



# Impact

JULY 2007 COMPENSATION EMPLOYEES' UNION

## B.C. eliminates mandatory retirement

Amendments to the B.C. *Human Rights Code*, which received third reading in the legislature on May 31, 2007, eliminate mandatory retirement at the age of 65. The changes come into effect on January 1, 2008.

### Highlights of the amendments

Bill 31, the *Human Rights Code (Mandatory Retirement Elimination) Amendment Act, 2007*:

1. Repeals the current definition of age in the Code and re-defines it to mean "an age of 19 years or more"
2. Adds age as a prohibited basis for discrimination in the provision of any accommodation, service, or facility customarily available to the public
3. Allows for a distinction on the basis of age if that distinction is permitted or required by another piece of legislation
4. Repeals the section of the Public Service Act that requires public sector employees to retire at age 65
5. Provides that contracts of insurance – be they bona fide (legitimate) retirement, superannuation or pension plans, or insurance between an insurer and employer – may continue to differentiate on the basis of age without violating the Code's prohibition against discrimination in employment

In a nutshell, the legislation protects employees from forced retirement at age 65, but it does permit workers over 65 to have different benefit, insurance, and pension plan entitlements than workers under 65.

### How do the changes affect CEU members?

There are several provisions in our collective agreement and the WCB Superannuation Plan that will have to be considered. For example:

1. The Superannuation Plan does not allow a person to

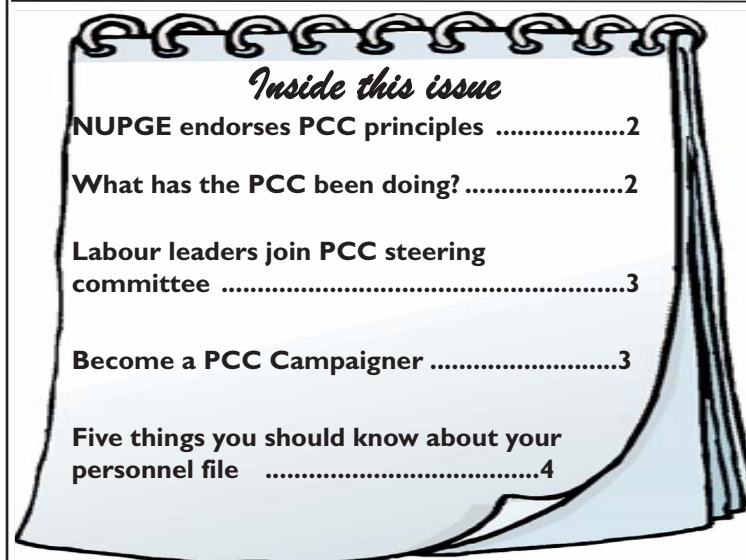
contribute beyond the age of 65.

2. Our Long Term Disability Plan and collective agreement state that the long-term disability allowance will end at the age of 65.
3. The employer does not provide health and welfare benefits or life insurance benefits beyond 65.

At the same time, the collective agreement entitles all permanent and temporary employees with a specified amount of service to these health and welfare and insurance benefits. This creates a conflict between what the employer and legislation currently provide and collective agreement rights.

The CEU and the employer have scheduled a meeting for mid-September to begin to address these and other issues that may arise. The legislation doesn't come into place until January 1, 2008, but it's important that we resolve these issues so members who are considering working past 65 know what their rights are when making their decisions.

We will keep you informed as discussions progress.



## NUPGE endorses PCC principles

CEU President Sandra Wright and Business Agent Deborah Payment were delegates to the 2007 constitutional convention of the National Union of Public and General Employees (NUPGE), held in Fredericton, New Brunswick from June 22 to 24, 2007.

For Sandra and Deborah, the highlight of the convention was the adoption of a resolution endorsing the "Principles of a Fair and Comprehensive Workers' Compensation System", a document which was developed by 3CU (Conference of Canadian Compensation Unions) and defines the work and goals of the Public Compensation Coalition (PCC).

The Convention was hosted by the New Brunswick Union of Public and Private Employees, one of the 11 components in the NUPGE federation. NUPGE components represent 340,000 workers across Canada, most of whom deliver public services to citizens in their home provinces. The British Columbia Government and Services Employees' Union (BCGEU) is also a NUPGE component. The CEU is entitled to send delegates to the NUPGE convention through our affiliation agreement with the BCGEU.

The text of the resolution is as follows:

"Worker Compensation Boards across the country are undergoing major restructuring initiatives impacting on service delivery such as privatization of vocational rehabilitation services and the use of technology to automate the claims and case management processes. These restructuring initiatives result in a decrease in the quality of management and adjudication of injured workers' claims and an increased threat to the employment security of front-line WCB workers.

The Principles of a Fair and Comprehensive Workers' Compensation System provide an excellent policy framework on how Worker Compensation Boards should be governed and administered in terms of providing quality services to injured workers.

Therefore the National Union of Public and General Employees:

Strongly endorses Principles of a Fair and Comprehensive Workers' Compensation System, a joint

National Union/CUPE/Compensation Employees' Union of BC (now an affiliate of the BCGEU) document developed by leadership activists representing approximately 10,000 employees of provincial Workers' Compensation Boards (WCBs) across Canada which outlines a universal set of guidelines on how services should be delivered to injured workers in a fair and equitable manner. The principles call for a comprehensive public system, which includes universal coverage, prevention of injury and illness programs, including education programs for young workers, indexed pensions and benefits, and coverage of all workplace injuries and illnesses; and Will work with all our Components, especially those components that represent WCB workers in British Columbia, Alberta, Saskatchewan, Nova Scotia, Prince Edward Island and Newfoundland and Labrador, to help promote and build public support for the principles."

For more information on the PCC and a copy of "Principles of a Fair and Comprehensive Workers' Compensation System" go to at <http://www.publiccompensation.ca>. See also, "CEU campaign now underway", *Impact*, March 2007.

### What has the PCC been doing?

Much has been accomplished since our last report on PCC activities. On May 1, 2007, CEU President Sandra Wright and CEU Business Manager Stan Reese participated in the B.C. Federation of Labour's annual lobby of MLAs on health and safety issues. This year, the Federation decided to focus on the 2002 legislative and policy changes to pension benefits. Sandra had this to say about the lobby: "It went very well. I think it's fair to say that many of the MLAs now have a greater understanding of the differences between pre and post 2002 pension entitlements. We are very pleased that the B.C. Fed decided to focus on this issue as it ties in so well with the PCC's pension campaign."

Many organizations have had presentations or the PCC booth at their events. For example:

- CEU Business Agent Deborah Payment participated in a panel at the CCPA's (Canadian Centre for Policy Alternatives) "Jobs and Justice" conference in Vancouver on March 31.
- CEU Shop Steward James Morrison and CEU Director David Clarabut staffed a PCC booth at the BC & Yukon Building & Construction Trades convention in Victoria on March 26.
- CEU Treasurer David Farrell was a speaker at an asbestos forum put on by Local 480, USWA (Steelworkers' Union), held May 4 in Trail.

## Labour leaders join PCC steering committee

The PCC steering committee, which consists of four CEU representatives and three representatives from other organizations, is now fully formed. The CEU members of the committee are: Sandra Wright, David Farrell, Bill Bucci, and Stan Reese. The other members of the committee are:

- Mona Sykes, Health and Safety Officer, BCGEU
  - Michelle Laurie, President, IBEW (International Brotherhood of Electrical Workers), Local 258
  - Lynn Bueckert, Assistant to the President, Director of Policy Development, BC Federation of Labour
- Impact* asked these three labour leaders why they agreed to be members of the PCC steering committee. Here are their answers:

**Mona Sykes:** "I agreed to be on the committee for two reasons. First, the issue is important to all workers, including the BCGEU membership. Secondly, I see working together collaboratively with different unions and other parties as the best way to move forward to make positive changes at the WCB and to ensure injured workers are properly compensated. This is their right under the historic compromise and we need to restore that right. In my experience, lobby campaigns like this are an effective way of making changes."

**Michelle Laurie:** "I have been working with injured members for the past nine years, and I have seen the devastating effects of the 2002 legislative changes – and subsequent policy changes – on workers and families that are already suffering because of workplace injuries. In order to keep employer costs low, the historic compromise is forgotten, and workers are losing benefits that would make them whole after an injury. This is not what the workers' compensation system was intended to do, and it violates the basic rights of working people. The PCC has a critical role in informing the general public so that they can demand a return to a fair system of compensation."

**Lynn Bueckert:** "The public needs to be informed about health and safety and compensation issues. The government's message to workers is 'you're on your own'. Changes to the *Workers Compensation Act* mean

that many injured workers aren't able to support themselves and their families and they will struggle to survive when they retire. The public assumes that workplaces are safe, but safety and health regulations have also been eroded. These things amount to a betrayal of the historic compromise by which workers gave up the right to sue their employers in return for a safe workplace and fair compensation. The coalition will allow us to tell workers' stories and work together on these critical issues."

## Become a PCC Campaigner



One way that CEU members can participate in the PCC campaign is to volunteer to be a speaker when we receive requests for presentations.

"Campaigners" are also needed to go into their communities to make contacts for the PCC. Each "campaigner" is provided with a briefing package, handout materials, and one-on-one support or guidance as needed. *Impact* recently asked CEU Shop Steward Rachel Barbour about her experience as a PCC "campaigner". This is what she said:

### Why did you volunteer to help out the PCC?

"I am a strong supporter of the campaign. I believe our public system is in danger. The current government has a history of making deals that aren't in the public's or workers' best interests. I don't trust them, or the governments that will come later, not to try the same thing with coverage for injured workers.

The historic compromise MEANS something to me, and it should mean something to every worker in this province. Workers don't have the right to get compensation determined in a court of law. Their entitlement to fair compensation MUST be preserved. I've seen too many claims where the Board's new pension policies have impacted the worker significantly. I've seen too many cases where injured workers cannot get back to earning what they did before they were hurt. Their life styles take a dramatic turn for the worse. Although this change in their income is directly related to their work injury, the law doesn't allow us to compensate them. It's hard to

explain a law that I believe is fundamentally unfair to an injured worker, and to take the brunt of his or her anger and fear, without doing something to make a difference."

**Except for CEU executive and staff members, you are the first volunteer to do a PCC presentation. Who did you present to? How did they receive your presentation?**

On March 31, I was invited to speak at the United Steel Workers' (Local 1-3567) annual meeting. I was pleasantly surprised to be greeted so warmly by the brothers and sisters at the USW. There were about 150 people in the room, and I had a bad case of stage fright! As I was waiting to "go on stage" at least five people from the USW approached me and reassured me that I'd be fine. During my speech, the members were responsive and supportive, and very

understanding of my somewhat shaky delivery! Every single pull tab I brought along with me was signed and returned within five minutes of my getting off the podium! I had a lot of fun and would not hesitate to do it again!"

**Were the materials provided for the presentation easy to work with?**

"I was provided with excellent materials for the presentation, including posters and hand outs, well organized speaking notes, and information about the PCC and its goals and mandate. The materials and the support I received made the job easy to do."

**Interested in becoming a PCC "campaigner"?**

To help out on the campaign, call Deborah Payment at the CEU office at 604 278-4050, or e-mail her at [deborahpayment@ceu.bc.ca](mailto:deborahpayment@ceu.bc.ca).



## Five things you should know about your personnel file

### 1. Am I entitled to look at my personnel file?

Yes. Contact HR (Human Resources) to arrange a time to view your file. If a private room isn't available, you can use the carrel (a desk with high sides that provide privacy) across from the HR receptionist. HR recently added this carrel as a result of privacy concerns expressed by the CEU and some members.

### 2. Can the employer place an adverse document in my file without my knowledge?

No adverse documents can be placed in your file without your knowledge, except for your Employee Performance Appraisal. In fact, the employer can't use any document in a grievance or arbitration involving discipline, which was not brought to your attention previously.

### 3. Does the employer keep other files on employees?

Yes, but the file in HR is the only record on you that can be used in disciplinary or other measures taken against you. Any other adverse document that a

manager may have in his or her file on you, can't be used against you in discipline, or be admitted as evidence in an arbitration hearing.

### 4. Who can see my file?

The only people who can see your file without your written consent are:

- Superiors in direct line of supervision
- Your departmental director or his or her assistant
- The equivalent people in another department into which you have requested a transfer or a promotion, provided you are being considered for such a move

### 5. Do adverse documents stay in my file forever?

Article 28.10 of the collective agreement says that any adverse document on your personnel file, except for your Employee Performance Appraisal, will be removed after two years from the date of issue, as long as "...there has not been a further infraction relating to the same matter."

If you see something in your personnel file that concerns you, contact your shop steward for assistance.