

## INSIDE:

Health care workers  
win big in Sask. and B.C.!

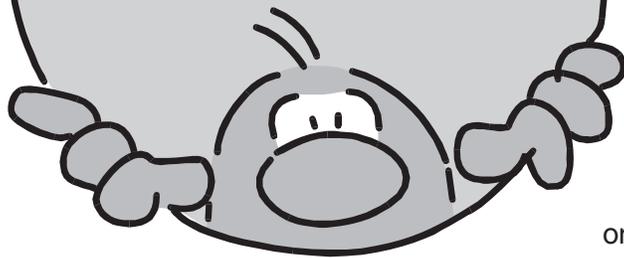
Tabletalk – **your bargaining resource** – publishes four times a year. Its goal is to give CUPE Local bargaining committees, elected officers and servicing representatives useful information for preparing – and negotiating – bargaining demands. Tabletalk's three-hole punch style makes it easy to keep in reference binders. Feel free to make copies or use the material to fit your members' needs. Comments welcome at [research@cupe.ca](mailto:research@cupe.ca)

Disponible en français

## FACTOID:

Wage settlements for bargaining units of more than 500 workers averaged 2.3 per cent in 2005, just above the 2.2 per cent average rate of consumer price inflation for the year.

(Source: CUPE *Economic Climate for Bargaining*, March 2006)



## Wonder if your employer can read your e-mail?

### The short answer is yes.

They own the computers, the networks, and the servers, so most employers consider e-mail employer property and consequently, subject to scrutiny for legitimate business and security reasons. So, don't send anything by office e-mail that you don't want your employer to know about (including union business!).

But employer monitoring goes beyond e-mail. Forms of electronic monitoring at work can include:

- keystroke counting,
- monitoring phone conversations,
  - accounting of phone calls made and length,
- smart card exit and entry,
- electronic cash registers monitor how each cashier processes, and
- video cameras for visual surveillance.



### What does the legislation say?

The Personal Information Protection and Electronic Documents Act (PIPEDA) is federal legislation that became effective January 1, 2004. Quebec, Alberta and B.C. are exempt from this legislation because the federal government deemed legislation in the three provinces was sufficient. With these exceptions, PIPEDA applies to all organizations and commercial activities in Canada.

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The Act tries to balance personal privacy with the heightened sense of security that global terrorism has incited. The legislation defines surveillance as what “reasonable persons would consider appropriate under the circumstances.”

The law states that employers must:

1. Identify the purpose of collecting data.
2. Obtain prior consent.
3. Limit what can be collected that is necessary for the ‘stated purpose’.
4. Ensure adequate security for the information that is collected.
5. Limit how long data can be kept.

Clearly this gives employers lots of scope to justify their monitoring.

Here’s more legislation that affects privacy:

- *The Privacy Act*, 1995 protects individuals from misuses of personal information collected by governments.
- *The Bank Act* protects the collection of information about customers.
- *The Canada Post Act* protects the privacy of mail.
- *The Criminal Code* regulates personal communications.
- *The Charter of Rights and Freedoms* does not specifically guarantee the right to privacy but the Supreme Court of Canada, in its interpretations, has said privacy is a fundamental value.

## What is driving this?

Since the September 11, 2001, terrorist attack on New York’s World Trade Centre, governments have been obsessed with security. But changes to the way work is done are also motivating employers. For example, CUPE is seeing:

- more sub-contracting of work,
- more staff who work at home,
- more call centers, and
- a greater push for globalization.

Employers introduce these innovative work practices to save costs but then find it hard to supervise the work. So, electronic monitoring becomes an attractive option.

## How do they do it?

Not surprisingly, the market is flooded with employee-monitoring software. Most software allows the employer to:

- Customize reports to see how employees use their computers; for example, how long they spend on their computer and which websites they visit.
- Check the frequency of incoming and outgoing e-mail.
- View e-mail messages that employees draft but delete prior to sending.
- Apply filters to restrict access to some websites.

The software can be server-based or software-based:

- Server-based monitoring allows employers to monitor large groups of workers to identify “breaches” by individuals.
- Software-based monitoring can generate logs that show how individual employees use files and databases.

Symantec’s ‘pcAnywhere’ software allows employers to connect to employees’ personal computers on their networks and see what they are doing at any time. Employers can even generate screen snapshots to document inappropriate use.

Thought you were safe by having a Hotmail account? Wrong. As long as you use the employer’s server, you can be monitored.

## Protecting workers

So, how do workers protect themselves from abuses? Bargaining language in collective agreements can provide protection and access to the grievance process for abuses by management.

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Researchers at Queen's University reviewed more than 5,000 collective agreements covering 100-plus employees and found:

- Public sector unions had more language than private sector unions.
- Ten of the 76 agreements that had language (13 per cent) were CUPE contracts; five of those 10 were in the university sector.

Sometimes electronic surveillance is used to create safer workplaces. For example, cameras can help protect workers who have to work at night, or are forced to work alone. The agreement language should focus on how the information is collected and used.



Here are some examples of language negotiated by CUPE locals:

### **CUPE Local 416 and City of Toronto, Ontario (July 2005)**

*Letter of Intent – Video Security Surveillance; Global Positioning Systems (GPS) & Automated Vehicle Location Systems (AVL)*

*The City will notify the Union when video security systems and GPS/AVL systems are used in the work locations or fleets of vehicles where Local 416 employees regularly work.*

*Uses for video security systems include the protection and safety of employees, members of the public, customers and City assets and property. GPS/AVL systems have been utilized to evaluate routing capabilities, to respond to anomalies on routes, improve customer service and improve health and safety.*

*The City will consult with the Union within the first year of the Collective Agreement on the development of the policy with respect to Video Security Surveillance and a policy on GPS/AVL systems.*

### **CUPE Local 1521 and Ottawa-Carleton Association for Persons with Developmental Disabilities, Ontario**

#### **30.01 Electronic Monitoring and/or Surveillance**

*There shall be no electronic monitoring and/or surveillance of a covert nature. The Union, and all employees in a work location where there is electronic monitoring and/or surveillance shall be advised in writing of the location, and the nature of any equipment used for electronic monitoring and/or surveillance.*

*Such equipment shall not be used in washrooms, areas where staff sleep or staff office areas. Prior to the implementation of any electronic monitoring and/or surveillance equipment at a work location, Management will meet with the Union to review the reasons for this measure.*

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**CUPE Local 3906 and McMaster University, Hamilton, Ontario**

12.01 (e) There shall be no electronic monitoring of employees for the purposes of performance evaluation without the employee’s written consent. It is understood that there shall be no reprisal against any member of the bargaining unit who chooses not to give such consent.

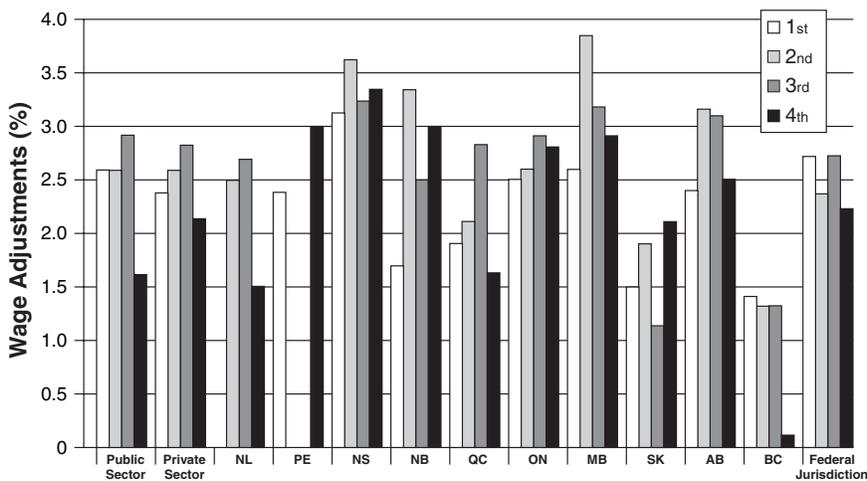
**CUPE Local 1458 and the Municipality of Jasper, Alberta**

5.03 Surveillance Systems

- a) The Municipality and the Union recognize the need for electronic surveillance systems for the purpose of protecting the employees, public and property of the Municipality from criminal acts such as theft, depredation and damage to property. At no time may such systems be used as a means to evaluate performance of employees and to gather evidence in support of disciplinary measures unless such disciplinary measures result from the commission of a criminal act.
- b) The Employer will not initiate the use of polygraph or similar lie detector tests.

For more information on this issue, including cited arbitration cases, see Computer and E-mail Workplace Surveillance in Canada: The Shift From Reasonable Expectation of Privacy to Reasonable Surveillance,” by Professor Michael Geist, University of Ottawa, Faculty of Law, March 2002 at [http://www.cjc-ccm.gc.ca/cmslib/general/Geist\\_report.en.pdf](http://www.cjc-ccm.gc.ca/cmslib/general/Geist_report.en.pdf) ■

**Average Annual Wage Adjustments in Major Settlements, Average Annual Percentage Wage Adjustments by Quarter (2005)**



	1st	2nd	3rd	4th
Public	2.6%	2.6%	2.9%	1.6%
Private	2.4%	2.6%	2.8%	2.1%
NL	ND	2.5%	2.7%	1.5%
PE	2.4%	ND	ND	3.0%
NS	3.1%	3.6%	3.2%	3.3%
NB	1.7%	3.3%	2.5%	3.0%
QC	1.9%	2.1%	2.8%	1.6%
ON	2.5%	2.6%	2.9%	2.8%
MB	2.6%	3.8%	3.2%	2.9%
SK	1.5%	1.9%	1.1%	2.1%
AB	2.4%	3.2%	3.1%	2.5%
BC	1.4%	1.3%	1.3%	0.1%
Federal	2.7%	2.4%	2.7%	2.2%

ND: No Data Available

Source: <http://www.hrsdc.gc.ca/asp/gateway.asp>

# Health care workers win big in Sask.!

The ratification vote numbers show just how much Saskatchewan health care workers support the work of their bargaining team – 97 per cent voted in favour of the tentative agreement!

This most recent round demonstrates the strength of coordinated bargaining. The CUPE Health Care Council worked with other Saskatchewan health care unions to make significant gains in many areas of the contract. CUPE's Council represents 13,000 health care workers on the front lines delivering acute, long-term and home care as well as community and public health care services to the Saskatchewan public.

Many of the gains made fit the goals outlined in CUPE's Strategic Directions Policy endorsed by delegates to the National Convention in 2005. Here are some of the details:

## *General Wage Increases:*

On April 1 of each year:

2004 – 2 per cent	2006 – 2 per cent
2005 – 2 per cent	2007 – 2 per cent

Note: The general wage increases are on top of recent pay equity adjustments that have just been implemented.

## *Benefits:*

The Council not only negotiated an almost 50 per cent increase in employer contribution, from 2.1 per cent to 3.1 per cent of straight-time payroll, but also negotiated protection for the current level of benefits until March 2008 – a major win in this climate of benefit cuts.

## *Portability:*

The agreement reflects the advantage of sector negotiations. Workers gained portability of benefits, wage rates (under certain conditions), sick leave credits (from unused sick leave credits "earned in the last 24 months" to "a maximum of 30 days") and seniority. Portability allows workers to move among workplaces and not lose what they've earned.

*Aboriginal workers:*  
Progressive attitudes are reflected in improvements to language promoting employment of Aboriginal workers. The parties agreed to a proactive process that supports a more representative workforce. The process will include, but not be limited to, identifying employment opportunities, education and training, and preparing workplaces.



## *Parity gains:*

CUPE achieved parity with the provincial registered nurses and paraprofessional unions on several monetary provisions that gained significant improvements for members. For example,

- Increased maternity leave from 12 months to 18 months, with provision to extend the leave.
- Vacation entitlement, shift and weekend premiums and standby pay were standardized across all health care agreements so that all health care workers now receive the same compensation. (e.g. shift premiums will increase from \$.70 to \$1.15 April 1, 2006, and then to \$1.50 on April 1, 2007; weekend premium is increased April 1, 2006, to 60 cents per hour, and on April 1, 2007, will increase again to \$1.25 per hour.)
- Language in the agreement ensures that workers can take advantage of the UI (Unemployment Insurance) Compassionate Care Program, which is designed to provide workers with leave to care for a dying relative.

## *Work of the bargaining unit:*

The Council was able to considerably strengthen protection for work of the bargaining unit. Language now states that a position is automatically in scope unless negotiated, or determined otherwise by the Labour Relations Board. And, no person can work in any bargaining unit job, if they are not in the bargaining unit, without the agreement of the Local union, except in cases of emergency. The CUPE Council also won

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language that ensures volunteers do not receive wages or remuneration, only gratuities or gifts of a nominal nature.

#### *Health and safety:*

The agreement also improved health and safety language so that it now:

- Provides clarification that CUPE members of OH&S committees shall suffer no loss of pay or benefits as a result of their committee responsibilities.
- Adds 'bullying' to the list of prohibited behaviour and protects workers who raise concerns about violence in the workplace. The language has been strengthened from "not acceptable" to "work towards the elimination of."
- Offers workers protection against exposure to communicable and occupational diseases at work, important in this era of hospital-borne infections and potential spread of infectious diseases. The

employer has agreed to adopt safe practices and to be more vigilant in reducing contamination at the workplace.

- Improves workload language, establishing a dispute resolution process to deal with workload issues that includes mandatory mediation as a final step.

CUPE health care workers include special care aides, licensed practical nurses, food services workers, laundry, housekeeping and activity aides, maintenance staff, clerical personnel and medical technicians and technologists in five health regions in the province of Saskatchewan.

For more information, e-mail staff representative Andrew Huculak at [ahuculak@cupe.ca](mailto:ahuculak@cupe.ca), or Gordon Campbell, President of the CUPE Health Care Council, at [gordoncampbell@sasktel.net](mailto:gordoncampbell@sasktel.net). ■



## Health care workers win big in B.C.!

### **Hospital and long-term care workers**

Thousands of Hospital Employees Union (HEU) members have a new agreement with some important gains.

The Health Services and Support Facilities Association of Bargaining Agents negotiates with the Health Employers Association of B.C. for the wages and working conditions of 38,000 hospital and long-term care workers. HEU, CUPE's health services division in B.C., represents about 35,000 of those workers. These members work in publicly funded hospitals and care facilities performing patient care,

technical, support, trades and maintenance and clerical work.

#### *Wages:*

The four-year contract provides all workers – including those on LTD, WCB, parental leave and maternity leave – with a \$3,700 signing bonus and a lump-sum \$500 payment recognizing past skills enhancement (pro-rated), and an 8.5 per cent general wage increase (compounded).

The average compensation increase over the contract term is 10.8 per cent. Wage increases on April 1 each year are:

- 2006 – 1.5 per cent
- 2007 – 2 per cent
- 2008 – 2 per cent
- 2009 – 2.7 per cent

#### *Pay equity:*

On April 1, 2006, previously negotiated pay equity adjustments worth one per cent of payroll will be

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applied to bring remaining bargaining unit jobs to their pay equity target rate. The range of classifications eligible for pay equity adjustments represents about 40 per cent of the members.

*Workload:*

Addressing workload was a top priority for the union. The health authorities, the employer and the union(s) agreed to meet within 120 days of ratification to discuss workload issues and seek appropriate resolutions.

The language recognizes the importance of promoting a safe, productive work environment that provides quality patient/resident care.

*Contracting Out:*

Under Bill 29, contracting-out protections were stripped from the facilities sub-sector collective agreement. Health employers subsequently contracted out the work of about 8,000 health care workers with cuts, closures and privatization. The B.C. provincial government has continued to promote the expansion of the private delivery of health care, especially in seniors' care. Most new care beds promised are expected to be built under private-public partnership (P3) arrangements.

But in this round, the unions were able to limit employers' actions by negotiating enhanced severance provisions, and caps on the number of FTEs (Full-Time Equivalents) that can be contracted out each year.

*Education and Training:*

A \$5-million education fund for existing members to access training money was negotiated. These funds will be administered by the union and will offer members an excellent opportunity to upgrade their skills and education to move into other areas of health care; for example, clerical workers training for information systems, support workers moving into clerical jobs, care aides upgrading to Licensed Practical Nurses (LPNs), and members training to become renal technicians or pathology attendants.

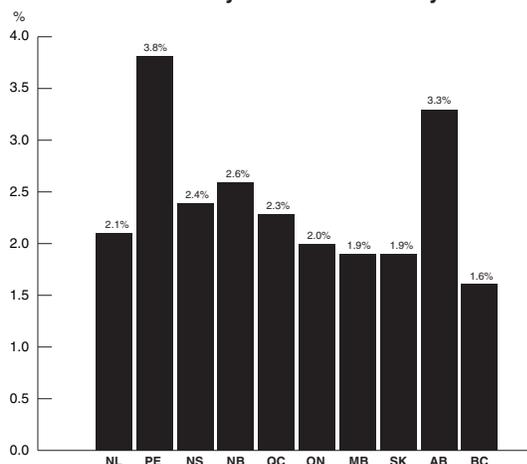
**Paramedicals**

An agreement covering paramedical workers was negotiated between the Paramedical Professional Bargaining Association (PPBA) and the Health Employers Association of B.C.

The PPBA represents more than 14,000 paramedical professionals that provide diagnostic, clinical and rehabilitation services in communities across B.C.

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**Consumer Price Index (CPI), by province  
Unadjusted percentage change  
between February 2005 and February 2006**



Source: Statistics Canada – The Daily, Thursday, March 16, 2006

- In February, natural gas prices were 17.1 per cent higher compared to February 2005. All provinces posted increases, ranging from 4.6 per cent in Alberta to 22.7 per cent in Ontario. Automobile insurance premiums were 3.1 per cent lower than a year ago – their lowest level since July 2003.
- Six of the eight major components of the CPI priced in February 2006, were higher than those of February 2005. Pushing costs up were shelter, transportation and food. Clothing and footwear prices went down.
- Average gasoline prices were 7.4 per cent higher than in February last year. However, that represents the smallest 12-month increase since June 2005. Increases were posted in all provinces and ranged from 2.6 per cent in Manitoba to 18.8 per cent in Prince Edward Island.

CUPE members include physiotherapists, occupational therapists, nutritionists, pharmacists, social workers, respiratory therapists, psychologists, speech and language pathologists, and public health inspectors.

CUPE represents 600 workers in CUPE Locals 15, 23, 387, 389, 718, 1978 & 3495. HEU also represents workers in this sector.

In September 2005, the seven CUPE locals involved in these negotiations met to develop their bargaining demands and priorities. The importance of that coordination is clearly demonstrated in the results of this round of negotiations.

Highlights of the paramedical agreement include:

*Benefits:*

The LTD plan was 100 per cent employee paid. It is now shared—70 per cent paid by the employer, 30 per cent by employees—a gain that essentially gives workers a 1.5 per cent wage hike. The trade-off was an increase in the EHC (Extended Health Care)

deductible from \$25 to \$100 dollars and the discontinuation of the “BlueNet” card, which means employees must now claim to be reimbursed for EHC costs.

*Bumping:*

Language was improved to allow displaced employees the right to a shop steward and to increase the time period for bumping from five to seven days. In addition, the seniority list will now carry information about the worksite, seniority, FTE, and wage grade that will help workers make difficult bumping decisions.

*Wages:*

On April 1 every year:

2006 – 2.25 per cent

2007 – 2.5 per cent

2008 – 3 per cent

2009 – 3 per cent

As well, there are market adjustments for Occupational Therapists and Physiotherapists who received an additional 1.75 per cent wage increase on April 1, 2006. ■

## Innovations in collective agreement language

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Are your members facing violence at work? Worrying about your safety and security on the job can affect job performance, and erode personal well-being.

Here's an inventive clause one local designed to address the problem:

**CUPE Local 2190 and the Catholic Children's Aid Society of Metropolitan Toronto, Ontario**

*Article 25 – Health and Safety*

*25.05*

*i) Assaulted staff will be relieved of all responsibilities and provided with time off for the rest of their shift or work period, unless the worker elects to remain at work. When the worker has been provided with time off as outlined above, the worker may be granted time off with pay up to two additional days.*

*ii) The worker may negotiate for further periods of leave with pay, where the leave would not be covered by Workers' Compensation. This leave will not be unreasonable denied.*