

## Joint corporate safety committee returns

The CEU and the employer started meeting as the Joint Corporate Occupational Health and Safety Committee at the end of 2005. The CEU had left the joint committee some years earlier. After consultation with the employer, we felt the climate was right to restart the committee.

The CEU members of the committee are Rachel Barbour, David Farrell, Chris Lundquist, and Brenda Matsalla. There have been cooperative discussions with the employer and some positive outcomes. For example:

- All Local Joint Health and Safety Committee representatives have taken the B.C. Federation of Labour's health and safety training.
- Work has been started to raise the profile of the local committees.
- Management representatives Dan Abel and Ray Roch have agreed to work with David Farrell on reviewing

the risks of threats of violence in the workplace.

The members of the committee want your input, but we remind you that health and safety issues should be raised first at the local level. When an issue arises, you should bring it to your manager's attention. If you are not satisfied with the manager's response, you should refer the matter to a CEU representative on the local Joint Health and Safety Committee who will take it to the next meeting of the committee, or take other appropriate action if the issue is pressing. If you feel uncomfortable approaching your manager, you can seek help from your shop steward or your CEU health and safety representative on your local committee.

We are pleased with the progress of the Joint Corporate Health and Safety Committee and will keep you up to date on its progress.



# Impact

September 2006  
Compensation Employees Union

## Ending gender-based pay inequities

In 1995, we negotiated language into the collective agreement to achieve pay equity. Clause 16.10 of the 1995 agreement says:

"The Parties recognize and support the principle of equal pay for work of equal value. The Parties, accordingly, agree to investigate a new gender-neutral job evaluation plan to be designed or selected and implemented during the term of the next collective agreement. The Parties acknowledge that up to one percent (1%) of each annual bargaining unit payroll during the term of this Collective Agreement will be available for addressing any gender based pay inequities under such new gender-neutral job evaluation plan."

Eleven years later, we are finally about to achieve what we intended in 1995. We worked through several mediation and arbitration processes and three rounds of collective bargaining to get to this point.

### How will we finally achieve pay equity?

Achieving pay equity is a two-step process:

1. The new collective agreement we ratified in the spring collapses the pay scale in 2007. This collapsed grid addresses inequity by providing higher percentage pay increases at the bottom of the salary grid than are in the current grid.
2. The job evaluation plan is being modified to be gender neutral and all job classifications are being reviewed to determine if the plan modifications change their ratings.

We explained how the collapsed pay scale works during the ratification process. This article explains how the changes to the job evaluation plan and the gender-neutral process are being implemented.

### What is the gender-neutral process?

In October 2005, the CEU and the employer agreed on a process to address gender pay inequities resulting from the job evaluation plan. Since then, the CEU and the employer have been implementing this process, which includes the following activities:

- **Using professional expertise to fix the plan** – Each side has brought in professionals who specialize in job evaluation and pay equity. The CEU hired Ted Burns and the employer hired Karen Clark. The consultants determined that two factors in our job evaluation plan, Working Conditions and Physical Demands, did not put any value on a variety of the tasks and duties in traditionally female-dominated work, resulting in gender-based pay inequities. The consultants have developed new language for the job evaluation plan to take into account these tasks and duties.
- **Applying the new language** – Over the last few months, many of you have been asked to fill out questionnaires or to participate in interviews about the working conditions and physical demands of your jobs. Several representatives for the CEU and the employer are applying the new job evaluation language to your job classifications, as they work

## Bereavement leave is not just for attending funerals

In the last round of bargaining, the CEU proposed that the title of Article 45, "Funeral Leave" be changed to reflect its true purpose, which is to provide you time to grieve the death of a close relative. As a result, this article is now called "Bereavement Leave". You do not have to attend the funeral of your close relative to qualify for this leave. The article requires only that your leave request be as a result of the death of a "close relative".

### How many days bereavement leave am I entitled to?

You may take bereavement leave with pay "for any necessary period of absence not exceeding five (5) working days occasioned by the death of a close relative". The article also states that the leave will not normally exceed three working days unless you have to leave the locality where you reside.

### What if that isn't enough time?

If you need more time than the three or five days paid leave, the article states that permission to take additional leave without pay "will not unreasonably be withheld".

### How is close relative defined?

The article lists all the family members considered close relatives to qualify for this leave. The list is broad and includes, for example, parents-in-law, brother-in-law, and sister-in-law. In the last round of bargaining, the CEU negotiated an expansion to the list. As a result, two new groups, grandchild and step-grandchild, are included. "Close relative" also includes a person "who has acted in loco parentis [in a parental capacity]" and "any other relative who has been living under the same roof as the employee".

### Can I get leave to attend the funeral of a close friend or special person in my life?

The article also gives managers the discretion to grant leaves of absence without pay to you when you wish to attend a funeral of an individual with whom you have had a special relationship.



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through the data gathered from these questionnaires and interviews.

- **Adjusting ratings** – By the end of the process, the new language for the two modified factors will have been applied to every job classification. Where necessary, adjustments will be made to the job evaluation points. If the new total points move the job into a higher pay grade, the new pay grade will become effective April 1, 2006, the date the new collective agreement came into force.
- **Checking the results** – The CEU wants to be sure the results are justified and correct. Both sides continue to use the professional help of the consultants to ensure the new language is being applied correctly. It's important that your pay reflect the work you do. At the end of the process, the consultants will review all the results and make any necessary corrections. This process is called "sore thumbing" and is meant to ensure the new language gives the desired results.

#### How long will this process take?

Moving all jobs through this process is very time consuming. The goal is to have all jobs reviewed by the end of October. At this point, that looks ambitious; we will probably complete the work closer to the end of the year. April 1, 2007 is the key date. We must complete the work before then because that's when the collapsed pay grid begins. As explained during the ratification process,

where you are on the current pay grid determines where you will be on the new pay grid. If your pay grade is changed through the gender-neutral process, where you end up on the new pay grid may also change.

#### When will I find out if my job classification will receive a pay increase?

We will not release the results of any reviews of job classifications until all classifications have gone through the process and any disputes between the parties have been resolved. This is important for two reasons:

1. As noted above, the consultants will review the total results and make any necessary corrections. It is important that the results are correct and defensible.
2. We don't think it would be fair to release the results to some members before all jobs have been reviewed. There are over 300 classifications. It will take time to process all of them.

We expect to release the results just prior to, or at the same time as, the implementation of the new pay grid. This may seem like a long process to you, but we are confident it will finally achieve our longstanding goal of addressing pay equity.

We want to thank those of you who are contributing to the process through questionnaires and interviews. We also want to thank all of you for your patience as we complete this work.

## What's in a name? Thoughts on "WorkSafeBC"

Some of us don't like the name WorkSafeBC because we think it communicates the wrong message to stakeholders. That's why we don't attend WorkSafeBC fashion shows, birthday parties, or purchase items from the WorkSafeBC clothing line.

Let's examine the Board's new brand name. "Work safe" is actually a sentence. "Work" is the verb; "safe" answers the question "how". The understood subject is "you". So, the Board is telling workers to "work safe", rather than telling employers to provide "safe work".

We are mindful that all workers have a general duty to work in a manner that doesn't harm their own health and safety and the health and safety of others. But the *Workers Compensation Act* says employers must ensure the health and safety of workers at their workplaces. And the *Occupational Health and Safety Regulation* (OHSR) clearly states that employers must implement health and safety programs to prevent injuries and illness in their workplaces. The brand name WorkSafeBC does not convey that message. It

puts the onus on workers to ensure they work in a safe manner rather

than focusing on the legislative mandate of employers to provide a safe workplace.

The Board started to re-brand itself during a period in which enforcement activities were still in decline and it was eliminating parts of the OHSR. This was on the heels of regulatory and policy changes, which limited workers' benefits. The new name, with its "put the responsibility on the workers message" has contributed to the perception that the balance at the Board has tipped too far in favour of employers.

WorkSafe first crept into the Board's vocabulary in the mid-nineties when the former Prevention Division began to call its strategic plan WorkSafe. At the time, some

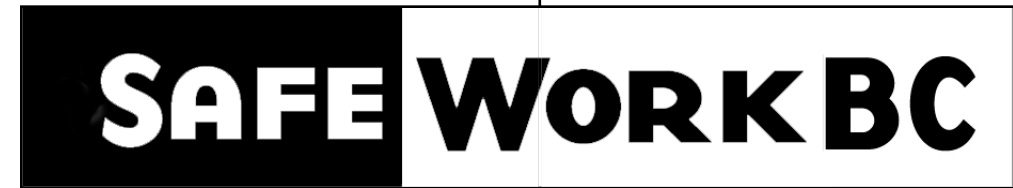
Prevention Division employees speculated that the author of the strategic plan had copied WorkCover Victoria, the workers' compensation board in the state of Victoria, Australia, which calls its prevention arm, WorkSafe. Many others also use the term WorkSafe. There's WorkSafe Saskatchewan, a partnership between Saskatchewan Labour and the Saskatchewan workers' compensation board. The University of Iowa has a WorkSafe program. A British consulting company that was set up in the early eighties also calls itself WorkSafe. While at first blush, some might think that WorkSafeBC is a clever turn of phrase, in reality it's an overused term devoid of originality.

Lest you think we're a lone voice of opposition on this matter, please note that the B.C. Federation of Labour was not consulted about the new name and does not support the change to WorkSafeBC. Well-known, retired labour leader, Jack Munro, criticized the Board for the message the name WorkSafeBC gives at the 2005 symposium on

deaths in the forest industry. Even local media personality, Pia Shandel, made negative comments about the

re-branding on her radio talk show in early January 2006.

Not all agencies have jumped on the WorkSafe bandwagon. In using SafeWork, the Workers' Compensation Board of Manitoba and the International Labour Organization (ILO) have opposed the trend and have branded their programs with a much more appropriate message. As the Board started its "evolution" to WorkSafeBC in June 2005, management told us that this brand name "better embodies what we stand for: prevention, customer service, and return to work". We think that "SafeWorkBC" would better embody the prevention message – that, after all, is supposed to be the Board's primary mission.



## Assault on day off was in the course of employment

A June 2006 Review Division decision is of interest to CEU members who could encounter hostile and aggressive clients outside of work.

In November 2005, a client assaulted a government case worker while he was at a bottle depot in the small community where he resides. As the worker sat in his truck, a client began screaming at him regarding a work-related matter. The worker spoke to the client and told him to call him at work. The client punched the passenger side of the worker's truck. The window shattered and some pieces of glass struck the worker's head.

The worker filed a claim, which the Board denied. The issue under review by the Review Division was: "Did the worker's injuries arise out of and in the course of his employment?"

The worker's uncontested evidence was that the

interaction with the client was related to his employment and that the client was the aggressor. The employer's view was that the worker was temporarily and involuntarily drawn back into the course of his employment when he was assaulted by the client.

The Review Division agreed with the employer's submission. The Review Officer wrote: "... the subject matter of the encounter...had a causal connection to the worker's employment. If not for the worker's contact with the client in his role as an employee the incident would not have occurred. I am satisfied that the worker was in the process of doing something for the benefit of the employer. That is, the worker was in the course of his employment."

You can obtain the decision online on the WorkSafeBC web site. On the home page, click the Review and Appeal Quick Link, and then Search Review Division Decisions. The Review Reference is R0061586.

