

CUPE WIRE

Official Publication of the Canadian Union of Public Employees, Local 38
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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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The Ergonomics Of Working From Home

(article published April 13, 2020 in Canadian Occupational Safety)

The current pandemic has overhauled our way of living and working; many Canadians are currently working from home if possible, despite the fact that most peoples' homes are not set up for extended periods of this style of work.

The Canadian Centre for Occupational Health and Safety (CCOHS) has a series of guides online devoted to ergonomics, many of which can be applied to working from home where sitting down for long periods of time is a main concern.

Working from home can lead to a very sedentary lifestyle. The CCOHS recommends that workers should alternate between sitting and standing, by investing in a sit/stand desk. While this type of desk is certainly ergonomically ideal, it may not be a realistic or practical solution for most people working from home as a temporary solution. Similarly, many ergonomic chairs, keyboards or even mousepads are available on the market though may not be available to those who do not typically work from home.

Nevertheless, the CCOHS has provided a separate set of guidelines that can be implemented instead of buying a sit/stand desk. Indeed, it recommends taking a 5 to 10 minute break every hour to stand up and walk around as well as incorporating stretching exercises into your work routine. It has provided a handy list of stretching exercises (<https://www.ccohs.ca/oshanswers/ergonomics/office/stretching.html>). These breaks are not just necessary for your arms and legs but also to ease eye strain and stress.

Sitting down for long periods of time can lead to poor posture and bad blood circulation, and workers can incur serious musculoskeletal problems even though sitting requires less muscular effort. According to the CCOHS, basic changes one can make to improve working from home ergonomics include:

- Use an adjustable workstation that allows for the alignment of the spine whether the worker sits or stands, and allows the worker to move the spine freely.
- Provide materials at working level and position them within easy reach.
- Design tasks so that they require movement of the spine and encourage the worker to alternate positions frequently.

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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.

The Ergonomics Of Working From Home

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- With regards to lighting, provide task lighting where necessary and avoid glare.
- By and large, avoid static positions.

It is recommended that a person break for 5-10 minutes for every hour spent at a workstation. If possible, it is ideal to stand up and walk for this time (e.g., work tasks that involve standing, walking, or at minimum, a change of body position). Some of these stretches can be done at the same time.

- Vary the work tasks. Break up keyboarding tasks work by doing other job duties or tasks that involve moving around or changing body position. Try to stand up and move around.
- Look away from the screen occasionally and focus your eyes on an object far away.
- Take regular rest breaks to ease muscle aches, eye strain and stress.
- Relax your muscles, stretch and change position.
- Hold the stretch for a reasonable time (e.g., 10-20 seconds).
- Breathe normally.
- Do not bounce, pull/push excessively, or lock your joints. You should feel a stretch, but not pain.
- If you feel pain or severe discomfort, stop stretching. Ask your medical professional for advice.

UCP Legislating Attacks on Workers

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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.

Bargaining Update

This round of bargaining has been unexpectedly longer than normal due to COVID-19. Given the nature of this pandemic and the resulting shutdown, bargaining has been delayed until some level of normalcy has returned.

The good news is that we are currently in talks with ENMAX to secure dates in October to resume bargaining, and hopefully move to a fair and equitable settlement. Your Bargaining Team has offered as many dates as possible in October, and we are waiting confirmation from ENMAX. Bargaining in October is our top priority.

We will continue to keep you informed of developments. Please ensure that you have registered your personal email with the Local office at office@cupe38.org or by calling 403-233-2700. Our ability to contact the members, particularly those working from home, is important in these times.

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**