



report

**Collective Bargaining
Advisory Committee
Videoconference**

October 1–2, 2020

The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 390,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

The office of the National Union of Public and General Employees is situated on the traditional unceded territory of the Algonquin Anishinaabeg people and is now home to many diverse First Nations, Inuit, and Métis communities.

We recognize and acknowledge the crimes that have been committed and the harm that has been done.

And, we dedicate ourselves, as a union, to moving forward in partnership with Indigenous Peoples in a spirit of reconciliation and striving for justice.

Larry Brown, President

Bert Blundon, Secretary-Treasurer

**Collective Bargaining Advisory Committee Videoconference
October 1–2, 2020**

PARTICIPANTS

HSABC/NUPGE	Nora Miner
HSAA/NUPGE	Marnie Stuart Bruce Wilkins
SGEU/NUPGE	Roseann Strelezki Marney Robinson Kathy Mahussier
MGEU/NUPGE	Michelle Gawronsky Sheila Gordon
NBU/NUPGE	Susie Proulx-Daigle Leigh Sprague
NSGEU/NUPGE	Shawn Fuller
PEI UPSE/NUPGE	Hans Connor
NAPE/NUPGE	Elaine Price
GUEST SPEAKER	Emily McBain-Ashfield
NUPGE	Larry Brown, President Len Bush, Managing Director (Office of the President) Anil Naidoo, National Representative Sandra Megeney, Administrative Representative

1. Welcome and Introductions

Anil Naidoo, a National Representative, welcomed all the participants to the meeting and asked participants to introduce themselves. He then moved to the agenda.

NUPGE President Larry Brown provided opening remarks.

2. Agenda Review

Day 1—Thursday, October 1, 2020

- 1) 11 am Eastern Daylight Time: Call to Order
- 2) Welcome and Introductions
- 3) Agenda Review
- 4) Report from Last Meeting
- 5) Component Bargaining Activity Updates
 - Pandemic impacts on bargaining
 - Provincial political Issues
 - Recent victories and settlements
 - Upcoming challenges and strategies
- 6) Guest Speaker: Emily McBain-Ashfield
 - *Domestic Violence and the Workplace: How Non-Canadian Jurisdictions Have Implemented Workplace Protections for Victims of Domestic Violence*
 - *Workers' Health and Safety Protections and Working from Home*

Day 2—Friday, October 2, 2020

- 1) 11 am Eastern Daylight Time: Call to Order
- 2) Component Reports—continued
- 3) Pandemic Bargaining Discussion
- 4) Other Issues

3. Report from Last Meeting

A general overview of the last CBAC meeting was provided. The report from the last meeting was presented to participants.

4. Component Bargaining Activity Updates

BCGEU

There are currently no negotiations with our collective agreements. Our agreements do not expire until March 31, 2022, so we are looking at 2021 as an opportunity to build towards negotiation strategies we will be using.

We have been seeing that there is a lot of labour-relations work related to the impacts of COVID on our membership. We have also been seeing OH&S issues and the grave shortage of PPE across the province. And we have seen extra work related to members needing to don and doff the N95 masks. This has been a bigger issue than what we had anticipated.

We did have a pause on hearings, on grievances, and on any other sort of negotiation processes from mid-April until sometime during the summer. Grievances continue to be filed across our collective agreements. We had to do a lot of negotiating in BC around things like the single-site transition framework. A lot of our members were working in the long-term sector when public health guidance no longer allowed them to move between facilities. Many of the workers in the long-term care facility have precarious employment and work at 3, 4, or even 5 different facilities.

Regarding right of employment and layoffs: in the acute care sector of our agreements, we have not seen a ton of layoffs. Recruitment and retention have been a problem, and there has been an excessive quantity of overtime during the first wave. We did do some negotiating around looking at members who needed to quarantine or isolate in the acute care sector. We were trying to determine what type of pay processes would be available for those people. In BC, we did have some success in having a paid isolation/quarantine pay.

HSAA

Our collective agreement expired on March 31, 2020, but we have not gotten to the table, so we have had 3 extensions on bargaining. They came to us in March, May, and again in August, asking to delay bargaining. We signed a Letter of Understanding (LOU) that delayed bargaining until October 15, and we received some job protection language. It extended some language that we already had in the collective agreement that was very specific to an Operational Best Practice initiatives to all staff. We are scheduled to get to the bargaining table on November 4 to exchange, but will probably be asked for another extension.

The UCP is doing a virtual Policy Convention and some of that information has leaked. Some of what they are talking about is Right to Work and privatization of health care.

There have been outbreaks in large hospitals, and a single-site order has been put in place. Staff are having to use their sick leave when there is an outbreak in their unit, whether they have been exposed or not. Staff are happy they are receiving wages, but are not happy that they must deplete their sick banks.

Every one of our bigger bargaining tables usually follows the master collective agreement, and so they have been suspended as well. We have not done a lot of bargaining since March. With some employers who are not directly funded by the government, 0% has been the norm, with wage freezes generally, but there have been a few small wins.

Particularly with Alberta Health Services, although they have extended bargaining and ended the job protections, they have gone ahead with layoffs. We had over 300 full-time equivalents (FTEs) face layoffs in the last few months. This occurred mainly because the government decided to change a program called RCSD, which was funded by the government to provide contract work to schools for things like speech-language pathologists (SLPs). The government decided to take that funding away from AHS and give it directly to the schools for them to decide what they wanted to do with those funds. The schools could use the funds for continuing those services if they wanted; they could hire their own people, or they could put the money somewhere else. There were no real restrictions on what they did with the funding, and the result was that there were more than 300 layoffs and then the displacements.

We expect the government to come to the table with major concessions, and we are preparing to fight that. One of the big things that came out right at the beginning of COVID is we have a huge part of our EMS who are casual, and they do not have sick leave. When they were asked to self-isolate, there were no wages for them if they did that. In response, we have a good proposal for granting casual sick leave, which would be groundbreaking. We have put language in the proposal around public health emergencies, and what articles can be opened for discussion and negotiation if that should happen.

We also want to highlight that, with virtual meetings, we find that the medium is making it hard to build the team for bargaining.

Yesterday, the government approached all the big bargaining units and asked them for a further extension. Our collective agreements expired March 2020, and the government is asking for a long extension until March 2021. They are extending job protections with this. If we agree to this, there will be no involuntary loss of jobs, FTEs, or benefits during that period. We are very suspicious about why they are asking for this.

SGEU

October 1 is the first day back to the office for most staff. Other staff have been equipped to work from home with laptops. During the pandemic, we did have some delays for some of our bargaining units until Zoom was set up. The Health Care bargaining unit is working on a COVID Letter of Understanding. Over the last few months, our admin committee has been very busy approving MOAs. There has been some bargaining via Zoom. Members felt they could not read body language through virtual bargaining.

Some of the impacts of COVID include concerns from the post-secondary sector that things will not return to the way they were prior to COVID. Collective agreements in expire in 2022. Universities are not talking a lot about wage clawbacks, but there are job losses in administration and rumors about potential mergers.

There have been many mental health impacts on workers. We have members that are trainers of the Canadian Mental Health Association, so we have provided training for staff within our bargaining units.

Current COVID numbers are very low. And there will be an election on October 26.

MGEU

There is no good news in Manitoba right now. Winnipeg and all surrounding municipalities are in Code Orange in Winnipeg. This means there are no more than 10 people to a room, unless it is your workplace, and then you can have more than 10 if you are social distancing. You must always have masks on. Work is considered a social interaction, so those rules apply to workplaces

Masks are always mandatory in the city and surrounding municipalities. COVID numbers continue to rise in Manitoba.

We had a victory on Bill 28, which was legislation we were fighting based on violations of collective bargaining rights. The government is appealing the ruling.

One of our university groups has had a wage reopener after we had the Bill 28 win. They are going to the table to get a 5th year and wage reopener, and the Minister of Finance sent the President of the union a letter stating that they would receive 0.

Civil service was at the bargaining table and had reached an impasse. Either side can request mediation and the government is obliged to appoint a mediator. The MB government refused. We took it to court and won the lawsuit, but the government still refuses to appoint a mediator.

COVID has put a damper on bargaining, including our ability to get proposals from our membership. We are dealing with things such as single-site employment when it comes to personal care homes. Government workers have been issued the Public Health Order for a single-site work order, but the agencies that are providing workers are not doing single site. They can provide workers to 4 or 5 nursing homes within a week, and send them to an acute hospital. There are 52 such private agencies in Manitoba.

Colleges and the post-secondary sector are facing cuts and layoffs due to the massive budget cuts in Manitoba. This government is looking at privatizing everything, including medical labs and mental health services. MB park registrations are now being handled by a Texas company. Due to COVID, we are seeing increased sales of alcohol and cannabis.

PEI UPSE

All bargaining was delayed until September or October. Health PEI bargaining will begin on Tuesday, after being delayed from March.

A by-election in October could move us from a minority to majority government. The province's fiscal update shows that the province is in a better economic position than anticipated, even after COVID. PEI is leading the country in both economic growth and population growth.

For bargaining, we are expecting low percentages in terms of wage increases, but we have not seen this yet. Some of the smaller bargaining units have had 2% and 3% increases.

Most settlements, grievances, or labor relations rulings have been postponed due to the pandemic. COVID cases remain very low.

One of the biggest issues was related to working from home. For most agreements, there were no policies or language related to this issue prior to the pandemic. This is something we need to watch for in our collective units going forward.

We have 3 bargaining units in post-secondary, and working from home has totally changed the landscape. We must be aware that this could become a permanent part of the sector in terms of teaching virtually. We must, therefore, incorporate language to protect workers.

There was a question about increases in PEI health care settlements. PEI clarified that 2% is common. One small bargaining unit got 3.5%, but 2% seems to be the norm for the fiscal year ending in 2020.

NAPE

Prior to the March shut down, we signed off on 2-year extensions on existing collective agreements for all of the public sector. They were due to expire on March 31, 2020.

We did manage to negotiate wage increases in the Public Sector. We secured 2% on April 1, 2020, plus 1% on April 1, 2021, and 1% on October 1, 2021. Over the course of the 2-year extension, we have a 4% increase.

We also have a no-layoff clause in our collective agreements. This was extended and will continue in effect until March 31, 2022.

We also managed some improvements to employment benefits that had to do with cost sharing for the continuation of the group insurance plan in retirement. Existing employees as of March 31, 2020, would get the premiums of cost sharing at 50:50, and employees that were hired after March 31, 2020, will pay 60%, while the employer will pay 40% for post-employment benefits.

All government groups except for Memorial University (MUN) have extended the terms of their collective agreements. We are in discussions with MUN.

We tried to develop structures that would facilitate guidelines between the parties. When COVID hit, we put in place committees in each sector that would meet regularly during COVID. The various committees played an extremely important role during the COVID shut down and post-COVID (return to work). We had a Health Care committee, a committee with core government, a committee with school boards, and a committee with the College of the North Atlantic to discuss COVID-related issues. We continue dialogue with these various committees.

Most of our employees have returned to the workplace. Most employees liked working from home. When employers wanted them to return to work, we got a lot of push back from employees not wanting to return to the workplace. As unions, we need to establish language in our collective agreements around working from home.

Faculty at the Colleges of the North Atlantic are continuing to deliver courses online. Hands-on courses are being taught on campus. We're not sure about the winter session. Memorial will continue virtual learning. Cafeteria staff have not been recalled.

In March, when the shutdown happened, staff were sent home with pay. If they were required to self-isolate, there was COVID pay. However, now that things have resumed, staff must access their sick banks should they have to self-isolate, get tested, or test positive for COVID.

This fall the government announced that they will be bringing in Moya Green to head up an economic recovery committee. She privatized the Royal Mail in the UK. And she has worked with Canada Post while they have been pushing privatization. We will have some tremendous challenges coming up in the next year.

In the Health Care sector, we have extended the timelines for grievances during the COVID shut down. We are doing arbitration hearings, some in-person and some virtually.

NSGEU

Our office staff have been back to work since June 15. We are doing some in-person bargaining. We are doing in-person arbitration. We are bringing our bargaining committees into the office by scheduling appointments. Masks and social distancing are required for these appointments. Overall, masks are now mandatory in NS. School sports are going ahead in the fall. Most of our members are back at work, with universities as the exception and still doing online learning.

Most of our major collective agreements in health care end on October 31, 2020, and end for the civil service in April 2021. In NS, our bargaining strategy is complicated by the recent creation of health care councils. We bargain for our health care agreements with the help of 3 other unions NSU, CUPE, and UNIFOR.

Prior to the pandemic, a few smaller groups like crown attorneys and paramedics were shaping up to 1.5% and 1.5%, along with economic adjustments, adding up to 3.1% for 2 years. We hope to begin health care bargaining in late winter or early spring of 2021.

If there is a second wave, there will be no pandemic pay. Government must pay staff if they are sent home, and they are trying to negotiate a temporary layoff arrangement with unions.

We have had a significant win, with a reclassification leading to a 12 % increase retroactive to 2014 for Licensed Practical Nurses (LPNs).

We did not receive any collective agreement freezes during the first wave. We did get a ministry order to send a number of our acute-care nurses and LPNs into a long-term setting at Northwood, where there were a number of deaths.

University tables are out front now doing some bargaining. The employer has been asking for some significant clawbacks. Dalhousie is seeking significant pension changes from their faculty and staff. They are offering no wage increases at all. This is likely to lead to a strike in the fall.

NBU

We are at the table with civil service groups. Health care groups will be coming in early in the new year. We are waiting on results of a job study. We are also encouraging members to accept redeployment, since the employer will likely use their power to lay off people if they are not seen as useful in the current moment. There is a fear that a second wave will not include pandemic pay and will have many layoffs.

NB has a new majority government after the election 3 weeks ago. We are expecting some harsh austerity from this government.

In the previous minority government, we were successful in getting the job evaluation implemented. In the nursing home, we just settled a contract last weekend, and we got a better deal than we were anticipating.

The pace of the pandemic is so much faster than the pace of bargaining. Our priorities are redeployment, job security, PPE in the workplace, and wages.

Regarding virtual bargaining, it is interesting adapting to this technology. The employer suggested that everyone except the spokesperson for each side turn their cameras off. NBU did not agree with this, as it is important to gauge the reactions of everyone involved during the negotiations.

5. Guest Speaker: Emily McBain-Ashfield

Emily McBain-Ashfield is a law student who worked for RavenLaw. As part of her summer term, she did a placement with NUPGE.

Emily presented her 2 papers

- *Workers' Health and Safety Protections and Working from Home*
- *Domestic Violence and the Workplace: How Non-Canadian Jurisdictions Have Implemented Workplace Protections for Victims of Domestic Violence.*

The papers are attached to this report and were provided to all participants.

6. Open Discussion

1) Working from home: Collective agreement, ergonomics, and liability issues

- PEI—the provincial government always did have a telework policy but in light of the pandemic they have retooled it. PEI wants 33% of the provincial government workforce to work from home and did a survey to sell the idea, saying that it is

better for the environment, etc. They have checked with us, and we are in a consultation process with our members regarding this proposal. Most of the research has said that members want a blended approach. There is concern around OH&S coverage at home vs. in work the workplace.

- HSAA—there are pilot projects looking at work from home, generally a lot of employees see this as desirable. There is a lack of social connectedness and increased isolation, which could have mental health impacts. Should there be more of an emphasis on Employee Assistance Programs (EAPs) if this goes forward?
- MGEU—We put out a memorandum that management must ensure that there is contact at least once a week with staff. Staff check in on other staff as well re: equipment working properly, well-being, etc. Health and safety is a priority.

2) Sick leave—COVID-positive cases

- HSAA—A large portion of our EMS group is casual. They are working a lot more due to the COVID pandemic and are getting exposed and getting sick but have no paid sick leave. We also have parents that need to stay home with their kids, because they have been sent home from school to isolate due to COVID. There should be a different payroll code for this. How do they get wage protection for this? How will the government sustain this relief up until next year (spring/summer 2021)?

3) Anti-racism

- HSAA recently did a survey amongst our members and had an open forum via Zoom for all members to participate in. This is an important social issue. People of color in our union should be the people to educate us on this issue. Engaging our members who are people of color is very important. It is an ongoing process.
- PEI—The provincial government was required to update their harassment policy based on Workers' Compensation legislation that was going to include psychological harm. As a union, we seized the opportunity, and the employer responded positively to our involvement. We are seeking members to participate in a forum with the employer. On the union side, we must have more diversity in order to advance this issue.

- NUPGE formed a non-standing Special Committee on Anti-racism that has met a couple of times. There is a list of recommendations going to the NEB next week. It is not at this moment, a standing committee. It will be an NEB decision to discuss if we create a full committee or stand down and disperse the work over the groups like the CBAC, etc.

4) LOUs—Do we see this as part of a political fight?

- MGEU—With a state of emergency in our province, the government has made it clear that our collective agreements, and any memorandum of agreements (MOAs), memorandum of understandings (MOUs), are at a standstill because we are in a state of emergency.

5) Pandemic—What gaps are there in our collective agreements?

- PEI—The whole concept of state of emergency or public health emergencies needs to be unpacked. What does the term *essential worker* mean? Should there be another emergency, do we include the definition of an essential worker in our collective agreements as there currently is no clear definition?
- SGEU—We have not received an exact definition of an essential worker, and until we receive this, how do we get recognition of wages? There is still no clear list, although it was requested.

6) NON-monetary clauses/negotiations

- NAPE—We were fortunate to negotiate a no layoff clause in the last round of bargaining, which was due to expire in March 2020. Last fall, we were preparing our public sector bargaining unit for negotiations. We agreed we would look at extensions that would include our no layoff agreement, and that there were some small monetary gains. We have a 4% increase over 2 years, and we have the no layoff clause. A privatization clause is also unique and states that the government has to prove that it will be more cost-effective to privatize.



NATIONAL UNION OF PUBLIC AND GENERAL EMPLOYEES

- B. C. Government and Service Employees' Union (BCGEU)
- Health Sciences Association of British Columbia (HSABC)
- Health Sciences Association of Alberta (HSAA)
- Saskatchewan Government and General Employees' Union (SGEU)
- Manitoba Government and General Employees' Union (MGEU)
- Ontario Public Service Employees Union (OPSEU)
- Canadian Union of Brewery and General Workers (CUBGW)
- New Brunswick Union of Public and Private Employees (NBU)
- Nova Scotia Government and General Employees Union (NSGEU)
- PEI Union of Public Sector Employees (PEI UPSE)
- Newfoundland & Labrador Association of Public and Private Employees (NAPE)

The National Union of Public and General Employees is an affiliate of the Canadian Labour Congress and a member of Public Services International.

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