

Tabletalk

CUPE's
Bargaining
Resource

FALL 2013

INSIDE

2 BARGAINING
CUPE 4308 stands up for patients, fights austerity

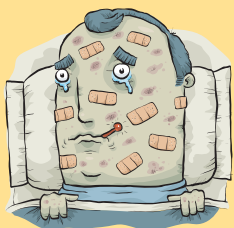
3 TRENDS
Management wage increases outpace economic growth

BARGAINING
Manitoba health care workers win on workload

8 EMPLOYMENT
CUPE BC tackles precarious work

FEATURE
Defending the full-time job
page 4 – 5

BENEFITS
Comparing sick bank provisions to short-term disability plans
page 6 – 7



CUPE / Canadian Union of Public Employees

BARGAINING TRENDS **PART-TIME WORK**

Getting better deals for part-time workers

The number of CUPE members working in part-time jobs has grown in recent years, and it's been accompanied by increased bargaining activity around issues that concern part-timers.

In 2004, 30.6 per cent of CUPE members were part-time. The number has increased every year since. By the end of 2012, part-time membership had

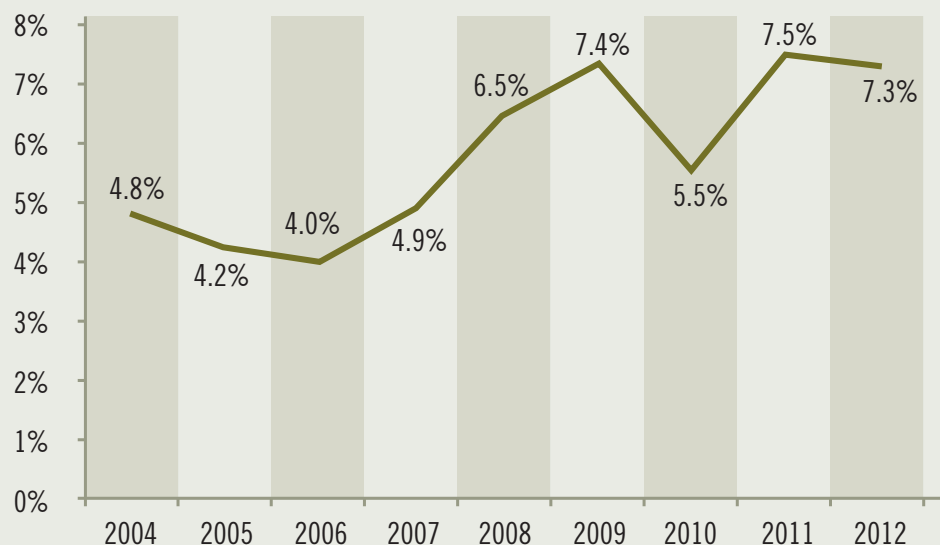
grown to 32.2 per cent of approximately 627,000 members – meaning we now have 37,000 more part-time members than we did back in 2004.

Employers are turning to part-time workers because they can usually pay them less, they have little in the way of benefits, and other working conditions are inferior.

How have part-time workers in CUPE fared? Evidence suggests that our locals are responding to these changes and are bargaining on issues that matter to part-time members.

continued on page 7

CUPE bargaining activity addressing part-time issues



CUPE 4308 stands up for patients, fights austerity



CNH home care workers (CUPE 4308) rally in response to demands for mid-contract concessions.

Home care falls outside our universal health care system, resulting in a gap between patients' needs and the care provided. The gap is often filled by for-profit providers. In Ontario, for example, 70 per cent of home care providers are for-profit companies.

Funding for home care has failed to even keep pace with growth in the sector. In Ontario, the 2013 budget increased home care funding by 6 per cent, but demand for services increases 11 per cent per year, on average. Squeezed health care budgets have fueled demand, as patients are sent home earlier.

Many agencies are feeling the pinch. At Central Neighbourhood House (CNH) in Toronto funding was frozen. Despite already paying poverty-line wages, CNH asked the local for mid-contract concessions. Workers were asked to accept cuts in travel time, benefits and other compensation amounting to at least 11 per cent. CNH argued the alternative was the end of home care services altogether, abandoning hundreds of clients and laying off 160 Personal Service Workers (PSW).

These workers make \$18,423 a year on average, just below the poverty line for a single person living in Toronto. For a single parent with children it's simply not enough.

Homecare workers face precarious conditions. Most are not unionized, and they are almost all women. In urban areas, the majority of home care workers are racialized workers, with a high number of African-Canadian workers in Toronto.

Members of CUPE 4308 took action. They worked with community allies, reaching out to patients, neighbourhood residents, and politicians. When

Liberal Member of Provincial Parliament Glen Murray held a public meeting in CNH's area, members packed the room and spoke eloquently about the need to increase funding.

Home care patients often aren't physically able to attend meetings and rallies, so CUPE 4308 organized an event with a young women's program to sketch and decorate life-sized cutouts of patients. Each anonymous portrait painted a powerful picture of a patient with one or two sentences describing their circumstances, and the support they lacked because of the funding freeze.

The local also reached out to local media, getting positive coverage from CTV and from G98.7FM, an African-Canadian radio station.

Members were highly engaged in the campaign, and came out in big numbers. Eventually, CNH announced that new resources were discovered and the cuts would be reduced.

This local's success demonstrates that we can make change in our workplaces and communities. CUPE 4308 continues to challenge inequities in the home care sector, to improve the lives of their patients and their members.

■ Kelly O'Sullivan and Jonah Gindin

Tabletalk is published four times a year to provide CUPE bargaining committees and servicing representatives useful information for preparing and negotiating bargaining demands.

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COPE 491

CUPE / Canadian Union
of Public Employees

Management wage increases outpace economic growth

Workers' wages? Not so much

Hourly wages for full-time management occupations in Canada went up 34.7 per cent between 1998 and 2011, according to data in a new Statistics Canada report.

The rest of us did much worse.

Health occupations saw a 3.8 per cent increase over the same 13-year span. That's about a quarter of one per cent per year. Social sciences, education, and government service did worse still with a 2.5 per cent increase.

Worst of all? Occupations unique to processing, manufacturing, and utilities saw a 1.5 per cent increase over the period. All percentages are presented in real terms, meaning they account for inflation.

Outside of management, occupations unique to primary industries increased the most, at 15 per cent – driven, reportedly, by increasing demand for commodities like oil and copper.

Despite the lack of wage growth, gross domestic product (GDP) per

capita increased 18.6 per cent in real terms from July 1998 to July 2011, so someone was getting a significant increase. Apparently that included managers, whose percentage hourly wage increase was almost double the percentage growth in per capita GDP.

There is some good news: unionized workers in both the public and private sector did a bit better. According to other Stats Canada data, full time, unionized men saw wages increased by 6.5 per cent in real terms, while full time, unionized women saw an 11.4 per cent increase.

That doesn't keep pace with the growth in the economy, and still falls well short of management wage increases, but it is better than many other workers have seen.

■ **Doug Allan**

This article is adapted from the Ontario Council of Hospital Unions/CUPE blog [Defending Public Healthcare](#). Find more at [ochuleftwords.blogspot.ca](#)

Occupations	Median hourly wages		
	1998 (In 2010 \$)	2011 (In 2010 \$)	Change %
Management	24.87	33.50	34.7
Business, finance, and administrative	19.14	19.86	3.8
Natural sciences, applied sciences, and related	26.17	29.79	13.8
Health	22.97	23.84	3.8
Social sciences, education, government service	26.64	27.32	2.5
Sales and service	13.72	14.52	5.9
Trades, transport, and equipment operators	20.42	21.30	4.3
Primary industry	14.04	16.14	15
Processing, manufacturing, and utilities	17.03	17.24	1.2

Manitoba health care workers win on workload



CUPE 2719 members hold an information picket outside the Maples Personal Care Home in Winnipeg.

CUPE members from personal care homes across Manitoba rallied together in a series of information pickets outside Maples Personal Care Home and Lions Housing Personal Care Centre in Winnipeg throughout July and August.

Hundreds of members and supporters demonstrated against understaffing in personal care facilities in the province. CUPE members from locals 2719 and 3729, including health care aides, dietary aides, kitchen staff and nutritional aides, have been leading a campaign to increase staffing levels so they can provide the quality and level of care that patients deserve.

Both locals held strike votes, with the vast majority of members voting for strike action should their employer not address this important issue.

continued on page 8

Defending the full-time job

CUPE members are facing challenges from employers across all sectors on the issue of full-time permanent work. In Ontario municipalities, locals are reporting a creep of “gapping positions” (not filling a job following a vacancy, but counting a full time position). As of June 30, the city had 2,542 vacant positions, a vacancy rate of 4.9 per cent. In the past, only about three per cent of city jobs were vacant at any given time.

Locals also report that some jobs are being classified in different ways in order to keep the positions short-lived. Capital positions, for instance, expire when a particular project is complete.

All of these measures result in a more temporary workforce susceptible to contracting-out or falling through the cracks of our collective agreements.

This year, the Poverty and Employment Precarity in Southern

Ontario (PEPSO) Research Alliance released a report examining aspects of contingent work in the Greater Toronto Area. Titled *It's more than poverty*, the report found the wide-ranging effects precarious employment has on the social and economic wellbeing of people and society as a whole.

Some findings from the study:

- Precarious employment has increased by almost 50 per cent over a 20-year period.

- Caucasians and immigrants who have resided in Canada for 20 or more years are more likely to have secure employment. Newcomers and racialized workers are more likely to have precarious employment.
- Those classified as having precarious employment reported they are often paid in cash, if at all; they experience wide inconsistency in scheduling, including reduced hours; and are more likely to have fear around raising employment rights.

The situation is worsening, but some are beginning to pay attention. Federal NDP MP Andrew Cash will be tabling a private member's bill to protect urban part-time, contract and casual workers by improving access to employment insurance, preventing the misclassification of workers as independent contractors, and enforcing laws to prevent misuse of unpaid internships, among other things.

This type of legislation is important because precarious employment undermines workers' ability to organize. It's becoming a bigger issue for CUPE members at the bargaining table as well.

There are some measures we can take to track this issue. For



CUPE 4948 supporters rally for library workers in Toronto.

PHOTO: JOSHUA BERSON PHOTOGRAPHY

example, a local could work with CUPE staff to gather baseline information on specific classifications or departments in order to track ups and downs with an employer or in a specific department. Often this mapping exercise can be done using the seniority list or information from a municipal budget process.

There are also ways we can fight back on the issue of precarious work. Locals can prioritize and improve job security language through bargaining. These actions can help establish reasons why classifications should not be eroded to part-time or casual status with the employer and the public.

CUPE 4948, Toronto library workers, took the fight on through bargaining in 2011, and continue to stay active on the issue. Facing an employer that was aggressively bargaining to gut employment security provisions, the local made a point of highlighting the effects precarious work was having on their membership. They pointed out that the issue is not just economic, but that it affects the quality of service, and can be viewed through an equality lens, given the high rates of women in the profession.

With an effective public campaign, which garnered support from some big-name Canadians, the local was able to stave off the worst of the employer's demands, and even make some modest gains. The threat of converting full-time positions to part-time was eliminated, part-time benefits were more customized to suite unique working conditions, and cuts to employment security were limited to those with less than 11 years of seniority, while other workers in Toronto are at 15 years.

"We took an eleven-day strike, fought off all concessions except a loss on job security, and



PHOTO: JOSHUA BERSON PHOTOGRAPHY

emerged victorious," CUPE 4989 President Maureen O'Reilly said in Feliciter, the Canadian Library Association magazine.

Unfortunately, half of the local's members remain part-time workers. Even worse, many governments are proliferating contingent and

leaders who challenge us to fight back; we must participate in the political arena; and above all, we must respect our own work and improve our own status, salaries, and working conditions."

The CUPE 4948 campaign proved that bargaining does not just



Margaret Atwood @MargaretAtwood

There is not such a cradle of democracy upon the earth as the Free Public Library...



Margaret Atwood @MargaretAtwood

#Toronto voters: your councillors did not hear you. Please remind them that you don't want your #TPL library trashed. <http://bit.ly/z05zL3>

Margaret Atwood tweets in support of public libraries.

precarious work. O'Reilly says this problem underlines the importance of organizing.

"We must pressure our associations to be more employee-centred; we must embrace, not fear, unionization; we must find and support

happen every three to four years, but must be viewed as a continuum. It is not only at the table, but in the days, months and years in between where progress and gains are made for members.

■ **Simon Collins**

Comparing sick bank provisions to short-term disability plans

Sick leave bank provisions are increasingly being targeted by employers at the bargaining table. Changes in the public sector accounting standards have now characterized these provisions as liabilities. In some cases, employers have reacted by scrapping the banking system.

In other cases, proposals are introduced to implement alternatives, like weekly indemnity or short-term disability. But what does that mean for CUPE members? How do we make the right decision during bargaining?

The first step is to assess your sick bank and determine if it is meeting the needs of your members.

Use these questions to analyze your plan:

- Does your bank cover 100 per cent of lost wages?
- How are sick leave days earned?
- How many days are earned per month? Per year?
- What is the total accumulation allowed?
- How many days can be carried over from year to year?

- For what reasons can sick leave days be used?
- Are there any penalties with occurrences, like reduced compensation on the first day of illness or injury?
- Can you use less than a whole day?
- What happens if a worker does not have enough sick time to cover an absence?
- Is there a payout of unused days?

The most important part of any change to your sick bank is the answer to this question:
 What will replace the current plan to protect against periods of short term loss of income?

If the answer is short-term disability or a weekly indemnity plan, it could work out well. Decent STD/WI plans may actually protect more of your members than a sick bank, keeping in mind many chronically ill people may not have a bank to rely on when they need it.

Ask the following questions of a

proposed short-term disability or weekly indemnity plan:

- When does a worker become eligible?
- What are the levels of benefits? What proportion of regular pay do they cover?
- Is there a graduated level of benefits?
- How many years does it take to reach the maximum level of benefits?
- Is there any other paid sick leave provision? How much? For what purpose?
- Are benefits replenished after a fixed date, or after a fixed period following a claim?
- Does the plan bridge to long-term disability? What happens if an employee takes more sick leave than is covered?
- Are there penalties for a recurrence of an illness or injury?
- Are there any exceptions?
- Can a worker make use of other leaves or former sick days for top up?

Answering these questions should help compare your options. For most locals, a model that blends sick days, a small sick bank, and a short-term disability plan will provide the best coverage.

It is critically important to analyze the existing provisions against the proposed provisions and ask what would work best for your members and their continued income security.

■ **Jordana Feist**

CUPE agreements: sick leave snapshot	
Agreements with any type of sick leave provision	93%
Agreements with sick leave accumulation provisions (includes plans where accumulation has been frozen)	75%
Agreements with short-term disability provisions	29%

Information from CUPE's Collective Agreement Information System (CAIS)

Sick leave provisions: What are the options?

Sick bank

A sick bank is an accumulation of unused sick time or days, over a period of employment, to a maximum number of days. Some sick banks allow you to cash out some or all of these unused sick days upon retirement (about 20 per cent of CUPE agreements with accumulated sick time allow it). About three quarters of all CUPE agreements include some sort of sick bank or accumulation program that vary between 3 and 480 days.

Weekly indemnity plan

A weekly indemnity plan is usually provided by an insurance company, and covers non-occupational illness and injury. They often have short waiting periods before payout, particularly for illnesses not requiring hospitalization.

These plans may not cover sickness shorter than three days, and they generally do not cover illness or injury past 26 weeks. They may not cover the period of time that special EI benefits are available either, requiring an

injured or ill member to transition from one plan to another and back again.

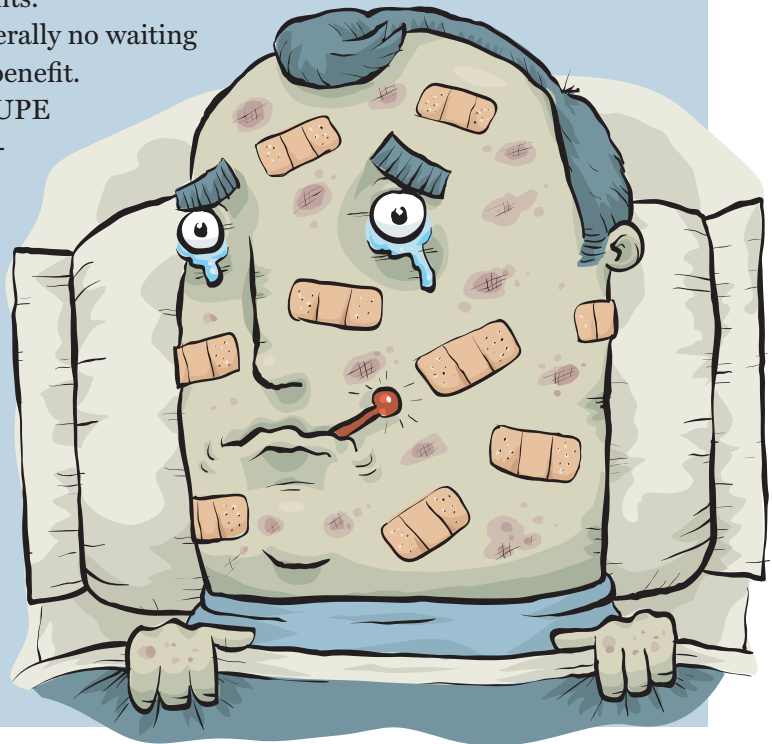
Short-term disability

Short-term disability plans are generally employer-sponsored and provide a minimum 55 per cent of earnings for illness or injury that lasts longer than a week. Employers with these plans are eligible for an EI rebate, as they are providing insurance that will cover workers who would otherwise access the special EI benefits.

There is generally no waiting period for this benefit. Provisions in CUPE collective agreements related to these plans vary from fair to excellent in their effectiveness at protecting members from income loss.

Special EI benefits

The special EI benefit is a government-sponsored short-term disability insurance provided through the EI program. This coverage is available for individuals who have suffered a medical injury, illness or are quarantined. The benefit pays 55 per cent of workers' wages after a two-week waiting period for a maximum of 15 weeks.



BARGAINING TRENDS **PART-TIME WORK**

continued from page 1

CUPE's Collective Agreement Information System (CAIS) tracks changes in collective agreement language for the following part-time issues: holidays and vacations, benefits, sick leave, wage progression, and seniority. As shown in the

table, there has been an increase in bargaining on these issues overtime.

In 2004, 4.8 per cent of all changes in collective agreements addressed part-time concerns. By 2012, there was an increase to 7.3 per cent. The trend has a break in 2010 but a recovery in the next year.

Outcomes at the bargaining table should reflect the concerns of our members. As our membership changes, our bargaining focus adjusts making unions even more relevant in our workplaces.

■ **Brian Edgecombe**

CUPE BC tackles precarious work



CUPE 403 President and PWVG chair Paul Albrecht says precarious workers need better protections.

In Canada, more than 15 per cent of working people are in a temporary job. Their job security lasts until the end of the assignment, and that's it. Since 1989, the share of the workforce working in temporary jobs has doubled.

Those workers are part of what is coming to be called the "precariat," precarious workers without predictable or secure employment.

There are a number of definitions of precarious work but most of these definitions have a common feature of workplaces where employers shift risks and responsibilities onto the backs of their employees.

While temporary employees are one part of this group, there are others, including people who are self employed because they can't find a job, people involuntarily working part-time, and people

working multiple jobs with few if any benefits. The lack of benefits, such as extended health and pensions, are a common feature of precarious work.

Many precarious workers have no union protection, but some of them are our own members. CUPE British Columbia carries out regular surveys of its 85,000 affiliated members. In one of those surveys nearly a quarter of people who had been members of the union for less than two years reported they were temporary employees.

More than a third of B.C.'s CUPE members describe themselves as working part-time. In 2012 nearly one in five reported they had another part-time or casual job.

CUPE BC established the Precarious Workers Working Group to take a hard look at the issues facing some of our members and what to do about it. CUPE 403 president Paul Albrecht chairs the working group. While he acknowledges that some temporary work is necessary, he says we don't know enough about the issues facing these workers.

"It goes beyond the workplace," said Albrecht. "Temporary workers can't even go into a bank and get a loan."

Speaking about the direction of the working group, Albrecht said "we need to provide precarious workers with the protections, benefits and security that other workers are entitled to."

What do precarious workers want? In 2010, CUPE BC called together a group of members employed as casual workers to ask

them about their issues. Job security and higher pay were seen as the most important benefits, followed by extended health, hours of work and input into scheduling. But for others, constantly changing schedules and a lack of benefits remained a problem. Most felt there were many more positives than negatives to union membership.

More information will become available as the group continues its work this fall.

■ **Keith Reynolds**

BARGAINING TRENDS **UNDERSTAFFING**

continued from page 3

CUPE 2719 pushed their employer at Maples Personal Care Home to develop a Letter of Understanding that commits the employer to achieving and maintaining full staffing levels by October 2013. The local also successfully bargained wage parity with other personal care homes operated by Revera Inc.

While this bargaining victory made big strides for CUPE 2719, there is still much work to be done on staff levels.

CUPE Manitoba is taking the understaffing issue from the bargaining table to the public by building a province-wide campaign aimed at addressing the issue in long term care facilities.

■ **David Jacks**