

CUPE WIRE

Official Publication of the Canadian Union of Public Employees, Local 38
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Occupational Health and Safety Laws Get Some Teeth

Alberta Labour Minister Christina Gray has signed a memorandum of understanding with 10 police forces, laying out protocols for investigating workplace incidents that result in death or serious injury. While occupational health and safety officers currently work together with police when a serious workplace incident occurs, the new protocols are expected to make it easier for investigators to determine if criminal charges — in addition to occupational health and safety violations — should be laid.

“All workers have the right to safe and healthy workplaces, from the very first shift right through to retirement,” Gray said in a statement. “Criminal charges are another enforcement tool to help ensure compliance with workplace health and safety laws.”

The announcement coincided with Friday’s **National Day of Mourning**, a day set aside to remember workers who have been killed, injured or suffered illness due to workplace-related hazards and incidents. At a Day of Mourning ceremony in Calgary, Alberta OHS director Rob Feagan said the new protocols will help ensure that anyone who is criminally negligent will be held to account.

Negligence that leads to death or injury on the job has been punishable under the Criminal Code since the federal government amended the law in response to the 1992 Westray explosion. That disaster, which was later deemed preventable, killed 26 underground mine workers in Nova Scotia.

Since the amendments took effect in 2004, there have been 11 prosecutions as a result of serious workplace incidents in Canada, with three convictions and one person imprisoned. There have been no prosecutions in Alberta.

“We’ve been saying for years that sometimes fines aren’t enough,” said Alberta Federation of Labour president Gil McGowan in a statement. “If we really want to make sure workplace safety gets the kind of priority it deserves, employers and managers have to know they could go to jail if their decisions or negligence result in serious injuries or fatalities.”



Overtime

Over the past few months, we have received numerous phone calls regarding rules surrounding overtime and breaks.

Overtime is governed by Article 13 of the collective agreement. The purpose of overtime is to help ensure that the employer is not unduly extending the normal hours of work. In any job, there may be intermittent and occasional circumstances that require an employee to work hours greater than the normal work day. Overtime pay is designed to compensate people for the significant impact such extension of hours cause.

Another purpose to overtime is to ensure that the employer is not purposely understaffing a work unit, relying instead upon existing staff to absorb greater workloads than can be reasonably managed in a standard work day. If you find you are expected to work excessive overtime please contact the Union office.

Article 13 stipulates that should an employee be directed to work outside of normal work hours, the employee shall receive two times (2x) their normal rate of pay. If, at the time the overtime is worked, the employee wishes to bank the overtime rather than take pay, they shall be allowed to do so, and the banked time shall be at two times the rate. This means that for every one hour of overtime worked, an employee will receive two hours in their overtime bank. It is important to note that banking of overtime is the decision of the employee, and the employer is not in a position to deny it. There is a limit to the amount of overtime that can be banked per Article 13.03 which stipulates a maximum of 160 hours at regular pay (80 hours of OT).

At the end of each year, if the overtime is not taken in time, it will be paid out at the prevailing rate.

Overtime is an important mechanism to ensure that the employer is properly staffing areas, and to ensure the employer is abiding by the hours of work. When employees do not claim legitimate overtime, over the short term they simply mask the budget deficiencies in an area, and over the long term they create high stress and burnout for themselves and others.

Meet the Local 38 Executive

At the April General meeting, elections were held for Executive positions. Your Executive Board is:

(Names in bold were elected at April General Meeting.)

President:	D'Arcy Lanovaz
Business Agent:	Sasha Wallis
Vice President:	Kim Jaedicke
Recording Secretary:	Cherise Stock
Treasurer:	Kelley Shinnie
Chief Steward:	Vacant
Warden:	George Beally
Board Members:	Paul Cardiff Jason Cormier Ernie Duffy Munira Jaffer Angela Lindland RoseLynn Moen Ninko Ostojic Leslie Stern Kevin Watson
Trustees:	Tyler Johnson Roxanne Wales Dawn Nason

Congratulations!

THOUGHT FOR THE MONTH



Things present themselves to you, and it's **how you choose to deal** with them that reveals who you are.

~ Cate Blanchett

Scholarships Available

CUPE Local 38 offers two scholarships in the amount of \$1,000.00 each, to be awarded in October of each year. These scholarships are open to card carrying members or their eligible dependents. Each applicant must be enrolled in full-time, post secondary studies, and they must submit a one thousand (1,000) word essay on *one* of the following topics:



- 1) The challenges facing unions in Alberta over the next 20 years; or
- 2) The relevance of unions in Canadian society; or
- 3) The role of the labour movement in the global environment.

The essays will be assessed on the following criteria: quality of research, degree of analysis, and adherence to the chosen topic. Submissions will be evaluated by CUPE Local 38's Public Relations and Education Committee. Please note that all submissions must clearly indicate the chosen topic.

Entries can be submitted by email or fax. Email attachments should be in Microsoft Word format. Proof of enrollment must also be provided at the time of submission as well as the name and relationship of the card carrying member.

The deadline for submission is August 25, 2017. Successful applicants will be advised by letter and CUPE Local 38 reserves the right to publish the names and essays of the winners.

For further information, please contact Local 38 at 403-233-2700 or by email to office@cupe38.org



**Honours our 2016 Retirees
On Saturday, June 17, 2017
6:00 pm—12:30 am
At the Calgary Winter Club
4611-14 Street NW
For our Annual Banquet
Tickets are \$25.00 each
Contact the Union Office
at 403-233-2700
to reserve your ticket
All Members Welcome**

Send Your Kid to Camp!

The Alberta Federation of Labour is holding its 23rd Annual Kids' Camp, August 7—11, 2017 at the Goldeye Centre near Nordegg on Goldeye Lake.

The camp is open to kids ages **eight to fifteen** years. The camp goals are for kids to have fun in a positive and safe environment. Kids will develop problem solving skills and learn to work with others. Recreational activities are: canoeing, wall climbing, rappelling, group challenges, crafts and swimming.

A motion to sponsor four (4) children was passed at the April Regular meeting. If you are a card carrying member of CUPE Local 38 and wish to have your child sponsored, please send a letter to the union office stating why you would like to send your child.

You can send your letter by internal mail to mail code #132, email to office@cupe38.org or fax to (403) 290-1757. Deadline to submit your request for sponsorship is Friday, June 2, 2017. We will decide who should receive the sponsorship by **June 7th**, so get your letters in soon.

If you don't wish to have your child sponsored but would like to make enquiries to send your child, contact the Alberta Federation of Labour at 780-483-3021.

Labour Law Review

The Alberta government has announced that it will review and update the pieces of legislation that define the labour law in the province. Specifically, they will be looking at the Employment Standards Code and the Labour Code. The Employment Standards Code is the piece of legislation that provides the basic floor of workplace rights for the 75 percent of working Albertans who are not covered by union-negotiated collective agreements. The Labour Code is the piece of legislation that sets out the rules governing how working Albertans can come together in unions and collectively bargain contracts with their employers.

Collective agreements are impacted by each piece of legislation, since the basic rights of the Employment Standards Code provides the minimum level to which collective agreements must adhere. The intention of collective agreements is to negotiate improvements to exceed the Code's minimums.

Alberta's current Employment Standards Code dates back to the 1980s; a time when Brian Mulroney was Canada's Prime Minister, Ronald Reagan was president in the United States and Margaret Thatcher was in charge in Britain.

Since that time, the Canadian labour market has been dramatically transformed by trade agreements, the introduction of new technologies, the rise of more precarious forms of work and a dramatic increase in wealth and income inequality. Albertans need workplace rules that address the challenges of today's economy, not of an economy that no longer exists.

One of the biggest problems with having a 30-year-old Employment Standards Code is that it was written before the emergence of current trends towards precarious work (defined as work that is part-time, temporary or in companies with non-traditional business models, like Uber).

A law can't protect people against risks that didn't exist or were not apparent when it was written.

Similarly, we need Labour Code reform because our Code is out-of-step with the law, and because unions are good for society. In a number of recent landmark decisions, the Supreme Court of Canada has concluded that all Canadians have the constitutionally protected right to join unions and bargain collectively. They've even made it clear that these rights include the right to strike. The Supreme Court has taken this position, in part, because they recognize that unions and the process of collective bargaining are "social goods". Specifically, they have argued that unions help address the power imbalance that exists between workers and employers; and between the powerful and everyone else. Implicit in the Courts' rulings is the notion that unions are good for Canadian society.

We believe that these important pieces of legislation need revisions to make them relevant to the 21st century workplace. Visit unstackthedeck.ca for more information, and follow the links to email your MLA.

REGULAR MEMBERSHIP MEETING

When: Tuesday, May 23, 2017

at 7:00 p.m.

Where: CUPE 38 Office,

1439-9 Avenue SE

Business: Regular & Elections

Elections:

1. Six (6) Members to Occupational Health & Safety Committee
2. Five (5) Members to Public Relations and Education Committee
3. Five (5) Members to Equal Opportunities Committee
4. Five (5) Members to Social Committee
5. Seven (7) Delegates to CUPE Calgary District Council
6. Delegates to Calgary & District Labour Council
7. Two (2) Members to City Negotiating Committee
8. Four (4) Eligible Delegates to CUPE National Convention
9. One (1) Eligible member to Executive Board—2 year term

A by-election will be held for the position of Chief Steward

ANNUAL GENERAL MEETING

OF CUPE LOCAL 38 LABOUR ORGANIZATION SOCIETY

Tuesday, May 23, 2017

Upon adjournment of the Regular Meeting

UNION OFFICE

1439—9th Avenue SE