

**Tabletalk – your bargaining resource –** is published four times a year to provide CUPE Local bargaining committees, elected officers and servicing representatives useful information for preparing – and negotiating – bargaining demands. Tabletalk's three-hole-punch style makes it easy to keep in reference binders. Feel free to make copies or use the material to fit your members' needs.

Please email Susan Attenborough at [research@cupe.ca](mailto:research@cupe.ca) with corrections, questions, suggestions, or contributions.

Disponible en français

## CUPE wins rights for casual employees

A New Brunswick court has struck down part of the province's labour law that stripped casual workers of basic rights.

For years, legislation allowed employers to treat casual workers as cheap labour and to deny them their rights in a manner the judge considered "unfair." In 2005, CUPE took up the cause on behalf of thousands of seasonal and casual workers in the province.

In June this year, Justice Paulette Garnett of the New Brunswick Court of Queen's Bench ruled that the New Brunswick Public Service Labour Relations Act is contrary to section 2(d) of the Charter of Rights, which protects the right to freedom of association. The judge has given the province one year to comply with the ruling.

"We are very pleased with this victory. We have casual workers in this province who have been working as 'casual' in the public sector for years. Those workers have no rights, earn less and have no benefits," said CUPE New Brunswick president Daniel Légère.

For more information, go to [cupe.ca](http://cupe.ca): "CUPE declares victory in NB casual-worker lawsuit against government." ■



# Bargaining in the recession: What is the impact on public sector bargaining?

What do a weaker public sector, higher personal debt, higher unemployment, and larger projected government deficits mean for public sector bargaining? If we look to past recessions, we can see that the “crunch” usually hits the public sector after the initial crisis. When governments face huge deficits they look to the public sector to cut costs. Public sector “restraint” – which often translates into cuts to public services, public sector wage controls, and attacks on public employees – is typical of previous recessions.

Right-wing interests may use the recession to justify more tax cuts, public spending cuts, more deregulation, and privatization. Employers may use it to justify layoffs, wage freezes, and cuts to benefit plans.



## What have we seen so far?

Governments have introduced wage controls on public employees across the country.

- The New Brunswick government announced in its March 2009 budget that it would cut 700 civil service jobs and enforce a two-year wage freeze, by legislating contracts if necessary.

- The British Columbia budget projected a \$245 million deficit in 2010 and declared a two-year wage freeze for public employees.
- The Harper government legislated wage increases for federal public employees that work out to an average of a meagre 1.8 per cent a year.
- The Saskatchewan government introduced essential services legislation that makes collective bargaining a charade, since almost 90 per cent of health-care employees are designated as essential under the legislation.

In bargaining, we are seeing more strikes as employers seek major concessions to long-standing provisions:

- Inside and outside workers in Windsor (CUPE 543 and 82) went on strike to defend their collective agreements from mid-April to July 24. Their employer was using the economic downturn to try and create a two-tier workforce, denying retiree benefits to new hires and refusing to offer any wage increases.
- In Toronto, CUPE 79 representing 18,000 inside workers and CUPE 416 representing 6,200 outside workers went on strike on June 22, 2009, just five short years after their last strike when the provincial conservatives ordered them back to work. This time the issues were seniority rights, wage increases that match recent settlements of a three-per-cent wage hike for Toronto police, firefighters and transit workers, and resisting concessions to the existing sick-day plan that allows employees to bank unused sick days.

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- CUPE 873, paramedical workers in BC, has been on strike since April with no resolution in sight. The 3,500 members are fighting the deterioration of ambulance services in their communities. They want faster ambulance response times, better staffing levels, wage parity with other emergency responders, and a multi-year contract. The employers' dependence on part-time workers, unpaid travel time, and chronic overtime has stretched the paramedics to the limit.
- CUPE 1000 in Ingersoll, Ontario, began their strike on June 22. Issues include the employer's desire to change the employee benefits package; the company's move to different contract durations for the inside and outside workers; and, an increase in the length of the work week from 40 to 45 hours.

### **Public services are a good investment**

It seems that government targeting of the public sector continues. But, using the economic crisis to reduce the size of the public sector or attack our members' collective agreements is no solution. These are unsound reactions that will make the economic situation much worse.

Most recent studies have demonstrated that investing in public services is the most effective way to create new jobs and to reduce the cost of living for Canadians, for example:

An Infometrica study shows that:

- 5,600 jobs are created for every billion dollars spent on tax cuts;
- 15,800 jobs are created for every billion dollars spent on physical infrastructure projects; and,
- 20,000 jobs are created for every billion dollars spent on public services (like health care, child care and education).

A Canadian Centre for Policy Alternatives study found a way to measure the value of public services. A Canadian family with an annual income of \$66,000 in 2006 received \$41,000 worth of public services, an amount equivalent to about 63 per cent of their employment and other income.

Furthermore, stronger public services – a national early learning and child care program, reduced tuition fees, improved health care services, and better community services – reduce the cost of living for households in a very progressive way and provides a solid foundation for a stronger recovery.

So, there are strong arguments for promoting a healthy public sector as a step towards economic recovery. How can **we** do that? By protecting strong no-layoff clauses, strategic bargaining, and fighting privatization and P3s, in other words, by fighting “smart.”

In March, CUPE's National Executive Board vowed to continue the fight and reissued an updated “Plan to Fight Concessions and Defend Free Collective Bargaining.” Available at [cupe.ca](http://cupe.ca), this document sets out clear steps to build bargaining strength, including solidarity pacts and strike support.

CUPE's strategic direction focuses on achieving bargaining objectives and defending our commitment to making lasting and significant bargaining gains for members. At our upcoming National Convention in October, delegates will discuss ways to continue our strategic progress by strengthening our bargaining power, resisting concessions, and increasing our capacity to influence public policy so that CUPE members and staff can help build a strong public sector that will drive Canada towards economic recovery. ■

# Get some back!

Hey! Do you know about the rebate available from Employment Insurance?

The EI program provides sick leave benefits to workers who don't have a sick leave plan at work and can't work due to illness, injury or quarantine.

If you have negotiated a sick leave plan (or short term disability plan (STD) or Weekly Indemnity Plan (WIP)) comparable to the EI plan, then you won't use EI sick leave benefits, and EI passes the cost savings back to you and your employer. Here's how it works:

Your employer must apply every year for the rebate. If your workplace sick leave plan meets the criteria below, you may be eligible for a rebate on the EI Premiums. To qualify, your sick leave plan must:

- provide a minimum of 15 weeks in benefits;
- be equivalent to or surpass the level of benefits that would be paid under EI;
- pay benefits within 14 days of sickness or injury;
- be available to workers after three months of hire;
- provide workers with 24-hour-a-day coverage;

If the EI Commission approves the application, the rebate **must** be split between the employer and the employees. The split must be the same as the EI Premium split: 7/12ths for employers; 5/12ths for employees.

Some CUPE employers have used the money how **they** want, but the EI Regulations are clear:

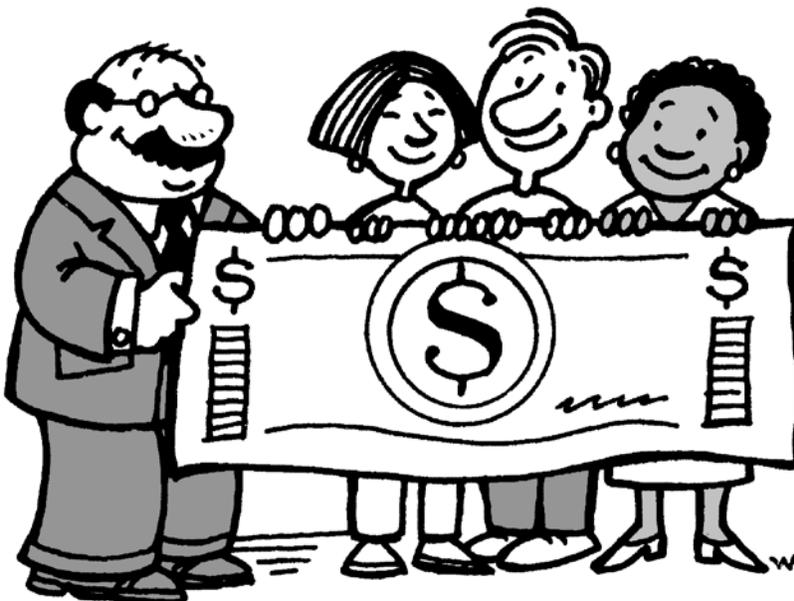
*"Regulation 68*

*The employer's application must:*

*(c) be accompanied by the employer's undertaking that the insured persons will benefit from the reduction of the employer's premium in an amount at least equal to five twelfths of the reduction, as required by subsection 69(1) of the (Employment Insurance) Act."*

You can see all the Regulations related to the EI Premium Reduction Program at: [http://www1.servicecanada.gc.ca/en/ei/legislation/main\\_regs\\_e.pdf](http://www1.servicecanada.gc.ca/en/ei/legislation/main_regs_e.pdf). The application form is at: <http://www.servicecanada.gc.ca/eng/cs/prp/documents/nas5022.pdf>

Some CUPE locals have negotiated language to ensure the 5/12ths of the rebate goes back to the members. Here are a few examples:



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### **CUPE Local 1978 and the Capital Regional District (BC), expiry December 31, 2010**

#### **26.01 Medical Services Plan and Extended Health Benefits**

*(ii) The Extended Health Benefit coverage shall include vision care providing for full reimbursement towards the cost of the purchase of one (1) pair of eyeglasses every two (2) years for each regular employee and his dependents to a maximum cost of four hundred dollars (\$400.00) per pair and effective January 1, 2008 an employee or eligible dependent shall be entitled to apply the four hundred dollars (\$400.00) for eye glasses (each two years) to laser eye surgery; hearing aids to a maximum of two thousand dollars (\$2000.00) every five (5) years; an unlimited lifetime maximum bluenet and no deductible.*

*The parties agree that the Employer shall utilize the employee portion of the EI rebate to improve the Extended Health Benefit coverage.*

### **CUPE Local 181 and the City of Brantford, expiry March 31, 2009**

*(c) The Corporation agrees to apply by September of each year for a reduction in the premium payment under the provisions of the U.I.C. if the present sick leave plan meets the criteria for such reduction. Any reduction in the employees' contributions will be refunded to the employee in a lump sum as prescribed in the regulations.*

### **CUPE Local 4154 and the Catholic District School Board of Eastern Ontario, expiry August 31, 2007**

#### **34.04 EIC Rebate**

*The Board shall distribute any EIC rebate to employees within two (2) weeks of receipt of same.*

#### **More good news about EI**

CUPE members in BC's school board sector recently won a decision by Employment Insurance Umpire Guy Goulard. He found that EI had no right to claw back EI benefits paid

while workers were on lay-off in 2006 as a result of an inappropriate allocation of bonus monies arising from collective bargaining. Big win for school board workers! ■

## **Wage restraint in New Brunswick**

On March 12, 2009, the government of New Brunswick introduced wage controls for public employees.

Their four-year fiscal plan includes wage restraints, a hiring freeze, and the elimination of over 700 public sector jobs. The premier

has said that if unions did not abide by the policy, his government would be forced to introduce legislation.

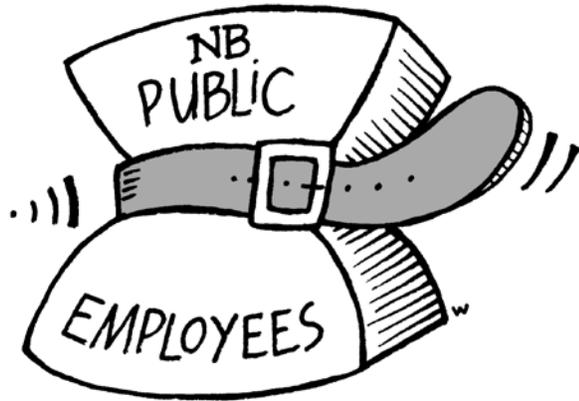
Immediately following this announcement, CUPE NB executive and staff unanimously denounced the government's wage restraint

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policy and reaffirmed their opposition to wage controls and government interference with the right to free collective bargaining.

Hours after the premier's announcement, three locals – CUPE 1840, Court Stenographers, CUPE 2745, School Board Support Staff, and CUPE 1190, Provincial General Labour and



Trades – were offered a four-year agreement with wage increases of 2.5 per cent and 2.5 per cent for the first two years, zero in years three and four. All three bargaining units and all three bargaining teams rejected the government's offer unanimously.

New Brunswick locals continue to beat back government wage controls. CUPE 4863, Petit-Rocher municipal local signed a four-year agreement with general wage increases of over 12 per cent wage adjustments, and other benefits. Inside and outside workers in the City of Dieppe reached a new four-year agreement with approximately 3 per cent per year, including adjustments.

Locals are continuing to work collectively on strategies to bargain under wage controls. We wish them continued success! ■

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## Common Front encore!

This Spring, the directors of the three largest labour organizations in Quebec announced the formation of the largest inter-union common front to be formed since the legendary common front in 1972, with a view to negotiating collective agreements for employees in Quebec's public and parapublic sectors whose current agreements will expire on March 31, 2010.

Together, the inter-union public service secretariat (Secrétariat intersyndical des services publics (SISP)) brings together five independent labour organizations, as well as the CSN and FTQ (of which CUPE is part), representing 475,000 united members from the education, health and social services, and public service sectors in Quebec. The common front is bound by a protocol of solidarity in which each organization agrees that they will not try to attract members of another organization among the groups targeted by the bargaining ahead.

The common front has agreed on a platform of unified demands that are currently being reviewed by the 475,000 common front members. At the same time, each component will be preparing bargaining priorities on sectoral issues. ■





Food prices have been driving up the cost of living. Food costs increased 6.4 per cent in the twelve months prior to May 2009, following a 7.1 per cent increase in April. Yet, this was the slowest rate of growth since the 6.1 per cent rise in October 2008.

Price increases for food were widespread in the twelve months prior to May. Large increases were recorded for fresh vegetables, non-alcoholic beverages, fresh fruit, and beef.

### Consumer Price Index by province, May 2008 to May 2009 (2002=100)

	% change
<b>Canada</b>	<b>0.1</b>
Newfoundland and Labrador	0.6
Prince Edward Island	-1.1
Nova Scotia	-1.1
New Brunswick	-0.2
Québec	0.1
Ontario	0.4
Manitoba	0.8
Saskatchewan	0.7
Alberta	-0.7
British Columbia	0.1

Source: Statistics Canada, *The Daily*, Thursday, June 19, 2009

These rising food costs target lower- and middle-income families who must spend much more of their monthly income on food.

Gasoline prices fell 25.1 per cent from May 2008 to May 2009 following a twelve-month decline of 24.7 per cent in April. The twelve-month decline in May was due more to high prices in 2008 than to recent market developments. On a month-to-month basis, gasoline prices rose 8.3 per cent from April to May.

Continuing the pattern in the crisis-plagued auto industry, the cost of purchasing passenger vehicles fell 6.6 per cent in May, following an 8.3 per cent year-over-year drop in April.

An increase in passenger vehicle insurance premiums means most of us won't see a decline in transportation costs any time soon. It seems the practice of gouging by insurance companies will continue unabated during the recession.

While components responsible for the change in consumer prices varied considerably, the main downward contributors in all provinces were declines in prices for gasoline and other energy components. Rising food prices was the main upward contributor.

Later this year and next consumer price inflation will begin to rise. Most Canadian economists are expecting an inflation rate of between 1 and 2 per cent in 2010, with an average of 1.5 per cent. After that, lies uncertainty.

Booming and then falling house prices have been a big part of the regional differences in prices, but they have affected the cost of living of different households in very different ways. Young families or those who have moved have especially felt the impact of higher house prices. A whole demographic generation that was caught on the wrong side of the boom could remain "house poor" for decades. This will affect their real cost of living for many years without being adequately reflected in the inflation rate, or in the wages and salaries that shadow the inflation rate. ■

Source: "CUPE's Economic Climate, June 2009"

# Current “Key” Negotiations—May 29, 2009 (covering 500 or more employees)

## Federal Jurisdiction

Employer	Union	Employees	Status	Expiry Month
<b>Public Sector</b>				
Government of Canada	Various unions	41,970	Bargaining/Mediation/ Arbitration/ Tentative/ Conciliation	Sep 07–Jan 08
Canada Revenue Agency	PIPSC	10,440	Bargaining	Dec 07
Canada Post Corporation	APOC	3,100	Bargaining	Mar 09
Government of Northwest Territories	PSAC	2,500	Tentative	Mar 09
City of Ottawa - OC Transpo	ATU	2,300	Arbitration	Mar 08
CBC/Radio-Canada (province of Quebec and Moncton, N.B.)	CSN	980	Bargaining	Mar 09
<b>Private Sector</b>				
Air Canada	Various unions	28,570	Bargaining	May 09/Jul 09
Bell Canada (Ont. and Que.)	CEP	16,170	Bargaining	May 09
Greyhound Canada Transportation Group	ATU	1,050	Conciliation	Dec 08
Maritime Employers Association (Que.)	CUPE	950	Bargaining	Dec 08

## Provincial and Territorial Jurisdictions

Employer	Union	Employees	Status	Expiry Month
<b>Public Sector</b>				
City of Toronto	CUPE	29,100	Conciliation	Dec 08
Saskatchewan Association of Health Organizations	CUPE/SEIU/SGEU	24,800	Bargaining	Mar 08
City of Montréal	Various unions	15,690	Bargaining/Arbitration/ Tentative	Dec 06/Aug 08
City of Ottawa	CUPE/CIPP	10,140	Tentative/Bargaining	Dec 08
City of Edmonton	Various unions	8,400	Bargaining	Dec 08
City of Calgary	CUPE/Police	6,780	Bargaining	Jan 09
Ontario Hospital Association	OPSEU	6,540	Arbitration	Mar 09
Nova Scotia Association of Health Organizations	CUPE/CAW Canada	5,700	Bargaining	Mar 09
Liquor Control Board of Ontario	OPSEU	5,500	Conciliation	Mar 09
Government of Newfoundland and Labrador	Nurses	4,800	Tentative	Jun 08
Emergency Health Services Commission of British Columbia	CUPE	3,400	Mediation	Mar 09
Canadian Red Cross - Community Health Services (Ont.)	SEIU	3,000	Tentative	Jul 08
Manitoba Hydro	IBEW/CUPE	3,000	Bargaining	Mar 09/May 09
Hydro-Québec	Engineers	1,490	Bargaining	Dec 08
City of Québec	Various unions	1,310	Bargaining/Arbitration	Dec 06
Halifax Regional Municipality	CUPE/NSUPE	1,130	Bargaining	Oct 08
<b>Private Sector</b>				
Employer	Union	Employees	Status	Expiry Month
Aramark Canada Facility Services Limited, Compass Group Canada Limited, Sodexo MS Canada Limited	Hospital Employees' Union	2,800	Tentative	Sep 08

Source: "Strategic Policy, Analysis and Workplace Information Directorate Labour Program — HRSDC," May 29, 2009