



a workplace for all

# Bargaining Equality

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# Equality

## Statement

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all sisters and brothers deserve dignity, equality and respect.



**PAUL MOIST**  
National President



**CLAUDE GÉNÉREUX**  
National Secretary-Treasurer





# Introduction

CUPE has a long and proud tradition of fighting for equality for all our members. We've taken on the struggles faced by women, members of colour, Aboriginal members, members with disabilities, gay, lesbian, bisexual, transgender and transsexual members. Over the years, we've used many different strategies, including lobbying, campaigns, and bargaining to achieve our goals.

CUPE is obligated to represent the best interests of all members. Equality issues ARE union issues. That is why CUPE has been at the forefront, pushing employers and governments to recognize equality rights.

Bargaining equality rights allows CUPE members access to grievance and arbitration procedures. These are important because they provide a method of settling disputes that is quicker than the process offered by Human Rights Commissions.

Bargaining equality is about making our workplaces more inclusive and reflective of the communities in which we live. This Bargaining Equality binder aims to do just that. It's a practical tool that members and staff can use to continue to make equality gains.

Bargaining equality can be an uphill struggle. That's why it's so important to have membership involvement and support. The binder has a section on how to make equality issues a priority in your local and win gains at the bargaining table (see *Getting Equality to the Bargaining Table and Winning It*).

This comprehensive bargaining tool covers the broad range of equality issues from discrimination, harassment and violence to child care, the duty to accommodate and pay equity. You'll also find sections that deal with pensions and benefits, health and safety, family leaves and employment equity.

Each section contains a brief introduction that provides useful information and explains why the issue is important for CUPE members. Each also contains collective agreement language that has been negotiated by CUPE locals. You'll notice a wide range of negotiated language even within individual sections. In some examples, the language may not be their end goal but illustrates the steps being made toward equality gains at the bargaining table. Checklists are provided to help you craft and negotiate the best language possible.

The Bargaining Equality binder is an evolving document. Send your equality collective agreement language to CUPE's National Equality Branch so that we can share this information with all members and continually make improvements to the binder.

It is our hope that this tool will help you prepare for your next round of bargaining, and make your workplace "a workplace for all."



**PAUL MOIST**  
National President



**CLAUDE GÉNÉREUX**  
National Secretary-Treasurer

# GETTING EQUALITY TO THE BARGAINING TABLE AND WINNING IT

Equality issues, like anything you want to get into the collective agreement, need planning.

**Here are some ideas on how to make equality issues a priority:**

- 1) Survey your members and identify what their equality concerns are: Identify who is in your local. Are there people with disabilities, single mothers, lesbians, gays, bisexuals and transgender members, or others who are missing from your local? Perhaps there are Aboriginal people and workers of colour in your community but they aren't represented in the workplace.

In the survey, ask members if there are any provisions in the collective agreement that have a negative impact on equality-seeking groups. For example, are women generally confined to traditional "women's" jobs with no opportunity for training that would allow them to move to non-traditional jobs?

- 2) Review grievances in your local since the last round of bargaining. What equality issues were grieved?
- 3) Use the responses to the membership survey, the analysis of grievances and the obligations unions have under the law to flesh out areas where your collective agreement needs strengthening.
- 4) Develop priorities, short term and long term, to move your issues forward.
- 5) Hold workshops on the priorities for this round of bargaining. Promote discussion, understanding and support on the issues by:
  - using statistics to demonstrate the need for improvement,
  - comparing your collective agreement with others to show what can be achieved, and
  - giving examples of how members can benefit from equality gains.



6) Develop community support where there is positive potential.

For example:

- Employment equity opens up more jobs to community members.
- Pay equity brings more money into the community economy.

7) Encourage members to get involved. The more open the process, the more you will build trust, understanding, support and a stronger union.

8) Take it to the employer. Once you have membership support, plan the bargaining process. Use many of the same arguments with the employer that you used with the membership:

- it's the law,
- number of grievances, and
- workers are more productive when equality issues, such as harassment, are addressed.

9) Keep the members informed during bargaining with a newsletter.

10) Keep equality issues on the table:

- Show the employer the strong support of the members.
- Remember, in most CUPE locals, a majority of your members will be equality-seekers.

11) Evaluate what happens in bargaining, during and after the process. Learn from what worked and what didn't. Use that knowledge in the next round.

12) Remember making gains takes time. What you don't win this round will lay the foundation for the next round.

# Table of

# Contents

<b>A Workplace that Reflects the Community</b> .....	<b>A</b>
<b>Child Care</b> .....	<b>B</b>
<b>Discrimination</b> .....	<b>C</b>
<b>Duty to Accommodate</b> .....	<b>D</b>
<b>Equality and Health &amp; Safety</b> .....	<b>E</b>
<b>Family Responsibility and other Leaves</b> .....	<b>F</b>
<b>Harassment and Violence</b> .....	<b>G</b>
<b>Maternity and Parental Leave</b> .....	<b>H</b>
<b>Pensions and Benefits</b> .....	<b>I</b>
<b>Wage Discrimination / Pay Equity</b> .....	<b>J</b>



# HOW THIS BINDER IS ORGANIZED

The Bargaining Equality binder is separated into sections (A, B, C, etc.). Within each section there are two main components: a preamble discussing the topic, which may include a fact sheet and check list(s), and collective bargaining language.

Within each alphabetical section, these two main components are numbered separately. For example in section A, numbering for the preamble starts at page A1.1 and continues on page two as page A1.2. The collective bargaining language for section A starts at page A2.1.

To further differentiate items within an alphabetical section, the materials have been printed on different coloured paper. All preambles are printed on white paper; fact sheets are on pale purple; and check lists are yellow. All collective bargaining language is printed on cream-coloured paper.

We hope that the separate alphabetical/numerical page numbering plus use of different coloured paper will make the document easier to use. As well, separate numbering of the components within each section will make it easier to update, particularly when there are improvements in collective bargaining language.