

## Zoom Into the General Meeting

With the continuing restrictions on indoor gatherings by Alberta Health Services, the Executive of Local 38 has made the decision to cancel in-person meetings for September.

The September 28, 2021 Regular Membership meeting will be held through a on-line Zoom meeting. We encourage every *card-carrying member* to contact the office for the specific details to attend the meeting.

In an attempt to balance the confidentiality of the meeting with access for our members, we are asking the following:

1. Contact the Union Office at 403-233-2700 or [office@cupe38.org](mailto:office@cupe38.org) to obtain the access code for the meeting.
2. When entering the Zoom meeting, please ensure your camera is on and that you identify yourself. We will need to confirm and record the name of all attendees. If a participant cannot be identified, they will be removed from the meeting.
3. Once the meeting starts, attendees will be given the instruction to turn off their camera if they desire to improve bandwidth.
4. If speaking, please activate your camera so other delegates can see who is speaking.

I want to thank everyone for their understanding during these times. While we prefer in-person meetings, to ensure the health and safety of our members, on-line meetings are needed to continue the democratic operations of our Local.



## Mandatory Vaccinations

Since September 3<sup>rd</sup>, the City announced their initial policy direction outlining mandatory vaccinations for all staff. Since that time, our members have been struggling to fully understand the City's expectations in absence of a full policy.

This issue is undoubtedly one of the most contentious workplace issue in decades. Our office has received emails, calls and visits from members who have expressed strongly held beliefs on all sides of the issue. There are members who view this policy as an unwarranted intrusion into their personal privacy and medical decisions. There are some members who do not have a strong belief regarding vaccinations (and may well be fully vaccinated) but have expressed serious misgivings about the "mandatory" aspect of the policy. And there are definitely members who strongly support mandatory vaccinations, and believe such a policy should have been implemented months ago.

The one commonality that we have been able to determine is that all of these opinions are deeply held. And what is very concerning are the reports we are receiving about the fractures among colleagues in the workplace. It is becoming quite clear that this issue is driving a wedge between co-workers.

The starting question is whether the City, acting as an employer, has the legal right to impose such a policy in the workplace. There is a significant discussion among the membership, and across social media, whether such a policy is legal or constitutional. Along with other Civic Unions, Local 38 moved quickly to consult with qualified, experienced labour lawyers on the legality of such a policy. Other unions, both municipal and within other sectors, have all sought qualified legal advice. The same advice is being offered to all unions – namely, a blanket challenge to the overall policy will not be successful.

**Continued on Page 3**

# **New Statutory Holiday - National Day for Truth and Reconciliation**

This year, for the first time, September 30 will be observed as a statutory holiday to commemorate the horrific legacy of residential schools in Canada.

Here's what you need to know about the new holiday and the meaning behind it.

## ***What is the name of the holiday?***

The new stat holiday is called the National Day for Truth and Reconciliation. It is meant to be a day for Canadians to spread awareness of and reflect on the tragedies experienced by Indigenous people as a result of the country's former residential school system.

## ***When was the holiday created?***

The federal government passed Bill C-5 in June, to allow for the creation of this stat holiday.

The holiday is in line with one of the 94 calls to action of The Truth and Reconciliation Commission, which states: "We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process."

## ***What is the significance of Sept. 30?***

Since 2013, Sept. 30 has been observed as Orange Shirt Day across the country — a day, created by residential school survivor Phyllis (Jack) Webstad, on which Canadians wear orange shirts to commemorate the Indigenous children who were taken from their homes and placed in residential schools.

According to the Orange Shirt Day website, Sept. 30 was selected for being around the time that those children were taken from their homes.

The colour orange is significant because it was the colour of Webstad's shirt on her first day of residential school — a shirt that was taken away from her once she arrived.

## ***How is National Day for Truth and Reconciliation meant to be observed?***

As this is a day of awareness and commemoration, the day "may present itself as a day of quiet reflection or participation in a community event," according to the Canadian government.

## ***Who gets the day off?***

Sept. 30 is a statutory holiday and will operate the same way as other statutory holidays in the country: a paid day off for those who work in federally regulated jobs. Federal offices, as well as banks, will be closed on this day.

City of Calgary municipal workers also receive Sept. 30 as a statutory holiday. Article 203.01 of the collective agreement stipulates that "all general holidays proclaimed by the City of Calgary and/or the Province of Alberta and/or the Government of Canada shall also be recognized as legal holidays...." Each City union has similar language that ensures the unionized employees at the City will be able to properly observe the National Day for Truth and Reconciliation.

## ***Mandatory Vaccinations***

*Continued from Page 1*

The September 3<sup>rd</sup> email was clear that failure to be vaccinated by certain strict deadlines (September 13, October 18<sup>th</sup>, and November 1<sup>st</sup>) that “failure to comply with this requirement **will result** in discipline up to and including dismissal.” Other than the Alberta Human Rights Code exemptions, employees were immediately threatened with discipline, to which many members were left wondering if they would face termination by September 14<sup>th</sup>.

The phrasing of the September 3<sup>rd</sup> email was unambiguous and clearly did not look at other methods to ensure compliance prior to moving towards significant discipline.

A key issue for all of the Civic Unions was the sudden and aggressive approach, with the real threat of discipline, coupled with very short timelines. We quickly communicated our opposition to this approach to the City. Any challenge to this policy starts with a grievance once discipline is imposed. Given that the policy on its face is likely legal, we need to look at the specific reasons why each member does not adhere to the policy. Should discipline be imposed upon any individual member, Local 38 has a clear legal obligation to come to the aid of a disciplined member, and we take this obligation very seriously.

Since September 3<sup>rd</sup>, the City attempted to clarify their position. On September 8<sup>th</sup>, a second communication tempered the immediate imposition of discipline with other alternatives. However, the City’s fundamental position remains unchanged --- employees are expected to become fully vaccinated.

As of the writing of this article, the unions are still waiting for the full Mandatory Vaccination Policy. Once we receive the policy, we will seek further legal advice to ensure that the rights for all members outlined in the collective agreement are protected.

Local 38’s primary obligation is to safeguard members against discipline, and if discipline is imposed, to ensure that each individual member is fully represented.

We are urging all members to give serious and careful consideration to the decision before them. Keeping our members out of the disciplinary process is always the preferred option. However, if after careful consideration of the consequences, a Local 38 member faces discipline, we will take all necessary steps under the collective agreement to defend their rights.

Regardless of the outcome of the next few months, we are calling on all our members to respect each other’s personal beliefs. This is a very emotional time for all involved, and it will be essential that we all understand the pressure each of us are experiencing during such a difficult time.

## **Bargaining Update**

It is the waning days of summer, and we are moving into a beautiful autumn. And the end of summer brings bargaining back into focus.

Due to a balancing of schedules for both the City’s bargaining Team and your Bargaining Team, we did not meet after June. We continue to make progress on a number of issues.

We have not exhausted discussion on all of the non-monetary issues brought forward by both teams. Our intention is to get back to the bargaining table, and to this end, we have secured dates in October and November.

## ***THOUGHT FOR THE MONTH***



***“One who knows how to show and accept kindness will be a friend better than any possession”***

***~Sophocles***

# REGULAR MEMBERSHIP MEETING

*All CUPE 38 Card Carrying Members  
Invited to Attend*



**When: Tuesday, September 28, 2021  
at 7:00 p.m.**

**Where: Via ZOOM**  
(SEE FRONT PAGE FOR DETAILS)

## **Business: Regular & Elections**

1. Three (3) Delegates to the Virtual CUPE National Convention, November 22-26, 2021
2. Three (2) Members to Equal Opportunities Committee.
3. One (1) Member to Social Committee.
4. Two (2) Delegates to CUPE Calgary District Council.