
CUPE WIRE

Official Publication of the Canadian Union of Public Employees, Local 38
1439—9th Av. SE, Calgary, T2G 0T4, Phone (403)233-2700 Fax (403)290-1757
Email—office@cupe38.org Website-www.cupe38.org

VOLUME 22 ISSUE 2



FEBRUARY, 2014

ENMAX asks Mediator to step aside



After the Mediator was appointed by the Province on January 17th, he forwarded available dates to both CUPE Local 38 and ENMAX. We were working with the Mediator and his schedule to set mutually agreeable meeting dates. On the thirteenth day after the appointment of a mediator, the first communication from ENMAX indicated they were unhappy and wanted the Mediator to step out of the process. Their stated reason was that the Mediator was unable to convene a meeting within the fourteen days specified in the Labour Relations Code. If this was their true reason, why did ENMAX not contact CUPE Local 38 with dates?

After asking the Mediator to write out, ENMAX then emailed a new written offer that essentially only modified the wage offer to 3.5% in 2014; 3.5% in 2015 and 3% in 2016. This wage offer is still below the electrical industry average for the same three year period and below the 4% ENMAX has afforded IBEW for 2014. All other takeaways that had previously been rejected by you the members in January were still in the offer. Inexplicably, this new offer also included new items that were not part of their initial proposals, as well as expanding other proposals. We had little option but to file a "bargaining in bad faith" complaint with the Alberta Labour Relations Board. We are waiting for a response from the Board at this time.

The removal of the Mediator starts the fourteen day cooling off period, after which ENMAX will be in a position to conduct a lockout vote. Given ENMAX's actions we believe a lockout is a possibility. We need to

ensure that you, the members at ENMAX, are protected against a lockout, which will require us to obtain a strike vote.

A strong strike vote is essential for a number of reasons. In order for you to access CUPE National's Defense Fund, we need to obtain a strike vote; in the event of a lockout, you will be able to receive strike benefits. The strike vote allows us to put pressure on ENMAX and hopefully achieve a fair settlement.

The Alberta Labour Relations Code defines a strike as, "a refusal to work by two or more employees, acting in collaboration or common understanding, for the purposes of compelling their employer to agree to terms or conditions of employment, or to aide other employees to compel their employer, to accept terms and conditions of employment." This means if we were to stop overtime or refuse to do work outside our job descriptions, this would be considered strike action. For this reason, a strike vote is essential to enable us to put more pressure on the employer. Additionally, the Labour Code also prohibits an employer from compelling other union employees to cover the work that is normally done by employees who are on strike. Simply put, we have the right to refuse to do work while other employees are taking legal strike action.

It is important to state that a successful strike vote does not mean that a strike will happen, it simply means that we have protection for you, the members, and that we are prepared to move in that direction if all else fails. Full blown strikes are not where unions start; in today's work environment, it is far more effective to pull specific areas out for varying periods of time.

Continued on Page 2

Mediator to step aside- continued from Page 1

This keeps most employees working and allows those who are not engaged in these actions to be compensated through strike pay so that there is little impact on them.

Below are some sample ideas of strike action:

- Currently there are only a handful of staff that man the Contact Centre during the evenings and weekends. Local 38 may pull these individuals and provide financial compensation to them for their lost hours. This would then see the management staff manning the phones during the evenings and weekends, rather than our members.
- We could have some Meter Readers not show up for work for a period of time and be compensated for their lost earnings by Local 38. This would see ENMAX unable to meet its regulatory commitments with respect to regular meter reads. This combined with an overtime ban until a collective agreement is obtained, would see ENMAX in non-compliance of the regulations.
- We could wait for ENMAX to run a campaign which signs-up new clients and have the employees remain at work and do all functions except for recording all new accounts. Actions such as this would be considered strike action and therefore employees could not be disciplined, nor could other union employees be compelled to take the information.

These are just a few examples. If you have any suggestions, please send us an email outlining something that would work in your area.

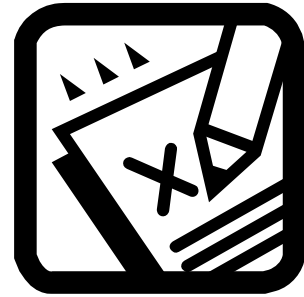
While we hope a strike will not be required, we can advise you that CUPE National has a strike fund in excess of \$70 million should we need to access it.

We will also be launching a media campaign to highlight the takeaways ENMAX has on the table. We believe Calgarians and Albertans will not support a company that treats its employees in this fashion.

In order to provide the protection and to move forward in negotiations, there will be three (3) motions made at February's Regular Meeting.

- 1) We engage in a \$300,000.00 media campaign to inform the public on how ENMAX is treating our members;
- 2) That in the event of rotating strikes, members participating in union approved rotating strike action be compensated at their regular net earnings;
- 3) Strike pay be set at \$800.00 (tax free) per week in the event of a full blown lockout/strike at ENMAX.

Rejection of proposal vote paramount



ENMAX's has submitted their February 3rd offer to the Labour Relations Board, demanding a forced vote by you, the members. As we outlined to you in past communications, this proposal contains significant takeaways. It is important to understand that the current collective agreement, and the protections contained therein, are the result of decades of bargaining. To throw these gains away will see them disappear for many years, if not forever.

Letter of Agreement #1 "Your Benefits Oversight Committee", is one example of what is on the table. ENMAX is seeking to remove it from the collective agreement, thereby making it much harder to enforce. The requirement that any changes to your benefits must have mutual agreement from all parties is extremely important. This letter was negotiated to allow orderly management of benefits. Should ENMAX be allowed the unilateral right to change benefits, such benefits could be reduced and we would have no recourse.

We believe that this is a very real, legitimate concern, rather than a hypothetical fear. Currently ENMAX is conducting a sustainability review of its pension plan. This means that they are looking at new plan designs such as "target benefit plans".

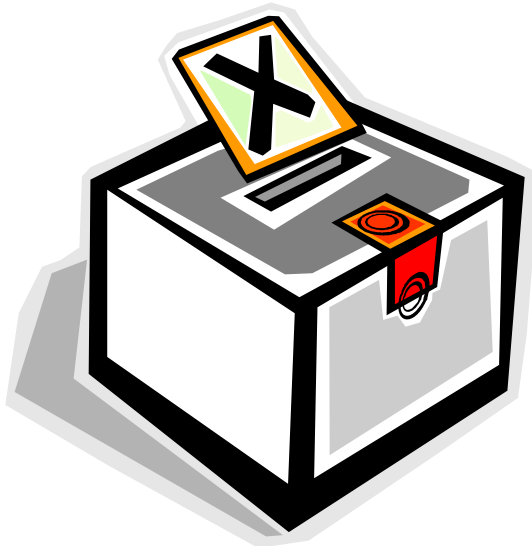
Continued on Page 3

Rejection of Proposed Vote -Continued from Page 2

They are waiting for the government to release the new pension regulations and then they will be looking at putting forward recommendations.

Target benefits are exactly what the Provincial Government is proposing for the Public Sector Pension Plans. This is a significant reduction in benefits and a significant shift in liability onto the employee. For more information on this issue you can review TruthAboutAlbertaPensions.ca. Detrimental changes to pension plans have been contemplated by many employers, as they try to move all the retirement risk to the employee. ENMAX appears to be no different. Should the Government be successful in forcing these negative changes to the pension plans, ENMAX will try to follow suit.

Should you vote in favour of ENMAX's latest offer, you will end up undermining your hard-won rights, and only encourage ENMAX to seek more takeaways in future rounds of bargaining. In short, when ENMAX moves to a forced vote, vote NO!



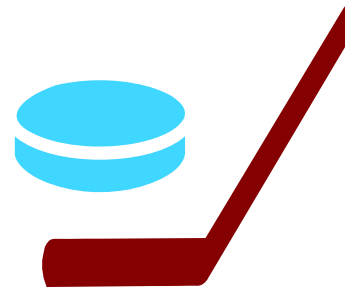
THOUGHT FOR THE MONTH



"It is not enough that we do our best; sometimes we must do what is required"

Winston Churchill

Hitman Tickets



For those of you who purchased Hitman tickets for the February 28th game—please note the day of the week on the ticket was incorrectly printed. It is **Friday, 28th** not Thursday. The box office is aware of this error and there will be no issues with the ticket at the Saddledome on **Friday, February 28th** the night of the game.

GENERAL MEETING

Tuesday, FEBRUARY 25, 2014

7:00 p.m.

Union Office

1439—9th Avenue South East

BUSINESS: Regular & Notice of Motion

- 1) We engage in a \$300,000.00 media campaign to inform the public on how ENMAX is treating our members.
- 2) That in the event of rotating strikes, members participating in union approved rotating strike action be compensated at their regular net earnings.
- 3) Strike pay be set at \$800.00 per week in the event of a full blown lockout/strike at ENMAX.
- 4) Election of four (4) delegates to CUPE Weeklong School—May 4-9, 2014 in Olds.

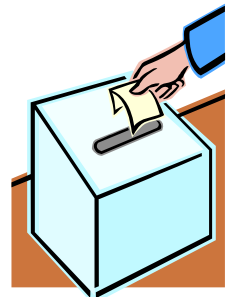
NOTICE OF MOTION:

That March 25th, 2014 Regular Meeting be moved to March 18th, 2014.

Advance Notice of CUPE Local 38 Elections

At the Regular General Meeting April 22nd the following positions will be open for a two (2) year term:

1. President (full time)
2. Treasurer
3. Chief Steward
4. Five (5) Executive Members-At-Large



To be eligible for nominations for any of the offices, members must have attended at least 50% of the Regular General Meetings in the twelve (12) months immediately prior to the election. The member must be present at the April meeting, or indicate in writing to the Recording Secretary a willingness to stand for nomination.

In accordance with the CUPE Local 38 bylaws, in order to be eligible for the office of President, Treasurer and Chief Steward, a member shall declare their intention to run at the March Regular Meeting. This declaration can be made verbally at the March meeting or by submitting a written declaration witnessed by another member which is to be read at the March meeting.