors in the health region surrounding Grande Prairie announced some hospitals will stop taking admissions for three days to protest cuts to health care.

The plans were originally to affect five hospitals but the Grimshaw hospital was operating as usual Monday, although it couldn't take admissions because it was full.

"I don't want to get involved in political discussions," said Dr. Wouter Dehaeck of the Grimshaw hospital, who showed up at a political rally for Klein in Grimshaw. "I just want to do my doctor's work the best as I can."

The protest comes as the United Nurses of Alberta, representing 12,000 nurses, begin taking a strike vote today.

"Does this sound political?" a visibly angry Klein asked. "To put patients at risk for political gain and to piggyback on the nurses?"

"This is a labor action by a group of professionals who take the most serious oath in society. I think this is the most unprofessional thing I have witnessed in all my years in politics."

He acknowledged that he is far from neutral during an election campaign.



■ Barrett steps up attack on Liberals/A5

■ Alberta Treasury has "no legal right whatsoever" to cost out Liberal campaign promises/A4

"But to put patients at risk is fundamentally, morally and professionally wrong," he said. "There are ways of dealing with these situations — negotiations, talk these things out, especially not to put the sick at risk."

Liberal Leader Grant Mitchell said Klein is unfairly blaming doctors for the state of health care.

"I think that statement demonstrates a complete disregard for the interest and commitment of doctors and other health care professionals to fix the mess this government has made of the health care system. It's also mean and unforgivable."

The doctors organized the protest for Spirit River, Grimshaw, Valleyview, Beaverlodge and Fairview to give residents a taste of what it would be like if the hospitals shut down permanently.

Please see PROTEST/A5

# **ATTACHMENT 2**

# City News • Entertainment

SECTION B

See page B11

City Editor: Roman Cooney 235-7517 Fax: 235-7379

CALGARY HERALD

Thursday, March 6, 1997

## Year-round schools sought to meet enrolment crunch

ANDY MARSHALL  
Calgary Herald

Catholic school board chairman Ted Sullivan is proposing that year-round, multi-track programs be considered for all new schools as a way of better accommodating soaring numbers of Catholic students.

But the idea may be too late to save a group of parents in southeast Calgary who are fighting plans for a lottery for places next fall at Cardinal Newman Elementary and Junior High School.

"It's important that we undertake initiatives that will ensure the best possible use of our facilities... we're explor-

ing all options to use costly space," said Sullivan.

Trustees reviewed his proposal Wednesday. It would let schools boost their potential numbers by between a quarter to a third.

The year-round, multi-track system, which involves groups of students attending school on different calendars, also helps students learn better, Sullivan said.

Five per cent growth a year in the Catholic school population is placing a severe crimp on facilities and forcing trustees to look at alternative strategies to deal with their numbers. The

province is also pressing school boards to keep new building costs down.

Trustees were also to respond to a request from a group of parents in the McLeod-Lake area for cancellation of the proposed entry lottery at the 41-year-old Cardinal Newman school and for a parent vote on a multi-track system there before next fall.

"We're not confident all the repercussions of the decision were looked into. The process was unbalanced and biased," said Michelle Delisle, spokeswoman for a group of parents with preschool children.



Jennifer Pollock

Catholic administrators put in an enrolment cap at Cardinal Newman, with only students who have siblings at the school guaranteed a spot. That followed a recommendation from a parent-school committee.

The committee drew its membership only from parents with children in the school. They did not include people like Delisle who lives about 100 metres from Cardinal Newman and who moved

there seven years ago so her children could walk to school.

Because enrolment there may not exceed the number of Grade 9 students graduating, new students have an estimated 50-50 chance of winning a spot through the proposed lottery.

Delisle and her group want a vote on multi-track for Cardinal Newman before the lottery.

Public board chairwoman Jennifer Pollock said the possibility of multi-track is discussed before any new school is built in the public system. Multi-track systems are in effect at two city public schools.

### STRIKE AVERTED

# Nurses deal spells relief for patients

## Surgery, hospital care back to normal within week

MARK LOWEY  
Calgary Herald

Patient care in Calgary will take another week to recover following a tentative deal that will cost the region \$11.4 million but narrowly averted a provincewide nurses' strike.

The settlement — to be voted on Tuesday by Alberta's 12,000 acute-care nurses — is the "leading settlement in the province." In terms of wage increases, said Calgary Regional Health Authority chief executive Paul Rushforth.

Nurses would get a 3.72 per cent increase April 1, and 3.4 per cent in 1998, for a compounded rate of 7.24 per cent over 1996 to 1998.

The CHRA had budgeted a range and is not looking for additional provincial funding.

Rushforth said Wednesday: "We're very pleased that we were able to achieve a negotiated settlement."

Premier Ralph Klein said he's confident existing funding for health care will be enough to handle the nurses' pay increase and cover the cost of his promise to hire 1,800 front-line health workers.

"If there are pressure points, then we can address those pressure points with additional money if necessary."

More than 500 patients were discharged from Calgary hospitals in the days leading up to the impending illegal strike.

Among the patients pleased about the deal is 60-year-old Olive Morrow, who is now having her big replacement surgery on schedule next week at Foothills Hospital.

"It's such a relief," said Morrow, who has been waiting six months for an artificial hip.

Seventy elective surgeries that were cancelled are at the top of the list and were being re-booked as of Wednesday, said Joanne Peck, chief operating officer for acute care.

Acute care bed numbers, which dropped from about 1,200 to 1,200 beds as patients were discharged in the event of a strike, "will take about a week" to build back up through hospital admissions, Peck added.

Dev Dick, vice-president of the United Nurses of Alberta, said the union's negotiating committee has recommended the members ratify the settlement.

The deal was signed about 1 a.m. Wednesday, 25 hours after nurses provincewide voted 85 per cent in favor of an illegal strike in a 75 per cent turnout.

Denise Palmer, the UNCA's south central district representative, said the nurses' mood "is one of relief, but also mixed with frustration that it took 14 months to get a tentative agreement on patient care issues."

The nurses won a guarantee that registered nurses and their equivalent now in charge of nursing wards and units will continue in that job.



BACK ON TRACK: Olive Morrow, 80, is relieved her hip replacement surgery will proceed on schedule next week at Foothills Hospital.

## Laid to rest in Burma

### Family buries airman missing for 44 years

MONTE STEWART  
Calgary Herald

Betty Smith Fielding finally achieved closure Wednesday as a group of Canadians said a graveside goodbye in Burma to six Second World War flyers — one of them her brother.

As the tropical sun set, the Calgary and her siblings witnessed the burial of Cornelius Kopp — 44 years after his death.

"It was an experience we'll never forget," Smith-Fielding said by phone from the southeast Asian country. "It was absolutely beautiful."

Smith-Fielding, sister Lena Winter, brother Walter Kopp and his wife Emily of Calgary, and brother Henry of Ontario were among 131 Canadians who travelled to the Commonwealth War Graves Commission's Tankayun War Cemetery near Rangoon.

"We have a lot to be thankful for," said Smith-Fielding. "The military really went all out."

She said her emotions swayed from sadness to happiness as the Canadians watched an honor guard of serving members of 405 Squadron carry the single, plain teak coffin bearing the remains to a grave under trees.

Those paying their respects also included old war buddies, two senators and Liberal MPs.

Kopp was a member of the crew of an RCAF C-77 Dakota aircraft that disappeared on June 21, 1945, while flying 6,000 pounds of rice from India to the British Army which was fighting the Japanese in Burma.

Kopp's family, from the farming community of Daabess, 140 kilometres east of Calgary, had lived for decades not knowing his fate until a hunter's fluke discovery of the remote crash site in 1990.

The other crew members were William Rogers of Halifax, William Kyle of Perth, Ont., David Cameron of Oshawa, Ont., Charles McLaren of Campbellville, Ont., and Stanley Cox of Berensford, Man.

"I feel they are at rest now," said McLaren's sister Eleanor Brown.

"I had never been to a military service before. It was very beautiful," said Brown, clutching a fiddled Canadian flag and five of her brother's medals.

Fifty-four other Canadians are buried in the Commonwealth cemetery in Burma, now known as Myanmar by its military rulers. (The capital Rangoon is now called Yangon.)

"In the back of my mind all these years I always felt he crashed and was injured and I might hear from him again at any time," said George Cameron, brother of Flying Officer David Cameron.

"It certainly was an unfinished business for me and this will close the book so far as that can be done."

"It was pretty emotional and very well done," said Mark Kyle, nephew of William Kyle. "They were all such young men to die."

The crash site recovery team concluded the crew died instantly when the plane smashed into the mountainside.

"Today we mark the final stop on a journey that started a lifetime ago, when the lives of these six young men were taken — and given — in service to their country," said Secretary of State for veterans' affairs Lawrence MacAulley.

—With files from Jonathan Mansthorpe of Southern News



LOST IN WAR: Airman Cornelius Kopp, pictured with his younger brother Walter Kopp.