



a workplace for all

Bargaining Equality

F

**Family
Responsibility
and other Leaves**

Balancing work and family life has become a critical issue for many CUPE members. Across the country, about 70 per cent of Canadian women with young children are in the labour force. More than 15 per cent of families with children are lead by single parents, the vast majority of them women. Balancing work and family can be doubly challenging for members of equality-seeking groups. Two-thirds of full-time employed parents with children report they are not satisfied with the balance between their home and family life.

Nearly 18 per cent of Canada’s population has a disability, yet there is almost no accommodation of their work and family needs. Families that don’t fit the formal definition – father, mother and children – are often forced to find time for family obligations by using vacation days or sick leave. Too often, they are left short-changed because their relationships are not recognized. This causes additional stress, just because their family situation falls outside historical definitions.

To ensure fairness and equity for all, locals need to define “family” in the collective agreement as broadly as possible and, in particular, the definition of “spouse” and “parent” to ensure coverage for all members.

Holidays that are not part of the North American Christian tradition are often not included in collective agreements. This means that some workers do not have their family’s celebration days acknowledged in their workplace. They must celebrate without holidays or ask for vacation time.

Aboriginal members have hunting and fishing seasons that are important to their way of life and traditions. Many Aboriginal members also prefer their own traditional methods to deal with illness. Collective agreement language can provide them with the opportunity to practice these traditions.

Locals also need to look at their leave plans to make sure they cover all family and home life situations. For example, persons with disabilities or those who have children with disabilities often have needs that go beyond the standard. As well, transgender members rarely have the benefits coverage necessary to meet their needs.

The federal government, through Employment Insurance (EI), now enables workers to take six week's Compassionate Leave to look after a family member who is very ill. (See Appendix I at the end of section F2.)

Unions and social justice groups are pressuring governments to improve on these provisions. Locals should watch for changes.

Resources:

Aboriginal kit, CUPE.

Transphobia: A Union Issue, CUPE, fact sheet.

Aboriginal Rights Resource Tool kit, CLC.

Work and Family Provisions in Canadian Collective Agreements, HRDC Labour Program, March 2001, website:

<http://labour-travail.hrdc-drhc.gc.ca/worklife/welcome-en.cfm>.

The EI-UI Road Map: How to Navigate the Unemployment Insurance System, CUPE, Research Branch.

Legends for following checklist:

(EI) Employment Insurance

(HR) Human Resources

(HIV/AIDS) Human Immunodeficiency Virus/
Acquired Immune Deficiency Syndrome

(ECEC) Early Childhood Education Center

(CPP) Canadian Pension Plan

(RRSP) Registered Retirement Savings Plan

Resource for following checklist:

Alice de Wolff, *Bargaining for Work and Life*, 2003.



CHECKLIST

Creating Work-Life Balance

LIFE / WORK EVENT	FINANCIAL SUPPORT & INSURANCE	PROGRAMS & SERVICES	CONTROL OVER TIME	SUPPORTIVE PUBLIC POLICY
<p>New job / All Workers</p> <ul style="list-style-type: none"> • Benefits cover all workers, including part-time and contract • Health, dental & vision insurance • Short and long-term disability insurance • Pension or contribution to retirement fund • Life insurance for worker, spouse & dependents • Non-profit employee assistance plan operated by union, for employees in small workplaces 	<ul style="list-style-type: none"> • Joint work-life balance program • Fitness center • Healthy cafeteria • Non-profit medical and dental clinics, run by union • Health risk appraisals • HIV/AIDS programs • Smoke cessation program • Broad definition of worker's caring responsibilities: including same-sex partners, household members, etc. • Work structuring so that workload is reasonable, and workers are able to concentrate on their specific tasks 	<ul style="list-style-type: none"> • Paid statutory holidays & vacations • Paid sick time • Short and long-term disability leave • Compassionate leave • Personal leaves of absence (i.e., volunteer work, friend's illness, etc). • Limited mandatory overtime • Limited on-call days • Job sharing • Paid leave for volunteer work • Donated leave bank (from co-workers, and those leaving the workplace) • Paid union and education leave for workers to develop their skills to fight for these measures 	<ul style="list-style-type: none"> • Quality, accessible public health care • Quality, affordable public home care • Pharmacare program for all Canadians • Minimum Employment / Labour Standards that ensure that caring is part of legislated protections for all workers. Key changes are higher minimum wages, paid sick days, reduced hours, longer vacations 	
<p>Relocation</p> <ul style="list-style-type: none"> • Household moving costs • Travel with partner to new location re: housing, schools, etc. • Any loss in sale of house, and coverage of real estate, lawyers' fees 	<ul style="list-style-type: none"> • Spouse and dependents relocation • Spouse job search assistance • Limitations on distance of any relocation 	<ul style="list-style-type: none"> • Paid relocation leave, including house search, school search, packing & move, for member and spouse of member 	<ul style="list-style-type: none"> • Increase EI eligibility and benefits • Increase EI benefits for workers with dependents 	
<p>Lay-off</p> <ul style="list-style-type: none"> • Maintain benefits for specified period 		<ul style="list-style-type: none"> • No overtime in situations where members are laid off 	<ul style="list-style-type: none"> • Recognition of same-sex marriage • Human rights protection 	
<p>Spousal Union</p> <ul style="list-style-type: none"> • Inclusive spousal benefits • Spouse named in health, pension, and life insurance • Spouse takes out own life insurance 	<ul style="list-style-type: none"> • Partner relocation • Partner job search assistance • Household relocation • Long distance calls to partner when worker travels or is temporarily reassigned 	<ul style="list-style-type: none"> • Paid spousal union leave 	<ul style="list-style-type: none"> • Recognition of same-sex marriage • Human rights protection 	

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CHECKLIST

LIFE / WORK EVENT	FINANCIAL SUPPORT & INSURANCE	PROGRAMS & SERVICES	CONTROL OVER TIME	SUPPORTIVE PUBLIC POLICY
<p>New Parenting, Birth & Adoption</p>	<ul style="list-style-type: none"> • Top-up pay during maternity, parental and adoption leave • Pay for parents who are not eligible for EI funded maternity, parental and adoption leave • Insurance coverage for <ol style="list-style-type: none"> reproductive procedures pre- & post-natal care, extra hospital costs long-term care, home care and assistive devices 	<ul style="list-style-type: none"> • Prenatal courses • Information from HR or Benefits manager • Reallocation of work during leaves for pregnancy, parental, adoption leave • During pregnancy: preferential shifts and re-assignment to avoid hazardous work 	<ul style="list-style-type: none"> • Leave / schedule accommodation for reproductive procedures • Paid maternity leave • Paid parental & adoption leave • Reduced work week during and after pregnancy • Extended maternity, parental, and adoption leave in cases where there are medical complications • Negotiated home working • Voluntary reduced time after maternity/parental leave 	<ul style="list-style-type: none"> • Increase EI benefits to 100% of wage • Extend parental leave for single parents • Establish childrearing leave. Extend this leave for parents of child with disability
<p>Child Care and Education</p>	<ul style="list-style-type: none"> • Child care subsidies • Tuition subsidies • Subsidies for children with special needs • Long-term care insurance - home care for dependents, paid leave from work • Childcare during training, overtime and travel 	<ul style="list-style-type: none"> • Inclusive recognition of all adults who are caring for a child • Joint, union or employer operated on-site early childhood education and care • Employer and union partnership with public programs • After school child care programs • Emergency child referral service • Take home meals • Breast-feeding room • Phones near work station 	<ul style="list-style-type: none"> • Paid caring responsibility leave • Preferential schedule and holiday scheduling for parents, and particularly for parents with children with special needs • Paid compassionate leave • Shift swapping • Flexible work hours • Compressed work week • Shorter work week • Reduced hours for nursing mothers 	<ul style="list-style-type: none"> • National early child education and care program • Subsidies for all children in registered ECEC programs • High quality public schools • After school programs • Lower post-secondary education tuition • Six-week compassionate leave in all provinces/territories
<p>Adult and Elder Care</p>	<ul style="list-style-type: none"> • Long-term care insurance for elders and dependent adults • Elder care subsidies for home caregivers, respite care, palliative care and emergency care 	<ul style="list-style-type: none"> • Joint, union or employer adult day programs • Employer and union partnership re. public programs • Referrals to programs and facilities • Support groups / workplace seminars • Preferential shift scheduling 	<ul style="list-style-type: none"> • Paid caring responsibility leave that requires little or no notice • Paid compassionate leave • Shorter work week • Flexible work hours • Compressed work week • Negotiated job sharing or home-working 	<ul style="list-style-type: none"> • Quality, accessible health care • Quality, affordable home care • Adequate public pension • Adequate CPP, EI and provincial disability programs

CHECKLIST

Creating Work-Life Balance - page 3

LIFE / WORK EVENT	FINANCIAL SUPPORT & INSURANCE	PROGRAMS & SERVICES	CONTROL OVER TIME	SUPPORTIVE PUBLIC POLICY
Adult and Elder Care, (continued)		<ul style="list-style-type: none"> • Phones near work station. • Coordination with union-based retirees program 	<ul style="list-style-type: none"> • Voluntary reduced time 	<ul style="list-style-type: none"> • Six-week compassionate leave in all provinces/territories
Separation or Divorce	<ul style="list-style-type: none"> • Legal fees • Insurance coverage for divorced spouse and dependents to a maximum period • Garnishee wages for non-paying spousal support 	<ul style="list-style-type: none"> • Counselling services 	<ul style="list-style-type: none"> • Personal leave of absence 	
Violence at Home	<ul style="list-style-type: none"> • Legal fees 	<ul style="list-style-type: none"> • Period of no discipline against a worker who is a victim • Support groups • Emergency housing referral • Counselling services • Workplace accommodation re. job station, schedule 	<ul style="list-style-type: none"> • Personal leave of absence 	<ul style="list-style-type: none"> • Full funding for emergency housing • Women escaping violence able to use EI
Retirement	<ul style="list-style-type: none"> • Pension or RRSP contributions • Medical and life insurance (including long term care) covers retiree, partner and dependents after retirement 	<ul style="list-style-type: none"> • Pre-retirement counselling • Newsletters, hot-lines for retirees 	<ul style="list-style-type: none"> • Reduced work hours before age 65 • Part-time employment after age 65 	<ul style="list-style-type: none"> • Protected, adequate public pension • CPP allows for older workers to reduce hours of work without reducing pension
Death of a Family Member		<ul style="list-style-type: none"> • Grief counselling and referrals 	<ul style="list-style-type: none"> • Inclusive bereavement leave • Personal leave of absence • Additional leave if the family member lived outside of the immediate region 	
Death of a Worker	<ul style="list-style-type: none"> • Beneficiaries receive life insurance • Spouse receives pension • Partner and dependents continue to receive medical and disability insurance coverage 	<ul style="list-style-type: none"> • Grief counselling and referrals for partner and dependents 		

LANGUAGE

CUPE Local 932 and the Corporation of the Hamilton Public Library Board

21.10 Definition of Spouse

“Spouse” is defined as a person with whom the employee has a marital, common law, heterosexual or lesbian/gay relationship. This definition shall apply to all Articles of this agreement, including but not restricted to Articles 15.01(a) and (b), 16.02, 18.01(a), (b) and (c), and 18.02. It shall determine the definition of all other familial relationships referred to in this agreement, including, but not restricted to the definition of “child” which shall include equivalent relationships flowing from common-law or lesbian/gay spousal relationships. This definition is intended to ensure that employees in lesbian/gay marital relationships are treated in the same manner, in all respects, as employees in heterosexual marital relationships and that such employees and their families are accorded all the rights, privileges and benefits under the agreement which are accorded to employees in heterosexual relationships and their families. The employee shall supply any requested information to support the entitlement under this Clause.

Accordingly, any ambiguity in any part of this agreement shall be interpreted within the spirit of this objective and so as to accomplish this end.

CUPE Local 1750 and the Workplace Safety and Insurance Board, Ontario

Article 16 – Leave of Absence

16.01 Justifiable Personal Reasons

In each of the following circumstances the employee will provide prior notice where practical, and if not practical, will notify the Manager as soon as it is.

- a) A leave of absence from work will be granted for justifiable personal reasons such as the employee’s marriage, religious holidays, or sickness/injury in the immediate family requiring the employee’s presence.
- b) The Manager may approve a request for leave for other justifiable personal reasons.
- c) Employees will be granted up to four (4) days per year, with the approval of the Manager, in order to engage in personal and/or family preventative medical or dental care. On request, employees may be required to show proof of medical or dental care.

Where an employee who is granted a leave of absence under (a), (b) or (c) above has sufficient attendance credits, the leave of absence will be with pay and charged against attendance credits. A leave will not be considered punitively in a performance appraisal.

CUPE Local 1975 and the University of Regina (Memorandum of Agreement)

Employee Assistance Program

The University of Regina and the Union CUPE Local 1975, agree to participate in the campus-wide Employee Assistance Program.

CUPE Local 1975 and the University of Saskatchewan (Memorandum of Agreement)

Employee Assistance Program

The University of Saskatchewan Employee Assistance Program will provide referral and short-term counselling services for any employee requesting assistance with personal problems, which may impair the ability of that employee to function effectively in the performance of duties. When considered appropriate, and with the consent of the employee, the Employee Assistance program will also consult and include the family of the employee. ***Counselling will not involve the interpretation or application of the Collective Agreement, but employees may be referred to the Union or Human Resources for assistance in this regard.***

Members of CUPE Local 1975, including laid off members while they retain seniority, shall be eligible to utilize the Employee Assistance Program.

Use of the Employee Assistance Program shall be voluntary. No employee shall be required to utilize the Program as a condition of continued employment.

All Employee Assistance Program records shall be treated as confidential and shall be distinct from and shall not be placed in the employee's personal file held by the Employer, and no use shall be made of them, which is not necessary to provision of service within the Program. Reports prepared for circulation external to the Program shall consist only of information in aggregated form so that no information or data cell could be used to identify a single client. If the employee so requests in writing, the Employer and the President of CUPE Local 1975 will be provided with written notification that an employee is utilizing the Employee Assistance Program. The Employer and CUPE Local 1975 shall have no access to the EAP files and agree not to summon or call upon persons who are members of the staff of the Program, or to put

into evidence any documents from the Employee Assistance Program in any proceeding before an Arbitrator. However, nothing in this section shall be interpreted to mean that the employee client, of his or her own volition, is prevented from using the information in the EAP file or information resulting from participation in the programs arranged by the EAP services, and providing such information to his or her counsel, if such information is relevant to a defense against any disciplinary charges within the University of Saskatchewan or any action at law external to the University.

The rights and obligations of the Employer and CUPE Local 1975 as stated in the Collective Agreement shall continue to apply as applicable to any employee who is utilizing the Employee Assistance Program.

CUPE Local 905 (York Region Long Term Care) and the Regional Municipality of York (Letter of Agreement)

Flexitime

The parties agree that the use of flexitime can benefit both the operational needs and service of the employer and improve the quality of employment for the employees.

Definitions

Flexitime: The employee works the required full hours per week but with flexible start, stop and lunch times. The start and stop time must be fixed each day with core business observed.

Core Hours: Hours when all full-time employees must be present during their scheduled work day. These core hours may vary depending on the work schedule and demands of the business, but are generally from 9:30 a.m.–3:00 p.m.

Flexible Hours: Hours within the workday in which the employee has the option to start and stop work. These flexible hours may vary depending on the work schedule, but are generally from 7:00 a.m.–9:30 a.m. and 3:00 p.m.–6:30 p.m.

The parties agree to the following:

1. Employees may voluntarily participate in flexitime subject to conditions established by management.
2. Employee request for flexitime shall not be unreasonable denied.

3. The employer has the sole discretion to authorize the implementation, cancellation or revision of flextime schedules.
4. The employee, subject to management approval, selects a constant start and stop time, which satisfies business requirements. Upon approval of the constant start and stop time the employee must adhere to this work schedule. A copy of this work schedule is sent to the union and another copy to the employee's personnel file.
5. The employer shall provide reasonable notice to the employee when a flextime schedule is to be revised or cancelled.
6. Lateness and overtime shall be determined on the basis of the hours of work outlined in the flextime schedule.
7. There are positions that are deemed essential and as such are not subject to the flextime option.
8. Where there is a conflict between the existing collective agreement and this Letter of Agreement, this agreement shall govern.

CUPE Local 3338 and Simon Fraser University

Article 38 – Compassionate Leave

Definition: When death or a serious illness strikes a close family member or close friend of an employee, up to five (5) days compassionate leave with pay may be granted at the discretion of the supervisor. This leave shall not be unreasonably withheld.

CUPE Local 2365 Lax Kw'alaams Indian Band, BC

Article 20.01 – Paid Holidays

Includes "Indian Solidarity Day (June 21)." Plus 11 Statutory Holidays "...and any other day declared or proclaimed as a holiday by the Federal or Provincial governments or Band Council."

CUPE Local 3770 Kitselas Band Council, BC

Article 24.07 (b) Cultural/Responsibilities-Bereavement

Where established cultural practises provide for ceremonial or other responsibilities, an employee shall apply to the Band Manager or designate for appropriate time off without loss of pay and benefits. For example, this leave may be used for, but not limited to:

- i) Tribal Feast
- ii) Headstone Moving
- iii) Settlement Feast
- iv) Special Family, Clan and/or Tribal requests

CUPE Local 3903 and York University

17.20 Transsexual Transition Leave

An employee who provides a certificate from a medical practitioner confirming that the employee requires a leave of absence in order to undergo the medical procedure(s) related to a physical change from one gender to another will suffer no reduction in pay for up to eight-thirty-fifths* of the period of her Appointment Contract(s).

- * The full academic session (September-May) is thirty-five weeks. If a teaching assistant works the full 35 weeks he/she can take 8 weeks off with pay for the surgery. The benefit is prorated to the number of weeks worked.

COMPASSIONATE LEAVE

Workers are now eligible for six weeks Compassionate Leave in order to look after a member of their family who is very ill, including ill family members who live outside of Canada. To qualify you will need:

- to work 600 hours in the previous 52 weeks,
- a medical certificate that the ill family member has a “significant risk of death within 6 months” and that she or he needs one or more family members to provide emotional support, arrange health care, or directly provide health care.

Two or more family members who meet the requirements can share the Compassionate Leave. However, the total leave remains at six weeks (plus the two-week waiting period).

Locals must negotiate a top-up from the employer for this leave, similar to other special leaves (e.g., maternity leave). For more information, go to www.hrhc-drhc.gc.ca/ae-ei/menu/faq/compassionate-care.shtml, and see the fall 2003 issue of Tabletalk (CUPE’s bargaining newsletter) and check our website – cupe.ca

Compassionate Care Family Leave – Proposed Language

Employees shall be granted an unpaid leave of eight (8) weeks to care for a seriously ill family member. During the leave the employee will continue to accumulate all benefits and seniority under this collective agreement. If the employee chooses to make contributions for the period of the leave to the pension or benefits plan, the Employer will pay the Employer’s contributions for the same period. On return from leave, employees will be placed in their former position.

During the two (2) week EI waiting period, the Employer will provide payment equal to 97% of the actual weekly rate of pay for the employee’s classification, which the employee was receiving on the last day worked, prior to the commencement of the leave. The Employer will also provide for six (6) weeks difference between the payments received from EI and 97% of the actual weekly rate of pay for the employee’s classification which the employee was receiving on the last day worked, prior to the commencement of the leave.

The employee may request an extension to the leave, in writing, should circumstances warrant. Approval of an extension shall not be unreasonably denied. During an extended leave the employee shall continue to accrue all benefits and seniority.