

## All Good Things Must Come To An End...

It is with mixed emotions that this article is written. After 13 years with Local 38, Len Fagnan has announced his retirement and will moving into a new phase of his life. As a CUPE National Representative, Len has provided his expertise and guidance to Local 38 through many rounds of negotiations, grievances, arbitrations, and counsel to the members.

Len started his union involvement with the United Food and Commercial Workers at a flour mill. As a journeyman electrician, Len moved into the health care field as maintenance in the Calgary General Hospital. As a member of CUPE Local 8, Len worked his way up from Steward to President of the Local over the years. During his tenure as President, Len was the lead for provincially coordinated bargaining in health care. Eventually, Len took a position with CUPE as a National Representative.

Over his union career Len was involved in the 1995 Calgary Laundry Workers wildcat strike, which nearly caused a general strike across the province. Len also provided guidance to the Calgary Catholic Workers Custodians in their strike in 1998.

Len devoted his career to supporting and assisting members, whether through tough rounds of bargaining, sensitive grievances and legal arbitrations. Throughout this time, Len has been a strong mentor to future activists, many of who have gone on to become National Representatives.

As sad as it may be to see Len leave, it is with an understanding that he moves into a time of life in which he can focus on family and leisure. We wish him the very best!

*Happy Retirement!*

## Obligation to Accommodate

Normally we would start with the word Duty when talking accommodation, but given the recent trends throughout the City, it seemed more applicable to talk about the employer's obligations when engaging in accommodation.

Accommodations arise from human rights legislation, and unions have long sought protections for workers who suffer from injury or disability. Over the years, various arbitrations, court decisions and acts of legislation have formalized the duties of both the employer and employee when facing an accommodation.

One point that often arises is the potential for conflict between the rights of an accommodated employee and requirements within a collective agreement. It has been established that collective agreements cannot be used as a barrier to accommodating an individual. Provisions within an agreement outlining seniority, job postings, jurisdiction, etc. cannot be relied upon to prohibit or pre-empt an attempt to find a suitable accommodation.

On the flip side, there is a strong obligation on the employer to exhaust all possible accommodations prior to overriding a collective agreement provision. Moreover, the employer must communicate and fully inform the applicable unions prior to making any such accommodation.

Lately, Local 38 has seen a number of instances where the City has failed to exhaust all possibilities within an individual's own bargaining unit prior to placing them into a Local 38 position. In some cases, such accommodations have occurred with no communication, and where other possibilities exist. Local 38 has been placed into a position in several instances of withholding our agreement to accommodations and insisting that the employer complete their due diligence.

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## Think "Green" for Christmas

**Choose green presents. When buying, here are the questions you can ask:**

- Is it made from recycled materials?
- Is it biodegradable? Recyclable?
- Is it energy efficient?
- Is it non-toxic, non-polluting?
- Has it been produced in an environmentally friendly/socially responsible way?

### **Choose LED Lights:**

LED lights are 90 percent more efficient than traditional Christmas lights and last up to 10,000 hours compared with 5,000 hours for incandescent bulbs. You can also increase your energy savings with solar powered holiday lights. Go for mini lights instead of larger lights, and shut them off when you go to bed—nobody is appreciating the lights at 3 AM!

### **Choose Alternatives for Gift Wrapping:**

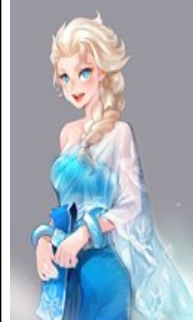
- Maps and Calendars
- Newspaper and Paper Bags
- Reuseable Gift Bags
- Recycled Paper Gift Wrap
- Fabric or Cloth: Gently-used scarves, t-shirts, thin towels, and washcloths are great for wrapping oddly-shaped gifts. Use new tea towels, and make them part of your gift.
- Containers: Bottles and tins are wonderful for packaging edible gifts. Small baby food containers are great for jewelry.



The Officers and Executive of CUPE Local 38 wish you and your families the very best for the holiday season and the coming New Year. We hope your travels are safe.

***Please remember not to drink and drive.***

The CUPE Local 38 Children's Christmas Party, held at the Red and White Club on December 5, was very well attended. Santa was there for pictures, as well as Elsa and some friends entertaining the children with balloons and face painting.



We have received positive feedback and it's all because of the tireless efforts of the volunteers and CUPE 38's Social Committee. Thank you to all these volunteers for making this a very successful event!

We did find a little "pink kitten purse" with a purple headband in it. We're sure some little girl must be missing this item. A red and black children's hoodie was also handed in. Please contact the CUPE 38 office at 403-233-2700 to retrieve this purse or hoodie if it belongs to your child.

## ***Obligation to Accommodate***

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It is an increasing point of conflict when the employer seems to easily accommodate employees from other bargaining units at the same time we have to fight to get a proper accommodations for our members.

The process established for accommodations is more than a bureaucratic system. This process is the only way to ensure that the employer takes accommodations seriously, and ensures fairness for all employees.

If you are seeing people being accommodated in your area, please contact the Union office so that we can ensure that a fair and equitable process was used to place them.

# Thank You!

CUPE Local 38 Executive and Social Committee would like to thank all the Stewards that have participated in the sale of tickets for the Stamper and Hitmen games. Your time is valuable and we appreciate your extra effort. Ticket sales have been extremely successful and we hope the members have been enjoying the events. The December 6th Teddy Bear Toss game with the Hitmen seen a record number of stuffed toys going to 50 different children's charities, great job! Watch for an announcement in January's Newsletter for the next ticket opportunity.

Happy Holidays!

## THOUGHT FOR THE MONTH



Start by doing what's necessary; then do what's possible; and suddenly you are doing the impossible.

~ Francis of Assisi

### Connect with CUPE 38

Email: [office@cupe38.org](mailto:office@cupe38.org)

Phone: 403-233-2700

In-person: 1439 - 9th AVE SE, Calgary, AB T2G 0T4

Online: [cupe38.org](http://cupe38.org)

## City Owned Golf Courses

Earlier this month, the City informed us that they completed a "service model review" for the City-owned golf courses. The review resulted in showing that the best service model was a City-owned and City-Operated courses. The review did indicate that a secondary model may be to engage in a Management contract for clubhouse services or grounds maintenance.

There is very little evidence in other jurisdictions to indicate that a management contract for clubhouse services is a viable option. Although some jurisdictions have experimented with management contracts for grounds maintenance, this has met with mixed reviews.

Neither of the contract options outweigh the value of a City-operated course. Ensuring standards are maintained is a priority with City employees, and the only way to ensure this is with City staff. A proposal is moving forward to Council to enable Recreation to engage in an Expression of Interest on a pilot project for grounds maintenance. This will be a limited project to see if any external body is interested in engaging in such a contract.

Generally, the idea with management contracts is to use cheap labour to deliver these services. With cheap labour comes the degradation of standards, and the resulting deterioration of the courses. Local 38 and Local 37 have committed to ensuring that we pursue the protections for workers by ensuring that we exercise our successorship rights in any contract to ensure that workers are paid a decent wage and benefits. This is the only way to ensure the high quality courses Calgarians have come to expect.



# Get involved!

# REGULAR MEMBERSHIP MEETING

*All CUPE 38 Members Invited to Attend*



**When: Tuesday, December 22, 2015 at 7:00 p.m.**

**Where: CUPE 38 Office, 1439-9 Avenue SE**

**Business: Regular**

## **Elections:**

- 1. One (1) member to the Occupational Health & Safety (OH&S) Committee**
- 2. One (1) member to the Social Committee**
- 3. Four (4) eligible Delegates to the CUPE Alberta Convention, March 16-18, 2016 in Edmonton**

**There will be a small social event upon adjournment.**