

VIOLENCE AT HOME IS A WORKPLACE ISSUE

Workers winning employment leaves for domestic violence

"I would have to find a safe house because of violence at night. Then I would be without work clothing or school uniforms for the kids. My children and I would be too emotionally upset to go to work and school the next day."

"I ended up taking a lot of time off and for the most part no one really understood exactly why I was gone for so long."

– Participants, Canadian Labour Congress and Western University 2014 Survey on Domestic Violence and the Workplace

For years, the Canadian labour movement has raised awareness of how violence at home is a workplace issue. Today, it is easier for survivors of domestic violence to take leaves of absence from work, thanks to legislative and collective bargaining gains.

A recent pan-Canadian survey on domestic violence found that one third (33.6 per cent) of the 8,429 respondents had experienced violence from an intimate partner. Of those who experienced violence, 38 per cent said it affected their ability to get to work. Over half (53.5 per cent) said that they had experienced at least one abusive incident

at, or near, their workplace. Domestic violence can cost the survivor her job: 8.5 per cent of survey respondents said they had lost their job because of intimate partner violence. The survey was conducted by the Canadian Labour Congress (CLC) and Western University in 2014.

Employers and governments are also recognizing the cost of intimate partner violence. In the last two years, four provinces have amended their employment standards legislation to provide leave from work for survivors of domestic violence. The federal government passed amendments for 10 days unpaid leave that received Royal Assent in December 2017 but are not yet in effect. Other provinces are considering similar employment leaves.

Where legislation exists

In June 2016, Manitoba became the first province to extend paid leave to survivors of domestic and sexual violence. Under the Manitoba Employment Standards Code, survivors of domestic violence can take five days of paid leave, five days of unpaid leave and up to 17 consecutive



weeks of unpaid leave in one 52 week period to address their legal, medical or counselling needs.

More provinces followed suit. In 2017, Alberta, Saskatchewan and Ontario legislatures passed amendments to employment standards to provide for employment leave for domestic violence. Ontario's provisions, like Manitoba's, provide for five days of paid leave and five days of unpaid leave plus 15 weeks of unpaid leave for reasons that require more time. The leave does not have to be taken continuously.

Amendments to employment standards legislation in Alberta and Saskatchewan, however, do not provide for any paid time off. Both jurisdictions allow survivors of domestic violence to take up to 10 days of unpaid leave.

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Get CUPE's domestic violence bargaining guide

All of this means it's time to update our collective agreements – and even go beyond the minimum legislated leaves.

CUPE National's Human Rights Branch has a bargaining guide that can help. The guide provides background information on intimate partner violence and examples of collective agreement language. Access the guide at cupe.ca

Since the guide was published, more CUPE locals have negotiated language that includes the new legislated leaves, or

even better provisions. Your staff representative can provide examples.

Some key points to consider when negotiating language:

- Include a statement recognizing domestic violence is a workplace issue that affects workers and their families.
- Negotiate paid leave that is in addition to existing leaves and can be taken in full or part days.
- Make sure reasons for leave are kept confidential, unless an employee gives express written permission.

- Protect employees from discipline or adverse action if their attendance or performance at work is affected by domestic violence.
- If employer requires proof for leave, ensure that women's shelters and crisis services are included.
- Require that the employer develop workplace policy, individual supports (such as accommodation or counselling) and training to ensure workplace safety.

■ Cheryl Stadnichuk

LEGISLATION PROVIDING LEAVE FOR SURVIVORS OF DOMESTIC VIOLENCE

	Effective date	Number of days leave/year	Additional information
Manitoba	June 1, 2016	5 days paid 5 days unpaid Up to 17 continuous weeks	First 10 days can be taken intermittently or consecutively.
Saskatchewan	Dec 6, 2017	10 days unpaid	Leave can be taken in blocks of hours or days. Employer must maintain confidentiality.
Alberta	Jan 1, 2018	10 days unpaid	—
Ontario	Jan 1, 2018	5 days paid 5 days unpaid Total 17 weeks	Leave does not have to be taken continuously.
Federal government	Not yet in effect	10 days unpaid	Budget 2018 announced plans to make 5 of the 10 days paid.

Tabletalk is published four times a year to provide CUPE bargaining committees and servicing representatives with useful information for preparing and negotiating bargaining demands.

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CUPE / Canadian Union
of Public Employees

The importance of campaigning for bargaining

Strongly-worded proposals and experienced negotiating skills will only get you so far at the bargaining table.

The work of bargaining includes the ability to mobilize CUPE members to speak out, take action, and show our employers that the costs of not giving us what we want are higher than giving it to us.

To mobilize, first we need to communicate with our members, both telling them what the union is doing *and* listening to their concerns. It means inviting members to participate in actions ranging from wearing union swag, to sharing social media posts, to attending meetings and rallies.

In short, it means *campaigning* to engage our members in action to change our workplaces – and the world. However, campaigning is not always a skill or role that union leaders assume they need. But it's critical to the core work of our union.

Maureen O'Reilly knows this from her own experience. Shortly after she became president of the newly-formed CUPE 4948 in 2010, Maureen led a campaign to let everyone know who the employees of the Toronto Public Library were and what they did to provide a

vitaly important public service, despite the library sector's woeful underfunding and the fact that half of the workers were in precarious part-time jobs.

That campaign is ongoing. Its creative tactics have included showing up at city council and library board meetings, hosting booths (and ice cream trucks) at community festivals, producing swag for members and the public, producing videos, and much more.

"Campaigning is a continual journey. You can't just do it once and stop there," Maureen advises. "You employ different tactics, but you can say the same thing over and over, because it takes so long for politicians and the public to digest your message."

CUPE 4948 saw their work bear fruit through two rounds of bargaining, including a strike in 2012. That strike ended as a victory for the local. The city backed away from all 32 concessions it had tabled, and the members made gains on vision benefits, among other gains.

Our union is determined to make CUPE 4948's experience more common among CUPE members across the country. At our 2017 National Convention, delegates committed to creating a campaign program and tools to build our



Maureen O'Reilly

members' skills and capacity to defend public services, and to resist concessions across sectors.

It's a win-win. The skills we learn and practice when we mobilize members to support a specific political campaign are essential tools for resisting concessions and gaining improvements at the bargaining table.

■ **Marc Xuereb**

Employer savings on injury claims should go to strengthen sick plans

Is your employer saving money on reduced injury premiums?

Find out! If they are, remember to account for that as you prepare for bargaining.

In Ontario, WSIB (Workplace Safety and Insurance Board) premiums are going down for almost every employer in the province. Overall premium rates were

cut nine per cent for 2017 and 2018. This means employers are saving money in labour costs – on average about \$300 per minimum wage employee per year and even more for higher-paid employees.

To achieve this, the WSIB is denying benefit claims to more injured workers in order to both bring down costs and bring down premiums.

This is happening because the Ontario Liberal government wants to have the lowest allowed lost-time injury rate in the country – and one of the lowest levels of compensation premiums.

Allowed lost-time injuries are injuries that the board accepts as formally claimable. In Ontario, these have been going down for many years in all industries

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including hospitals, long-term care, and health care generally. The all-industry allowed rate has been cut in half since 2002.

But if WSIB is denying benefits to injured workers, then injured workers are having to rely on their own sick time and other employment benefits to compensate. This is where CUPE locals can help.

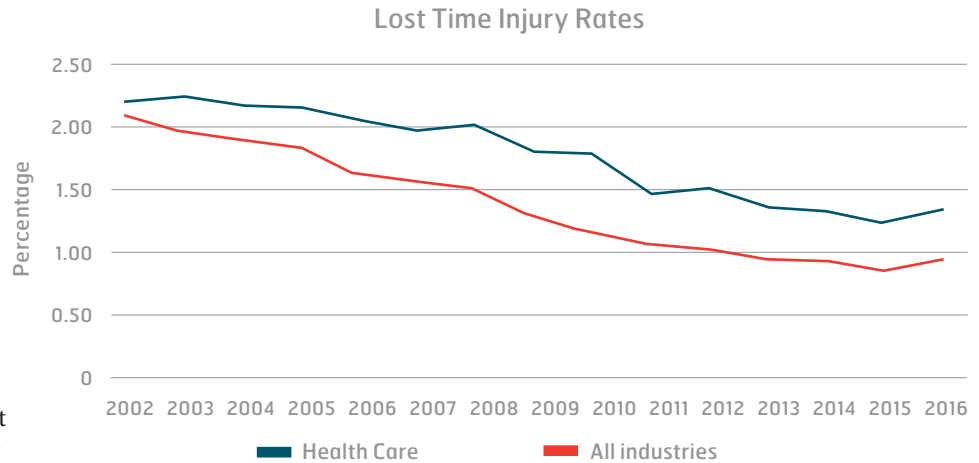
Given this trend, CUPE encourages locals to negotiate with their employers to put the savings from lower WSIB premiums into better sick plans and improved benefit coverage.

At the same time, we encourage workers to keep up pressure on the government and employers to cover lost-time (injuries.) For example, it's cynical to recognize PTSD as a compensable claim for emergency workers and then deny the claims that come in. And the number of injuries for assaults, violent acts and harassment that were covered by

WSIB have gone up in hospitals by 25 per cent over the past few years, but we know that employers are putting more pressure on injured workers to get back to work sooner.

These pressures may spread across the

country. If Ontario's government and the Workplace Safety and Insurance Board are successful in driving down successful claims by injured workers and bringing down premium costs, we can expect to see this same pressure in other jurisdictions.



FIGHTING PRIVATIZATION

REM: A streetcar named delirium

The Government of Québec has just set the table for the largest privatization project in the history of the province, and a crown corporation is looking to cash in.

The *Caisse de dépôt et placement du Québec*, the crown corporation that manages most of Québec's pension funds, founded **CDPQ Infra**, a subsidiary that is now the principal contractor building the *Réseau électrique métropolitain* (REM) project, an electric and automated train similar to Vancouver's SkyTrain.

A conventional public transit system is normally planned, funded, operated, maintained and owned by the public sector. Not the REM. CDPQ Infra, a profit-driven entity, will be spearheading the entire operation.

CUPE believes that more investment is needed in public transit, but the obligation to generate a return will mean that the search for profit will take priority over the actual public transit needs of the Montreal metropolitan community.

Indeed, this gargantuan project will have many of the adverse

consequences common with public-private partnerships.

Private financing costs taxpayers far more. Incredibly, this project will be financed at an interest rate of eight per cent, which is the minimum return guaranteed for CDPQ Infra. The provincial government could secure financing for as low as three or four per cent.

Worse, the profits will be funded by government and municipal subsidies because public transit is a money-losing public service in North America, as rider fares cover only a fraction of operating costs.

A Québec research institute performed a recent study that found REM would cost municipalities and the province \$500 million per year. According to the *Institut de recherche en économie contemporaine* (IRÉC), the added financial burden could prevent municipalities around Montreal from being able to pay for improvements to the public transit services they currently operate.¹

The problems with privatization are

not limited to financing. In REM's case, the problems include the use of technology that is incompatible with the current system; the sale of the Mount Royal tunnel to the private sector which blocks access to suburban trains and to Via Rail's high-speed train; the acceleration of urban sprawl; and the possible dismantling of several suburban train lines in the public system.

CUPE in coalition to oppose REM privatization

Although the project has received a green light from the Québec government, CUPE will keep on fighting it. We've had some successes to celebrate. Thanks to a door-to-door campaign by bus drivers from Montreal, Laval and Longueuil, we helped get a mayor opposed to the REM elected in Lachine.

For more on CUPE's ongoing campaign efforts, visit the Transparence coalition at transparence.ca

■ **Mathieu Vick**

¹ http://www.irec.net/upload/File/note_intervention_59_octobre_2017_vf.pdf