



September 4, 2007

Open Letter to City of Vancouver Mayor and Council

**Re: Union key issues "negotiable" everywhere, why not in Vancouver?**

CUPE 15 is disappointed that the City of Vancouver has not responded to our counter-offer and has not yet decided to return to the bargaining table, either independently or with a mediator.

We felt yesterday's meeting between the parties was an opportunity to explain to the City's senior managers and GVRD Labour Relations Bureau negotiator that the union's position, as always, is negotiable and that the only way to reach a contract is to engage in "real bargaining".

The City's non-negotiable positions are a barrier to resolving this civic strike and beg the question, why is CUPE able to discuss and negotiate these same union issues in municipalities throughout the region, but not in the City of Vancouver?

Please find enclosed a **civic regional settlement document** that in the right hand column compares what CUPE 15 has proposed to the City of Vancouver against all 12 other civic contracts negotiated and ratified by CUPE in other Lower Mainland communities in this round of bargaining. It is abundantly clear that CUPE 15's union issues fall squarely within the regional settlement pattern and are legitimate issues that all other municipalities have been able to discuss openly with CUPE and come to mutual agreement on.

City communiqué's, such as the one issued from Mayor Sullivan's office today, only serve to further separate the two parties.

Citing Councillor Peter Ladner, the communiqué speculates on what taxpayers may expect as a potential tax increase related to the 17.5% wage and 5 year term agreed to in municipalities throughout the region. The City of Vancouver is in the strongest fiscal health in memory, is racking up annual surpluses and has huge reserves. Like the other neighbouring municipalities that have settled already, Vancouver has numerous options to deal with the costs of compensating its employees and need not necessarily increase property taxes in the way the Mayor's communiqué describes. We note that the City this year made the choice to increase residential property taxes by 8% to pay for a freeze in business tax rates.

Please find enclosed a CUPE fact sheet on the fiscal health of the City of Vancouver.

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The City of Vancouver has repeatedly expressed its unwillingness to negotiate on all of these issues including CUPE 15's desire for a contract clause that simply states that both parties "recognize the right of employees to work in an environment free from personal harassment". It is our hope that the City will re-examine their position upon realizing that all other Lower Mainland employers have dealt with these issues at the bargaining table.

A positive discussion and resolution on important employer and worker issues at the bargaining table will not only end the strike, but also help to repair relations at the City of Vancouver.

### **Contracting Out**

CUPE 15 has not proposed a general ban on layoffs - rather, that no CUPE 15 member should lose their job as a result of contracting out. Layoffs as a result of technological change or other management reasons are not included in this.

This does not restrict the City's general ability to manage the workplace or adjust to changing circumstances, rather it places a responsibility on the city to retrain and redeploy those individuals that have committed themselves to public service and preserves them as human resource assets within the City.

The City has told us at the bargaining table that Council and the Park Board have been thinking about contracting out public services in a variety of areas - so it is only natural for city workers to be concerned about this.

The City demanded security for itself through the Olympics. We think it is fair for workers and their families to expect a level of security themselves, particularly during a period of widespread labour shortages and challenges with recruitment.

There is precedent for this sort of language in other Lower Mainland civic agreements. CUPE 15's proposal is exclusively about contracting out. Rather than say "no", let's talk.

### **Scheduling of Hours for Auxiliary Employees**

It is unfortunate that the City has chosen to call this "seniority over merit", because that is not at all what CUPE 15 has proposed. Rather, the union would like to see auxiliary workers, many of whom remain auxiliaries for ten or twenty years, be "entitled to use their accumulated seniority for the purpose of assignment of hours."

With this proposal, management will continue to have the right to hire, fire and promote on the basis of both merit ("skill and ability") as well as seniority but this vast pool of auxiliary workers, (now almost 40 per cent of the City's inside workforce) requires some certainty in their working lives in terms of scheduling and hours of work.

The casual or "auxiliary" category was created years ago to deal with summertime vacation relief and temporary labour shortages. Today they have become a large and permanent part of the workforce and should be acknowledged as such. Rather than just say "no", CUPE 15 is asking the City to talk at a bargaining table about necessary improvements for auxiliaries, as it has been discussed at civic bargaining tables throughout the region.

**Olympic and Paralympic Agreement**

In the latest counter offer, CUPE 15 voluntarily proposed granting the City of Vancouver flexibility in the collective agreement to meet management staffing and other needs during the Olympics and Paralympics. This includes the hiring of volunteers and VANOC staff. Rather than seeing this a positive move, the City has raised this as yet another non-negotiable issue.

CUPE 15 would like to make clear that we have signalled our interest in engaging with the City on their need for an Olympic and Paralympic Agreement, and we are certain that if a mutually acceptable agreement could be reached in Richmond, it can certainly be reached in Vancouver - we just need to get to the bargaining table in order to do that.

**Whistleblower Protection**

The City says they have rejected the whistleblower protection language that CUPE 15 has proposed because it does not want to pre-empt a discussion about whistleblower policy by City Council this fall.

It is important to note that City Council has already passed a motion to implement a whistleblower policy, but this has not been implemented within the time lines set by Council. In fact on July 20, 2006 City Council passed the following motion:

"That Council request the City Manager implement at the City of Vancouver a whistleblower policy similar to the one adopted by the City of Surrey, by December 31, 2006. The City Manager should also ensure that the policy is implemented at the Vancouver Park Board, Britannia and Ray-Cam Community Centres and other Civic Boards. The policy and its implementation should be done with full consultation with all civic unions and employee associations".

CUPE 15 has proposed at the bargaining table the same whistleblower policy adopted by the City of Surrey in 2006.

In Richmond, CUPE Locals 394 and 718 negotiated a resolution with their employer that provides human rights protection and a grievance/arbitration procedure for whistleblowers within the new collective agreements.

**Classification Comparison**

CUPE 15 is proposing to add an effective dispute resolution system for classification valuation issues amongst all four of the municipal employers that the union local represents (ie. Britannia, Ray-Cam, Park Board and City of Vancouver). This is again simple and fair. Is the City really so opposed to a comparison between City positions and those at the Park Board, Ray-Cam and Britannia that it is willing to prolong this unnecessary strike over such an issue?

It should not be difficult for the City to come back with a further counter offer on this issue, which bridges the concerns of both the City and CUPE 15. The place to do that is at the bargaining table. Instead of just saying "no", we ask the City to negotiate a reasonable comparison process, which allows classifications at all four workplaces to be compared and ensures a timely resolution to classification disputes.

### **Attraction and Retention**

The City notes that it is on the verge of losing 30% to 40% of its workforce over the next five years. It is rightly worried about recruiting new employees in the current market place, but failing to bargain a fair collective agreement in a timely way certainly does not make the City an attractive place to work.

The City is proposing an increase of one pay grade for a number of the highest paid classifications. CUPE 15 agrees that a large number of classifications, including but not limited to those identified by the employer, require an upward adjustment. The Union believes that a joint process is the best way to address this. The only way to work out this issue, as with all the others, is to sit down face to face at a bargaining table. Instead of just saying "no" to CUPE 15's proposal to resume real bargaining with the assistance of a third party, we ask the City to acknowledge that both parties have priorities and objectives, which must be resolved through compromise and dialogue.

Negotiation of a new collective agreement at a bargaining table is the only way to end the current strike and restore civic services to Vancouver residents. For more information, please feel free to call or visit [www.fairnessforcivicworkers.ca](http://www.fairnessforcivicworkers.ca).

Sincerely,

Keith Graham, Chief Negotiator  
on behalf of the CUPE 15 Bargaining Committee:  
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Christine Boyd  
Jordan Parente  
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