

Tabletalk

CUPE's
Bargaining
Resource

WINTER 2014

BARGAINING TRENDS **BENEFITS**

2013 in review: Many locals make gains despite concession demands

Despite a high number of concessions demanded by employers and pressure created by government austerity budgets, many CUPE locals are making gains at the bargaining table.

In 2013, 298 CUPE agreements were settled. Of those, 71 reported concessions demanded by the employer, meaning roughly one in four bargaining tables sees at least one concession demanded by the employer. The most commonly demanded concessions were changes to pension, sick leave, and overtime provisions. And when an employer is demanding multiple concessions, it can often be tough to resist them all. Many locals have had to make trade offs to improve their contract.

Despite these challenges, the majority of bargained contract improvements were made without granting concessions. Some of the most common improvements include bereavement leave, vacation leave, safety equipment or clothing allowances, floating days off and paramedical coverage (massage, podiatry, chiropractic care, etc.) Many locals also made gains in vision, hearing and dental care, while others gained access to direct pay insurance cards. Despite the fact that sick leave banks were the frequent target of concession demands, in some places sick bank increases were achieved.

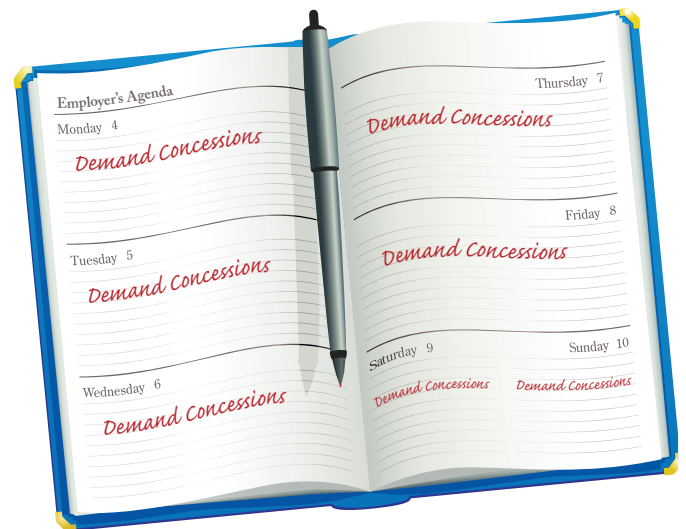
Along with benefits improvements, many locals made gains protecting the work of the bargaining unit,

improving health and safety provisions, or clarifying the intentions of the employer.

In 2014, we are on alert for trends toward tiered collective agreements, where new hires or part-time members are eligible for less compensation than their colleagues. Continued attacks on pensions, sick leave banks and overtime are also expected.

Watch for regular reports on benefits trends in future issues of Tabletalk.

■ **Jordana Feist**



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CUPE / Canadian Union of Public Employees

Breakthrough language allows exclusions from attendance management

Many employers have imposed attendance management programs (AMPs) establishing levels of worker absenteeism that, if exceeded, trigger automatic and increasingly severe “non-disciplinary warnings” that the worker’s employment status may be in jeopardy.

Despite the claim that the warnings are non-disciplinary, employees on the receiving end often experience the same fear and anxiety associated with discipline.

Perhaps most concerning is that many employers issue warnings to workers with disabilities who are absent for medical reasons. These workers experience harassment and intimidation at a time when they should be focussing on rest and recuperation.

The number of AMPs in the Ontario hospital sector has grown rapidly in recent years. Finding a way to protect workers with disabilities from these programs was identified as a key central bargaining priority by members of the Ontario Council of Hospital Unions in their most recent round of bargaining.

To that end, as part of the settlement reached in fall 2013, the council achieved breakthrough language which identifies absences that cannot be counted toward progression through an AMP.

New Language

Days of absence arising out of a medically-established serious chronic condition, an on-going course of treatment, a catastrophic event, absence for which WSIB benefits are payable, medically necessary surgical interventions, or days where the employee is asymptomatic and is under a doctor’s care from the commencement of symptoms for a confirmed communicable disease (and has provided medical substantiation of such symptoms) but is required to be absent under the Hospital or public health authority protocol, will not be counted for the purposes of being placed on, or progressing through, the steps of an attendance management program.

Leaves covered under the Employment Standards Act, and leaves under Article 12 will not be counted for the purposes of being placed on, or progressing through, the steps of an attendance management program.

This language now forms part of the collective agreements between 54 hospitals and CUPE locals represented by OCHU.

Leaves referred to under Article 12 include personal leave, union business leave, leave for full-time position with the union, bereavement leave, jury and witness leave, pregnancy and parental leaves, education leave, pre-paid leave, medical care and emergency leave, and compassionate care leave.

Arbitrators have required employers to provide workers with ample notice that their employment status is in jeopardy before dismissal due to absenteeism, and on this basis have affirmed the right of employers to establish AMPs. In arbitration, absences due to factors beyond a worker’s control, like illness or injury, are called “innocent absenteeism.” Discipline for these absences by the employer is considered inappropriate, but under certain conditions arbitrators have upheld some worker dismissals. The employer must establish that the worker’s record of absenteeism is undue or excessive, that there is no reasonable prospect for improvement in the foreseeable future, and that the employer has accommodated the worker to the point of undue hardship.

■ Margaret Evans

For more on the rights of workers with disabilities and the duty to accommodate, visit cupe.ca/disability-rights

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

Find past issues of Tabletalk online at cupe.ca/tabletalk

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Please email Margot Young at research@cupe.ca with corrections, questions, suggestions, or contributions.

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CUPE / Canadian Union
of Public Employees

New B.C. drug plan keeps costs down, covers upfront expenses



CUPE BC education workers show solidarity during bargaining.

CUPE locals in BC's K-12 education sector recently concluded a provincial framework that included a novel approach to dealing with escalating drug costs and barriers to accessing benefits.

For many CUPE members, the high upfront cost of certain medications can be a barrier to access. The new approach contains a pay-direct method known as the BlueNet card which, when presented to the pharmacist, bypasses the need to pay up front and be reimbursed later by insurance carriers. With many CUPE members working in part-time occupations and facing a need for careful cash flow management, the BlueNet card promises to enhance the accessibility of drug plan benefits.

Nearly all education workers' bargaining units will also be transitioned over to a drug formulary known as BlueRX provided by insurance carrier Pacific Blue Cross. The list is managed in the sense that it is modified on an ongoing basis as new medications become available for cost coverage. It also covers all medications supported by BC PharmaCare, the province's prescription drug plan.

The new system centres on generic or lower-priced medications using the same active ingredients as name brand drugs. It also imposes limits on dispensing fees and drug markup costs.

This is how BlueRX saves money in prescription costs.

CUPE members in need of non-listed medication can apply to gain access. Approvals for certain drugs may require a Pharmacare Special Authorization or having a form completed by the prescribing doctor.

Members currently prescribed unlisted medications can also apply to get these prescriptions grandparented while formal approval for BlueRX is sought. BlueRX and the BlueNet card are scheduled to be phased in early in 2014 following ratification of local K-12 agreements across B.C. These locals will be following a direction set by the province's teachers, who opted for BlueRX in their most recently concluded round of negotiations. With many of the initial implementation bugs resolved, teachers have reported a high level of satisfaction with the system.

■ **Ian Boyko and John Malcolmson**

Check out bcschools.cupe.ca for more information

HEALTH AND SAFETY **DOMESTIC VIOLENCE**

CAN WORK BE SAFE WHEN HOME ISN'T? FILL OUT THIS IMPORTANT SURVEY



Help us learn more about the impact of domestic violence in the workplace by filling out a 10-30 minute,

anonymous online research survey at: fluidsurveys.com/s/DVatWork

You are eligible to participate in this research study whether or not you have personally experienced or witnessed

domestic violence, as long as you are 15 years of age or older.

Upon completion of the survey, you have the option to enter a draw for a tablet computer.

This research survey is a partnership of the Canadian Labour Congress and research experts at the University of Western Ontario and is the first ever Canadian national survey on this issue. CUPE supports this survey, and encourages all workers to take the time to complete it.

Australian unions used results from a similar survey to bargain domestic violence workplace benefits for one million workers, including paid leave, protection from adverse action, and flexible work arrangements.

■ **CUPE Equality**

CUPE food service workers resist precarious conditions

Food service workers are becoming the human face of precarious working conditions, toiling in fast food outlets, restaurants, and cafeterias operated by for-profit contractors like Aramark, Compass and Sodexo. These corporations amass vast profits but often refuse to pay decent wages or allow their workers to form a union.

Ontario CUPE members from across sectors met this October to share their stories and discuss the challenges of performing low-paid, part time or contract work with few if any benefits. Food service work is also overwhelmingly performed by women, people of colour, immigrants and newcomers.

By combining collective bargaining with community organizing and alliances, CUPE is showing how standards *can* be raised for low-income workers.

While many non-union food service workers earn minimum wages, CUPE members enjoy a clear union advantage, with wages from roughly \$13 to \$23 an hour. Benefits are tough to come by for most non-union workers, but many CUPE locals have dental, extended health care, group life insurance and long-term disability.

Beyond the bargaining table, CUPE members are joining forces with students, patients, clients and other allies to promote both living wages and locally grown, sustainable food production, distribution and service.

Living wage campaigns draw attention to the inadequacy of

minimum wages, and help expose growing economic inequality. In B.C., the Hospital Employees' Union have an ongoing living wage campaign to fight for municipal ordinances and procurement policies that would raise standards. Delegates at CUPE's recent national convention also recognized living wages as a key strategic priority, passing a resolution that committed CUPE to trying to raise the wages of our lowest paid members to \$18 an hour by 2018.

Healthy food movements can be natural allies. Organic farmers, food security activists, environmental groups, and animal rights advocates have pushed governments to promote healthy food practices widely and in broader public sector institutions like hospitals, schools, and long-term care facilities.

These movements provide another opportunity for CUPE members to reach out to students, patients, clients and their families. At Scarborough General Hospital and the Hospital for Sick Children, CUPE 2816 and CUPE 1487 have fought to increase the amount of healthy local food served and to make menu choices and meal times more flexible and appealing to patients. Often, members' job security and quality of work are



Ontario hospital workers rally for local food and against contracting out in Kingston, Ont.

enhanced at the same time. Scarborough General Chef Joshna Maharaj has noted that workers preparing food from scratch are able to exercise thoughtfulness and judgement in preparing food rather than just executing a very standardized plan. Other locals have engaged in similar campaigns.

CUPE is also engaged in important new research about the gender and racial dimensions of precarious work. With the CLC and other unions, CUPE will survey our lowest-paid members to better understand their challenges and develop new approaches to representation.

By pursuing multiple avenues of action, CUPE is making a difference for many low-wage precarious workers. Consider how your local can contribute to help raise the standard for all workers.

■ Janet Dassinger