



Impact

APRIL 2008

COMPENSATION EMPLOYEES' UNION

Not now and not in 2010

What did we learn from the Board's recent attempt to contract out the work of Technical Services, ISD to TELUS? Several things, but these two are perhaps the most important for our future:

- We learned how powerful we can be if we stick together. You showed the Board what "solidarity" means!
- The employer has shown that contracting out is an ideology they believe in strongly and intend to pursue.

Without job security, we could not have stopped this contracting out. The reason the employer needed a majority of Technical Services staff to accept an offer from TELUS is that they didn't have other jobs in which to place those that didn't accept the TELUS offer. They couldn't give the work away and keep the staff.

The employer has tipped their hand. We have to prepare to fight for job security to continue beyond 2010. Our success depends on sticking together. You can show your support by wearing your "Not now/Not in 2010" buttons or displaying them in your work cubicles.

Where do we go from here?

We will develop an action plan to prepare for the fight in 2010 if it is needed. These are the actions we are currently pursuing:

- We will continue with the three grievances we have filed in March unless the Board provides something that says they accept they violated the agreement.
- We will continue to pursue information through FIPP on the Board's business case on technical services,

its strategic alliance with TELUS, any private information released about members, and any related issues.

- We will be pushing the employer to meet the terms of the Memorandum of Understanding on the use of contractors in ISD.

We haven't proceeded with our unfair labour practice complaint with the Labour Relations Board (LRB). Our lawyers say that the LRB wouldn't hear our complaint because the employer has backed away.

We will also be using the PCC (Public Compensation Coalition) where appropriate and our other connections in the labour movement.

We have met with the BCGEU to get information on what is happening in government services. (In March, WCB Chief Financial Officer Steve Barnett told us that he had met with a BC government official in Victoria regarding talks that are occurring with two health authorities and other government agencies on a joint TELUS/IBM proposal to take over similar technical services in those areas.) We continue to try to research what is taking place, whenever we can.

Thank you for showing such solidarity on this issue. We look forward to moving forward together to fight any attacks on our work and working conditions.

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“Mourn for the dead, fight for the living”

The Canadian Labour Congress (CLC) was the first organization to promote April 28 as the National Day of Mourning in 1984. Since then, it has grown into a worldwide event observed by labour, business, and governments in over 100 countries. The International Labour Organization (ILO) started to observe World Day for Safety and Health at Work on April 28 in 2003.

While it's a day to remember those who have died because of work, April 28 is also a call to renew our commitment to improve the health and safety of the living.

Canada first recognized the Day of Mourning in 1991. Since then, on April 28, the Canadian flag on Parliament Hill flies at half-mast. Workers light candles, wear ribbons and black armbands, and observe moments of silence. Many communities have erected monuments and memorials in public places, such as the one in Hastings Park in Vancouver, to remind people of the sacrifices workers have made to build Canada. It is said that the tallest memorial is beside the CN Tower in Toronto. It honours Chinese workers who built the Canadian railway system. It is estimated that one Chinese worker died for every mile of track laid.

The Day of Mourning has special meaning to us as employees of the WCB. All too often we witness the grief of the family members of B.C. workers. We know the cost of workplace death, injury, and illness. We're proud that our work helps prevent injuries and supports injured workers and their families.

“Mourn for the dead, fight for the living” is one of the slogans that health and safety activists often use on April 28. Some of us flinch at strong words like “fight”. Perhaps we think it's a word that was appropriate in the past, or is appropriate to describe the record of other countries. What we may not realize, though, is that more

than 1,000 workers die from workplace accidents or illnesses every year in Canada. Our fatality rate is much higher than other western countries such as Great Britain. When

you consider the toll that workplace deaths and illnesses take in B.C., in Canada, and in the world, strong words like “fight” do seem appropriate. When you pause for a minute of silence at 11 a.m. on April 28, think about this comment Jukka Takala made about workplace death and disease in 2002 as the then Director of Safe Work at the ILO: “It is a daily disaster that seldom makes the headlines. Every year we estimate that 1.2 million people die in work accidents. That is the equivalent of a World Trade Centre, a September 11, tragedy every day. More than 3,000 people die at work every day.”

When My Work Was Never Done

I left home that day as someone's:

*Child
Mother
Father
Sister
Brother
Friend
And loved one;*

When my work was never done.

I innocently went to work that day as a:

*Laborer
Carpenter
Office Worker
Co-Worker
And a victim.*

When my work was never done.

And now you mourn for me as:

*Family
Friends
Survivors
Fighters*

When my work was never done.

I ask that on this day remember.

Although my work was never done, our work has just begun.

By LaVerne Mayfield

Dedicated in loving memory of her sister Lillian.

Source: AFL-CIO Web site

**GOOD JOBS
SAFE JOBS
FOR ALL
Mourn for the Dead
Fight for the Living**

R-type employee—fact or fiction?

In the past, the Board sometimes re-hired employees after they retired. In this tight labour market, the Board has been re-hiring retirees again and again, as temporary employees (temps). The Board also likes to hire retirees because they are already trained.

Often these retirees are called “R-type” employees, but the R-type employee doesn’t exist in the collective agreement. In re-hiring retirees, the Board has violated the collective agreement in several ways. In this article, we explain the issues related to the re-hiring of retirees.

When employees retire, they sever their employment relationship with the Board and lose their union seniority. When they subsequently return to work, they become temps with less than 1,820 work hours.

The collective agreement outlines how the Board may hire temps. A general premise is that permanent employees have the first option for work. Temps have worked at the WCB for a long time. That’s why we have extensive collective agreement clauses on the use of temps and their rights.

The parts of the collective agreement that the Board has been violating in re-hiring retirees are discussed below.

Article 18 – Back-up training and temporary promotions

This article outlines the rights permanent employees have to temporary work. Before a temp (including retirees) can be given a work assignment, it must be offered to permanent employees through article 18. But the Board doesn’t always do that. It uses article 18 for some temporary work assignments in some job classifications. In others, it hires temps, without finding out if a permanent employee is available and wants the work. We have filed a grievance on this.

Article 15.09 – Permanency defined

A permanent job must be posted if there is likely to be an ongoing need for a position in one classification in a work location for more than 10 months in a 12-month period. The 10 months’ work doesn’t have to be consecutive. Also, it could be for a variety of reasons. Consider the example of a temporary Case Manager who works three months to cover vacation in an office. Following that, the Case Manager:

- Is off for one month

- Is then brought back for four months to help in the same area due to high volumes
- Is again off for a month
- Is then brought back for four months to cover vacation and volume

In this case, the Board should post a permanent Case Manager position in that work location. That’s because the temporary Case Manager worked more than 10 months in the past 12 months and the need is ongoing.

The Board should also have offered an article 18 opportunity to permanent employees before hiring the temporary Case Manager. We believe, in some cases, the Board has not offered article 18 opportunities, and then hired temps to work greater than 10 out of 12 months. We have filed a grievance on this.

Please note there are some absences listed in article 15.09 where coverage is required which don’t indicate permanency (e.g., maternity leave, WCB leave).

Article 51 – Permanent assignments

This article sets out how to make permanent assignments in a work location between departments. It also sets up expression of interest lists for employees to indicate their preferred assignment. When the Board determines a position will be filled, article 51 must be applied before the position is posted. For example:

- A Case Manager, Disability Awards retires
- The Board decides to fill the vacancy
- Before posting, the Board must look at the article 51 expression of interest list to see if a permanent employee wants to move to the department with the vacancy
- If so, the employee on the article 51 list moves into the retired Case Manager’s position, and the vacancy is in the department from which the Case Manager moved

We believe the Board hasn’t allowed article 51 assignments to take place, in some instances. Instead, temps have been hired directly into these spots.

Article 15.09 also applies here. The Board can’t say it has decided not to fill a position, and then bring in a temp for 10 out of 12 months.

Article 15.08 – Posted temporary positions

The Board must post assignments of more than 120 days. But before they can be posted, article 18 must be

followed. The article 15.08 posting process states how the temporary posted assignment will be made:

1. Only permanent and temporary employees whose permanent work location is where the vacancy exists may apply on the initial posting.
2. If there are no successful applicants, it is posted Board-wide. The Board must identify what expenses will be paid if someone outside the work location is successful. Permanent and temporary employees from all locations can apply.
3. If no current employee applies, the Board may assign a temp who did not apply, or hire a new temp.

We believe the Board has sometimes continually extended assignments that were to be less than 120 days. These assignments should have been posted. This is now under grievance.

Article 20 – Temporary and permanent part time employees

Under this article, the rights of temps increase once they have worked at the WCB more than 1,820 hours. The article also says when temps can be used for a work assignment.

In some instances, the Board appears not to be providing rights to retirees who have become temps. These include:

- Dental benefits
- LTD benefits
- Recall by seniority

Article 1.02 – Recognition

This article recognizes the CEU as the exclusive bargaining agent for all employees covered by union certification at the Board. This means the Board can't negotiate directly with individual employees and promise them more rights or benefits than are available to others under the collective agreement.

The Board appears to have negotiated with individuals planning to retire, promising them specific work assignments and hours of work if they return after retirement. The Board can't negotiate with employees in this manner. This is currently under grievance.

The “double-dip”

Some people say retirees are “double-dipping”. Under the WCB Superannuation Plan, you may return to the Board, while continuing to collect your pension. Not all pension plans permit this, but ours does. That's a right all plan members have.

Re-hired retirees draw their pensions, and their return to work means there are fewer new plan contributors. We were concerned that re-hiring retirees may have a negative impact on the pension plan. For this reason, we wrote the Superannuation Plan Trustee, Sid Fattedad, requesting an actuarial review to find out the potential impact. In his response, Mr. Fattedad stated:

“I have had discussions with the plan's external actuary who has advised that if a company 'program' has the effect of increasing the number of 'employees-turned-pensioners' before their actuarially expected retirement date, the financial risk would depend on how large that number becomes. This risk ranges from insignificant to a level that might become a concern to the sponsor of the plan, which in this case is WorkSafeBC who bears the financial responsibility to deliver on individual pension promises.”

As to the number of retirees being rehired, he also assured the CEU, that in his capacity as Chief Financial Officer of WorkSafeBC, he had “seen no quantified 'plan' tabled on this matter”... and he had no “knowledge of a program to hire all retirees the day after they retire”.

Currently, we are aware of about 13 re-hired retirees in a few different classifications.



What you should know about ETOs

The ETO (Earned Time Off) program allows you to work 25 minutes extra each workday so that you can earn time off. The terms of the ETO program are in articles 26.10 to 26.12 of the collective agreement. This document answers common questions about ETOs.

1. Must ETO arrangements be the same across the Board?

ETO arrangements may be different in different areas of the Board. The program is meant to be flexible so that it can meet the needs of employees, clients, and the business. This means that local arrangements should be:

- Flexible
- Reasonable
- Based on operational considerations

2. Can I only take ETO in the next quarter?

Staff earn time in one quarter and normally take it off in the next quarter. Exceptions may be made to this general "rule", but if they are, both the manager and employee must agree to the arrangement.

Keep these things in mind about exceptions:

- You may ask to take your ETO in the quarter after the one in which you would normally take it. If approved, you must take the time in that quarter.
- You may ask to take ETOs in a block. For example, you could request to take a 10-day block. You must be reasonable in making such requests. If you want to take a 10-day block, you should request it at the beginning of the year. The more time you want in a block, the earlier you should make your request. This will avoid any confusion and prevent the possibility of losing the time.
- The only caveat on the amount of ETO you can take at a time, is that you must have earned the time by year's end.

3. What happens if I have scheduled some ETO in advance and I don't earn enough time?

You can still take the time off, but you must ensure that by year's end you have earned as much time as you have taken – i.e., that your ETO bank isn't in a deficit position. If you don't, the excess time will have to be recorded as vacation, CTO

(compensatory time off in lieu of overtime pay), or unpaid leave. You also have the option to cancel the time.

4. What has priority—vacation or ETO?

The test for acceptance or denial of ETO is operational considerations. Vacations have priority over ETO when requests for the same dates can't be granted for operational reasons.

5. Does my manager have to approve ETO for medical and dental appointments?

ETO was intended to be used for personal business and medical and dental appointments. Therefore, employees are entitled to request time off at short notice within the quarter. Your manager's arrangements must be able to accommodate requests on short notice.

6. Was ETO intended for special events?

Yes. Managers should also ensure that local guidelines are flexible enough to allow you to attend special events that occur throughout the year for which you may not have been able to schedule vacation. Examples include family reunions, weddings, and school professional development days.

7. Can managers make rules on how far in advance they will approve ETO requests?

Managers may want to determine how far in advance they prefer to approve ETO requests. However, they can't make a "hard and fast rule"—only a guideline. The employer has to consider all requests and decide to approve or not approve a request based on operational reasons.

8. What's the process to re-schedule when my ETO request isn't approved?

Article 26.10 (d) says: "Where an employee has made a reasonable attempt to schedule ETO and for operational reasons is unable to take such time, it will either be paid out at straight time or carried over. If carried over, it must be used in the next quarter or it will be paid out at straight time. Where an employee does not make a reasonable attempt to schedule ETO there will be no payout and the carryover will be deleted in 7.25 hour and 3.62 increments."

What you should know about ETOs con't

What is considered to be "a reasonable attempt" to re-schedule? Each case depends on the circumstances, but clearly it wouldn't be reasonable to request alternate dates that you knew were not available. On the other hand, if none of the alternate dates available are convenient to you, then your manager should allow you to carry over the time.

9. How are ETO disputes handled?

If you and your manager can't resolve any scheduling disputes, ask your shop steward for help. If it still can't be resolved, your steward can refer it to the Work Schedule Dispute Resolution Committee, which is a joint committee of CEU and Board representatives.

10. If I'm sick, can I make up the ETO to avoid deductions from my ETO bank?

ETO is earned daily. Regardless of whether you are an "A", "B", or "S" type employee, you can't make up ETO you didn't work because of being on sick leave. By missing the day, you have lost the opportunity to work the time.

11. Do I lose ETO credits for other types of absences?

If you are away for a full day, you lose the ETO credit for that day and can't make it up. Exceptions to this are:

- If you are on vacation, ETO, or statutory holidays, you

receive the full credit for those days.

- If you are on union-paid union leave (UUP), your ETO is not deducted from your ETO bank. The Board bills the CEU for the 25 minutes of ETO.

12. Do I have to work my ETO each day, Monday to Friday?

There are two exceptions to this, for "B" type employees only:

- If you complete your weekly hours before the end of the normal workweek, you may work your remaining ETO time on your last day of work. For example, if you have worked 36.5 hours by Wednesday afternoon (plus ETO time for Monday, Tuesday, and Wednesday), you could work the ETO time for Thursday and Friday on Wednesday as well.
- If you and your manager agree, you may work your ETO hours over two weeks, including weekends. This applies only to your ETO hours. This means that you could work 36.5 hours each week of a two-week period and work four hours and ten minutes (the total ETO you would work in 10 days) on a Saturday or Sunday. Any additional time you work on that Saturday or Sunday would be overtime and must be compensated at the appropriate overtime rate.

Ten things that happened in 1974

1. The world's population reached four billion. In 34 years, it has grown to be more than 6.6 billion.
2. Richard Nixon became the first U.S. president to resign, which he did to avoid impeachment.
3. Pierre Elliott Trudeau was re-elected as Canada's Prime Minister.
4. Dave Barrett was the premier of B.C.
5. New Brunswick became the first province to become officially bilingual.
6. The RCMP decided to allow female members for the first time.
7. The Le Dain Commission report argued that marijuana should be decriminalized.
8. Canadian basketball player Steve Nash and singer Alanis Morissette were born.
9. Canadian hockey legend and donut shop founder, Tim Horton, died in a car accident.
10. **The CEU was certified as the bargaining agent for the Workmen's Compensation Board of B.C.**



Join us on May 28, 2008 for a celebration of the CEU's 34th birthday. Details will be announced closer to the event.

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