

# CUPE WIRE

Official Publication of the Canadian Union of Public Employees, Local 38  
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## Alcohol and Drug Testing

Recently Enmax circulated a new Alcohol and Drug Policy. The policy attempts to distinguish between random drug testing and reasonable cause drug testing. To this end, the policy outlines Enmax's view of what constitutes reasonable cause. From our perspective, the new policy is overly broad in its parameters.

As expected, policy includes odour of alcohol, odour of marijuana, and possession of these items as reasonable cause. Surprisingly, the policy goes on to include a variety of unrelated grounds.

Specifically, the policy includes:

- Excessive sick leave or patterns of sick leave
- Chronic performance or behaviour problems
- Inconsistency in quality of work or poor concentration
- Acting depressed, anxious, irritable, withdrawn or improperly talkative
- Change in behaviour

Recent cases before the courts have clearly indicated that testing without reasonable cause is an unjustified affront to the dignity and privacy of employees. Further to this, any grounds for reasonable cause must withstand the "just cause" provision within the law. In order for Enmax to rely on the above stated grounds for testing, they need to produce such evidence that the above behaviours do not arise from other reasons. In other words, excessive sick leave by itself likely does not enable the employer to engage in drug testing. The employer will need to show why they engaged in such an overly intrusive process without first exhausting other avenues.

## Encompass' New Sick Rule

Encompass has recently changed their procedure for employees calling in sick. The employer has clearly stated that: there is no longer voicemail for messages; and, employees are not to call prior to 8:00a.m. Should a shift start after 8:00a.m., then the employee is to call in prior to the start time.

The collective agreement outlines the employees' obligations when calling in sick. Article 36.01 specifies that an employee is to give as much notification as is reasonable under the circumstances. This was meant to provide the employer with time to make adjustments to shifts. The new rule outlined above now prevents this. The employer's new rule does not conflict with the intent of the collective agreement, so employees' whose start time is at 8:00a.m. are no longer required to provide advance notice.

Members have told us that the Employer has been asking specific questions regarding the medical condition of the member. Employees are obligated to communicate their absence to the employer, but are under no obligation to provide medical information to Team Leaders or Managers.

Moreover, some members have been told they must call in every day. The collective specifies that an employee must notify the supervisor on the "day prior to return to work." In other words, if a member is expected to be away from work due to illness for three days (i.e., a case of the flu), they are not obligated to call in each and every day.

Should you be asked for medical information, or should you be required to call in daily, please contact the Union office at 403-233-2700.

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## The Hitmen are a hit!!!!



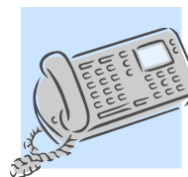
Over the past year, Local 38's Social Committee has endeavoured to provide a variety of Social events to our members. In the summer, Stampeder tickets were offered at a subsidized price. Based on the response, the Committee has offered subsidized tickets to the Calgary Hitmen Teddy Bear Toss game on December 7th. The response was overwhelming and the tickets sold out in record time!

Given such positive responses, the Social Committee is organizing similar events in 2015!

Keep checking the website for new offers in the new year!

### *Alcohol and Drug Testing ...Continued from Page 1*

The policy does not necessarily distinguish between safety and non-safety sensitive positions when it comes to testing. Local 38 has requested a full list of positions identified by Enmax as Safety Sensitive. Should any member be tested, we encourage you to immediately contact us to ensure your rights are protected.



## Welcome Aboard!



As many people may be aware, our Office Administrator Paula Orr moved back into a position at Enmax in July. The Local established a search committee and, after a lengthy process, we are pleased to announce Karen Riddell as the new Office Administrator.

Karen previously worked in Water Resources in an Administrative role. She brings many years of administrative experience with her, both from within the City as well as from her past positions. In addition, Karen has extensive experience within Local 38 and in the Alberta Labour movement.

Karen has held several positions within Local 38, most recently as the Vice President. She has attended CUPE Alberta, CUPE National, Alberta Federation of Labour and Canadian Labour Congress conventions as a delegate from Local 38. She has been active in the CUPE Calgary District Council and has been a delegate to the Calgary and District Labour Council.

Karen's experience and knowledge will place her as a valued addition to the office. We feel very fortunate to have her join us. Please take the time to stop in and join us in welcoming Karen aboard.




**Reminder:**

The 2014 Children's Christmas Party will be Saturday, December 13, 2014 from 9 to 11 am at the Red & White Club.

Deadline for Registration is November 30, 2014. If you require a Registration form please contact 403-233-2700 to obtain the application form.



**THOUGHT FOR THE MONTH!**



"In the confrontation between the stream and the rock, the stream always wins; not through strength, but through persistence"

~Buddha~



**Scholarships Awarded**

For the last nine years CUPE Local 38 has awarded two scholarships to either members or children of members in good standing who are

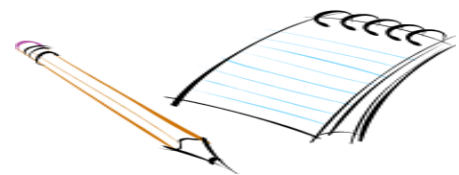
enrolled in a post secondary institution. The applicants must write a 1,000 word essay on a chosen theme. The topics to choose from this year were:

- 1) The challenges facing unions in Alberta over the next 20 years;
- 2) The relevance of unions in Canadian Society; or
- 3) The role of the labour movement in the global environment.

We had a total of fourteen (14) submissions and the Local's Public Relations and Education Committee chose the two winning essays. We are proud to announce the names of this year's scholarship recipients; Harper Duffy and Natan Wolfe.

The Committee would like to thank all those who submitted essays and wish them the best of luck in their studies.

Excerpts from the winning essays will be published in upcoming newsletters.



# REGULAR MEETING



**Tuesday, November 25th, 2014**

**7:00 p.m.**

**Union Office  
1439—9th Avenue SE**

## **BUSINESS: Regular**

- 1. Election of Vice President**
- 2. Election of 2 Members to Equal Opportunities Committee**
- 3. Election of six (6) eligible delegates to the Alberta Federation of Labour Winter School, January 19 - 24, 2015 in Jasper**