PEA

THE IPROFESSIONAL

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SPRING 2023



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PRESIDENT'S MESSAGE

After a busy year of bargaining for many of our chapters, it's nice to start off 2023 with new collective agreements in place. Although we didn't achieve everything we wanted, significant gains were made for many members. Thank you to the bargaining committees for their work to advocate for change and to everyone who engaged in the bargaining process and was ready to take action.

Our members in the BC Energy Regulator, Okanagan Regional Library, and St. Margaret's School have collective agreements to bargain in 2023, and I wish them all the best in their efforts.

Looking ahead, the PEA will host the Education Conference at the end of April. This marks our first large-scale in-person event since before the pandemic. I really look forward to seeing everyone after a three-year hiatus. As you know, education is an important part of our strategy to engage members, and even though we have been unable to meet in person, the PEA has provided and will continue to provide educational opportunities both virtually and in person.

A recap of recent education activities includes sessions on Indigenous cultural safety, delivered by Ktunaxa Chief Joe Pierre at our last convention. We offered a three-part series from lawyer and trans rights activist Adrienne Smith on dismantling white supremacy, and they also led sessions on transgender rights and labour law. The Canadian Mental Health Association presented a number of sessions on topics such as psychological health and safety, burnout, stress, grief and loss, resiliency, and conflict resolution. And we dug deep into union activism and advocacy, inviting lawyers and experts to share their perspectives on the duty to accommodate, human rights, discipline, conflict resolution and long-term disability.

Our strategic goal is to provide inspiring and relevant learning opportunities, and over the last three years we offered over 150 hours of virtual education to members. This is a significant number and something I'm really proud of. If you attended one of these sessions, thank you for dedicating part of your day to continual learning. We also plan to share a recap of the Education Conference in May on the website, and I hope you are registered to attend economist Jim Stanford's virtual session on technology and workers on April 18.



Okanagan Regional librarians reported that the first post-pandemic Drag Queen Story Time, held in Kelowna, was a true display of the library and community coming together to celebrate diversity. "Rainbow flags, bubbles, unicorns and open hearts won the day!"

Another key initiative of the union is an ongoing equity, diversity and inclusion (EDI) audit with Inclusive Excellence Strategy Solutions. The purpose of the audit is to identify barriers in union participation, and practices that impact inclusivity. The audit will include a review of our policies and a process for assessing the PEA's unique EDI assets and strengths as an organization. I look forward to the outcomes of this process and to implementing the proposed changes as we continue to grow and improve as a union.

In the fall, the Association executive will meet for our first in-person strategic planning session in three years. We continue to use our strategic plan as a guide for the staff and executive to stay focused on members' priorities. We look forward to taking this time to ensure the PEA's mission, vision and values are relevant. We will continue to review the annual PEA members' survey to align our planning with what we hear from you, the members. If you have specific ideas you would like to share prior to our session, please email me. I look forward to hearing from you.

Wishing you a positive few months ahead,

Shawna LaRade PEA President

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ACCESS TO JUSTICE

LEGAL AID CHAPTER REPRESENTS PEOPLE IN NEED, UPHOLDS CANADIAN DEMOCRATIC VALUES

WORDS JESSICA NATALE WOOLLARD DAWN MCCONNELL PHOTOS CAMUS PHOTOGRAPHY SAMIRAN LAKSHMAN PHOTOS JEFF TOPHAM

The Canadian legal system is predicated on the principal of both parties in a legal dispute having representation by lawyers. But legal fees are expensive, and not many can afford the cost of legal representation without experiencing significant financial hardship.

The Government of Canada reported in 2016 that self-representation in the courts is on the rise, citing a study estimating that between 40 and 57 per cent of parties are self-represented in family law cases, including those involving child custody issues. While those surveyed reported various reasons for opting to represent themselves, the excessive cost of legal representation was a prevalent reason for deciding not to hire counsel.

The problem here, as observed by many who work in the justice system, is that the rising trend in self-representation is impeding the right of Canadians to a fair and just trial.

PEA member Samiran Lakshman, a managing lawyer for large criminal cases with Legal Aid BC (LABC), illustrates the pitfalls of self-representation with an example from family court.

"The judge is trying to deal with heart-wrenching situations, trying to find what's in the best interest of the children," he explains. "And yet there's no one there to tell the judge the important parts of the case, what's the applicable law, what are the arguments.

"Imagine your children are at stake," he continues, noting that those who can't afford counsel are often people who are marginalized, for example, women and immigrants. "It's really sad. It's not the way it should be."



"Legal aid is a fundamental pillar of a democratic society."

- Lakshman

That's where Legal Aid BC steps in, to represent people who can't afford counsel. Established in 1979 as a Crown corporation, LABC represents individuals in four areas of law: family issues, child protection, criminal law and immigration law. People are eligible for legal aid based on criteria using income thresholds as well as other criteria.

The team of approximately 28 LABC lawyers has been represented by the PEA since 1981 and was the Association's second bargaining unit.

"Legal aid is a fundamental pillar of a democratic society," says Lakshman. "If we don't have that in our democracy, then might becomes right, [where only] the most powerful are the only ones who get access to the justice system."

Working from the Vancouver Legal Aid office, Lakshman oversees the budget of the largest and most complex criminal cases that legal aid funds, drawing on his 23 years of experience as a Crown prosecutor. For 12 of those years, he was part of BC's major organized crime unit, prosecuting gangsters and murderers. From 2002 to 2014, he served on the BC Crown Counsel Association, the bargaining agent for BC's Crown counsel.

Lakshman grew up in Saskatchewan and knew by age nine he wanted to be a lawyer. He completed a bachelor of arts in political studies at the University of Saskatchewan, then a bachelor of law at Dalhousie University. He was called to the bar in BC in 1997, after articling at a firm in Prince George.

After two decades as Crown counsel, Lakshman chose to step away from prosecuting gangsters; he wanted to work more directly to support victims and moved to prosecuting smaller files mainly in Provincial Court. As part of his role with LABC, he also manages the budget for the lawyers who represent more than three hundred people who were arrested at the Fairy Creek logging protests on Vancouver Island between 2020 and 2023.

It was the chance to help people that drew Lakshman to a career in law.

"I was captured by the idea that there was a job where you could have a say in the values and guidelines that all laws have to conform to," he explains, referring to the Canadian Charter of Rights and Freedoms.

At LABC, Lakshman accomplishes his objective in a very tangible way: his work upholds Canada's democratic values and safeguards the judicial system by ensuring that people in need can exercise their right to a fair trial.

Fellow PEA member Dawn McConnell also chose a legal career with LABC to help people. Before deciding to attend law school, the Surrey native studied criminology at Kwantlen Polytechnic, where she took social justice courses.

"I was interested in helping people who couldn't necessarily help themselves, fighting for the underdog," she explains.

After completing her juris doctor from Thompson Rivers University in Kamloops, McConnell was called to the bar in 2018. After a six-month stint at a full-service law firm in Smithers, she joined the newly opened Parents Legal Centre in the region, where she focuses on child protection, assisting parents whose children have been removed or are at risk of being removed by the Ministry of Children and Family Development. It is difficult work, she says. Parents in the north (her office serves people from Burns Lake to Gitsegukla) lack the resources needed to help them treat mental health, escape domestic violence, curb substance use or find adequate housing, examples of what MCFD requires of parents before their children can be returned.

Because of the lack of resources, "it's really hard for parents to do what they need to do," McConnell explains, noting that many of her clients are Indigenous.

Significantly, the BC government launched the Parents Legal Centres, of which there are 10 operating in the province, to address the overrepresentation of Indigenous children in the foster care system.

"There's a lot of systemic racism in the child protection system," says McConnell, who is a citizen of the Métis Nation of BC. "What one person might say is a child protection concern is not a child protection concern, it's actually poverty."

McConnell helps her clients to know their rights because, she stresses, "parents have rights in child protection before their children have been removed. We help parents navigate the system so the child is never removed and the parent has a say in [their child's care agreement]."

The work of supporting parents at risk of losing their children is personal for McConnell. The BC government placed her grandfather in foster care shortly after his birth. He was the youngest of 13 children and was the only one separated from his family.

McConnell, who wasn't raised Métis and only recently learned of her ancestry, says her grandfather's story "brings me full circle to child protection. It helps me feel like I'm doing good for other parents out there."

BC RANKS 10TH AMONG THE 12 PROVINCES IN PER CAPITA SPENDING ON LEGAL AID **30%** LOWER WAGES THAN CROWN COUNSEL



"We help parents navigate the system." - McConnell

While Lakshman and McConnell emphasize that the work they do for LABC is high-value and high-reward, they admit that working for legal aid has meant accepting significantly lower pay than what they earned in their previous roles. Lakshman says when the LABC position first came up, the pay cut was too significant to accept; when it was posted again, he reorganized his family affairs to make things work.

For the past three years, the LABC chapter and PEA have been working with the Legal Services Society to close the wage gap that separates legal aid lawyers from other government lawyers, such as Crown counsel. In January, a memorandum of agreement was forwarded jointly by the PEA and Legal Aid BC to the Ministry of the Attorney General (which oversees the legal services portfolio in BC), outlining the risk of violating the Canadian constitution should the wage inequality persist. The document argues that failing to properly fund legal aid compromises defendants' "constitutional rights to a fair trial, of their right to counsel, and of their liberty and security of the person, contrary to principles of fundamental justice."

As members of the LABC chapter executive, Lakshman and McConnell are now working on a follow-up part to the MOA, with the aim of securing a wage increase in the next collective agreement.

The pair co-chaired the LABC bargaining committee in 2022, leading the way to a new collective agreement that was ratified in December with 96 per cent of the vote. The new collective agreement makes gains in terms of language and benefits, but the two acknowledge that more ground must be gained on salaries in the next round of bargaining. They hope their recent communication with the Attorney General will help pave the way.

The issue of underfunding legal services has been widely known for nearly two decades and creates retention and recruitment issues that impact client service levels. During his time on the board of the Crown Counsel Association, which included a stint as president, Lakshman spoke publicly about the problem.

"The government was chronically underfunding the stakeholders in the judicial system," he says, citing incidents when court was adjourned due to the shortage of sheriffs. "We (the prosecution service for major crimes) were properly funded, but we were stealing from one office, short-staffing it, to prosecute massive trials, and that doesn't serve the interest of the public. It was hypocritical; it was wrong."

In the years since Lakshman first advocated for improvements to legal aid, some funding has been adjusted, but not enough. LABC continues to lag significantly (as much as 30 per cent) behind other government-lawyer salaries in some cases, McConnell says. The wage inequality must be corrected to ensure proper representation for all in BC, even those with financial barriers.

Legal representation is "extraordinarily financially debilitating, and Legal Aid doesn't cover the vast majority of people needing representation," Lakshman says. "They enter a system where the coverage for counsel to help them is so limited, so hamstrung, because of the lack of funding for legal aid."

As a result, people stay in situations that aren't healthy; they simply can't afford to do what is right for them and their children.

"Ideally, we should have a sliding scale, to include everyone, up to a very reasonable income," he adds.

Ultimately, legal aid lawyers do what they do because they care about people.

"It doesn't matter what you get paid if you aren't working for something bigger than your paycheque, something larger than yourself," Lakshman says.

"For me, for real job satisfaction, you have to be helping more than just yourself. If you can provide a service to be helpful, and be happy while doing it, that's everything."

MAKING TECHNOLOGY WORK FOR WORKERS

WITH DIALOGUE AND NEGOTIATION, TECHNOLGOY CAN WORK FOR WORKERS, TOO



Jim Stanford is an Economist and Director of the Centre for Future Work, based in Vancouver. He is co-author with Kathy Bennett of Bargaining Tech: Strategies for Shaping Technological Change to Benefit Workers.

Watch Jim's virtual plenary as part of the PEA Education Conference on Tuesday, April 18, at 12:00 pm PDT. Members have been emailed an invitation to register.

WORDS JIM STANFORD

Technology is transforming our work lives in profound and unpredictable ways. Innovations like artificial intelligence, machine learning and mobile robotics will eliminate some jobs, open up others in ways we never imagined and cause gradual changes in many more. Some economists suggest that up to half of existing jobs are largely or wholly automatable using technologies known today – let alone new ones invented in coming years.

Will these new technologies make us hyper-efficient, with more leisure time than we know what to do with? Or will they create a polarized, dystopian world, where most have no work or income while the fruits of technology are captured by a super-rich elite?

Neither extreme will prevail in practice. And the effects of technology on work are not preordained or driven by algorithms. Instead, they ultimately depend on human choices: about how technology is directed and managed, how it is put into place in real workplaces and how its costs and benefits are shared.

Given this indeterminacy, achieving fair and socially sustainable tech outcomes requires a more inclusive and balanced approach to managing technological change – one that engages all stakeholders, not just investors, employers and programmers. Technology can intensify and degrade conditions for workers through surveillance, speed-up and digital outsourcing. (Think of algorithm-dictated work in a hightech distribution warehouse.) Or tech can enable more creative, safe and secure jobs. To achieve more of the latter and less of the former, workers need more say over how technology is conceived, designed and implemented.

There is a common idea that "technology" is an all-powerful force that is inevitably and inexorably remaking work and jobs. There's no point trying to "resist" technology: that didn't work for the Luddites, and it won't work today. Instead, workers should focus on learning the right skills (like STEM or coding) to succeed in a high-tech world. Whether dystopian or utopian, these storylines seem to agree that "technology" is calling the shots.

But what if "technology" isn't really in charge? After all, what we call "technology" is not something imposed by some external or exogenous force. Rather, technology constitutes the composite of evolving human knowledge that enables us to produce new goods and services, and produce them in new (and presumably more efficient) ways. This ongoing cumulation of knowledge reflects deliberate human choices about what problems we want to solve and how to implement the solutions we invent. Deliberate human choices determine how technology evolves and how it is used in our lives. We do not live in the world of the Terminator movie, where machines are in charge. Humans control technology, but not all humans have an equal say in those decisions. In this understanding, technology is neither a villain nor a saviour. How technology affects us depends on how (and by whom) it is managed and controlled.

The common assumption of "technological determinism" that underpins so many narratives about the future of work must be challenged. Technology should be understood as a fundamentally human endeavour that reflects the priorities and choices and interests of human beings – not an exogenous or uncontrollable force. More particularly, technology reflects the priorities, choices and interests of those who control (and pay for) the innovation process aimed at solving specified problems – and who control (and pay for) the implementation of the resulting knowledge (usually embodied in machinery and other tangible forms) in workplaces.

The distribution of decision-making power over technology (both its direction and its application) is very uneven. But it is not predetermined or inevitable, just as technological change itself is neither exogenous nor uncontrollable. At present, decision-making power over technology is concentrated among those with economic wealth and political influence—those who own businesses, pay for research and buy the machines and other equipment that are used in workplaces. But that need not forever be the case. We can imagine a world in which workers have more say, and more power, in how technology evolves and how it is used. And one of the best ways for workers to exercise that influence is through collective bargaining.

There are encouraging signs that achieving a more inclusive vision of technological change is possible in Canada. I recently co-authored a research report based on a detailed survey of technology-related provisions in Canadian labour contracts. We identified some 350 specific collective agreement provisions addressing a wide range of tech topics and concerns.



Some of these are long-standing bread-and-butter features of collective agreements, such as job-protection measures, health and safety precautions and rules around giving notice of tech change. Others are emerging to deal with new issues, such as managing work-from-home arrangements and limiting employers' use of digital surveillance.

Contrary to the stereotype that unions inherently "resist change," we encountered no evidence of unions trying to impose outright bans on new technologies. (In fact, the only such provision we found was one where an employer banned a specific technology, in this case personal electronic devices, from the workplace.) Instead, the focus of collective bargaining has been squarely on managing tech in ways that are less harmful and more beneficial for workers. That's a welcome approach that should facilitate faster and more balanced innovation in Canadian workplaces. Internationally, too, there is abundant evidence that engaging workers actively in planning, implementing and managing new technologies results in more effective adoption. In Germany, for example, employers are required by law to collaborate and negotiate with elected worker reps around changes in technology, work organization and training. This facilitates a faster and fairer technology rollout.

It will take time, and a shift in workplace culture, to achieve similar technological collaboration in Canada, but it can happen. Some initial steps in that direction would include the following:

• Genuine dialogue between employers and workers. This area is underdeveloped in Canada, especially in the private sector, because of the decline in collective bargaining (now covering only 16 per cent of private sector workers). We need reforms to give workers more effective ability to negotiate on technology (and other matters) with their employers. – such as sector-wide bargaining systems.

• Mandatory employee-management technology committees. Canada has a successful network of statutory joint health and safety committees that exist in all provinces to ensure employers and workers share information, monitor hazards and work together to reduce injuries. The same principle should apply to technology matters. To help Canadian firms lift their tech game, regular dialogue with workers to discuss future technology opportunities, plan change and support fair implementation should be a normal business practice.

• Incentives to encourage best practices for managing technology change. Most business innovation receives fiscal support from government through R&D tax incentives, subsidized training programs, or direct grants and co-investments for tech-intensive projects. Where public money is involved, companies should be expected to follow best practices in formally and fulsomely engaging worker reps in discussions about technology implementation. That will support more successful rollouts and a better return on public investment.

In short, technology is neither the villain nor the saviour in workplace change. Its effects depend entirely on how new tech is implemented and managed and how its costs and benefits are shared. We do not live in the world of Terminator, where the machines are in charge. Humans still make the decisions, and to ensure outcomes that are effective and mutually beneficial, those decisions must become more inclusive and collaborative.

Technology has great potential to improve jobs and living standards for workers. But to achieve that potential, workers must be empowered to help shape and manage technological change. That way they can be confident that technology will meet their needs too.

WINTER SCHOOL RETURNS PEA MEMBERS LEARN AND CONNECT

WORDS JORDANA WHETTER

Thanks to our affiliation with the BC Federation of Labour (BCFED), and the Canadian Labour Congress (CLC), education programs, including the Pacific Region Winter School, are available to PEA members. Surrounded by mountains and situated on the southern shore of Harrison Lake, Winter School has been held here since 1975 and is the largest labour school in Canada. During the pandemic, Winter School was put on hold for a few years, but it came shining back in 2023, offering courses on a broad range of labour issues. Winter School is an inclusive learning opportunity, offering childcare for those attendees who need it, alcohol-free social networking and travel subsidies for those coming from the East Kootenays, Northern BC and Yukon. There is also a chartered bus service for those who need transportation that departs from Vancouver, Coquitlam and Surrey.

"There are so many unique perspectives at Winter School and different levels of activism," said Aimee Cho, a HESU data administrator and fourth-time delegate. "There is always something new to learn, and this year it was great to see so many new attendees and young workers."

The course Cho selected, "Advanced Organizing: The Law and Equity," was a refresher for her on organizing, but it also dove into concepts she was familiar with, such as virtue signalling, co-opting and lateral violence, but at a deeper level. "This type of learning is a real investment in yourself," said Cho. "Even though it's hard work, it really helps fill up your tank and is a great reminder that, in terms of political action, organizing is a long game."

Heather Narynski, a senior geotechnical inspector with the GLP, said she also found new learning at Winter School this year, adding that she would recommend it to members who are interested in engaging in union activities and advocating for members' interests.

"The more people that familiarize themselves with the work of the union, the greater our ability to make progress," said Narynski, a first-time delegate. The course Narynski enrolled in was "Member Engagement – Member Action." It was centred around a threestep approach to member engagement and building an active membership, something Narynski found very informative, especially as it related to her colleagues in the GLP during bargaining. Outside of the course, she enjoyed meeting other attendees from across the country, learning about the context and challenges faced by other unions, and discovering potential opportunities for improving engagement within her chapter.

Another first-time delegate, Karen Batchelor, a senior development officer in Student Affairs at UVic, chose the "Parliamentary Procedure and Public Speaking" course to push herself out of her comfort zone and step into an opportunity for growth. The course covered how to run an effective meeting, the duties of the chairperson and secretary, and how the rules of order can provide a democratic and fair process to get the business of the union accomplished.

"I learned so much about both topics," said Batchelor. "I didn't realize all of the rules and nuances to leading meetings with parliamentary procedures, and there were many opportunities to practice public speaking. We learned tips to prepare speeches, address our nerves and even debate topics."

She shared that the public speaking practice was incredibly valuable and that everyone in her group fully participated and allowed themselves to be vulnerable, which enabled visible growth through the week of learning.

"Many of us have agreed to stay in touch," she said. "It was such an immersive learning opportunity and I hope to go again."

Chrissy Sprott, an occupational health and safety representative with HESU, echoed the sentiment that it's a very social experience where attendees can spend quality time with familiar union faces but also meet new people from unique industries, a dynamic that enables great collaboration and learning.

"I've been to Winter School a few times as an attendee but also as a facilitator, and every time it's different in the best way," Sprott said. "You are constantly networking but also there is time to enjoy the facilities, explore Harrison Hot Springs and really be part of a professional and comprehensive education experience."

Sprott said the course she chose, "Benefits Bargaining," was eye-opening, especially around the topic of costing of benefits and of how employers tend to respond in matters involving benefits. She said she feels armed with new knowledge and plans to look more closely at benefit usage and member demographics in the upcoming round of bargaining to really be strategic about opening up bargaining around benefits.

For Alyssa Beaven, a physiotherapist with HSP, the chance to take a course that would directly impact her workplace was invaluable. Beaven enrolled in "Facing Management Effectively" with the hope that it would teach important communication skills, not only for management interactions but also for problem solving and communicating generally.

"The skills I learned were very useful," said Beaven. "One of my biggest take-aways from the week was to really take the time to break down a problem before rushing in to find a solution."

"I would absolutely recommend Winter School to other members. Even though I didn't bring my children, I really appreciated that childcare was provided so that families and single parents or those without childcare resources are still able to attend and enjoy all that the week has to offer."

Yavuz Kaya, a senior structural health monitoring engineer with the GLP, attended the course on "Transforming Conflict into Union Activism," which focused on how conflict isn't always negative and taught participants how to listen, get to the root cause of the conflict and identify shared interests.

"I learned that conflict can't be avoided but there are tools to help deal with it," said Kaya. "The seven skill sets were the biggest take-away for me, and I'm sure I will be able to apply them in my work."

Kaya and other PEA members spoke highly of the experienced facilitators at Winter School and of the welcoming environment and friendly people they met from across the country. Many stated that it was an immersive experience that offers a departure from the regular day-to-day work environment but still applies to their work. Overall, one theme rang true for all attendees: they hope to go again.

PEA UPDATES

CHAPTER NAME CHANGE

The Oil and Gas Commission has officially changed its name to the BC Energy Regulator (BCER).

BARGAINING UPDATE

The following PEA chapters collective agreements were ratiied in the past few months:

- Family Maintenance Agency lawyers voted 89% in favour in December 2022
- Government Licensed Professionals voted 80% in favour in November 2022
- Health Science Professionals voted 77% in favour in December 2022
- Legal Aid BC lawyers voted 96% in favour in November 2022
- University of Victoria members voted 94% in favour in January 2023

The following PEA chapter collective agreements will expire in 2023 or are currently at the bargaining table:

BC Energy Regulator [–] June 2022 Okanagan Regional Librarians [–] December 2023 St. Margaret's School [–] February 2023

PEA EDUCATION CONFERENCE

We look forward to welcoming members to the conference in Victoria on April 21 and 22, 2023. Look for a recap on the conference in the summer.

PEA EXECUTIVE

The PEA executive and staff will meet virtually on October 18 and 19, 2023, for strategic planning.

The PEA's motion to have the BCFED continue to facilitate the development of solidarity and collaboration among public sector unions in present and future rounds of public sector bargaining, and to continue to lobby provincial governments for free collective bargaining that leads to a robust, healthy and effective public sector through investments in workers and workplaces passed! Thanks to PEA First Vice-President Cherene Palmer (pictured right) for bringing this motion forward.

BC FEDERATION OF LABOUR CONFERENCE

Ten PEA members and three PEA staff attended the BC Federation of Labour's 60th convention from November 21 to 25, 2022.

CONGRATULATIONS

We wish ORL member James Laitinen a very happy retirement. James contributed to the PEA executive, ORL bargaining and other PEA committees.

Best wishes and thanks to long-serving SMS member Louise Huneck on her retirement.

If you would like to acknowledge a retiring PEA member, please email editor, Jordana Whetter (jwhetter@pea.org).



The UVic chapter executive held its second in-person coffee talk on campus in December, a chance for PEA members to come out and chat with the executive, including Vice-Chair Melissa Doyle and Chair Cliff Haman (pictured above). The UVic Bargaining Committee and PEA Labour Relations Officer Sam Montgomery, were also in attendance to take questions about the tentative agreement that was reached right before the holiday break.

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SCHOLARSHIP AND BURSARY APPLICATIONS ARE NOW OPEN

Scholarships are available to PEA members and their families. Bursaries are available only to PEA members.

Deadline for applying: May 1, 2023 pea.org/scholarships



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