

UCP Legislating Attacks on Workers

On July 29 during the heart of summer and in the depths of a global pandemic, the United Conservative Party government of Jason Kenney passed Bill 32, the *Restoring Balance in Alberta's Workplaces Act*. It's a massive omnibus bill that amends six different labour and employment relations acts. Don't be fooled by the title of the bill – it is, without a doubt, an attack on workers and unions to the benefit of corporations.

The new law is inspired by an American approach to labour and employment relations. A shift to a low-road economic strategy that will promote low wages, poor working conditions, weak environmental standards and impatience with democratic dissent. Numerous organizations in civil society and experts have analyzed in detail the proposed bill and have concluded it threatens workers' bargaining power and workers' political activities in their fight for better working conditions.

As mentioned, the law contains numerous changes. To better understand the scope of these, Jason Foster, a labour relations professor at Athabasca University has summarized the amendments in three categories:

Attacking Unions:

These sections aggressively target unions and union activities. The bill requires unions to receive each individual member's consent to collect the portion of dues not related to core representational activities. This runs counter to a Supreme Court of Canada decision (Lavigne, 1991) and is a punishment for the labour movement's active campaigns to raise awareness on workplace issues and protect Albertans. The law also severely restricts picketing by prohibiting picketers from "obstructing or impeding" anyone attempting to cross a picket line and requiring unions to seek permission from the labour relations board before conducting any secondary picketing. These amendments, again, run counter to recent court cases promoting picketing as a fundamental component of freedom of expression under the Charter, and will weaken the bargaining power of workers.

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COVID-19 and Work From Home

A large number of our members are working from home and have been doing so since the March shut-down. As we move into the fall, there has been a steady amount of questions regarding the continuance of the work from home arrangement.

At this point, the City has announced only a limited return to the workplace. No more than one-third of employees will be returning, and of those, no more than one-third of the building capacity will be utilized. Each Business Unit has assessed their needs, so the limited return will vary from each worksite.

In many cases, a rotational shift is being implemented. This means that an individual may have to come into the workplace for one to two days a week (or possible less). With the phased integration of people back into the worksite, the City has made face coverings mandatory.

In situations where employees are unable to consistently maintain 2-meter physical distancing, unless separated from other persons by an installed screen, shield or other barriers, they will be required to wear face coverings. This new policy is not optional, and will be applied to every person regardless of their position in the organization. It is important that we all take appropriate measures to protect ourselves and our colleagues. The latest evidence shows that face coverings can be effective in reducing the spread of COVID, as long as they are used in conjunction with physical distancing and proper cleaning.

Please, protect yourself and your colleagues --- wear masks at all times when in public.

While at home, it is vital that each person take care of their physical wellbeing. Proper ergonomics are critical. The City's Environmental and Safety Management website has excellent resources to instruct everyone on proper desk, chair and computer set-up.

If you do begin to suffer from neck, arm, wrist or back pain, please take immediate steps to consult your physician, chiropractor and massage therapist. Your MEBAC Health and Wellness benefits provides \$800 annual coverage for paramedicals. Early intervention is key to maintaining a healthy work from home environment.

Bargaining Survey Completed

In August an email link was sent out to members for a bargaining survey to their personal e-mail addresses. We have received very positive feedback to the use of the electronic survey, and this is confirmed by the overwhelming responses to the survey.



Your Bargaining Team has met to review all results and comments provided to the Local. Based upon this survey, as well as issues that have arisen over the past two years, your Bargaining Team has developed a series of proposals to present to the City in the upcoming round of negotiations.

The next step is to present the proposals to the Regular Membership Meeting on September 22nd for review and ratification by the members.

We have no doubt that this will be a tough round of negotiations. However, with a united membership, your Team is confident that we can achieve a fair and reasonable contract. We are working closely with the other City unions to ensure that, where it makes sense, our proposals align.

It is our intention to continue to use the electronic means to communicate to you. If you are aware of colleagues that are not receiving the information, please encourage them to contact our office at 403-233-2700 to register their personal contact information. Rest assured that your personal information is for CUPE38 purposes only.

THOUGHT FOR THE MONTH



“Remember there’s no such thing as a small act of kindness. Every act creates a ripple with no logical end.”

~ Scott Adams

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Taking Advantage of Vulnerable Workers :

There are a number of changes to the Employment Standards Code (ESC) that make it easier for employers to side-step core employment standards. As an example, the bill enhances employer flexibility through “averaging agreements,” which permit the averaging of working hours for overtime pay purposes. Most significantly it removes the requirement that an employee consent to an averaging agreement and allows the employer to unilaterally impose one. This effectively undermines any overtime pay for vulnerable workers.

The law also makes it easier to lay off workers by reducing notification requirements, increases the time period where no severance pay is required, and excludes seasonal and contract workers from notification requirements. These particular changes may seem minor, but when the law makes it easier for employers to lay off workers, the layoff “threat” is enhanced, thus further shifting power to employers.

The law will have material impacts on hundreds of thousands of workers. Unionized workers will see their union advantage erode, workers wishing to be unionized will find the road more difficult, and the most vulnerable workers will be increasingly at the mercy of their employer.

Gil McGowan, President of the Alberta Federation of Labour, called the bill unconstitutional and said, “we will fight on the political stage, we will fight in the courts, and if necessary, we will fight in the streets.” McGowan added that a new definition of union activities means that any lobbying for things like health and safety or paid sick leave would be labelled as political and would therefore, according to the bill, severely limit unions’ capacity to advocate for their members.

The government estimates that the bill will save businesses more than \$100 million per year, allowing employers to expand the types of jobs that 13- and 14- year old children are allowed to do, without a permit or oversight.

The balance of Alberta’s workplaces remains heavily tilted in favour of employers and this bill hamstring unions with red tape and unconstitutional limits on their right to advocate for their members. The Alberta Federation of Labour has launched a campaign to let your elected representatives know workers oppose this legislation. Please www.afl.org for more information.

Children's Christmas Party

After much discussion, Local 38 has made the decision to cancel an in-person Children's Christmas Party for the 2020 season.

This decision was not made lightly. The Local Christmas Party is our premier event, and as a Local we all look forward to seeing the children come out to meet each other, enjoy the games and activities, have their picture taken with Santa, and, of course, receive a gift!

Given the uncertainty of COVID-19, Local 38 does not want to put any of our members or their children at risk. While the pandemic may have subsided by December, as a Local we needed to make the decision now in order to cancel the venue and other arrangements.

However, all is not over. The Executive Board and Social Committee are looking at options to distribute gifts to any member who registers their eligible children. We hope to have more details in the next few weeks, and will send out information via email and our website.

If you know colleagues who are not receiving information from us via email, please encourage them to contact us at 403-233-2700 to register their information.

Legislated Changes to Your Pension Plan

In early July, the LAPP Board submitted a response to the Government's proposed changes to our pension. The Board's intent was to correct the errors and mistakes and to educate the Government committee on defined benefit pension plans. Additionally, the Board wished to ensure that the Government fully understood the negative changes proposed to the governance structure of our plan.

The LAPP Board has determined that:

- AIMCo has **underperformed** in respect of both policy benchmarks and value add targets
- In respect of policy benchmarks, overall performance during the period in question is 6.63% compared to the LAPP benchmark of 6.92%
- While AIMCo posted returns in certain years in excess of the benchmark, the lost value of AIMCo's underperformance versus the benchmarks since its inception is \$1.5 billion (based on figures from AIMCo)
- AIMCo has been short of LAPP's SIPP-specified value-add expectations, on a four-year rolling basis, for 47 consecutive quarters or, 11 years and 9 months.
- LAPP members have paid AIMCo an aggregate \$1.9 billion in investment costs since its inception in return for this underperformance
- AIMCo currently charges LAPP members more than \$300 million per year and LAPP has no say in how those costs are incurred beyond setting the policy asset mix.

While ignoring the objections of the Pension Plan stakeholders – your representatives on the Board – the UCP's changes eliminated the Board's ability to leave AIMCo and, if need be, to move to another firm with a better record of return on investments.

Further substantive changes made by the government include:

- removing the right of LAPP Corporation to choose its own service providers for investment management and pension benefit administration services beginning in 2024;
- removing the right of Plan sponsors to appoint representatives to sit as members of the LAPP Corporation Board of Directors; and
- designating the LAPP Corporation a "public agency" under applicable legislation, thereby taking away the Corporation's independence from government in the performance of its fiduciary obligations to LAPP members, and asserting the right of government to control matters ranging from Corporate compensation to communication.

The July submission provides a detailed response to the Alberta government indicating why the changes to our pension plan will negatively impact the Board's ability to ensure a stable, healthy retirement for all plan members.

If you are interested in getting the full document, please contact the Union office at 403-233-2700 or at office@cupe38.org

REGULAR MEMBERSHIP MEETING

All CUPE 38 Members Invited to Attend



**When: Tuesday, September 22, 2020
at 7:00 p.m.**

**Where: CUPE 38 Office
1439-9 Avenue SE
Business: Regular**

IMPORTANT NOTICE:

**Contract proposals for the
upcoming negotiations with
the City of Calgary will be
ratified at this meeting**