



Impact

APRIL 2006
COMPENSATION EMPLOYEES' UNION

CEU campaign supports the historic compromise

Since 2001, we have seen an unprecedented amount of change at the WCB. That includes legislative, regulatory, policy, and organizational changes (such as Industry Segmentation). In our view, these changes have tilted the scales in favour of employers, particularly large employers. The March announcement of the Tele-Claim services is the only notable exception to this trend.

With the Claims Management Solutions project (CMS), major technological and business process changes are also looming. CMS is providing interesting work for some CEU members in the CMS and ISD Divisions. It also promises to improve claims adjudication processes in ways that employees would view favourably. But, some of the changes may not be viewed positively by employees who process and adjudicate claims. And, we should not forget that the price tag includes lost jobs for CEU members. Even though our employment security provisions mean that all permanent employees in positions made redundant by CMS will continue to have jobs, we should not forget that there will be about 165 fewer bargaining unit positions at the Board.

Looking at its impact on stakeholders, CMS also has the potential to tip the scales even further in favour of large employers. They could tip so far we might not recognize the system. CMS will make it easier to move to an employer pay system, or a privatized system. While we're told that this administration isn't going in that direction, no one can guarantee that future governments and boards of directors won't.

We believe change at the WCB could take us down a path that's not in employees' best interests, nor in the interests of B.C. workers. Our system was founded on the historic compromise. Workers gained the right to workers' compensation benefits regardless of fault, in return for

giving up the right to sue their employers. In recent years, however, supporters of our publicly-administered and delivered system have seen this historic compromise eroded through legislative, regulatory, policy, and organizational changes.

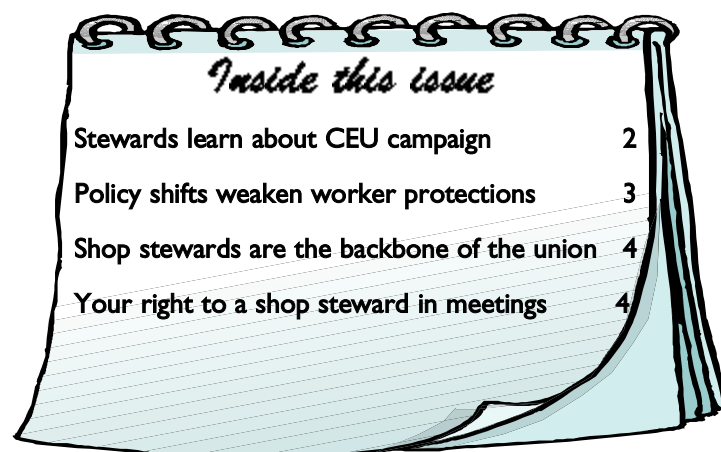
What can we do about it? The CEU Executive has concluded that nothing we do inside our workplace will take the Board off this path. The pressure for positive change must come from sources outside the Board – the government and the public. We can – indeed we feel we must – do something to shape attitudes on workers' compensation.

The CEU Executive has decided to embark on a public campaign with the goal of building a public consensus in B.C. and across Canada on what workers' compensation should look like. In our view, a workers' compensation system should:

- 4 Be publicly-managed, administered, and delivered
- 4 Respect worker and employer rights
- 4 Uphold the principles of the historic compromise

In building this consensus, we will seek the involvement and support of organizations and individuals representing

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business, the public, organized and unorganized labour, students, educators, and governments.

By taking an active role in ensuring the public understands and supports a public workers' compensation system, we will help protect our jobs. If there is a threat from new systems such as CMS, employer pay, and contracting out, we will have a support system in the community ready to lobby governments of the day to tell them, "No, this is not the kind of WCB we want".

We believe that it's our responsibility as a union to be proactive. We can't wait until a multi-national company, such as Accenture, buys our call centre, or takes over large portions of our work. By then, it may be too late.

We will build the campaign in 2006. By 2007, we hope to start the public awareness portion within B.C.

This is a positive move for the CEU. We are taking action to forge a more secure future for the CEU membership by making the broader community aware of the important work we do.

Stewards learn about CEU campaign

Your shop stewards were very busy from March 24 to 27, 2006 at the CEU's annual shop steward school. Before hearing the details of the new collective agreement reached on March 25, they spent two days learning about the CEU's public campaign on workers' compensation.

The session was facilitated by Michael Gardiner, Strategic Director of Catalyst Creative – the consulting firm the CEU has retained to work on the campaign.

The first day started with two speakers:

1. Soren Bech, Coordinator of Research & Campaigns for the B.C. Government and Service Employees' Union (BCGEU). The BCGEU represents the employees at B.C. government liquor stores. Soren spoke about the BCGEU's public campaign aimed at preventing closure of these stores.
2. Andy Ross, President of the Canadian Office & Professional Employees' Union (COPE), Local 278. COPE represents employees at the Insurance Corporation of B.C. (ICBC), Accenture, BC Hydro, and Terasen Gas. Andy spoke to us about his union's campaigns to protect public power and resources. Michael presented an overview of the CEU's campaign to keep workers' compensation public, including the



Soren Bech, BCGEU Andy Ross, COPE

campaign's goals, strategies, and timelines. (See the page 1 article, "CEU campaign supports the historic compromise", for the campaign goals and audience.)

In 2006, the campaign will concentrate on establishing a baseline against which to measure campaign performance, awareness, and effectiveness with the public and CEU members. (Some of you would have been contacted in March for a baseline telephone survey. Polling has also been conducted with the public.) The information gathered in the telephone polls will be used to develop the campaign identity and strategy.

Later in 2006, with the help of Creative Catalyst, we will begin to build a broad coalition of support among the target audience of labour, business, community groups, and other stakeholders. The public awareness portion of the campaign within B.C. is expected to start by 2007.

Financial support for the campaign will be sought from all potential coalition partners.

Other sessions at the shop steward school provided stewards with background information on how public campaigns are developed and conducted. They included presentations and workshops on:

- 4 The "blog" as a key driver of news and opinions
- 4 Media relations strategies and tactics
- 4 The public opinion environment, including views on privatization and public services
- 4 Public speaking at meetings and rallies
- 4 Coalition building and engaging members

Many of the sessions had "hands on" components. On Sunday, stewards rose to the challenge by delivering strong speeches on the value of the WCB, which they prepared in less than thirty minutes.

When the campaign is more developed later in 2006 and in 2007, there will be lots of work (such as speaking to labour councils and other stakeholders), which we hope shop stewards and other CEU members will take on. Rest assured, tool kits and training will be provided by the campaign to make this easier!

Stay tuned for further details as the campaign unfolds.

Policy shifts weaken worker protections

In labour's eyes, change at the WCB in the past five years has tipped the balance in favour of employers, and reduced protections and benefits for injured workers. After major legislative change in 2001, new policies were created that make it next to impossible for workers to get some benefits. This article examines one policy change that has particularly affected safety in the forest industry.

Over the last several years, the Board has reported that the provincial injury rate has been declining. But, the rise in deaths over the same period has been steep. In 2001, 168 fatal claims were accepted; in 2005, 188 fatal claims were accepted. The average over this five-year period was 163. The serious injury rate has not budged over the same period.

Thirty-two of the 2005 deaths were in the forest industry. Recent decisions to hire more Prevention Officers to inspect in the forestry sector are an appropriate reaction to the crisis in that industry. But the underlying factors leading to the deteriorating state of safety in the logging industry also need to be addressed. A subtle assessment policy change in 2003 has contributed to the crisis in forestry, in particular. The change to the Board's "definition of labour contractor" policy allows individuals who previously would have been considered "workers" to register as "employers".

Under the policy, proprietors with no employees can register voluntarily as employers with the WCB, if they meet certain tests. When met, these tests show that such proprietors have a sufficient degree of independence from their employers. The proprietor has to demonstrate a legitimate business identity separate from a particular employer. In one test, a person can qualify to register as a labour contractor if he or she provides a "major piece of revenue producing equipment" for the job. The amended policy now includes chainsaws in the list of "major pieces of revenue producing equipment". This distorts the policy's intent. Another unfair change in the

list of major pieces of revenue producing equipment was to include the bicycles used by bicycle couriers. The very notion that a bicycle makes a courier independent enough to qualify as an employer is hard to comprehend. This policy change in the definition of "labour contractor" violates the spirit and purpose of the historical compromise. Workers have lost protections and now pay their own assessments. Forest industry employers, on the other hand, benefit in several ways:

- 4 They can now require "workers" to take on the responsibility of registering with the WCB and paying for their own compensation coverage. This reduces employers' direct assessment costs.



4 Assessment rates will drop as the costs of the too-often-very serious injuries are removed from their experience rating and shifted to these newly-registered contract workers.

- 4 Compensation for injured contract workers is reduced as they may apply for a lower level of

coverage through personal optional protection than they would have been entitled to as a worker.

- 4 Companies avoid the responsibility and costs of complying with safety regulations.

These newly-created small contractors, working in the particularly hazardous forest industry, lack the resources and infrastructure to operate prevention programs effectively. Production pressures from forestry employers increase the pace and danger of their work. Once this policy change came into effect, it became impossible for many fallers to find employment unless they obtained their own WCB coverage.

One-sided change, both obvious and subtle, has too often been a defining characteristic of the WCB in the past five years. The change to the labour contractor policy is one example of how policy change can diminish valuable worker protections in the *Workers' Compensation Act* and upset the balance workers and employers are entitled to under our public system.

Shop stewards are the backbone of the union

What do shop stewards do?

Shop stewards are the voice of the CEU and the guardians of the collective agreement in the workplace. They are equal to management when in the role of shop steward. CEU shop stewards:

- 4 Represent members in meetings with management
- 4 File grievances on behalf of members and represent them in grievance meetings
- 4 Identify and creatively resolve many complex issues for members
- 4 Provide leadership in the workplace
- 4 Spot trends and inform the CEU of emerging issues and concerns
- 4 Participate in various CEU and joint CEU-WCB committees
- 4 Inform members about CEU issues and activities

- 4 Organize events in support of CEU issues or other unions and workers

How can I become a shop steward?

CEU shop stewards are elected annually in the fall by bargaining unit colleagues in their work areas or area offices. Two members from your work area must nominate you for the position of shop steward.

Once elected, CEU shop stewards complete two full days of initial training. They maintain their skills by attending a shop steward school and two shop steward seminars each year.

If you would like to volunteer as a shop steward in a vacant jurisdiction, contact Janice Hanna, Shop Steward Chair, at 604 232-7005. (If no shop steward nominations are received in a jurisdiction, the Shop Steward Chair has the authority to appoint one.)



Your right to a shop steward in meetings

When should a shop steward accompany me to meetings with management?

Article 12.07 of the Collective Agreement outlines your fundamental right to have a union representative present during discussions with managers or supervisors.

If you are asked to attend a meeting with management and you believe that the topic or contents of that meeting might form the basis of disciplinary action, you have the right to have a CEU shop steward present at the meeting.

Article 12.07 simply requires that you have a belief that these discussions with management might result in discipline in order to engage your right to a shop steward. Actual discipline need not flow from that meeting.

You also have the right to have a shop steward

present during any disciplinary meetings with any management representatives or meetings on less than satisfactory work performance.

If you aren't sure why you have been asked to attend a meeting, ask your manager what it's about.



My manager recently asked me to attend a meeting about work assignments. Did I have the right to have a shop steward at that meeting?

No. Article 12.07 does not apply to discussions that are of an "operational nature and do not involve discipline".

However, if the discussions include comments about your inability to complete the work on time or to a certain level, or similar issues, your right to a union representative is likely engaged.

If this is the case, you have the right to bring up your concerns with the manager during the meeting. You should tell the manager that you believe that the contents of the discussion might form the basis of discipline and you would like to have a shop steward present. The manager should stop the meeting and allow you a reasonable time to locate a shop steward.

