

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

With the current hiring freeze across the organization, we have received numerous phone calls regarding rules surrounding overtime and breaks.

Overtime is governed by Article 308 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.

Article 308 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. Also, there is no limit to the amount of overtime that can be banked.

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.

It is all the more important that during this hiring freeze, we ensure that all overtime is accounted for and taken at the proper rate.

Benefits Society Annual General Meeting

The Municipal Employees Association of Calgary (MEBAC) will be holding its Annual General meeting on June 14, 2017 at the Calgary Power Reception Hall in City Hall. In order to try and make the meeting more accessible to members, the AGM will be held from 11:45 a.m. – 1:15 p.m., and a bagged lunch will be provided to the first 115 people in attendance.

MEBAC is the umbrella group that negotiates the Health and Wellness Benefits with the City. The MEBAC agreement covers extended health and dental benefits, S&A and LTD plans, paramedical services (such as chiropractor, massage, physiotherapist, etc.), group life insurance, vision coverage and other aspects of the health benefits package.

In past years, the MEBAC AGM was held at 5:00 p.m. at Fort Calgary. The Board of Trustees has reviewed attendance for past years, and the decision was made to move the time and location in order to make the AGM more accessible to a larger number of members.

The Annual General Meeting is an opportunity for all plan members to meet the Board of Trustees and ask questions about the plan. At the meeting, the audited financial statements are also presented for the members' information and review. These meetings are an important part of MEBAC connecting with the plan members and ensuring transparency in its operations. It is important for plan members to attend.

Date: June 14, 2017

Location: Calgary Power Reception Hall,
City Hall

Time: 11:45 a.m. – 1:15 p.m.

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.

Meet Your Local 38 Executive

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

(Names in bold were elected at the 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

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**