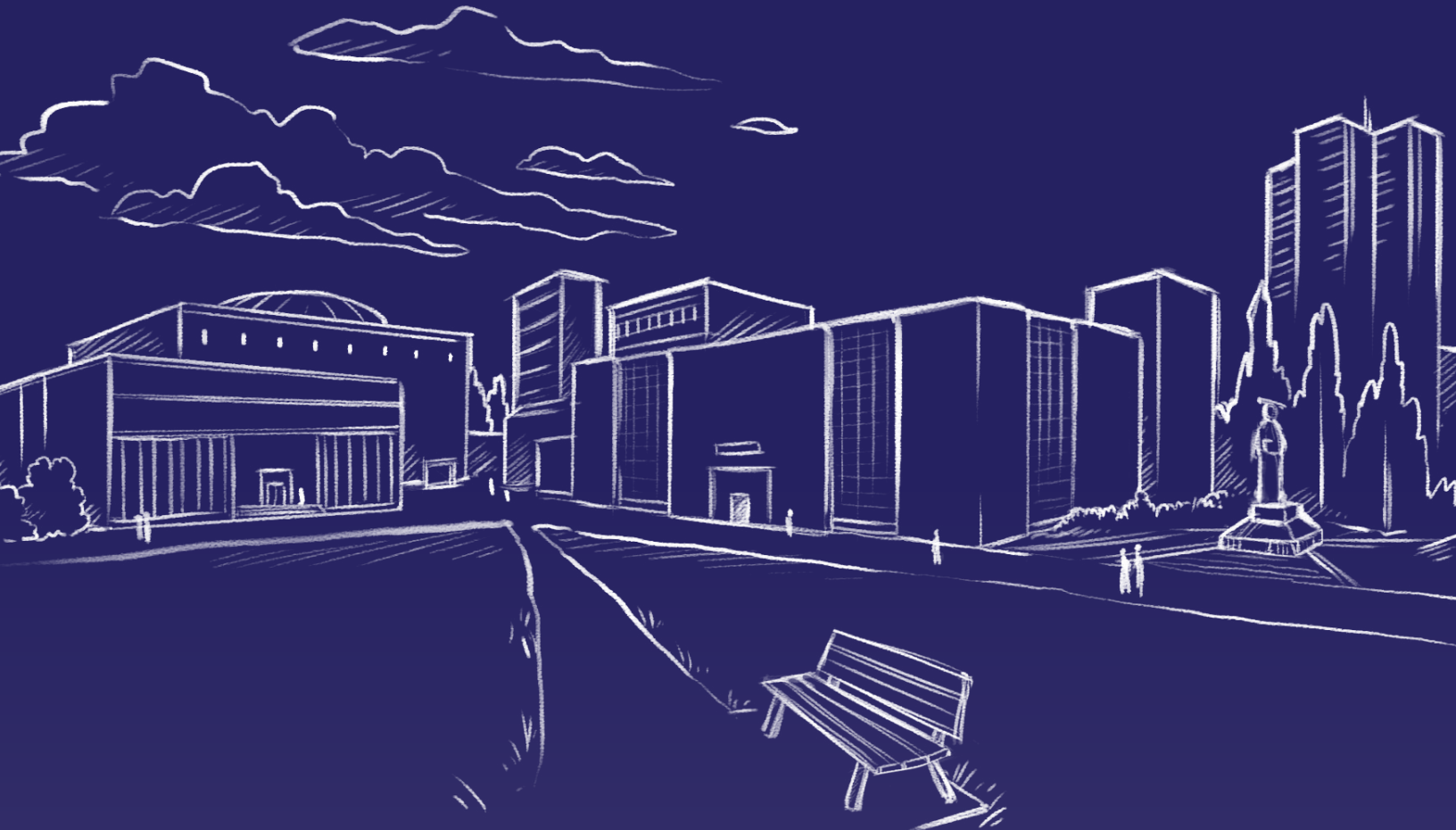


# THE PROFESSIONAL

Professional Employees Association | [pea.org](http://pea.org)

January 2015



**Is \$50 million in cuts to colleges and universities the result of a tight budget or a lack of priorities?**

# JANUARY 2015 | VOLUME 41 | ISSUE 1

# THE PROFESSIONAL

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Publications Mailing Agreement 40902044  
Return undeliverable Canadian address to:  
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# CUTS TO POST-SECONDARY EDUCATION AND OUR ROLE IN RAISING AWARENESS

Perhaps more than other unions, PEA members have a strong connection to post-secondary education. Nearly one-third of our membership works at the University of Victoria, and the majority of our members have engaged with post-secondary education in the pursuit of their careers. Our Association values education and the importance it has in so many aspects of our lives.

The current government's approach to post-secondary education includes \$50 million in budget cuts over three years. This is a substantial reduction in funding with the potential to seriously impact services on BC campuses. In 2012 the presidents of BC's 25 colleges and universities wrote a joint letter to the premier detailing how the cuts would harm education. This was an unprecedented sign of caution from the leaders of these institutions. For PEA members at UVic, the result of the cuts has been simple: job cuts. Dozens of our colleagues have lost their jobs since 2012 due to restructuring designed to meet budget reductions.

The PEA has launched a campaign about BC's priorities. It's clear that the current government has prioritized a new roof for BC Place over an investment in quality post-secondary education. It's clear that the current government has prioritized advertising over an investment in accessible post-secondary education. That's why we're addressing this head-on with an advertising and awareness campaign around BC priorities. I encourage you to visit [bcpriorities.ca](http://bcpriorities.ca) to find out more and to take action to restore funding to BC colleges and universities.

Our advocacy for high-quality, accessible public education is the result of a resolution from Convention 2013. Two years ago, PEA delegates supported a resolution to advocate for publically funded, high-quality post-secondary education. Resolutions like this shape the direction of our union and underscore the importance of taking part in the resolution process. As we look towards Convention 2015 in April, I hope members take the time to consider which issues should be prioritized and consider submitting a resolution. The deadline to submit a resolution is January 31, 2015. You can find more information at [pea.org/convention](http://pea.org/convention).

Frank Kohlberger  
President

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# PEA at the **BCFED CONVENTION**

WRITTEN BY BRETT HARPER PHOTOGRAPHY BY JOSHUA BENSON

In June 2013, PEA members supported the PEA affiliating with the BC Federation of Labour (BCFED) on a trial basis for a three-year period. A major component of this trial affiliation involved sending five PEA delegates to the BCFED convention in Vancouver during the last week of November 2014. Through networking, meeting with the BCFED leadership, and pushing the PEA's agenda forward, delegates were able to get a solid understanding of what it means to be affiliated to the BCFED.

## **ELECTIONS**

The most energizing part of convention was the election of the president and secretary-treasurer positions. Elections were held on a Thursday morning. The convention hall, which usually had a handful of empty seats, was thick with delegates as the doors were sealed for the vote. The number of delegates registered to vote at this convention reached an all-time high, with 2,252 delegates casting ballots.

Two candidates, Amber Hockin and Irene Lanzinger, vied for the title of president after Jim Sinclair stepped down following 15 years in the top spot of BC's labour movement. Affiliated unions were split between the two candidates, and PEA delegates were free to vote for the candidate they felt would best represent the interests of PEA members. Irene Lanzinger won the race for president by a 57-vote margin, making her the first woman to lead the BCFED.



**1.** Jim Sinclair, President of the BCFED for 15 years, stepped down at this Convention. **2.** Irene Lanzinger was elected President of the BCFED, the first time a woman has led the organization. **3.** Hassan Yussuff, Canadian Labour Congress president, welcomed delegates to convention. **4.** Aaron Ekman, celebrating his election to the position of secretary-treasurer.



# By the numbers

Here are some interesting numbers that stood out at the BCFED Convention

**5** PEA delegates attended the BCFED Convention



The BCFED launched a campaign for a \$15 minimum wage. They noted that:

**77%**

of British Columbians think that the labour movement should be fighting for the minimum wage

**82%**

of women think that the labour movement should be fighting for the minimum wage

The number of votes Aaron Ekman received in the election for Secretary-Treasurer

**1,077**

**2,256** registered delegates (the largest BCFED Convention ever)



**15** the number of years Jim Sinclair served as BCFED president

**1/3**

of all workplace injuries are from young workers



**57** The number of votes separating the two candidates for President



**Above:** The view of convention from behind the stage. This year, 2,256 delegates were in attendance.

Lanzinger is a former BCTF president and held the position of secretary-treasurer of the BCFED for the past four years.

The other major election was for the position of secretary-treasurer. Aaron Ekman was the only declared candidate for the position until a last-minute challenge came from the floor of convention. Howard Huntley, from the Grain Workers' Union, challenged Ekman for the secretary-treasurer position. Ekman won the contest with a healthy margin. Ekman is a northern BC resident who works as the northern regional coordinator for the BCGEU.

Both elected candidates vowed to work together to build on the successes of the BCFED, increase coordination of public sector unions in further rounds of collective bargaining, and continue the job of improving working conditions for all workers in BC.

## RESOLUTIONS

The BCFED is guided by resolutions submitted to convention by the affiliated unions. This is the democratic process through which the Federation receives its mission and its direction. Over one hundred resolutions were submitted to the November convention, and the majority of time was spent debating those resolutions.

The PEA submitted a resolution encouraging greater strategy and coordination moving into the next round of public sector bargaining. "This was our opportunity to overcome the disjointed approach that we saw in the last round of bargaining in 2014," said Scott McCannell, the PEA's executive director. The resolution calls for a researched bargaining strategy to be put in place by the end of 2017. It also advocates for a more coordinated approach among unions who bargain under the public sector mandate. The resolution received wide support and was passed by delegates.

# YOUNG WORKERS AT THE BCFED CONVENTION

Young workers, identified as those 30 and under, have a number of programs and forums designed to foster a sense of solidarity at the BCFED convention.

WRITTEN BY BRETT HARPER

A young worker's perspective on the labour movement can be decidedly different from the perspective of those who have worked for years or who are entering a unionized job beyond the age of 30. As someone who is on the cusp of leaving the young-worker age group, I had the chance to see how the labour movement is engaging this demographic of workers at the BCFED's biennial convention.

I was greeted with an excited energy at the Young Workers' Mock Convention on the Sunday before the start of convention proceedings. A room of nearly a hundred young delegates had convened to discuss issues that impact teens and twenty-somethings. The session began with a welcome from the outgoing BCFED president, Jim Sinclair. In his opening remarks, Sinclair noted that the expansion of the young workers' contingent in the BCFED was his proudest accomplishment. He underlined the progress the BCFED had made in increasing participation by young workers both at convention and in programming through the BCFED.

The need for a young workers' committee became abundantly clear minutes into the mock convention. This group of workers faces issues that are unique to their age. From higher rates of workplace injury to two-tiered contracts, there are many problems that impact young workers. To address these, the BCFED has developed a number of programs and initiatives targeted for this demographic. The Alive after Five program is taught by young workers and designed to provide health and safety information. The program targets young workers because one-third of all workplace injuries occur within this age group. The increasing prevalence of two-tiered contracts is

another issue that affects young workers. These contracts grandfather the terms and conditions for existing workers and cut the pay and benefits for future workers. At the mock convention, representatives from Unifor spoke about a recent case at the Cascade Aerospace plant in which workers went on strike over management's desire for two-tiered contracts. The union noted the strong resolve of workers to oppose this trend, which specifically impacts younger workers, as they will receive the reduced pay and reduced pension benefits.

Participants also learned about the BCFED's new campaign to raise the minimum wage in BC to \$15.00 an hour. The BCFED was behind the last campaign calling for a minimum-wage increase, and as a result more than 100,000 BC workers are now receiving a minimum wage of \$10.25 instead of \$8.00 an hour. The last minimum wage increase was in 2011, and the BC government promised to set up a committee to evaluate ongoing adjustments to the wage; however, this has not happened. The campaign for a \$15.00 minimum wage was launched at convention with a rally and media announcement. More information is available online at [fightfor15bc.ca](http://fightfor15bc.ca).

Following this discussion, the mock convention led delegates through the ins and outs of convention proceedings. This included an exercise in debating some of the proposed resolutions affecting young workers that would be brought to the floor in the days ahead. Another valuable piece to this session was the overview provided of how convention proceedings are conducted. We also received some on-the-fly tutelage on rules of order. It struck me that a mock convention wasn't valuable to just young workers, but to

all workers unfamiliar with convention proceedings.

The greatest value of the mock convention was the sense of solidarity and connectedness that was nurtured. Throughout convention week, younger workers from different unions stood together at microphones to debate and argue for or against proposed resolutions. The sense of solidarity that was fostered at the mock convention played out over and over on the floor of convention as young

*This group of workers faces issues that are unique to their age. From higher rates of workplace injury to two-tiered contracts, there are many problems that impact young workers.*

workers supported one another. Bringing this demographic together to better understand issues of young workers was a key outcome of the separate event for young workers.

As a young worker rapidly aging out of this demographic, I was encouraged by the energy, support and solidarity that came with the youth contingent at the BCFED convention. I encourage any PEA members who fall within this age range to reach out via email to [bharper@pea.org](mailto:bharper@pea.org) to find out about the many opportunities available to young workers through the BCFED.

## The value of your union

Throughout 2015 we're reviewing the value of unionized workplaces. In this issue we're talking about the benefits of labour law to protect union members from unilateral decisions by the employer.



*"Labour law provides union members with protections that don't exist for workers who are not unionized. Sometimes, these rights provide union employees the opportunity to make the best decision for themselves and their families in unfortunate circumstances."*



# What are Verrin Rights?

When 17 PEA members in the GLP chapter were moved from the public service to various health authorities, they lost their collective agreement, were red circled, and weren't given opportunities for severance. The ruling was overturned at arbitration and these workers were protected as a result of the PEA asserting rights under labour law.

WRITTEN BY AL GALLUPE

Imagine being hired into a job, working under a collective agreement that provided you overtime benefits, a modified work week, a benefit plan and a defined salary. Then imagine what would happen if one day you were told you had a new employer, you were losing your overtime provisions, and your salary was going to become stagnant for the foreseeable future. In 2013 this happened to PEA members who worked for the Forensic Psychiatric Services Commission.

As a result of Bill 8, the Miscellaneous Statutes Amendment Act, passed in Spring 2013, the government began steps to move Forensic Psychiatric Services out of the public service and into the regional health authorities. This had significant impacts on 17 PEA members working for the Forensic Psychiatric Services Commission. This legislation made no changes to the work these PEA members performed; however, they would now perform their work under a new employer with a new collective agreement that would result in clawbacks of their salary, benefits and vacation entitlements.

Under the transition, the members' suddenly found themselves working within a new collective agreement. The lost overtime provisions and their modified workweek. They also discovered that their salaries were higher than those of employees holding the same position in the new collective agreement. This discrepancy in pay for the same job resulted in the positions of the

17 PEA members being red circled. To be red circled means that an employee will continue to receive the same rate of pay but is no longer entitled to the negotiated wage increases provided in the old collective agreement. Instead, they must wait until the rate of pay in their new agreement catches up to the one they currently hold. This effectively stagnates their wages until their counterparts in the new agreement catch up to them through general wage increases.

The PEA filed grievances, and headed to arbitration to address the unilateral move of these public service employees to a new employer. The union's key argument turned on the issue of whether there was a true change in employer and, if so, whether this triggered members having the opportunity to access layoff and severance rights under their public service collective agreement. Having the ability to access layoff and severance rights was viewed as important as it would give members a choice over how to manage this major transition in their careers.

The right to choose your employer is a key component of Verrin rights. This labour-law precedent stems from a case in the 1980s. In this case Mr. Verrin was a truck driver for a hospital laundry service that was operated by the Ministry of Health. The laundry was transferred to a newly incorporated society controlled by the hospitals that it served. Mr. Verrin preferred to stay with the government, and argued that the transfer of the laundry operations from the Ministry

of Health to the Society meant he had been laid off under the terms of the collective agreement between the Government and the BCGEU. The arbitrator found that Mr. Verrin was entitled to his severance rights under the government collective agreement. When a company is sold or transferred to a new entity, this constitutes a change in employer and this triggers the right of employees to choose between remaining with their new employer or exercising layoff and recall rights under their collective agreement, if they exist.

Ultimately, the arbitrator agreed that PEA members working for Forensics who were transferred to the Health Authorities have the option of accessing layoff provisions. "As established by the Verrin line of decisions," the decision stated, "employees who do not wish to transfer to a new employer may exercise whatever rights they have under the collective agreement with their existing employer." This is an important right afforded to union members under labour law, and a victory for these PEA members.

Labour law provides union members with protections that don't exist for workers who are not unionized. Sometimes, these rights provide union employees the opportunity to make the best decision for themselves and their families in unfortunate circumstances. This is just one of the benefits of being in a union.

\*The employer is currently appealing the arbitrator's ruling and the results will be announced in February.



# Exploring our History

Since February 18, 1974 the PEA has been a fixture in the lives of many individuals fighting for fair and reasonable working conditions and wages. This is the final article in a series highlighting the PEA's history.

WRITTEN BY **BEN ISITT**

Excerpt from *Duty with Dignity: The Professional Employees Association in British Columbia 1974-2014*

# CHALLENGE AND CHANGE SINCE 2000

In the past decade and a half, the PEA has matured as an organization, consolidating its presence among professionals in the BC public service and the education, health and legal services sectors. At the same time, the PEA has been challenged by turbulence in provincial government policies, notably following Gordon Campbell's election as premier in 2001 and again in the wake of the global financial crisis of 2008, as commodity prices dipped and Christy Clark's Liberal government sought to contain government spending by restraining growth in public sector employment and incomes. Fiscal restraint has impacted professionals in all chapters of the PEA, whose working lives are shaped by levels of public funding and by provincial labour laws. As the PEA moves past its 40-year milestone, professionals and their association continue to balance duty with dignity.

In May 2001, the BC Liberal Party, led by former Vancouver mayor Gordon Campbell, was elected to form the government of British Columbia with a resounding 77 of 79 seats in the legislature. The New Democratic Party, which had governed BC since 1991, was reduced to a meagre two seats and lost its official opposition status. In the months and years that followed, the Campbell government embarked on what *The Globe and Mail* newspaper described as an agenda of "legislative vandalism," opening up legally binding collective agreements and slashing programs, services and jobs across the public sector.

The PEA, like the BCGEU, had just concluded contract negotiations immediately prior to the election. In fact, the PEA's 12th master agreement for government licensed professionals was signed the day Gordon Campbell was sworn in on June 5, 2001. At the time, the Association's negotiating committee had recommended ratification of the tentative agreement, stating it was "not convinced of the likelihood of achieving significantly greater gains with a new government." However, the contract was only narrowly approved with a 60 per cent ratification vote. This reflected divisions within the GLP chapter – tensions that were manifest when delegates met for the PEA's annual convention in Victoria a week prior to the election. Brian Barber, a forester in Victoria, drew an analogy between the factions in the GLP chapter and the larger provincial scene: "These two groups . . . appear to be as far apart as the NDP and Liberals – and just as political." At that convention,

delegates voted to increase the term for table officers from one year to two years, with Cranbrook forester Tom Volkers re-elected to a two-year term as president. However, in the autumn of 2001, Volkers resigned as president to attend to family matters, as tensions within the GLP chapter persisted. As per the PEA constitution, Vice-President (and former president) Kathryn Danchuk assumed the presidency.

It was an inopportune time for professionals in the PEA's largest chapter to be divided, as the Campbell government's agenda of spending cuts and privatization was having a profound impact on the provincial public service. Immediately after being sworn in, the new government embarked on a core services review, announcing in September 2001 that all ministries, with the exception of health and education, would be required to prepare budget scenarios based on cuts of 20 per cent, 35 per cent and 50 per cent over a three-year period. The Professional warned in October that the government's desire to balance the budget by the 2004/05 fiscal year, in the context of a \$2 billion tax cut and an economy dipping into recession, would "require massive downsizing in the public service, to an extent likely never seen before."

In January 2002, the Campbell government announced its intention to eliminate 11,700 positions from the public service and cut \$1.9 billion from the budget over a three-year period. PEA Executive Director Doug Hensby suggested in a memo to executive members and staff

## MEMORABLE EVENTS FROM THE 2000s





that “we may find ourselves down about 600 to 700 members over the course of the next three years.” In Victoria, the *Times Colonist* warned that more than 1,400 jobs were threatened in the Ministry of Forests alone. The government also introduced the notorious Bills 28 and 29, which tore up the collective agreements of workers in the health and education sectors. (The bills were ultimately deemed unconstitutional by the Supreme Court of Canada on the grounds that the government had failed to consult with the affected workers). Hensby reflected somberly in a column in *The Professional*: “In this new era, who will ensure the protection of the vulnerable in our society? Who will ensure the protection of public resources in this province?”

The PEA quickly joined with other unions to mount a legal challenge to Bill 29, the Health and Social Services Delivery Improvement Act. The unions’ position, as summarized by lead legal counsel Joseph Arvay, was that the legislation was unlawful because it interfered with the plaintiffs’ “constitutionally protected rights to freedom of association.” If passed, Arvay argued, the

legislation would result in valid employment agreements being rendered void and unenforceable, unionized employees being prevented from entering into lawful agreements, and “the established rights of the Plaintiffs to bargain collectively” being effectively denied.

Faced with this threat, the PEA joined with other labour and community organizations to mobilize against the government’s agenda. Professionals attended massive demonstrations in Vancouver and Victoria – the capital’s largest protests since Operation Solidarity two decades earlier. On February 23, 2002, an estimated 40,000 people converged on the provincial legislature in a day of action coordinated by the BC Federation of Labour. “I urge each and every PEA member to become active and involved with efforts in their community to fight back against this government,” PEA president Kathryn Danchuk wrote. A PEA representative also served on a task force appointed by Victoria City Council to examine the impact of provincial government downsizing on Greater Victoria. In addition to these collective actions,

the Association took steps to mitigate the harmful impacts of downsizing on individual employees by pursuing strategies such as voluntary retirement and other mechanisms available within the collective agreement. By the spring of 2002, only 22 professionals in the GLP bargaining unit had ended their employment through involuntary layoff, a far cry from the projected loss of 140 positions anticipated a few months earlier. However, in the midst of the restructuring, tragedy struck in Kamloops. On October 15, 2002, a manager in the pollution branch of the Ministry of Water, Land and Air Protection took his own life and murdered two other employees in the workplace after receiving a notice of termination. The Workers’ Compensation Board would later conclude that the employee, Dick Anderson, “was surprised by the notice of termination he received that day, and it was the surprise which triggered the deadly actions he took. This mirrored the findings of a coroner’s inquest, which heard evidence that Anderson had told a colleague he was “cracking” under the stress of implementing the government cutbacks, having driven back from Penticton the day of the killing

Jan 17, 2002

The B.C. Government announces the elimination of 11,700 public service jobs and \$1.9 billion from its budget over three years impacting 300 PEA members.

Jan 25, 2002

The B.C. Legislature approves Bill 29, stripping legally negotiated provisions from collective agreements. PEA members are directly impacted by this.

Feb 22, 2002

Drastic budget reductions result in 60 legal-aid offices closing and a lawyers working for Legal Services are reduced from 75 to 16.

Feb 23, 2002

More than 20,000 people demonstrate in Victoria against cuts to public programs and services.

after firing three employees, and was caught totally off guard by his dismissal.

In 2003, faced with the prospect of further mass layoffs and sensing there was no appetite within the government for compensation increases, public sector unions entered into negotiations to extend existing collective agreements beyond their specified terms. BCGEU members ratified a two-year extension to their contract in the autumn of 2003, obtaining job-security guarantees once a previously announced round of layoffs was completed. The PEA negotiated an extension to its own master agreement for government licensed professionals in early 2004, reaching a settlement in April that provided similar job-protection guarantees but no compensation increases. The PEA bargaining committee unanimously recommended that members ratify the extension, which would run until 2006 and provide “two years of employment stability” after “three years of upheaval caused by the Liberal government’s goal to reduce the size of the public service by one-third.”

One outcome of this difficult period in the PEA’s history was a renewed initiative to affiliate with the BC Federation of Labour, BC’s central labour body representing 485,000 workers, or 85 per cent of the province’s unionized labour force. Arising from a convention decision in May 2004 to “investigate” its relationship with the BCFED (and consistent with an earlier referendum decision approved in 1980), the PEA entered into what would become a long period of tentative talks with the Federation. In a process reflective of the Association’s ongoing ambivalence toward the broader labour movement, the PEA would not formalize its affiliation with the BCFED until 2013.

In the midst of these affiliation talks, the PEA staved off another existential threat caused

## *“The wholesale attack on public-sector employees’ jobs and broader social rights impelled PEA members to join with labour and community organizations in a historic mobilization against the government”*

when the government announced, and then shelved, amendments to the Public Service Labour Relations Act that would have eliminated the GLP bargaining unit for licensed professionals and merged it into the BCGEU. The PEA expended \$295,000 on an aggressive public relations campaign that included full-page advertisements in major newspapers, focus groups and intensive lobbying of government MLAs. “The significance of the Association’s victory is not to be underestimated,” The Professional noted in announcing that the government would not be proceeding with the legislative changes. At the time, the GLP bargaining unit accounted for 73 per cent of the PEA’s dues base.

It took this threat to the Association’s largest bargaining unit to prompt the PEA to form a political action committee for the first time in its 30-year history. Though common in other unions, the PEA and its professional members had been reluctant to engage in political actions, viewing such activity as inconsistent with the professional obligations of members. However, the decisions of the Campbell Liberal government and their impact on professionals’ working lives and communities demonstrated the necessity of engaging on the political field. The PEA executive’s decision to form a political action committee was consistent with direction provided by the membership at the 2004 convention, where a resolution was approved calling for the PEA to “work with other like-minded organizations to

ensure that future provincial governments implement progressive labour policies.”

### **BEYOND THE PUBLIC SERVICE**

The upheaval caused by the Campbell government’s agenda of cutbacks and privatization affected not only the GLP, but extended to all of the PEA bargaining units, revealing the importance of public funding and provincial labour laws for professionals employed outside of the public service. Provincial government compensation guidelines, for example, established through the Public Sector Employers’ Council (PSEC), played a major role in shaping the salary levels and entitlements of a large majority of PEA members in half of its bargaining units.

In the Legal Services Society bargaining unit, PEA members faced a government-appointed trustee with a mandate of phasing out legal aid services for as many as 40,000 people. The government had appointed the trustee in 2002 after the society’s board of directors refused on two occasions to impose a budget that would slash legal aid services in the province. The proposed cuts would eliminate three-quarters of the staff-lawyer positions and reduce the number of legal aid offices in the province from 60 to 7. This was part of a strategy to reduce total legal aid funding from \$88 million to \$54 million over three years. While the PEA launched a court challenge to block the cuts, groups and individuals from the BC Law Society to the chief justice of Canada urged the

Apr 30, 2003

Doug Hensby, the Association’s third Executive Director retires after 15 years with the PEA. Jodi Jensen takes over the role.

Mar 31, 2004

The government completes its three year program of government downsizing, resulting in a one-third reduction in the size of the public service.

Oct 18, 2004

The B.C. Government abandons plans to move the Government Licensed Professionals into the B.C. Government and Service Employees’ Union.

Apr 4, 2005

The PEA establishes a new bursary program for members in financial need who are pursuing post-secondary education on a part-time basis.



government to reconsider its plans. The cuts were implemented, however, resulting in the layoff of 50 out of 76 lawyers in the LSS bargaining unit and the elimination of vital services, including the entire poverty-law division. While a portion of this funding was restored in 2005, another massive restructuring in 2009 further reduced the PEA's second-oldest bargaining unit from 28 lawyers to 14, as 5 of the province's 6 remaining legal aid offices were closed. This despite renewed challenges from the PEA-sponsored Access to Justice campaign and the Coalition for Public Legal Services. An unfortunate victim of the 2009 downsizing was Kamloops lawyer and PEA president Kathleen Kendall, who resigned the Association presidency after receiving her layoff notice. Additional cuts in subsequent years would further erode this bargaining unit and legal aid services.

As the PEA grappled with the upheavals of the early 2000s, it continued to attend to the collective agreements and bargaining and workplace needs of its members around the province. In the autumn of 2001, a contract was successfully concluded at the University of Victoria that provided improvements to a range of benefits and a salary increase averaging five per cent over three years. In 2005, the UVic chapter welcomed 16 specialist instructors who were transferred into the bargaining unit through negotiations with the employer and CUPE Local 4163. Other chapters did not fare so well. For members in the 10,000-strong paramedical multi-union association (later renamed the Health Sciences Professional Bargaining Association), there was no room for negotiation as the government opted to force through a legislated contract under Bill 15, the Health Care Services

Collective Agreement Act, in August 2001. For the dozen lawyers employed in the Family Maintenance Enforcement Program, the intransigence of Themis Program Management, the private firm contracted by the provincial government to deliver the program, prompted a strike vote and 72-hours strike notice in 2011 before a contract was settled with assistance of a mediator. The lawyers in FMEP served 67,000 children and 84,000 parents annually, collecting \$174-million in payments in 2009/10 and operating on a revenue-neutral basis.

The PEA also continued to organize new groups of professionals. In August 2000, the Association had received certification from the BC Labour Relations Board for bargaining rights to represent 50 teachers employed at St. Margaret's School, a private non-denominational girls' school in Victoria. The employer had filed an objection to the application, claiming the proposed bargaining unit was not appropriate for collective bargaining. However, following a hearing where submissions from both parties were received, the LRB ruled against the employer and allowed the certification. No certification vote was required, since more than 55 per cent of the teachers had indicated their support for the PEA by signing membership cards. The teachers proceeded to ratify a chapter constitution, elect a chapter executive and prepare for negotiations for a first contract. Before negotiations had opened with the employer, the bargaining unit was expanded by the LRB to include an additional 16 non-instructional staff, including a library assistant, clerical staff, maintenance workers and bus drivers. (In 2013, residence staff would also join the bargaining unit). This represented a rare example within the PEA of a bargaining unit that included all employees in the workplace. Negotiations for a first contract at St. Margaret's opened in the spring of 2001 and were concluded

- Apr 7, 2006

The B.C. Labour Relations Board grants the PEA's tenth certification, as bargaining agent for lawyers employed by the Law Society of B.C.
- Oct 24, 2006

The B.C. Labour Relations Board certifies the PEA as the bargaining agent for professionals at the Oil & Gas Commission.
- Jul 27, 2007

In a 34-1 vote, members of the Law Society Lawyers Chapter reject a proposed collective agreement that was not recommended.
- Feb 16, 2009

Mike Jobke is elected by the Executive to replace Kathy Danchuk. Kathy served a total of 13 non-consecutive years as PEA President.



within three months with the signing of a three-year agreement that provided for salary increases of 10.5 per cent. Other bargaining units formed in the 2000s included lawyers at the Law Society of BC (the third bargaining unit of lawyers organized by the PEA), who received their certification in April 2006, and a group of professionals employed by the Oil and Gas Commission, who retained certification when the Commission was transferred out of the public service in 2006. The LRB recognized the commission as a distinct bargaining unit and awarded successorship rights to the PEA.

Negotiations in the Law Society chapter proceeded slowly, with much acrimony between the lawyers and negotiators representing the benchers, the society's board. In October 2006, the lawyers filed a complaint with the LRB alleging that the society was failing to bargain in good faith, and in March 2007 they took a strike vote. A tentative agreement reached after nine months of negotiations was rejected by the lawyers in July 2007. Finally, in mid-2008, the lawyers signed their first contract with the Law Society.

The PEA continued to demonstrate its commitment to broader social engagement. This reflected a growing recognition among the membership that the interests of professionals are directly connected to those of people in diverse occupational groups and communities. In 2004, the PEA joined 125 other provincial and national organizations in calling on Premier Gordon Campbell and Prime Minister Paul Martin to rescind time-limits on welfare eligibility in BC and outlaw their future use under the Canadian Social Transfer.

The PEA also saw a flurry of change in its elected leadership in the late 2000s, with the election of four presidents in a 13-month period. In February 2009, silviculturist Kathryn Danchuk stepped down as president after 13 cumulative years in the office (from 1993–98 and 2001–09). The executive appointed forester Mike Jobke to replace her, and delegates confirmed Jobke's election at the spring 2009 convention. However, within a few months, Jobke resigned for personal and family reasons. The executive then appointed second-Vice-President Kathleen Kendall, a Kamloops lawyer and member of the Legal Services Society bargaining unit, into the

president role, only to lose her when she was laid off from her job in early 2010 as a result of legal aid cuts. At that point, Frank Kohlberger, a forester based in Kamloops and the PEA's first vice-president, assumed the presidency in accordance with the PEA's constitution. Kohlberger has since been re-elected to three consecutive terms.

In the past decade and a half, the PEA has matured as an organization, consolidating its presence among professionals in the BC public service and the education, health and legal services sectors. At the same time, the PEA has been challenged by turbulence in provincial government policies, notably following Gordon Campbell's election as premier in 2001 and again in the wake of the global financial crisis of 2008, as commodity prices dipped and Christy Clark's Liberal government sought to contain government spending by restraining growth in public-sector employment and incomes. Fiscal restraint has impacted professionals in all chapters of the PEA, whose working lives are shaped by levels of public funding and by provincial labour laws. As the PEA moves past its 40-year milestone, professionals and their Association continue to balance duty with dignity.

Mar 8, 2010

Following rapid change, Mike Jobke is succeeded by Kathy Kendall, who is succeeded by Frank Kohlberger as PEA President.

Jan 10, 2011

Jodi Jensen, the Association's fourth Executive Director leaves the position. Scott McCannell is appointed to the position.

Oct 28, 2011

PEA receives notification at end of day from BCGEU that the Community Health Services and Support Staff Chapter is being raided.

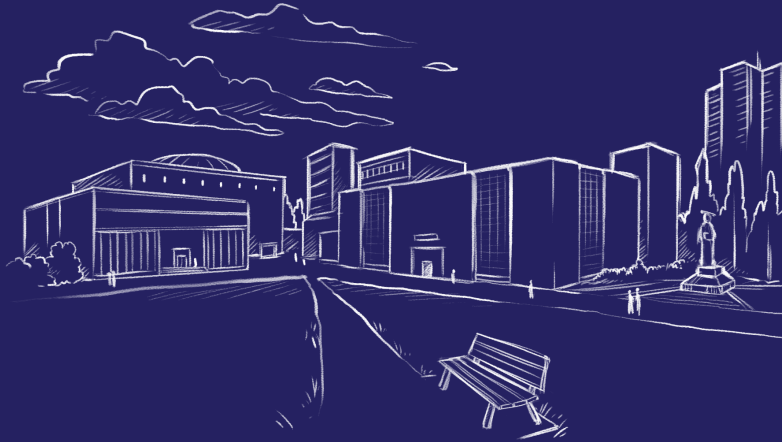
Sep 5, 2012

GLP chapter members take first ever province-wide strike action in their 38 year history. This follows targeted job action on August 7 and 20.

# Is \$50 million in cuts to colleges and universities the result of a tight budget or a lack of priorities?

BC Premier Christy Clark tells us we're living in tough economic times and that we need to tighten our belts because there's not enough money to go around.

If that's true, then how did the BC government find \$512 million for a new roof on BC Place Stadium, another \$182 million for a software system and more than \$85 million for government advertising over the last 3 years?



**If you had \$514 million, would you spend it on:**

- A.** Our colleges and universities.
- B.** A roof.



**GUESS WHICH ONE THE BC GOVERNMENT CHOSE?**

## It's all about priorities

If we want to keep post-secondary education public and affordable then what's needed is more funding for post-secondary education—not less.



## **THE FACTS** **Post-secondary System Funding Cuts**

The B.C. government is slashing \$50 million annually over three years in funding to the post-secondary system. This decrease amounts to \$5 million in 2013/14; \$20 million in 2014/15; and \$25 million in 2015/16, as reported in the provincial budget tabled Feb. 19, 2013.

### **Decrease in Student Spaces**

Student spaces in B.C.'s public advanced education institutions are projected to fall by 5,000 spaces by 2016. This is directly attributed to the cuts in funding.

### **Cost of Maintaining Funding**

(B.C.) education spending would need to increase by an annual average rate of 2.7%, or \$1.6 billion over three years, to maintain inflation-adjusted funding per student, according to the Conference Board of Canada.

### **Canada's Universities Ranking Keeps Sliding**

Canada continues to slide on the world rankings of top 100 universities. In the Times Higher Education World Reputation Rankings, compiled annually by global scholars, Canada highest score was No. 20 (the University of Toronto, down from No.16). Only three Canadian institutions made the list. The University of British Columbia ranked 33, tied with Montreal's McGill University, both down from No.31.

For more information on these facts and their sources visit [bcpriorities.ca](http://bcpriorities.ca)



## **What can you do?**

This issue is not going away. In fact, it's gathering momentum. We all have to speak up now, collectively, in order to reverse these cuts.

Visit [bcpriorities.ca](http://bcpriorities.ca) to find out more about these cuts and how you can act

# GERRY REICHENBACK

After 39 years with the BC government, Gerry Reichenback retired in 2014 with a wealth of knowledge in his field, years of service to his union and an understanding of some of the major challenges facing the PEA and the BC public service.

WRITTEN BY BRETT HARPER

Gerry started his career with the BC Public Service in 1975 on a summer position while still at university. After doing summer forestry and firefighting work for a few years, in 1979 he began his career as a forester, based out of the Marine Building in downtown Vancouver. He jokes, "I was the urban forester living in Kitsilano." That location was temporary, and he moved several times throughout his public service career to Port Alberni, Nelson and eventually Kamloops.

His involvement with the PEA didn't begin until the late 1990s when issues over hours of work became prominent in his office in Nelson. Some PEA members had a modified workweek, while others didn't. This imbalance caused him to contact the PEA, get more familiar with the collective agreement, and speak with PEA labour relations officers and local reps for assistance with how to address the problem. He describes his involvement with the PEA: "All of a sudden management was being unreasonable, and then you had no choice but to fall back onto the contract." That required reaching out to the PEA and getting a better understanding of the collective agreement language.

Gerry's largest contribution to the PEA has been his service on three bargaining committees. All of them involved different complexities and bring up different memories; however, for Gerry, the 2012 round stands out. His assessment of that particular round points to the changing relationship with government: "In 2012 the government had been difficult to deal with. I don't think they really took us seriously." For

him it wasn't the strike action that changed the power dynamic, but the day of protest in which GLP members staged rallies in Victoria, Prince George and Kamloops. He explains that these rallies were spontaneous, unplanned, member-driven and, ultimately, successful. "I think that had more impact than the days we were off on strike." He believes that in order to achieve its goals, the PEA will need to show more resolve in bargaining and be willing to demonstrate collective power.

Gerry is aware of how the public service and the role of professionals have changed over his career. The most significant change, which began in the 1990s and continued in the 2000s, has been the ongoing reduction of and decreasing reliance on professionals in the public service. This was a huge issue for Gerry personally in 2003, when staffing reductions in the forest service resulted in him being transferred from Nelson to Kamloops. Not only was the process disruptive professionally, but it placed strain on his family. He was separated from his family for a year while his youngest daughter finished her last year of high school in Nelson.

This period marked a major change in the way professionals are treated in government. "They have dumbed down a lot of the requirements so that we don't need professionals, or not as much," said Gerry. Part of this change is the increasing gap between what professionals in the BC public service earn compared with those in other public jurisdictions and in the private sector. "Money isn't everything, but

when you compare what government professionals make to what industry professionals make, even given some of the issues around hours of work or holidays, which are definitely probably better with us, it's a huge difference. It's a problem. Up to 40 per cent difference." The PEA's compensation reviews confirm that the discrepancy is a major issue that is leading to recruitment and retention problems for the government. "I think most people are willing to swallow, like, a ten, fifteen per cent difference. When it gets beyond this you've got to think there is something wrong here," Gerry says.

Gerry thinks recruiting professionals can be part of the solution for the government's need to contain costs. "A lot of savings could be found by not having it done outside; have it done in-house." Not only are the costs of in-house professional services lower, but an internal staff provides better service and knowledge of what's actually happening on the ground. "It's not really clear to government, or the public I guess, that things aren't being done as well as they could be. You can't have someone else be responsible for carrying everything out, and then hoping that it turns out right at the end," said Gerry. He argues that return on investment is higher with a strong public service, because at the end of the day professionals in the public service are watching out for the government's bottom line. "Licensees have their own agenda," Gerry says, "which is to make money. That's what they are there for; there is nothing wrong with that. If there's a choice between one way or another, it's always going to be

the cheaper way, and that's not always the best value for the province of BC." He's hopeful that some of the changes to the public service will be reversed. "Maybe one day the government will realize the value in having a strong PEA for professionals," he says. Until then, he's hopeful the PEA will continue to build its base through a strong and engaged membership.

As Gerry heads into retirement, he has some great plans for his time, including travelling and fishing. He has family in Europe to visit and a few other places on his travel wish list, including Australia. It's as he heads into retirement that he has some time to reflect on pensions and the importance of them. "I think we're fortunate that we have a decent pension plan," said Gerry. He can see how people end up in poverty in their retirement, and it's because of their pension plans, or lack thereof. "I keep thinking that the real issue out there in the world isn't that ours is so good; it's more a matter that others' is so poor. You should be able to retire and not be in poverty."

*"I think we're fortunate that we have a decent pension plan... The real issue out there in the world isn't that ours is so good, it's more a matter that others' is so poor. You should be able to retire and not be in poverty."*



# CHAPTER UPDATES

## FMEP FAMILY MAINTENANCE AND ENFORCEMENT PROGRAM

### BARGAINING

After four days of negotiations, bargaining will continue for FMEP members on January 29 and 30. Discussions are focused on monetary issues at this point, with minor issues having been settled.

## GLP GOVERNMENT LICENSED PROFESSIONALS

### MOUNT POLLEY

Along with other unions, the PEA has signed a letter from the Environmental Law Centre to the premier that calls for whistleblower protection for public servants. The letter was written in the context of the Mount Polley disaster. The concern is that if the government does not provide immediate protection to employees to speak freely about the disaster, there is a real risk that the panel will not obtain all the evidence it needs to do its job properly.

The PEA also made a submission of the Mount Polley Inquiry in December. The full submission is available on our website at [pea.org/mountpolley](http://pea.org/mountpolley). The PEA made several key recommendations in areas relating to staffing, professional reliance and whistleblower protection. The results of the inquiry will be made available in February.

## GLP GRIEVANCES AND ARBITRATIONS

The modified work week arbitration will resume at the end of January. The PEA is also awaiting an appeal by the employer to the outcome of the forensics arbitration award (see page 8 for more information). The PEA anticipates the appeal being addressed sometime in February. The PEA has also filed several classification appeals

and several grievances, one related to discipline of a member and one relating to misuse of managerial authority.

## GLP OIL AND GAS COMMISSION BARGAINING

The Oil and Gas Commission bargaining committee reached a tentative agreement with the employer in December. An electronic ratification vote will close on January 23.

## HSP HEALTH SCIENCE PROFESSIONALS

### CHAPTER EXECUTIVE

New members were elected to the HSP chapter executive at the AGM on Wednesday, November 26. At the meeting Ronda Field was elected chairperson, Sean Lisik was elected vice-chairperson, and Denise Rheame was elected secretary-treasurer. The PEA thanks departing executive member Joanne Montgomery for her many years of service to the chapter.

## HSP GRIEVANCES AND ARBITRATIONS

Arbitration dates have been set to address the 37.5 hour workweek grievance. The first arbitration date is in the Spring and subsequent dates have been scheduled throughout 2015 to address a number of grievances on behalf of all impacted members from the bargaining association. The PEA has brought four grievances forward to the Health Science Professionals Bargaining Association resulting from the employer denying education leave to members.

## HSP PROFESSIONAL DEVELOPMENT FUNDING

During recent rounds of Health Science

Professionals Bargaining Association (HSPBA) collective agreement bargaining the PEA received professional development fund money. To maximize the number of members who can access this money the HSP chapter executive members developed an application process and funding criteria. The PEA will cover the cost of tuition, fees, books and related expenses to a maximum of \$250 for courses by HSP members until the funding has been exhausted. More details about the application process, funding criteria and deadlines can be found on the PEA website at [pea.org/HSP-ProD](http://pea.org/HSP-ProD).

## LSL LAW SOCIETY

### CHAPTER EXECUTIVE

The Law Society held their Annual General Meeting on November 18, 2014. Members elected a new executive consisting of Chairperson Gurprit Copland, Vice-Chairperson Erin Berger and Secretary-Treasurer Camille Karlicki. The PEA would like to thank outgoing chapter executive members Jack Olsen and Lance Cooke.

## LSS LEGAL SERVICES SOCIETY

### BARGAINING

The LSS bargaining committee reached a tentative agreement on December 23, 2014. Members voted in early January and ratified the five-year agreement. Some highlights of the new agreement include an additional day of leave under the 'other' category for leaves not currently covered by the collective agreement, across the board market adjustments, a general wage increase of 5.5 per cent over five years, and small increases to vehicle and meal allowances. The PEA would like to thank bargaining committee members Rolfe Horne and Camran Chaichian for their work on reaching this agreement.

ORL

## OKANAGAN REGIONAL LIBRARIANS

### EXCLUSION GRIEVANCE

The PEA is heading to arbitration to address an exclusion grievance. The grievance resulted from the assignment of PEA bargaining unit work to excluded managers. The PEA is requiring that the ORL stop assigning PEA work to excluded employees of the ORL and continue to assign these duties to positions within the bargaining unit. The dates of the arbitration are still being confirmed.

PGSD

## PRINCE GEORGE SCHOOL DISTRICT

### ALL CANDIDATES MEETING

The PGSD chapter in partnership with the Prince George District Teachers' Association, the District Parent Advisory Committee, and CUPE local 3742 hosted an all-candidates forum for School District 57 School Trustee candidates in November 2014. The event was well attended and provided an opportunity for members to get more information from candidates for school trustee positions.

SMS

## ST. MARGARET'S SCHOOL

### ANNUAL GENERAL MEETING

SMS is hosting their AGM on January 27 from 4:00 to 5:30 p.m. in Senior School Room 10/11. Agenda items include the chairperson's report, secretary-treasurer's report and chapter executive elections. All PEA members are encouraged to attend and pizza will be served.

SMS

### RESIDENCE STAFF BARGAINING

SMS and the PEA reached agreement on the residence staff bargaining and will not be proceeding to arbitration in January as scheduled. Parties signed the agreement on Friday, November 28. After months spent at the bargaining table followed by an unsuccessful mediation, the parties

reached an agreement. One of the main points of contention between the parties was whether the resident parent positions should be included in the PEA bargaining unit. The PEA maintained that the duties assigned to these positions were bargaining unit work and therefore the positions should be within the bargaining unit. The employer believed that these positions would assume managerial function and should be excluded. The employer conceded and agreed the four positions will be included in the bargaining unit. The PEA is pleased with this result. It is our hope that after this last difficult round of bargaining the parties will begin to move forward and work on building a strong relationship with the school.

UVic

## UNIVERSITY OF VICTORIA ADMINISTRATIVE AND ACADEMIC PROFESSIONALS

### ANNUAL GENERAL MEETING

The UVic Association Executive held their AGM on November 14. Melissa Doyle was elected to the vacant position of vice-chairperson. Vincent Connor, Kristen Ficke, Brendan Leddy and David Sanderson were elected to director positions. The PEA would like to thank departing UVic chapter executive members Susan Dempsey, Emma Carter and Chandra Beaveridge for their service to the UVic chapter. Since the AGM, Brendan Leddy has left UVic and his director position will be filled through a by-election.

## GIVING BACK 2014

Thank you to all of the members who voted for and nominated organization in Giving Back 2014. Eleven organizations were chosen to receive donations from the PEA in 2014 as a result of Giving Back. For the full list of organization please visit [pea.org/givingback](http://pea.org/givingback).

## CONVENTION 2015

### RESOLUTIONS

Resolutions are motions or proposals submitted to the PEA convention, urging a policy or a course of action that will guide the union in the coming months or years. Any PEA member may submit a resolution for consideration. Resolutions must be signed by at least two PEA members and received by the Victoria office. The deadline for resolutions is January 31, 2015. To access a guide to resolutions, visit [pea.org/conventions](http://pea.org/conventions).

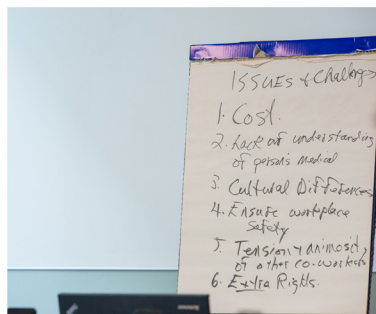
### TABLE OFFICER POSITIONS

The PEA is searching for dynamic individuals for table officer positions on the association executive. Are you interested in a leadership role as the president, vice-president, second vice-president or secretary-treasurer of your union? Elected table officers serve two-year terms and are guaranteed a seat at the convention or education conference. Officers participate in about eight in-person or teleconference meetings per year and also work on committees. Leave hours can be provided for union business.

You would be a vital link to the membership and have an important role in setting policy and making the organization an effective bargaining agent for our members. For more information, please contact Executive Director Scott McCannell at 1-800-779-7736 Ext 203. The deadline for nominations is March 2, 2015; candidate statements received past this date will not be included in the materials. Candidates for table officer positions may also be nominated at any time prior to convention or from the floor during the proceedings.

# LOCAL REP TRAINING

In September the PEA held local rep training at our Victoria office for local reps. The advanced level of local rep training is designed to educate our front-line advocates about labour law, human rights, and member engagement. If you're a local rep and you're interested in attending training please visit [pea.org/localreps](http://pea.org/localreps).





# scholarships and bursaries for PEA members and their families

## Scholarships and bursaries

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Up to ten scholarships of \$1,000 each will be awarded to PEA members in good standing or their relatives who are registered, or in the process of registering, in a full-time post-secondary educational program. Candidates are judged on their excellence in an essay of up to 1,500 words. Up to ten Bursaries of \$500 each can be awarded every year to PEA members in good standing who are registered, or are in the process of registering in a part-time post-secondary educational degree or diploma.

Changes to the PEA Scholarships and Bursaries: Following a review by the PEA's Association Executive, former recipients of scholarships and bursaries are not eligible to apply again. This provides greater opportunity for the PEA to help out members and their families pursuing post-secondary education. For the full policies, please visit [pea.org/scholarships](http://pea.org/scholarships) or [pea.org/bursaries](http://pea.org/bursaries).

2015 Scholarship topic:

"The PEA and many other unions emphasize member engagement and democratic participation as key objectives in efforts to serve members. Discuss opportunities, such as new technology, or other initiatives that would help achieve these goals."

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**Deadline to apply for PEA scholarships  
and bursaries is March 15, 2015**



# Why is the BC government cutting \$50 million from universities and colleges?

- a. They spent \$182 million on a computer system that doesn't work.
- b. They spent \$85 million on government advertising.
- c. They spent \$514 million on a roof for BC Place.
- d. Education is not a priority.

e. All of the above



Tell the government to  
get its #bcpriorities straight.

Weigh in at [bcpriorities.ca](https://bcpriorities.ca)