



# Impact

JULY 2009

COMPENSATION EMPLOYEES' UNION

## Steward recognition an important step toward building the union

Stewards are the backbone of any union. Advocating on behalf of front-line workers and liaising with the union's executive and staff, stewards work to ensure Collective Agreement rights are fairly applied. Perhaps the most valuable contribution stewards make toward building the union is the day-to-day informal communication they have with union members and management.

This informal communication lays the ground-work for mapping the mental, physical and psychological components of the workplace. While many members view grievances as the focal point of union work, in reality, it is this day-to-day communication that builds awareness and unity around union issues.

Currently, stewards are working extremely hard by bringing membership concerns relating to safety, workflow and CMS forward. They also spend countless hours meeting with members and then following up with management to discuss concerns.

Without these steward efforts, the union's ability to respond in a timely way to membership needs would falter. Becoming a steward starts with the election process, and many people have what it takes to become a steward.

Steward elections take place in October, and each year members committed to worker advocacy are elected for one-year terms. A call for steward nominations will go out this fall.

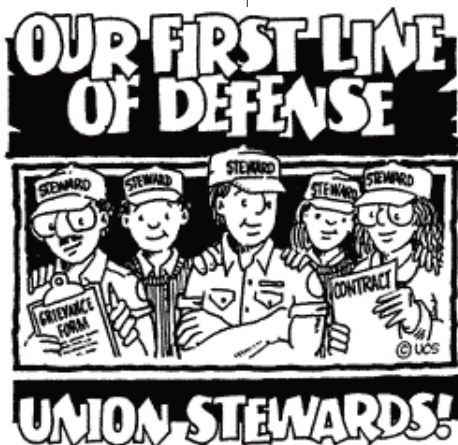
We encourage members interested in learning more about the CEU to consider becoming a steward. What does a steward do? Stewards meet with members to

resolve many different challenges including helping members to interpret the Collective Agreement, preparing members to meet with managers and mobilizing members to respond to a variety of management-related issues.

Terrace steward, Linda Carson noted, "There is nothing more empowering than sitting face-to-face with management representing my fellow members and defending their rights. A

strong union presence within the Board sends a clear message to management – we will stand up for our members as determined by the Collective Agreement, and we support our union."

To help stewards develop into their role, the union holds a basic steward course in January, a two-day



### INSIDE THIS ISSUE...

<b>Vehicle safety standards get a facelift .....</b>	<b>2</b>
<b>Court of Appeal finds changes to the WCB legislation discriminatory .....</b>	<b>3</b>
<b>Joint health and safety conference builds strong connections .....</b>	<b>4</b>
<b>Speaker's Corner .....</b>	<b>4</b>
<b>Know your Collective Agreement .....</b>	<b>5</b>
<b>News from our CEU Committee members... ..</b>	<b>5</b>
<b>Conference builds solidarity amongst Canadian Unions .....</b>	<b>6</b>

steward education course in April and a steward school in October. These sessions engage stewards in adult education learning models regarding the day-to-day needs of the CEU membership. A sample of recent steward education topics includes awareness regarding mental health issues, resolving conflict, negotiating skills and work and life balance.

Stewards regularly juggle their union responsibilities with their work and family lives. That's why the CEU executive thinks it's important to recognize their hard work. They also want stewards to know their hard work is appreciated!

"Being a steward can be a difficult but rewarding job. The CEU is lucky to have such a talented group of employees to draw into the steward ranks. We're also fortunate to have a gender-balanced steward group. Now we're working toward building a steward group that more accurately reflects the membership's demographics. That's why we're forming a CEU Diversity committee. We need to ensure our members see our leadership structure as dynamic and diverse," says Sandra Wright, CEU President.

Carson added her own observation about stewards,

"You will never see a more dedicated group truly working together for you than when you attend a local union meeting, an Annual General Meeting, or when you attend your first shop steward school - our steward group is amazing."

Past steward and long time Board employee, Dianne Hoy has seen a change to the work stewards face today. "I became a shop steward back in 1991, and life at the Board was calm compared to now. Being a shop steward was meaningful and interesting – I enjoyed the seminars and always learned something new. I also made some great friendships.

"Today is a different era at the Board. There is much contention, a lot of anxiousness and great turmoil. I'm very sure our shop stewards are working very hard on behalf of the members."

Your executive invites you to take steps to recognize your stewards. Recognition comes in many forms. Sometimes it's a simple thank you. Please take the time to recognize your steward the next time you pass them in the hall or sit next to them at the lunch table. If you are thinking about becoming a steward, drop in and visit a steward so you can find out more about the role.

## Vehicle safety standards get a facelift

We can all relate to watching a car or truck passing us on the highway and wondering, 'how can that "beater" possible stay on the road?' Most of us cannot relate to the situation a Courtney CEU member experienced recently.

As the member pulled into the office parking lot, a major failure occurred in the vehicle's front end. Had this failure occurred on the highway, the results could have been disastrous – for our member and nearby motorists.

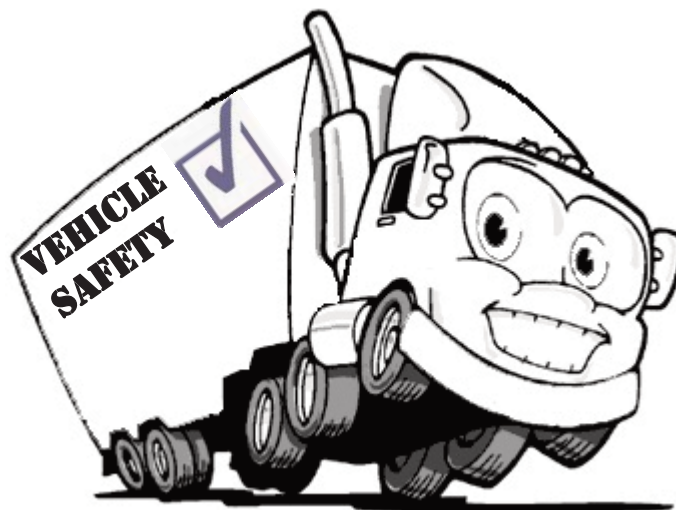
Paul Stephens, Occupational Safety Officer, and Co-chair of Courtney's Joint Health and Safety Committee, raised the incident with the local committee. He also followed up with management to ensure a proper accident

investigation occurred. One of the important aspects to any investigation is the examination of current practices - how can we avoid future incidents?

In this instance, Stevens wanted to ensure other CEU members using Board vehicles did not experience similar mechanical failures. While investigating the incident, Stevens determined the Board needed to do a better job

of tracking vehicle repairs.

Once that became evident, Stevens decided it was time to contact the Corporate Joint Health and Safety Committee. Stevens wanted to see evidence of a consistent approach to recording vehicle maintenance, including the types of



repairs and when they occur. He hoped a standard protocol would be put into place for all Board offices.

Thanks to Stevens' commitment to workplace health and safety, the Corporate committee is discussing a tracking system for all Board vehicles, including improvements for recording routine maintenance and

tracking repairs for Board vehicles. It is also discussing the use of vehicle checklists and inspection procedures.

Stevens' actions show an active local committee can improve safety. He notes, "We are the ones who inspect other employers, and we should be an example of the best practices."

## Arbitration, Courts and other Tribunal News

Starting with this edition of *Impact*, we will report on topical jurisprudence within the labour community. We hope this will become a "must read" section for all CEU stewards.

### Court of Appeal finds changes to the WCB legislation discriminatory

In a court battle led by the International Brotherhood of Electrical Workers, (IBEW) Local 258, the B.C. Court of Appeal struck down the legislative changes to the *Workers Compensation Act (Act)* along with the mental disability policy provisions of the Workers Compensation Board (WCB). The IBEW went to court on behalf of a member after he sustained a workplace accident (*Plesner vs. BC Hydro and Power Authority et al*).

In 2002, the BC government amended Section 5.1 of the Act. The Minister introducing the bill said,

*"...changes introduced through this legislation will make the system sustainable by bringing costs under control...The bill clarifies WCB coverage for mental stress by clearly establishing that compensation will be provided in cases of mental stress due to a sudden and unexpected traumatic event...Coverage will not be provided in other situations such as chronic stress conditions...."*

In the Plesner case, WCAT accepted the worker sustained a work-caused injury, but WCAT found the triggering event did not meet the requirements of the Act or WCB policy criteria, and benefits were denied. While WCAT made these findings, it's important to note, the Court did not find WCAT erred in its application of the law, rather, the Court found the law in conjunction with WCB policy, breached Plesner's constitutional rights and was therefore discriminatory.

Mr. Plesner was diagnosed with post traumatic stress disorder, (PTSD) and he believed he was entitled to compensation under the Act. The argument put forward

to the B.C. Court of Appeal was s.5.1 of the Act should be set aside because it violated Plesner's rights under the *Canadian Charter of Rights and Freedoms* and WCB Policy 13.30 is of "no force and effect" because it is patently unreasonable. The Court found the WCB policy provisions when read in conjunction with s.5.1 of the Act breached s. 15(1) of the *Charter* because they treated workers with mental injuries in a discriminatory fashion.

In granting the appeal, the Court rejected the premise that cost concerns referred to by the Minister trumped Plesner's *Charter* rights, "...there is no basis in the record before this Court for concluding that the financial considerations and/or the causative problems posed by mental stress claims provide a pressing and substantial basis for overriding the s.15(1) [*Charter*] rights in this case."

The Court went on to conclude, "...workers with purely mental injuries are forced to meet a significantly higher threshold for compensation which is not required of those who suffer work-related injuries that are purely physical...." The Court also noted certain aspects of Policy 13.30, when read in conjunction with s.5.1 of the Act, were discriminatory and therefore of "no force and effect". The Court allowed Mr. Plesner's appeal and turned the issue of compensation back to WCAT.

A copy of the full decision can be found at

<http://www.courts.gov.bc.ca/jdb-txt/CA/09/01/2009BCCA0188.htm>

# Joint health and safety conference builds strong connections

March 13, 2009 marked the start of a two-day joint CEU and BCGEU (BC Government and Service Employees' Union) health and safety conference. Representatives from another BCGEU affiliate, the BC Ferry & Marine Workers' Union were also in attendance. This was the second conference of its type with about 80 delegates taking part in a series of workshop presentations.

CEU President, Sandra Wright noted the importance of this type of conference in her opening remarks. "This conference gives us the opportunity to build a stronger relationship with the BCGEU and its other affiliates." Daryl Walker, President of the BCGEU echoed her remarks saying, "I am pleased we are continuing to foster our relationship with the CEU through events like this."

In June 2004, CEU voted to affiliate with the BCGEU. Since then, the CEU has also joined the BC Federation of Labour and the Canadian Labour Congress. As a relatively small union, these affiliations help the CEU to remain current in all aspects of organized labour, including health and safety.

Organized by representatives of both unions including David Clarabut, CEU Director, Mike Clarke, BCGEU Vice-President, and Mona Sykes, BCGEU Safety Officer, the conference was co-hosted by Clarabut and Clarke.

Aside from their roles at the conference, Wright and

Clarabut also represent the CEU on the BC Federation of Labour's Occupational Health and Safety Committee. Clarabut noted, "I'm very pleased with the leadership that our delegates demonstrated – their sincerity and their commitment to health and safety throughout the conference was exceptional."

One of the goals of the conference is to ensure health and safety activists learn from one another. Each union has many "experts" and the conference is a place where everyone can meet and discuss common issues.

This year's conference covered a host of topics including bullying in the workplace, discrimination in legislation, young workers, and the Public Compensation Coalition (PCC). CEU member and Board OHO, Don MacFadgen, also gave a well received presentation on healthcare exposure control plans.

The CEU's 18 delegates came from our local health and safety committees and the joint health and safety committee. According to Patsy O'Brien, a Nurse Advisor and OHS committee member from the Courtney office, "We enjoyed the opportunity to catch up on safety issues affecting many different industries and unions. Clearly, our committees have a lot of work to do to continue raising safety concerns, and we must remain diligent to get them resolved."

## Speakers' Corner



*Impact* now includes a CEU Speakers' Corner for member feedback. Objective 2 of the CEU strategic plan, states in part: *Strengthen two-way communication between the Union's leadership and its members*; we encourage readers to respond to our stories.

April's edition of *Impact* prompted reader responses to two stories; *CEU develops its 2009 strategic plan* and *CEU is turning green*. Non-claims related members reminded us to be sure to address prevention and assessment concerns when talking about strategic planning. While the intent of the strategic plan is to encompass all areas of the membership, that was not clear in the article.

Members responding to *CEU is turning green* invited us to create an electronic data base for subscribers. That is an idea the union's new Environmental Committee will address. If you are interested in becoming a part of this committee, please contact Sandra Wright, CEU President.

# Know Your Collective Agreement

## What are my rights during a H1N1 quarantine?

Article 34 defines sick leave as “the period of time an employee is absent from work with full pay by virtue of being sick, disabled or quarantined.” Most people know what happens when they are off sick due to a routine flu, but what happens if you become quarantined?

In late spring, the H1N1 virus captured media headlines around the world, and in June, the World Health Organization, (WHO) declared a phase 6, H1N1 pandemic. Under the terms of the CEU Collective Agreement, an employee finding themselves in a quarantine situation due to this declaration is entitled to sick leave.

## What happens to ETO time?

With the exception of some B type situations, when an employee is off work and on sick leave for a full day, 25

minutes is deducted from their ETO bank. In the case of a pandemic, which is currently happening, an employee who is off work will not lose the 25 minutes of ETO time. In June, a without prejudice agreement was reached between the CEU and the Board to maintain the status of the ETO bank in these circumstances.

## Can the employer send me home?

Yes, the employer can send you home for a 48 hour quarantine period if you present at work with symptoms of the H1N1 flu or if you have been exposed to the virus.

While we cannot predict what will happen with the H1N1 virus, we urge our members to follow health and safety precautions including frequent hand washing, coughing into elbows, and avoiding hand shaking.

Send your questions about the Collective Agreement to the editor at [editor@ceu.bc.ca](mailto:editor@ceu.bc.ca)

## News from our CEU committee members

As part of the union’s strategic plan for keeping the membership informed about union initiatives and to invite membership participation in union issues, the *Impact* will include regular updates regarding all committees. Under the terms of the Collective Agreement, there are 14 joint committees. A **committee list** including the names of the CEU representatives can be found on the union’s website [www.ceu.bc.ca](http://www.ceu.bc.ca).

### CEU/WCB Joint Harassment Committee

The Board’s harassment policy was first introduced in July 1993 and was updated in 2008. Currently, the joint committee is working on a policy roll-out plan to highlight employee and management training and awareness. The committee hopes this will happen in late 2009 or early 2010.

Over the last year, the union and the employer moved toward the use of informal methods for changing harassment-based behaviour. This method parallels the concept known as alternative dispute resolution, and it is creating change in the workplace. Harassment related issues tend to be very complex so this type of dispute resolution, or meditative intervention, is proving to be a

very successful way to resolve differences.

This process is founded upon a “go forward” approach; one identifying issues and developing solutions. So far, the interventions are quite organic and can be altered to address changing complexities – it is not a one size fits all process.

The goal of the committee continues to be the development of strategies leading to a safe and respectful workplace. If you have a question about how this committee works, please contact one of the union’s representatives: Frank Lanzarotta, Andy Lim, Rachel Barbour or Deborah Payment.

### CEU/WCB Joint Drug and Alcohol Committee

The joint CEU/WCB Drug and Alcohol program was launched in 2006, and has been quietly providing assistance to many members since then. The policy governing this committee is founded on the *Human Rights Code*. It prohibits discrimination on the basis of a disability, which includes alcohol or drug dependency.

Committee members support the concept that alcoholism and drug addiction are treatable progressive

diseases, and that appropriate intervention significantly improves the likelihood of a lasting recovery. The program supports CEU members to get assistance voluntarily – easily and confidentially.

A vital component of the program is the peer support system. Our peer support designates are available to answer questions about the program, provide information about community resources, or to just listen. It is important to note, information provided to a peer support designate is strictly confidential and cannot be used in a labour relation or disciplinary context. Peer support designates are: Tom Keane, Joyce Judge, Lynn Slater, Sara Strachan, and Larry Gregg.

### CEU/WCB Diversity Committee

In the last six months, the Diversity Committee celebrated a number of events including Multiculturalism Week in February and National Aboriginal Week in June. The Committee is considering a program related to the Paralympics highlighting diversity and disability, in different ways, within the WCB.

On another note, the WCB celebrated its 2009 Diversity Award. This is ironic, largely because the award specifically referred to the Board's Pay Equity provisions found in the Collective Agreement. As stated in April's *Impact*, pay equity is a CEU initiative the Board resisted for 18 years. This initiative is not finished; the contentious pay equity Entitlement Officer arbitration is still ongoing.

## Conference builds solidarity amongst Canadian unions

September 16, 2009 kicks off the biannual Workers' Compensation Union Coalition Conference, in Victoria, BC. Hosted by the CEU, this year's conference will focus on several key issues including collective bargaining, establishing a structural template for each Province's claims process, the development of a national position regarding internet security issues and action planning on hot topics.

Participants from as far away as Nova Scotia will attend. Attendance at these conferences is a priority for the CEU because compensation trends, and management's approach to those trends, are discussed and union-based strategies are developed.

In 2002, three unions participated in the inaugural conference in Stanhope, Prince Edward Island. The three unions were the Canadian Union of Public Employees (CUPE), the National Union of Public and General Employees (NUPGE), and the Compensation Employees' Union (CEU). Jointly, they developed a statement of principles for a fair and comprehensive workers' compensation system known as the "Stanhope Manifesto".

The Stanhope Manifesto set the minimum conditions for

a comprehensive and fair workers' compensation system, chief among them; a publicly funded and independent system of workers' compensation. This was the first national position established by the unions.

In the intervening years, the CEU has championed those provisions. It also launched the Public Compensation Campaign (PCC) receiving support from multiple BC unions. And it all started with the vision and dedication of a small but organized group of unions. "It's very important for the CEU to reach out to other like unions. Not only can we develop things like the Stanhope Manifesto, we can also talk about and identify common issues. It's where we find out how other unions handle recruitment, job families and other issues," says Sandra Wright, CEU President. Plans for the September conference are well underway.

