

THE PROFESSIONAL

April 2017 Volume 43 Issue 1

BC's Union for Professionals

ONE YEAR IN THE BCFED

Our members speak about their experiences from BCFED events

Page 4

WORKING WITH DIVERSE ABILITIES

Exploring inclusiveness in the workforce and society

Page 14

LIBRARY SAFETY IN THE OKANAGAN

Understanding the changing nature of libraries in BC

Page 10

TRAINING OUR LOCAL REPS

PAGE 8

CONTENTS

FEATURES

- 4** ONE YEAR IN THE BCFED
What has the PEA gained after almost a year of ongoing affiliation to the BC Federation of Labour?
- 10** BEYOND THE BASICS
How PEA librarians are managing shifting needs in Okanagan libraries
- 14** WORKING WITH DIVERSE ABILITIES
Exploring inclusiveness in the workforce and society
- 18** CHIPPING AND CHOPPING AWAY
A recent BC Federation of Labour Report reviews how changes to the Labour Relations Code and the Employment Standards Act have made it harder for workers in BC

NEWS

- 3** MESSAGE FROM THE PRESIDENT
- 8** LOCAL REP TRAINING IN PICTURES
- 21** CHAPTER UPDATES

Publications Mailing Agreement 40902044
Return undeliverable Canadian addresses to:
Professional Employees Association
505-1207 Douglas Street
Victoria, BC V8W 2E7





MESSAGE FROM THE PRESIDENT

At the time I am writing this, the provincial election is exactly three months away. Do you have a plan to vote on May 9? What time will you go to the polls? Where is your polling station? These are important questions to think about.

On May 9, we must choose who will run our province. For each member, this is a personal choice based on the priorities that are most important to each person's situation.

In this issue, we analyze changes made over the last fifteen years to the Labour Relations Code and the Employment Standards Act. These two pieces of legislation cover most workers' rights in BC. The analysis is based on a report by the BC Federation of Labour. The report's conclusion is straightforward: legislation that protects workers has eroded over the last fifteen years.

The role of your union is to advocate on your behalf for better wages, benefits and work environments. The changes we've seen to BC's labour legislation have hindered our ability to do that. The PEA is a non-partisan union; we will never tell you how to vote. As professionals, you are capable of making informed decisions. Our role is to explore how the actions of governing and non-governing parties can impact our ability to advocate for you. Your role is to balance this with competing priorities in your life and vote for what makes sense to you.

In the weeks ahead, you will receive more information from your union on the platforms of the different parties running in the BC election. We will cover issues that members have indicated are important to them, such as the environment, the cost of living, the economy and health care.

We hope this information informs your decision on how to vote on May 9. I encourage each and every member to take the time to cast their ballot.

Thank you,

Frank Kohlberger

ASSOCIATION EXECUTIVE

President

Frank Kohlberger, Forester, GLP

First Vice-President

Sheldon Martell, Tenures Authorization Forester, GLP

Second Vice-President

Warren McCormick, Emission Inventory Specialist, GLP

Secretary-Treasurer

John Foxgord, Senior Systems Administrator, UVic

Government Licensed Professionals

Sam Davis, Forester

Theo Knevel, Tenures Forester

Shawna Larade, Agrologist

Health Science Professionals

Ronda Field, Physiotherapist

Lawyers Chapters

Mark Bussanich, Law Society Lawyers

Okanagan Regional Library

James Laitinen, Head Librarian

St. Margaret's School

Beverly Waterfield, Teacher

University of Victoria

Chris Clausen, Senior Programmer Analyst

Melissa Doyle, Experiential Learning Officer

STAFF

Executive Director

Scott McCannell

Labour Relations Officers

Rhiannon Bray (FMEP, HSP, ORL, SMS)

Al Gallupe (GLP, OGC)

Sam Montgomery (LSL, LSS, UVic)

Senior Communications Officer

Brett Harper

Communications Officer

Emma Wright

Financial Officer

Marc Joly

Executive Assistant

Toshie Arakawa

Administrative Assistants

Marianna Azouri (on leave)

Tammy Bouchard

J. Scott

THE PROFESSIONAL

Editor

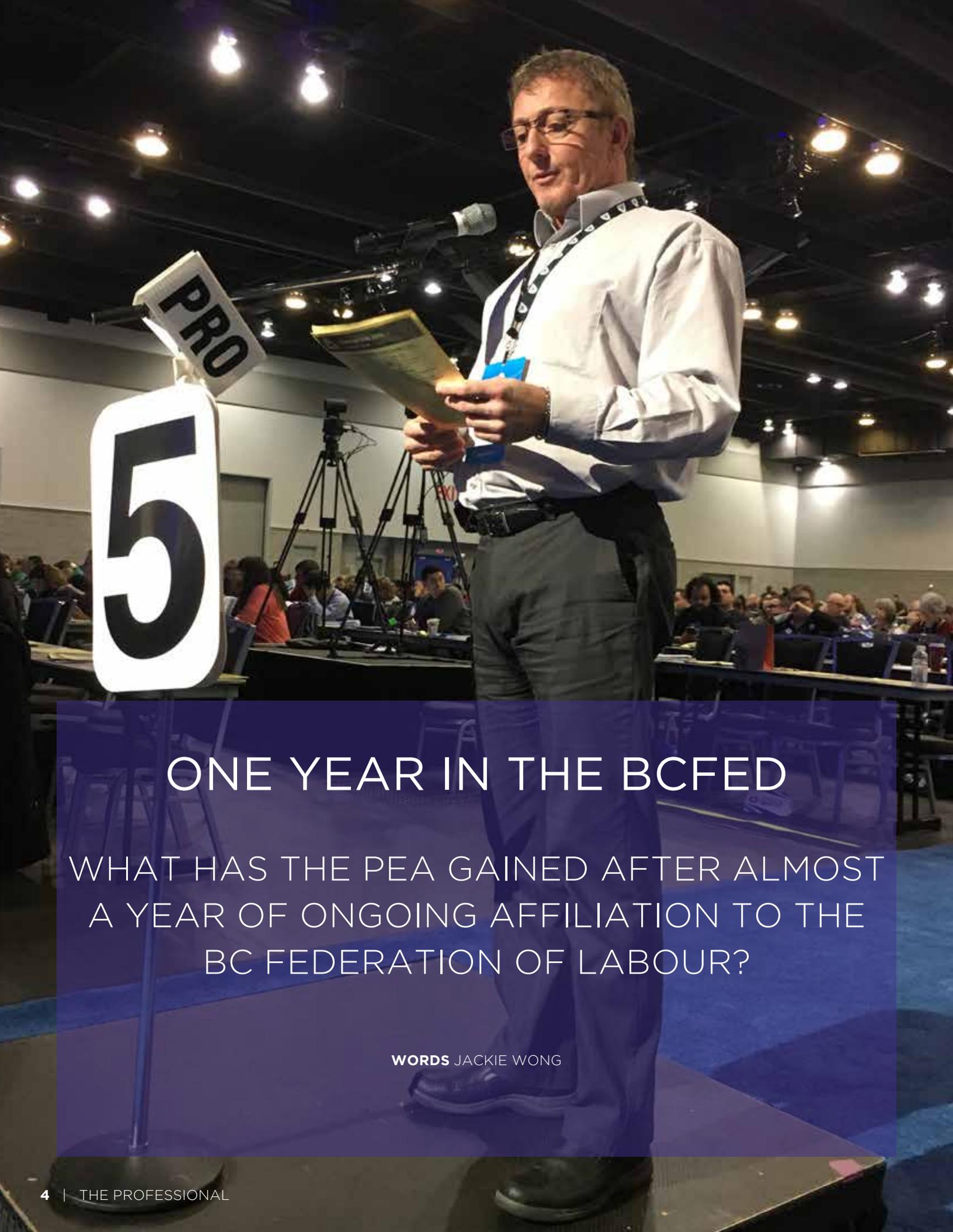
Brett Harper

Copy Editor

Leslie Kenny

Cover Photo

Aaron Lutsch



ONE YEAR IN THE BCFED

WHAT HAS THE PEA GAINED AFTER ALMOST
A YEAR OF ONGOING AFFILIATION TO THE
BC FEDERATION OF LABOUR?

WORDS JACKIE WONG

Some of the most inspiring aspects of the labour movement are its diversity and its scope. There are more than 450,000 unionized workers in BC who come from all walks of life and innumerable areas of specialization. They can be found in small communities and in our largest urban centres. The vibrancy of the labour movement is reflected in the Professional Employees Association, whose 2,500 members across the province include university staff, foresters, physiotherapists, lawyers, environmental protection officers and more.

The PEA is continually evolving to keep pace with the changing realities of the workplace. Recently, PEA members voted resoundingly to continue a more active role in the “house of labour.” After completing a three-year trial affiliation last year, the PEA joined the BC Federation of Labour (BCFED) and the Canadian Labour Congress (CLC) in May 2016. The move signifies a shift in both the focus and practices of the PEA.

“As an organization we’ve been somewhat introspective,” says PEA president and Kamloops-based forester Frank Kohlberger. “This really gives us an opportunity to look at some broader issues... that we can participate in and help with.”

Through the BCFED, Kohlberger says, the PEA is able to promote work that advances positive social change for people across BC. Being part of the BCFED puts the PEA in a better position to influence government on labour code issues, for example, and to become stronger advocates for things like province-wide \$10-a-day childcare, the \$15 minimum wage and improvements to public services.

“Being involved in some of these broader issues allows the public to see what unions are doing,” Kohlberger says. “It’s nice to have connections with other unions that are experiencing some of the same things we are.”

THROUGH A NATIONAL NETWORK, STRONGER TOGETHER

The BCFED is a member of the Canadian Labour Congress (CLC), Canada’s umbrella organization for national and international unions, provincial and territorial federations of labour and community-based labour councils. The PEA’s

“Being involved in some of these broader issues allows the public to see what unions are doing,” Kohlberger says. “It’s nice to have connections with other unions that are experiencing some of the same things we are.”

new affiliation with the BCFED means deeper engagement with the CLC.

It’s an exciting step forward in terms of building the capacity of individual PEA members and working as a union to advance social change. Kohlberger adds that the CLC also promotes human rights internationally. “All of these things,” he says, are “working to better people’s lives.”

“A REAL SENSE OF TOGETHERNESS”

For Scott McCannell, the PEA’s executive director, affiliation with the BCFED has four key benefits: protection from raiding (the PEA was raided in 2011, before it became affiliated, and lost a chapter of some 300 members); improved capacity for collective bargaining; access to cost-effective, union-specific education and training; and opportunities to contribute to a public conversation that promotes the public services PEA members deliver.

“Being part of the labour movement, there’s a real sense of togetherness. Unions are really happy to share their best practices and their strategies and what they’ve learned in tackling the same issues that the PEA has been facing over the years. So that’s really been invaluable,” McCannell says. Establishing relationships with staff and members from other unions has also been helpful to the PEA in times of difficulty, he says. Those strong bonds and a culture of sharing tips and knowledge “help us avoid having to reinvent the wheel when issues emerge,” he adds.

Many PEA members remember the 2011 raid that resulted in the loss of hundreds of members. “Contrast that to 2015 when we were in the BC Federation of Labour, and, much to

“The quality of the education at Winter School is fantastic... You’re meeting all kinds of people from all walks of life... In our class, we had education assistants, we had steelworkers, we had miners, we had foresters, we had aircraft engineers.”

our surprise, we were raided by the BC Nurses Union. That experience was completely different.” McCannell says.

In the 2015 case, the PEA’s stronger connections with other unions equipped them with what other unions had learned to successfully fend off the raid. While the threat of future raids remains, McCannell says, the incident with the nurses’ union showed him the significance of “being all alone versus being together and part of something. I think we’re much better served being part of the house of labour than we are out on our own.”

EMPOWERING MEMBERS

The PEA’s affiliation with the CLC means that members are able to participate in labour education programs. This year, the PEA sent six members to the CLC’s Pacific Region Winter School, where they learned about workplace safety, mental health, member engagement and issues facing young workers.

“The quality of the education at winter school is fantastic,” says Ronda Field, a PEA executive member and a physiotherapist working in falls and injury prevention for Fraser Health. “You’re meeting all kinds of people from all walks of life... In our class, we had education assistants, we had steelworkers, we had miners, we had foresters, we had aircraft engineers.”

Field participated in a weeklong course called “Building Psychologically Healthy and Safe Workplaces,” where participants learned about how to support people experiencing mental health issues.

“Mental health issues are stigmatized in many workplaces. And they are not recognized or supported, which leads to potential discrimination as well as bullying and harassment. And there have been countless incidents of very severe repercussions. Suicide, homicide.” Field says.

She left the course with an improved understanding of the laws and regulations related to safe and healthy workplaces. “The big learning for me is that really, this constitutes a workplace hazard when people are having mental health issues. And bullying and harassment and discrimination are all considered workplace hazards. And as such, they really should be things that are followed up by the occupational health and safety committees.”

Luc Lachance, a Nanaimo-based environmental protection officer with the mining section of the Ministry of Environment, is a PEA representative on his workplace health and safety committee. He also attended the winter school course on building psychologically healthy workplaces.

Lachance says he was glad for the occasion to meet people working in different sectors. It was valuable for him to notice the connections and the shared experiences across industries, particularly since he and his team have been working to reduce stress in their workplace since 2013.

BUILDING CONNECTIONS

One teaching from the winter school that Lachance will share with his team is how stress can have a ripple effect across workplaces. “We could influence [other workplaces and other workers’] stress levels by acknowledging or better understanding some of their expectations or challenges,” he says. “In many instances, we could make a big difference to those who live either with mental illness or have people living with mental illness around them.”

Lachance was also inspired by the CLC’s big-picture vision for the future. “There is a momentum there at the CLC and [among their] members to make a meaningful impact in society at large. Not only for workers who are unionized but also for workers who are not part of any union,” he says.



ABOVE PEA member Shawna Larade addresses the BCFED convention in November 2016 on a PEA raiding resolution. **PREVIOUS PAGE** PEA President Frank Kohlberger speaks to a resolution on the role of public servants in resource development in BC.

To that end, the CLC recently won a victory for temporary foreign workers by lobbying the federal government to overturn a rule that limited the length of time temporary foreign workers could stay in Canada. It also successfully advocated for a comprehensive federal ban on asbestos in the workplace and in public spaces and helped usher in the passage of Bill C-26 by the Senate, legislation that expands the Canada Pension Plan for the first time in history. The bill, say CLC advocates, will allow more people to retire with dignity.

For Olivia Van Jarrett, a forester and member of the GLP chapter in Mackenzie, BC, attending winter school was an energizing introduction to what it means to be part of the labour movement. She attended the winter school program for young workers.

“It’s so encouraging to see other young people who care a lot about the labour movement and about their rights as workers,” she says.

This was especially exciting for Van Jarrett because she lives in a rural area, and it can be hard to connect with people. “It really made me feel a lot more connected to my union and the labour movement in general.”

For Van Jarrett, the biggest lesson from winter school was the ease with which anyone can get involved in their union—and how important it is.

“To really see what people can do when they get together is pretty amazing.” •

LOCAL REP TRAINING

The PEA provided advanced local rep training to reps on November 21 and 22. The reps came from across the province and from several chapters of the union.



-
- 1. GLP member Heidi Reinikka
 - 2. GLP member Mark Scott
 - 3. ORL member Kristy Hennings
 - 4. PEA Senior Communications Officer Brett Harper
 - 5. PEA Executive Director Scott McCannell
 - 6. Labour Relations Officer Rhiannon Bray, ORL member Kristy Hennings, SMS member Bev Waterfield
 - 7. GLP member Beth Eagles
 - 8. SMS member Bev Waterfield
 - 9. GLP member Mark Louttit





BEYOND THE BASICS

HOW PEA LIBRARIANS ARE MANAGING SHIFTING NEEDS IN OKANAGAN LIBRARIES

WORDS JACKIE WONG

It's been a brutal winter across BC, especially for people living vulnerably. Freezing temperatures have filled homeless shelters to capacity. And as 2016 ran out the clock, record-breaking numbers of British Columbians died of illicit drug overdoses. With dangerously cold temperatures outside, BC's public libraries are increasingly the first port of call for people in need. They are a place of refuge from inclement weather, a resource for accessing social services, and one of the few public spaces that exist to welcome everybody. But the democratic promise of the library also paints a complicated picture for the day-to-day working lives of librarians.

"Our education, in a scholarly sense, did not prepare us for what we're dealing with," says Ashley Machum, the youth services librarian for the downtown Kelowna branch of the Okanagan Regional Library (ORL), one of six libraries across BC where the Professional Employees Association represents librarians.

Machum says that more and more, she and her co-workers are facing workday situations that necessitate their stepping in as de facto social workers. "There are few spaces available for people to go for help and services," Machum says. "I'm sure our smaller [Okanagan] branches, even, are facing a greater influx of [people seeking help] because they wouldn't necessarily even have a drop-in centre or something like that."

Library schools don't formally prepare would-be librarians for environments that require mental health knowledge, crisis de-escalation skills and the tools to reverse a fatal opioid overdose. To address this, Machum's employer has paid for supplementary training to equip library staff with tools and knowledge to productively address the complex scenarios that arise daily on the floor.

"We've done mental-health first aid, general first aid; we also did safety protection training," Machum says. She recently received training to administer naloxone, the antidote to reverse an opi-

78%

OF PEA
LIBRARIANS
SURVEYED
HAVE FELT
UNSAFE AT
WORK AT
LEAST A FEW
TIMES PER
YEAR



oid overdose. The Kelowna branch is one of the first Okanagan branches to be stocked with naloxone kits. The training helps fortify librarians to proactively meet patrons' needs, many of which exceed simple catalogue searches.

But beyond the special training sessions offered at work, Machum and her colleagues have been learning by doing. Helping people in active addiction, in mental health crisis, and in acute need of government supports, she says, is now an everyday reality in the work of a public librarian.

SHIFTING BURDENS, UNMET NEED

In response to the changing nature of library work that can put librarians in vulnerable situations, the Professional Employees Association conducted a safety survey with its member librarians in 2016.

Of the 19 librarians who participated in the survey, over half reported that they felt unsafe at work "a few times a year." The majority of respondents (84 per cent) reported having been exposed to biohazards on the job—a reflection of the highly complex, often health-related circumstances that prompt

people to access library services. Of these, only a few had access to adequate protective equipment or to training in how to handle biohazards at their workplace.

The survey revealed changing demands for library services, as users increasingly approach librarians for help with accessing legal advice, social services and medical information—all resources that have traditionally been provided through a provincially funded agency. Now, thanks to province-wide cuts to legal aid and social services, people are left scrambling on their own.

The survey also found that the top reasons librarians give for why patrons use libraries—apart from gathering information—are to engage in social interaction with other patrons and staff and to seek shelter, since many patrons were perceived to be homeless.

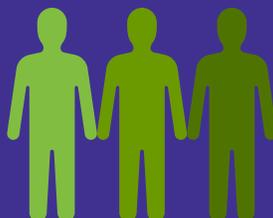
These results point to the fact that many patrons turn to libraries, which are municipal services, when services supposedly delivered in the domain of the provincial or federal government, such as housing, are not available.

TOP THREE REASONS PATRONS USE THE LIBRARY BEYOND GATHERING INFORMATION

BASED ON RESPONSES BY PEA MEMBERS TO A 2016 LIBRARY SAFETY SURVEY



SOCIAL INTERACTIONS WITH
OTHER PATRONS



SOCIAL INTERACTIONS WITH
LIBRARY STAFF



SEEKING SHELTER
(PERCEIVED TO BE HOMELESS)

"I find myself going, holy moly, if this isn't offloading, I don't know what is," says Peter Critchley, a reference librarian in the Vernon library and vice-president of the PEA's Okanagan Regional Library chapter.

On a typical day at work, Critchley says he regularly experiences what he describes as a troubling downloading of responsibilities from provincial to municipal governments.

"I've had patrons come over, sent over by the Ministry [of Social Development], to come get help filling out applications online," he says. "They can't help them [at the Ministry]... they tell them, 'If you need help, ask a librarian.'"

In Critchley's opinion, the province and the federal government need to do more to address the growing pressure on libraries. His view reflects not only the library's perspective, he says, but "the community's perspective, and the people who need those types of services."

He would also like to see his co-workers supported with more consistent, up-to-date staff training. Workplace violence was one of the consistent themes arising from survey respondents at the Vernon branch.

"IT DOES CONNECT BACK TO THE PROVINCIAL GOVERNMENT"

Rhiannon Bray is a PEA labour relations officer advocating for librarians. "It seems like they have definitely ramped up again in Vernon," she says, referring to the ongoing safety issues she has witnessed over seven years of servicing the ORL chapter. Bray notes that the recent opioid crisis is one of the main causes of this increase. "There have been a lot of heightened safety issues because of that," she says.

Bray is working with the Okanagan Regional Library to establish a joint occupational health and safety committee in early 2017. The goal is to address issues that emerged from the PEA's safety survey.

"The employer is required to have occupational health and safety committees in the workplace, so we're going to review how that committee operates to ensure that the Okanagan Regional Library is abiding by the Workers' Compensation Act and the Occupational Health and Safety Regulations," she explains.

In Bray's view, the complexities playing out at public libraries reflect a political climate where provincially funded social services inadequately support the people they're designed for.

"It does connect back with the provincial government. The social services aren't there to support people that are marginalized," she says. "Mental health issues, drug addiction, poverty—the social assistance isn't there for those people."

PUBLIC LIBRARIES DESERVE OUR SUPPORT

In times like these, when the political climate can feel grim, Bray emphasizes the significance of solidarity. "I think it's really important for people to support their public library," she says. "It's important to be aware of the changes in the type of work the librarians are doing, and be supportive of that."

Kelowna youth librarian Ashley Machum is committed to growing her professional practice to meet the changing needs of library patrons. "We want to make it safe and welcoming and helpful for everyone," she says. "What people come into the library for each day, it changes. And librarians are doing their best to make sure that we're delivering service to everybody."

Meanwhile in Vernon, Peter Critchley continues to work at the complicated intersection between providing library services and bearing painful witness to systemic shortcomings that extend beyond his scope as a reference librarian.

"If you're looking at the cause, we need housing for people," he says. "It's not much fun having to tell people it's time for them to go when it's -10°C outside, and they have no place to go." •

56% OF PEA LIBRARIANS SURVEYED DEAL WITH INTOXICATED PATRONS AT LEAST MONTHLY



WORKING WITH DIVERSE ABILITIES

INCLUSIVENESS IN THE WORKFORCE AND SOCIETY

WORDS BEN ISITT

Removing barriers and creating an inclusive, accessible workforce and society are an ongoing focus for people with disabilities and those who support them. In British Columbia, these efforts have led to advances in human rights law and improvements to the protections available through collective agreements, but there is still much work to be done.

According to a recent Statistics Canada study, people with disabilities have a substantially lower rate of employment — 49 per cent among working-age Canadians compared with 79 per cent for people without a disability. For those with the most severe disabilities, the rate of employment falls to 26 per cent.

Among professionals, labour-force participation increases in proportion to post-secondary attainment: university graduates with a mild or moderate disability experience no statistically significant reduction in labour market participation. However, university graduates with a disability earn lower wages than workers without a disability and are less likely to hold management positions, demonstrating further inequities within the labour market.

BC HUMAN RIGHTS CODE

Disability was recognized as a prohibited ground for discrimination in the BC Human Rights Code in 1984. The addition of disability to the code extended protection to people with disabilities against discrimination in employment, housing and other spheres. It mandated that a person may not refuse to employ or discriminate against someone because of their disability. The code also prohibited trade unions from excluding from membership, expelling, suspending or otherwise discriminating against a person because of their disability.

The Human Rights Code does not define disability except to distinguish between “physical or mental” forms of disability. Over time the interpretation has evolved to include disabilities that are visible and invisible, temporary and permanent.

Statutory protections contained in the BC Human Rights Code provide a relatively limited remedy from the standpoint of systemic discrimination. The code is oriented to-



People with disabilities have long advocated for improvements to make the workplace and society more inclusive and accessible. The struggle continues.

ward individual cases pursued through a complaint system, while enforcement is impacted by underfunding and by procedural changes that often impede the efforts of individuals seeking justice.

In a report highlighting the negative impact of changes to the BC Human Rights system in 2002, the Canadian Centre for Policy Alternatives stressed the importance of viewing the elimination of discrimination as a benefit to the public interest. The report warned that complaints of discrimination should not be viewed “as simply disputes between private parties, but rather as matters in which the community as a whole has a stake.”

THE DUTY TO ACCOMMODATE

Recognition of disability in the BC Human Rights Code and the evolution of employment law have imposed a legal duty on employers to accommodate the accessibility needs of employees with disabilities. These advances are driven by landmark rulings in the Supreme Court of Canada such as the Meiorin and Grismer decisions in the 1990s. The duty requires employers to accommodate employees with disabilities short of causing undue hardship to the organization. It also imposes a corresponding obligation on employees to co-operate in finding acceptable solutions.

The duty to accommodate can take the form of modified work arrangements, including alterations to the work environment, job functions or scheduled hours; the introduction of technical or mechanical aids; and other accommodations to assist workers in performing the same, similar or alternative work. Modified work arrangements can also take the form of a staged return to work, allowing the employee time to adjust to the circumstances of living and working with a disability.

In the BC public service, where many PEA members work, the duty to accommodate has led to the formation of a joint union-employer Rehabilitation Committee. The committee is mandated by the collective agreement

to identify accommodations for employees who experience a significant illness, injury or disability.

LONG TERM DISABILITY BENEFITS

A major milestone in disability rights is the availability of long-term disability benefits. These benefits are typically negotiated into collective agreements and vary for different sectors and occupational groups. In the PEA's GLP chapter, workers who become disabled are entitled to 70 per cent of the first \$2,300 of monthly earnings and 50 per cent of all monthly earnings above that amount for as long as they remain totally disabled or until the age of 65.

Total disability is defined as "the complete inability because of an accident or sickness of a covered employee to perform all the duties of the employee's own occupation." If an employee can be accommodated in their own occupation or another suitable occupation at a rate of pay of at least 75 per cent of their current rate of pay, they are no longer considered to have a total disability and are no longer eligible for the benefit.

Employees are not eligible for coverage for pre-existing conditions or self-inflicted injuries. They must make themselves reasonably available to the employer and co-operate in a return-to-work process determined by the Rehabilitation Committee. To remain eligible for the benefit, they must actively engage in a treatment program if directed by a physician to do so.

UNIONS AND ACCESSIBILITY

The PEA and other labour organizations have responded to pressure from workers with disabilities by pursuing inclusive work-

place policies through collective bargaining and within their own organizations.

Many PEA collective agreements recognize the right to employment without discrimination or harassment on the basis of physical or mental disability, except where a bona fide occupational requirement exists. Collective agreements also include provisions for rehabilitation, modified employment, occupational health and safety, and short- and long-term illness and injury benefits.

The BC Federation of Labour and several affiliated unions have established workers-with disabilities caucuses to address accessibility issues in the workforce and labour movement.

Sheryl Burns, a disability rights activist who serves as chair of the BC Federation of Labour's Workers with Disabilities Caucus and secretary of the Disability Alliance of BC, describes the evolution of disability rights within her union, CUPE: "We learned that over a quarter of our members identified as having a disability. Moreover, we learned that members with disabilities had little knowledge or understanding of their duty-to-accommodate rights and obligations."

NEXT FRONTIERS FOR INCLUSIVITY AND ACCESSIBILITY

Inequities are not limited to employment practices, but persist in the physical workplace and in the design of public and private buildings and infrastructure. Appeals for designs that accommodate people of diverse abilities have produced improvement, but barriers to mobility persist in the form of obstacles in public transit, parking and sidewalks; in the preference for stairways versus ramps or elevators around and with-

Many PEA collective agreements recognize the right to employment without discrimination or harassment on the basis of physical or mental disability, except where a bona fide occupational requirement exists.



in buildings; in the width and functionality of doors, hallways and washroom facilities; and in the debilitating effects of noise, lighting, odours and other factors for people with visual, hearing, sensory or cognitive impairments.

In BC, organizations such as Disability Alliance BC, Inclusion BC and the Canadian Association for Community Living's Ready, Willing & Able initiative are raising awareness among employers and employees about the benefits of pursuing inclusive workplace policies and design. The CanAssist laboratory at the University of Victoria is pioneering the development of technologies to assist people with diverse abilities in performing jobs and living independently.

Under the umbrella of the Barrier-Free BC Coalition, advocacy groups and people with disabilities are lobbying for the

enactment of a British Columbian with Disabilities Act—similar to legislation in place in Ontario and Manitoba—and a Canadian with Disabilities Act at the federal level that will honour commitments enshrined in the United Nations' Declaration on the Rights of Persons with Disabilities.

PEA members have a role to play in supporting these initiatives while continuing to strengthen inclusive policies in workplaces, collective agreements and within the union. ▪



CHIPPING AND CHOPPING AWAY

A RECENT BC FEDERATION
OF LABOUR REPORT REVIEWS
HOW CHANGES TO THE
LABOUR RELATIONS CODE AND
THE EMPLOYMENT STANDARDS
ACT HAVE MADE IT HARDER
FOR WORKERS IN BC

WORDS SCOTT MCCANNELL

In 2016, the BC Federation of Labour (BCFED) commissioned a review of labour legislation introduced since 2001 by the Liberal government in BC. The study, *Restoring Fairness and Balance in Labour Relations*, looks at changes to the Labour Relations Code, the Employment Standards Act and other legislation impacting workers. It concludes that provincial and federal governments in Canada “have been chipping—and in many instances bluntly chopping—away at” workers’ rights and freedoms in Canada over the last decade or more. The report identifies BC as “one of the governments to head in this direction, and one of the worst offenders.”

THE ROLE OF UNIONS IN CANADA

The Supreme Court of Canada has recognized that union rights enhance human dignity, are a hallmark of democracy, increase prosperity, improve the standard of living and contribute to the economic health of a country. Leg-



islative attacks on unions and workers' rights undermine these things. PEA members' salaries and other terms and conditions of employment have been directly and indirectly impacted by the policies, decisions and actions of the government, given that almost all PEA members work in the public sector.

CHANGES TO THE LABOUR RELATIONS CODE

The Labour Relations Code is the most important legislation governing union and management rights in unionized workplaces in BC. One of the more significant negative changes to the Code introduced by the Liberals was to make it much more difficult for unions to organize new workers. This means that during the 2000s, BC experienced the greatest decline in the percentage of workers in unions (i.e., union density) of any province.

Union density matters, because, on average, union workers earn higher wages and have better benefits than non-union workers. Lower density enables BC employers and the government to argue that union wages are too high.

CHANGES TO THE EMPLOYMENT STANDARDS ACT

The Liberals also reduced union and non-union workers' rights guaranteed under the Employment Standards Act (ESA), legislation that provides minimum standards for all workers.

Under the Liberal government, union employees are excluded from a number of sections of the ESA, including those governing severance and group terminations, hours of work and vacation. As a result, in some PEA collective agreements, members do not have the same minimum rights as non-union workers. In addition, union workers can

no longer raise ESA-related issues with the Employment Standards Branch (ESB), the agency set up to adjudicate ESA issues. This means the PEA and other unions must use members' dues money to pay for costly arbitrations to address ESA issues.

During the Liberal government's tenure, BC went from having the highest minimum wage in Canada in 2001 to the lowest, the Liberals having frozen the minimum wage for a decade prior to recent modest increases. Farm workers and servers can now be paid less than the minimum wage, and it is easier for employers to use child labour, as the ESA now allows for children as young as 12 to be hired. In parallel with the almost 25 per cent reduction in the number of PEA members employed in the BC public service since 2001, staffing levels at the ESB fell from 162 to 109 between 2001 and 2016. This has meant fewer resources available to address ESA issues brought forward by workers.

Canadian Charter of Rights and Freedoms. The health decision was rendered in 2008, and the Liberal government responded by expressing disappointment that collective bargaining had been recognized as a constitutional right. They then continued to spend hundreds of thousands of dollars in a protracted fight to maintain their right to strip teachers' collective agreements until the fall of 2016, when the Supreme Court decided on reinstating those provisions.

Public sector wage increases in BC have not kept up with the cost of living over sixteen years and have fallen dramatically behind those of other provinces and the private sector. In BC, governments set and manage collective bargaining mandates through the PSEC (Public Sector Employers' Council) structure. The Liberal government has made it clear that, from their perspective, BC's public sector workers do not deserve fair wage increases.

Restrictive bargaining mandates with sub-inflationary wage increases, roll backs in working peoples' rights in the Labour Code and ESA, slashing of public services and members' jobs, and legislation that gutted collective agreements in health and education—these are the hallmarks of the Liberal government's approach to public sector labour relations in BC over the last 16 years. •

“Public sector wage increases in BC have not kept up with the cost of living over 16 years and have fallen dramatically behind those of other provinces and the private sector



ATTACKS ON WORKERS

The Liberals introduced legislation in 2002 that gutted health workers' and teachers' collective agreements in BC. The health legislation allowed health employers to contract out many services previously done by union workers and removed a variety of other rights that had been part of collective agreements. Similar legislation removed class size and composition language from teachers' collective agreements.

The Supreme Court found in both cases that the BC Liberals had contravened collective bargaining rights flowing from the

CHAPTER UPDATES

GOVERNMENT LICENSED PROFESSIONALS MINISTRY OF ENVIRONMENT

Meetings with the Ministry of Environment have progressed through to the executive in the Environmental Protection Division. The PEA hopes to present soon to the assistant deputy minister on various topics including the hiring of more licensed professionals, the creation of more Licensed Science Officer (LSO) Four classifications with supervisory duties, the creation of more subject-matter experts, and training of hiring managers on the value of licensed professionals. We also sent notice to discuss facilitating working from home. The next ministry the PEA wishes to engage is the Ministry of Agriculture.

LABOUR MANAGEMENT ISSUES

The PEA will meet with government representatives in early April for our first government-wide joint-committee discussion of labour-management issues. The PEA's

representatives on this committee are Carl Withler, Beth Eagles and Al Gallupe. Please feel free to send your issues to any of these committee members for inclusion in the joint discussions.

DUAL POSTING

The PEA was able to meet with the Public Service Agency (PSA) regarding dual postings. During bargaining the PEA secured the right to discuss dual postings. Although there are an unacceptable number of dual posted positions that used to be performed only by licensed professionals, there doesn't appear to be a significant expansion of the practice at this time.

GRIEVANCES

We have been working on a number collective agreement grievances and have achieved positive results on the issue of having members reimbursed for caulk boots and on reducing the severity of discipline.

CLASSIFICATION APPEALS

We are continuing to work on classification appeals for members and will be meeting with the PSA soon to discuss the LSO job classification plan. Our objective is to fix deficiencies in the plan that present obstacles to retention and recruitment and keep some members in an under-compensated situation.

STAND UP FOR THE NORTH

Al Gallupe was a panel member at the Stand Up for the North forum in Prince George on March 13. This meeting, and subsequent meetings in Mackenzie, Quesnel, Williams Lake and Fort St. James, discussed issues related to forestry and its future in BC. The PEA spoke on the government's practice of professional reliance and the problems it presents with regulating industry to protect the environment.



INTRODUCING J. SCOTT

The PEA is pleased to welcome J. Scott to our staff team. J. comes with an extensive background in social justice, community activism, marketing and fundraising.

J. arrived in Victoria in 2002 and became a co-chair of the Values-Based Business Network (later known as Green Drinks), creating a network for social-minded people to meet on a monthly basis. J. has done marketing and outreach for many agencies and served as executive director at the Glenairley Centre for Earth and Spirit. Her credo "I like to make things happen" was demonstrated during her planning of the T'Sou-ke Nation Solar Gathering, which brought together dignitaries, First Nations and others to launch the largest solar array in BC.

She then went on to head the Solar Colwood project in Colwood. Before moving to Victoria, J. owned The Printmaker Ltd., a high-tech pre-press production firm based in Santa Fe, New Mexico. She also owned the renewable energy business Illuminate Solar Inc. She transferred to Chicago to work for Quebecor World prior to her move to Canada. J. holds a degree in graphic design and fine arts from the University of New Mexico. •

HEALTH SCIENCE PROFESSIONALS CHAPTER DONATIONS

The HSP chapter executive moved to donate \$250 from the chapter grant to each of the following organizations:

- BC Health Coalition
- United Way Better at Home Program
- Red Cross Health Equipment Loan Program
- Canadian Mental Health Association (BC Division)

LAW SOCIETY LAWYERS TELECOMMUTING

The Telecommuting Working Group recently released its report and recommendations. You can find a copy of the report at pea.org/isl.

LABOUR MANAGEMENT MEETINGS

The chapter executive met with management on February 9, 2017. Topics discussed included the Rewards and Recognition Program, FOIPPA results, implementation of time-tracking systems and Professional Legal Training Course instructor classifications.

LEGAL SERVICES SOCIETY SEEKING NOMINATIONS

LSS members are encouraged to nominate individuals to serve on the chapter and Association executives. Please contact Sam Montgomery if you have questions about the roles or process.

OKANAGAN REGIONAL LIBRARY

OCCUPATIONAL HEALTH AND SAFETY

After years of warning ORL management about problems with illegal activities occurring in libraries, the union was disappointed to learn that Vernon staff dealt with two overdoses in January. The employer says they will be working on a plan

to better support members, but are clear that the budget limits which safety measures they can implement. At the PEA's insistence, members of the OH&S Committees will receive training from the BCFED Occupational Health and Safety Centre. This is scheduled for April and again in the fall.

In April, the Joint Classification Committee will begin work to update the job evaluation plan. James Laitinen, Christine McPhee and Kristy Henning have been gathering information and job descriptions from other libraries throughout the province.

ST. MARGARET'S SCHOOL PROFESSIONAL DEVELOPMENT

Support staff are encouraged to apply for professional development opportunities, as pro-d is not limited to tutorial staff. If you are having trouble getting your professional development approved by your manager, please contact the union. The administration recognizes the importance of ongoing learning opportunities for all staff.

UNIVERSITY OF VICTORIA KNOW AND LOVE YOUR COLLECTIVE AGREEMENT SEMINAR

A workshop on job evaluation, sick leave and other frequently asked contract questions was held on February 23, 2017. A copy of the presentation and notes from the Q&A session may be found at pea.org/uvic.

ASSOCIATION NEWS YOUNG WORKERS

The PEA was hoping to put on a young worker session at Convention 2017. Unfortunately, there wasn't enough interest from young members to move forward on the session. Instead, the executive has allocated money to send up to six young

workers to the BCFED Young Workers' School at Camp Jubilee in September. We will be reaching out to young workers in the spring to gather interest for attending this event.

PRIVACY POLICY UPDATE

The PEA is committed to protecting the privacy, confidentiality, accuracy and security of our members' personal information.

The Association strives to use IT services that are located in Canada whenever possible. In some cases, we are forced to use digital services that have servers located outside of Canada when we are unable to source a Canadian equivalent. After reviewing resources from the Canadian Privacy Commissioner, we have chosen to include the following statement in our privacy policy:

Personal information may be sent to another jurisdiction for processing. While the information is in another jurisdiction, it may be accessed by the courts, law enforcement and national security authorities.

For more information on the change please visit pea.org.

EQUITY AND DIVERSITY COMMITTEE

The Professional Employees Association (PEA) is strongly committed to diversity within the Association. For this reason, an Equity and Diversity Committee (EDC) was formed in 2015. As a committee, our mandate is to identify barriers that may prevent PEA members or staff from participating in activities such as becoming a local representative, attending union conventions and education conferences, or joining a chapter or Association committee. The EDC is guided by the Charter of Rights and Freedoms, which explains how everyone is equal in Canadian law and aims to protect those at risk of being treated unfairly. Section 15 of the Charter reads

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

While members of an equity-seeking group may never experience inequity around their friends, colleagues or employer, an abundance of research and case law

suggests that society is frequently intolerant toward those belonging to groups listed under Section 15 of the Charter.

To gauge members' perceptions concerning barriers to participation in the PEA, the EDC prepared some questions for inclusion in the PEA membership survey this past summer. The answers we received have prompted us to reflect on how we can increase awareness of the EDC, while taking care to never become complacent by believing that workplace discrimination does not exist in Canada.

PEA Equity and Diversity Committee

Executive members

- Sheldon Martell (GLP), Chair
- James Laitinen (ORL)
- Vacant

Members-at-large

- Emma Carter (UVic)
- Julie Castonguay (GLP)
- Susan Dempsey (UVic)

Staff assigned

- Sam Montgomery

THE NEW PEA.ORG



ALL MEMBERS SHOULD HAVE RECEIVED NEW LOGIN CREDENTIALS FOR THE NEW WEBSITE. IF YOU HAVEN'T RECEIVED YOURS PLEASE CONTACT US.

PUBLICATIONS MAILING AGREEMENT 40902044