

The Professional

Professional Employees Association | pea.org

Winter 2011



Professional
Employees
Association

PEA
ON
STRIKE?

When to Strike?

Educating our members about
collective bargaining:
mediation and strikes





The PEA Executive and staff have spent time over the fall prioritizing and planning in order to prepare the organization for a busy year in 2012. Eight of our chapters will be bargaining

with most of those under what appears to be a very challenging and restrictive BC government (PSEC) mandate. The Association's objectives are to continue progress in a wide range of areas including bargaining, communications, streamlining operations and most importantly member engagement. The PEA strategic plan is the organization's 'road map' through to the end of 2012. It is available to all members on the password protected section of the website, pea.org/strategicplan. Please forward any comments you have about the plan to Brett Harper, bharper@pea.org. This plan sets out a series of strategies and measurable actions that the Association has prioritized. The plan is intended to provide a clear picture of what the PEA intends to accomplish, and will include metrics and annual reporting to our membership. This is our commitment to you. The Association is also working towards demonstrating more fully our value to members. In the next issue of *The Professional*, members will receive the PEA's first Annual Report. This will highlight the successes and accomplishments of the Association over the past calendar year. This tool will be another way in which the Association remains accountable to its members.

While the PEA has set out a plan for the next year, we also believe it is important to stop and reflect on our successes. For example, the feedback on the new website and *The Professional* have been very positive, the initial use of the PEA online forums has been encouraging, and members have noticed that there is renewed emphasis on servicing and ensuring

that members' collective agreements are respected. Our communication tools have been developed with the intention of creating more member engagement and awareness, as well as providing members a venue to interact with each other directly. Staff will be working hard to keep these new tools pertinent and applicable to members in the coming months. Members can access the forum at pea.org/forum. Please join in the discussion, as your point of view matters!

We have had many developments at the chapter level this Fall, including a number of AGM's. I would like to congratulate the new and returning members of the Chapter Executives to their positions. I look forward to working with you as we move into a busy year full of many opportunities and challenges. Bargaining preparations are also now underway in almost all of our chapters.

Similar to other unions, the climate of BC politics is increasingly affecting PEA's ability to bargain for many of their chapters. The Throne Speech in October provided a cryptic message about the next public sector mandate for wage increases. Executive Director Scott McCannell addresses this in his article "Analyzing the Throne Speech" on page nice. About 92% of our members fall under the Government's PSEC mandate and there have been wage freezes in two of the last three rounds of bargaining. Member engagement will be critical if we are to achieve fair outcomes in the future.

Finally, I would like to wish all members a very Happy Holidays. I hope you are able to take time to spend with your families and loved ones and enjoy a brief break from the busy pace of everyday life.

Frank Kohlberger
President

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Has your contact information changed?



Keep the PEA informed of changes to your contact information by updating your online profile

pea.org/user

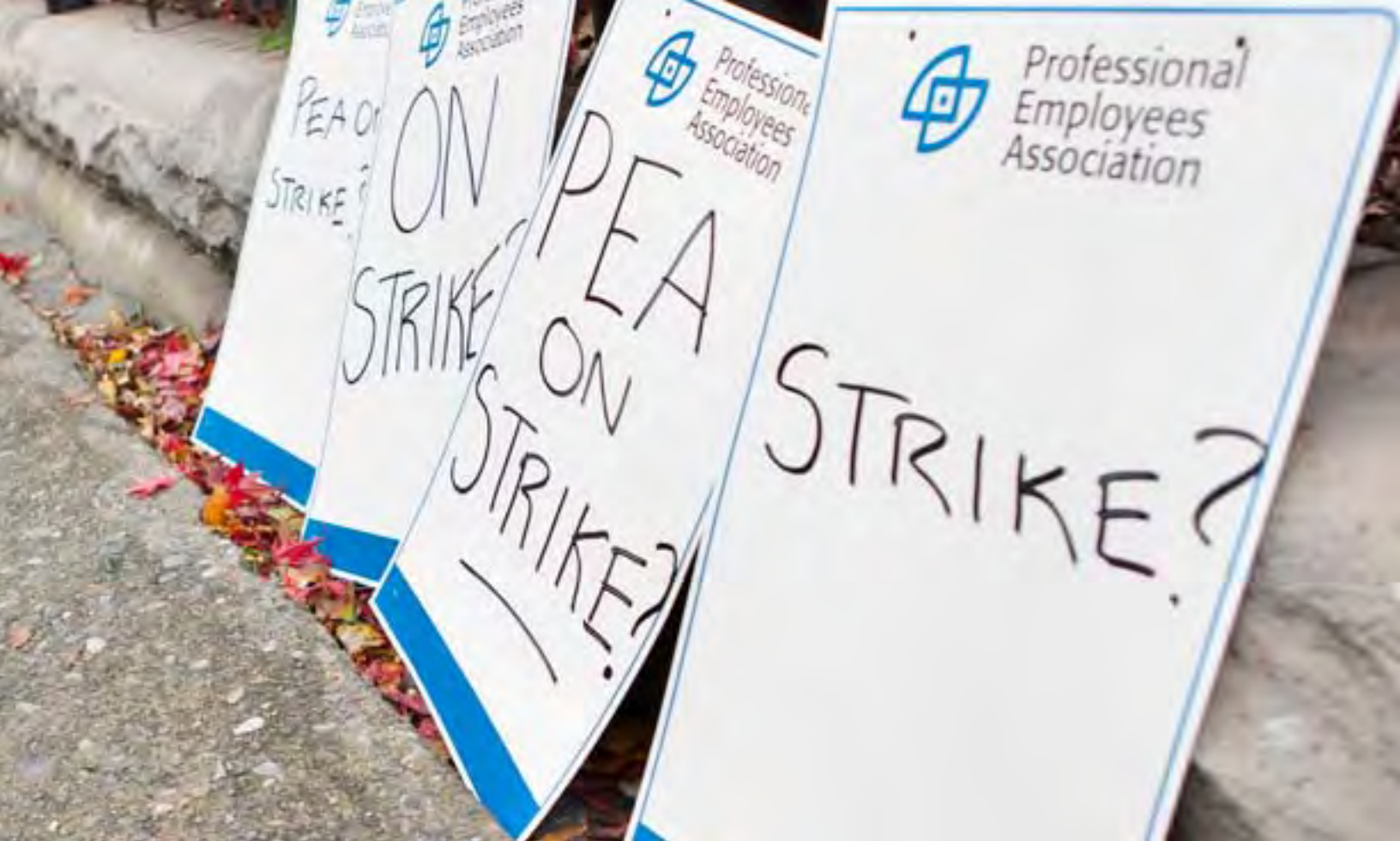
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Let's Start Talking about Bargaining: Mediation and Strikes

Information about Collective Bargaining designed to keep members educated about the bargaining process so you can make informed decisions in the months ahead

With the potential for difficult negotiations in 2012 (ie. potential for continuation of the Government's public sector wage freeze), there is an increased likelihood of members being asked to consider strike votes in the PEA's various chapters. The PEA wants to familiarize members to the collective bargaining process so that in the months to come you are prepared and able to make informed decisions. In this issue, we will be touching on mediation, strike votes and strikes. For more extensive information on these topics, the PEA has developed a Collective Bargaining Guide that is available to all members. This guide reviews the collective bargaining process and what members can expect from the PEA.

Mediation

During bargaining, if negotiations

between the union and the employer are not progressing, one of the parties may request the assistance of a mediator from the BC Labour Relations Board. Unlike an arbitrator, a mediator does not have the power to impose a settlement. The mediator's role is to assist the parties in reaching an agreement by promoting compromise and objectivity. Usually, the parties are separated with the mediator going from one room to the other.

Mediators may come in and out of the bargaining process. For example, the parties may use a mediator before the union takes a strike vote. If the mediation is unsuccessful and the union takes a strike vote, the mediator may be called back to try again. Finally, a mediator may be called in when the union is on strike.

Strike Votes

The PEA will hold membership meetings prior to conducting a strike vote. These meetings are designed to update members regarding the lack of progress at the bargaining table and to explain why a strike vote is the next step towards reaching a satisfactory agreement. Each member of the chapter in good standing will have the opportunity to vote on whether or not they support a strike.

In order for the bargaining committee to be able to use the leverage gathered from taking a strike vote, members need to vote overwhelmingly in support of the strike (i.e., a high turnout and over 90% in favour). The employer needs to feel the pressure of potential job action. If the strike vote is weak, the union loses power because the employer knows that members

are not prepared to stop working to achieve their bargaining demands. Ultimately collective bargaining is about power. The union's power comes from the willingness of members to take job action.

Strike Vote History in the PEA

The PEA has a history of using the threat of job action as a means of providing leverage at the bargaining table.

Chapters in the PEA have taken strike votes in 1979, 1981, 1989, 1993, 1999, 2001, 2006, 2007 and 2011. Only once in the PEA's history has a strike vote led to a strike. Most recently, the FMEP chapter voted in favour of going on strike in early 2011. Here, a strong strike vote gave the union the power it needed to reach a collective agreement that was substantially improved compared to the wage freeze offered prior to the strike vote.

Job Action and Strikes

If the strike vote does not provide enough leverage to reach an agreement, the bargaining committee may determine a strike is needed. A strike is the withholding of labour by unionized employees to place pressure on the employer with the aim of encouraging an agreement in bargaining. The right to strike is established by law; therefore, any employee who is participating in a lawful strike cannot be disciplined by their employer.

There are many kinds of job action which would be considered a strike under the Labour Relations Code. In short, a strike is any activity on the part of employees designed to restrict or limit production or services. A couple examples are a refusal to work overtime and working to rule. Working to rule is a form of job action where employees follow the strict terms and conditions of their contract. The union may take job action up to three months following a positive strike vote.

There are many strategic decisions that will be made regarding which kinds of job action will occur, when and where. For example, it may be determined that members will start by working to rule for a week. If that does not result in an agreement, the strike may escalate to a full strike where all the members stop working.

If a strike occurs in a chapter or union other than your own, you will be expected to show support (e.g., do not cross a picket line). Members are protected from discipline by the employer if they choose to respect a picket line of another chapter or union.

The PEA policy for strike pay (including benefits) is up to 70% of earnings to a maximum of \$125 day. Under the Labour Relations Code, employers must continue to provide benefits as long as a union will pay employee premiums. If benefits were continued, the costs would be reduced from members strike pay.



Melissa Moroz
Labour Relations Officer

Types of Job Action Defined

Strike: concerted refusal to work or cessation of work, or slowdown or other concerted activity by employees that is designed to restrict or limit production or services.

Picketing: patrolling at the entrance of an employer's business by members of a union who carry signs or distribute leaflets in order to publicize a labour dispute with a view ordinarily to persuading employees, suppliers and customers not to work for or deal with the employer.

Work to Rule: A practice where workers obey all laws and rules pertaining to their work, thereby effecting a slowdown; a refusal to perform duties which, though related, are not explicitly included in the job description.

Members can find out more in the Collective Bargaining Guide available online at pea.org/collectivebargaining



The **Collective Bargaining Guide** is available online at pea.org/collectivebargaining or, a paper copy can be obtained by contacting the PEA office.



Connect and Chat

Talk over issues with other PEA members using the new online discussion forums

An overview of the new PEA online forums, a review of the functionality and why it is important to stay engaged with your union to improve the Collective Bargaining process

The Social Shift

Social networking has become one of the fastest growing tools on the internet. There are now over 500 million active Facebook users, over one billion tweets every week, and there are over 100 million professionals on LinkedIn. While the PEA realizes that not every member may be engaged in social media, these numbers demonstrate a significant shift in the way we communicate.

The PEA online forums is one step towards increasing the connectivity and engagement of our members.

The PEA Forum

The PEA represents a wide range of professional members from across the entire province. The ability to keep members connected and engaged is a challenge. The development of the PEA online forums is intended to help bridge the physical gap between our members.

The PEA forum is a secured location for members to discuss a wide range of issues from pensions to collective bargaining. The forum has been active over the past two months, with members posting issues for discussion from recruitment and retention, to the

role of PEA in the media.

Members have been using the forums to bring up a wide range of issues from working less hours in a week for the same pay to professional fee reimbursement and more. All of these comments are potential proposals in the next round of bargaining.

The PEA's main goal for the forum in 2012 is to use this tool to facilitate discussions around bargaining. In terms of collective bargaining, this tool provides members with a direct forum to bring up issues or proposals that they feel their Bargaining Committee should bring forward to negotiations. The forums compliment other initiatives such as meetings and surveys to gather input on bargaining.

The PEA understands that this is a substantial shift in the way we communicate with our members; however, in a world increasingly more reliant on the web and social media, our hope is to provide a more effective and engaging opportunity for members from across the province to engage with each other.

Forum Functionality

Each member can access the PEA Forum and their Chapter Forum by

logging into the website. The PEA Forum is intended to capture issues that apply to all PEA members. The Chapter Forum is for chapter specific issues including collective bargaining proposals. Members who are having trouble logging in, or require a username can contact the PEA office.

The forums are open. Members can create new topics or reply to existing posts.

Members can stay engaged in the conversation by subscribing to the forum or topic. On the main page of both forums is the 'Subscribe to Forum' option. This allows you to stay informed when members update the forum. You will receive a digest of all updates in the forum that day. Members can also subscribe to individual topics within each forum. The 'Subscribe to Topic' button is at the top of each page.

An online video outlining how the PEA Forum works is available for members looking for additional assistance. You can find the video online at pea.org/gettingstarted

Brett Harper
Communications Officer



Handling Harassment

What to do if you feel like you are being harassed in the workplace

The B.C. Human Rights Code is an important law that protects people from discrimination, including harassment.

Harassment is a form of discrimination. Harassment occurs when a person or group is subjected (often repeatedly) to unwelcome comments or behaviour that is insulting or demeaning, or is otherwise offensive. Common examples of harassment include name-calling, telling offensive jokes, and making offensive gestures.

Harassment is harmful because it attacks the dignity and self-respect of the victim. In the workplace, it may negatively affect both the victim's ability to perform their duties and the work environment as a whole.

In B.C., it is against the law to harass a person because of their race, colour, ancestry, place of origin, religion, marital or family status, sex, sexual orientation, disability, or age. Employers, landlords, and other service providers have a responsibility to provide a harassment-free environment for their employees, tenants, and customers.

Examples of harassment include:

- unwelcomed sexual suggestions or requests;
- unwelcomed touching or physical contact;
- staring at or making unwelcome comments about someone's body;
- jokes based on gender, sexual orientation, or racial stereotypes;
- comments that make fun of or belittle or insult people because of their sex, pregnancy, race, or physical or mental disability;
- racist, sexist, or anti-gay publications or graffiti displayed in the workplace;
- and any unwelcome behaviour, such as starting rumours in the workplace, that is engaged in, in whole or in part, because of a person's race, sexual orientation, or other similar personal characteristic.

Harassment does not have to be intentional to be against the law. This means that even if the person responsible for the action or comment did not "mean it," it is still harassment according to the law.

If you are being harassed because of your race, colour, ancestry, place of origin, religion, marital or family status, sex, sexual orientation,

disability, or age:

- If it is safe to do so, tell the person firmly that their actions or comments are unacceptable and ask them to stop. If you find this difficult, consider asking a friend for help.
- Keep a written record of exactly what happened and when, and of what was said
- If the discrimination or harassment happens at work, in your apartment building, or in a store or restaurant, ask your employer or landlord or the manager to do something about it.
- Use internal complaint processes to file a complaint at work or school. If the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.
- Contact your PEA Labour Relations Officer.
- File a human rights complaint with the BC Human Rights Tribunal.

To make a complaint under the Human Rights Code, all of the following must be true:

- you have been singled out and treated differently and poorly, compared to others;
- you are being treated differently and poor because of a personal characteristic, such as your race, colour, religious belief, sex, mental or physical disability, or sexual orientation; and,
- the treatment occurred in a public situation, for example, at work, in a store or restaurant, or between a landlord and tenant.

Members needing support with harassment are urged to contact a Labour Relations Officer. Members can also find contact information for a variety of organizations online at pea.org/importantcontacts

Article cited from the British Columbia Ministry of the Attorney General



Rhiannon Bray
Labour Relations Officer

Bargaining in the Broader Public Sector Conference

In late November the PEA attended the Bargaining in the Broader Public Sector Conference for expert opinions on the economy and bargaining as to what we can expect

The following is a summary of the Bargaining in the Broader Public Sector Conference that took place in Vancouver on November 22, 2011. The conference was attended by about 140 representatives from various public sector unions and employers from across Western Canada.

The first session provide an Economic Update and featured two economists, Iglrika Ivanova and Dr. Rosalyn Kunin, from opposites sides of the political spectrum. Key points from both economists are outlined in the table below.

<p style="text-align: center;">Iglrika Ivanova</p> <p style="text-align: center;">Economist and Public Interest Researcher at the BC Office of the Canadian Centre of Policy Alternatives</p>	<p style="text-align: center;">Dr. Rosalyn Kunin</p> <p style="text-align: center;">Director BC Office Canada West Foundation and consulting economist</p>
<ul style="list-style-type: none"> • Economic growth projections for BC have been revised downward toward 2% annually • Export markets in Asia and Europe will slow and dampen growth • Consumer demand accounts for 2/3 of BC's economy and a strong labour market is needed to stimulate the economy • High BC housing prices and debt levels create risk if interest rates rise in the medium term (will remain low this and next year) • The labour market has gained back the jobs lost in the 2008/09 recession but unemployment remains high with new entries in the labour market and most new jobs are part time, low paid and temporary • Only 34% of laid off workers in BC received employment insurance coverage this year • Real (e.g. accounting for inflation) BC family earnings have stagnated over the last 30 years and median income has fallen while the economy has increased by 8% in real growth meaning that very wealthy individuals have seen a disproportionate increase in their income • Canada has one of the highest rates of growth in income disparity leading to social unrest (e.g. Occupy movement) • BC debt levels are the third lowest in Canada • The BC Government's next bargaining mandate is a political choice as taxes could be raised to pay for increases (BC has the lowest personal tax rate and one of the lowest corporate tax rates in Canada) • BC has one of the leanest/smallest public sectors in Canada • Society needs to debate whether we become a low wage economy or whether there is focus on good job creation and balance between workers and business 	<ul style="list-style-type: none"> • The Economy is in recovery (US growth at about 2%) and don't believe the media hype about recession • Western Canada will lead the Canadian Economy based on commodity exports; Central Canada will continue to lag • Jobs are being created slowly; there are current shortages for skilled trades, project managers, in the service industry and for technical positions • There is no job security other than mapping out what you are going to do in your next job • BC is projected for slow growth (2%) given major construction projects and demand for wood from Asia • Over the longer term, Canadian Baby Boomers will retire in Vancouver and the real estate market will not crash • Income inequality will become even more of an issue and those people with defined benefit pension plans will be advantaged relative to those without pensions or those with defined contribution pensions • Collective bargaining in BC will be a serious uphill challenge (difficult to secure wage increases) given that the Government needs to address its deficit • Employment security may be an opportunity in bargaining, given scarce monetary resources • Back to work legislation is an option for 2012 public sector bargaining; but the better option would be to keep bargaining meaningful by negotiating employment security in lieu of money

Another Panel featured CUPE representative, Blair Redlin, BC Federation of Labour President, Jim Sinclair, Employer Bargaining Consultant, Gary Moser and Business Council of BC Vice President, Jock Finlayson. Salient points that were generally agreed upon by all members of this panel included:

- Comparing public and private sector compensation levels requires in depth analysis and broad generalizations in the media about public sector wages and benefits leading the private sector should be looked at sceptically.
- Public and private sector compensation comparisons should consider that public sector employers are almost always large organizations and therefore should be compared to large private sector organizations which tend to pay about 30% more than smaller organizations. As well pay equity (equal pay for work of equal value) which has been accomplished in the vast majority of the public sector accounts for a small public sector wage premium above the private sector; however, men in the private sector earn about 5%

more that their public sector counterparts. Another important consideration is that about 80% of public sector employees have post secondary education, a rate almost double that in the private sector. In the public sector about 75% of workplaces are unionized, while this only 17% of the private sector are. Generally, public sector workers have access to defined benefit pension plans and have more paid time off than in the private sector.

- Union representatives noted the increases of BC's premier were 52% in one year and that real earnings for workers have declined over the last 20 years. The opportunity to pay high wages through improved productivity in our economy was also supported by the employer side of the panel.
- Other interesting points included that BC does not have a structural budget deficit like the situation in Europe and that the current deficit results from the recession and therefore BC and Canada are likely to move out of budget deficits with economic recovery. The "politics of envy" from the self employed and those working in small organizations

are reflected in media attacks on public sector pensions and benefits and that generally public sector pension plans in BC are well managed.

The conference also focussed on recent legal developments concerning the right to strike and the scope of Government rights to legislate resolutions to collective bargaining (e.g. back to work). While the Canadian Charter of Rights establishes the principle of Freedom of Association and therefore some protection for unions and their members, the Charter is not prescriptive and this area of the law will continue to develop especially in light of recent union legal challenges flowing out of the Canada Post dispute.

Note: The facts and data in this article reflects comments from conference presenters and have not been verified.



Scott McCannell
Executive Director

Wishing all members a Happy Holidays
and a Peaceful New Year

From the Association and Chapter
Executives of the PEA

Analyzing the Throne Speech

In October, the Provincial Government's throne speech laid out a vague and cryptic indicator of what the PSEC mandate will be in 2012. Executive Director Scott McCannell expands on what it might mean and how it impacts 92% of PEA members

The October Province of BC Throne Speech outlined the following as to the next 2012 PSEC mandate:

"Though taxpayer-funded public sector wage increases will be challenging to achieve, and must fit within the fiscal plan, your government understands that public servants need to be treated fairly. This requires being creative in how resources are identified for any improvements in collective agreements. Therefore, the government will facilitate a process for collective agreement improvements by working with ministries and employer groups to find savings through cooperative gains. The government will be asking public sector employers, unions and employees to join in this process."

The PEA has had a preliminary meeting with the Public Service Agency (the bargaining agent for Provincial

Government Employees) on this mandate and we understand that there will be an internal government process to find funds within existing Ministry budgets to fund collective bargaining improvements (i.e. there will be no new funding for increases). Bargaining preparations are underway or will begin shortly for various PEA Bargaining Committees. Our advice to these committees is that we should enter negotiations under this mandate in good faith; however, based on what we understand to date, it appears that it will be very challenging to secure reasonable increases in the upcoming round of public sector bargaining. The Province of BC's September Fiscal update paints a very unfavourable picture of the Province's finances. All of this leads to very difficult bargaining circumstances especially since all of our members who bargain under the

PSEC mandate have been subject to wage freezes in two out of the last three mandates. This has in many cases lead to compensation that is falling behind the labour market and inflation. The PEA is not promoting a particular course of action for members, beyond asking each of you to join in the bargaining preparation process and make your views known (e.g. member meetings, surveys, contacting your bargaining committee, etc.). Your engagement is critical to successful outcomes and to ensuring that the PEA is able to effectively represent you.



Scott McCannell
Executive Director

What is PSEC?

Did you know that 92% of PEA members work in the public sector and fall under the provincial government's PSEC bargaining mandate?

Various PEA chapters, including GLP, UVic, HSP, PGSD, OGC and LSS will bargain under the PSEC mandate in 2012 and beyond. As discussed in the Fall edition of *The Professional*, PSEC has been setting BC public sector bargaining mandates since the mid 90's. PSEC does not have the statutory authority to impose wage controls; however, there is significant consistency in bargaining outcomes based on the mandates provided to public sector employers over the last 15 years.

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Collective Bargaining Metrics: Unemployment

Unemployment rates are relevant as a bargaining metric as they generally signal the state of supply and demand in the labour market. A growing economy generally means more demand in the labour market and more competition among employers for scarce "talent". This can result in settlements where larger increases are provided to ensure that an employer is able to recruit and retain employees. In other words a strong labour market (low unemployment) is often more favourable to securing reasonable increases than in a labour market featuring high unemployment. Labour market supply can be impacted by the number of individuals seeking employment, retirement behaviour, investments in education programs and so on.

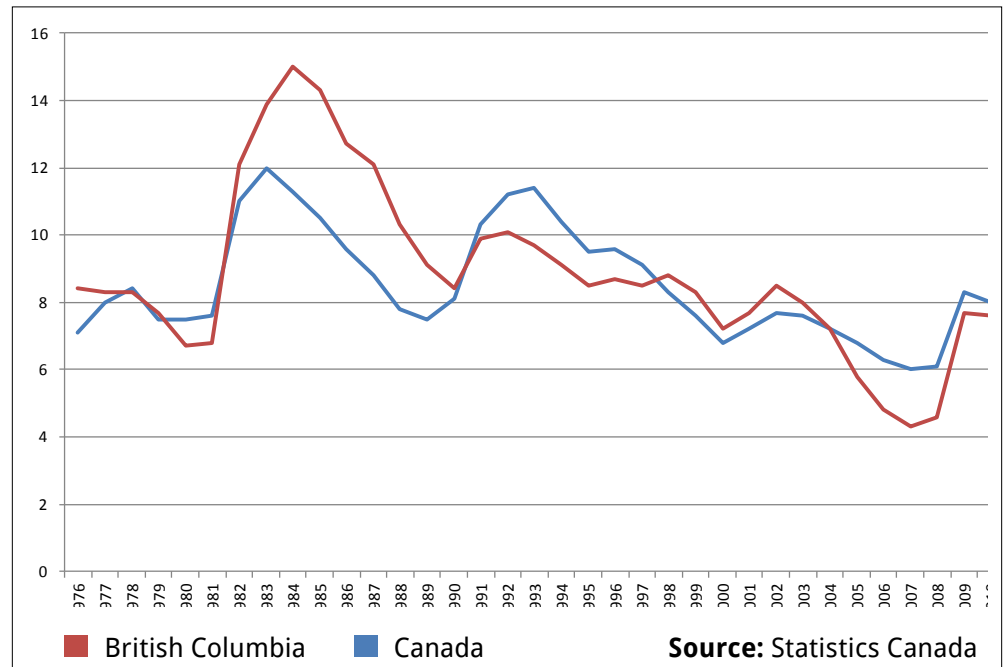
The current unemployment rate is an important factor in bargaining; however, it needs context. Between 1976 and 2010, the Canadian unemployment was at its peak in 1983 (12.0%) and 1993 (11.4%), following two major Canadian recessions. The effect of the 2008-2009 recession on unemployment wasn't as significant a jump. Unemployment rates did increase from 6.0% to 8.3%; but it never came close to the previous highs and decreased to 8.0% in 2010.

Defining Unemployment

Unemployment Rate: the unemployment rate indicator shows the number of unemployed persons expressed as a percentage of the labour force.

Labour Force: The labour force is the population 15 years of age and over who were either employed or unemployed. The labour force does not include those who were not working nor anticipating a return to work within four weeks and were not available nor looking for work.

Unemployment Rates (percent of labour force): National and Provincial



Want to find out more about Collective Bargaining?

Stay Connected Online



- Trends, tips, stats and articles relating to the Collective Bargaining climate in BC and Canada
- Recent applicable Collective Bargaining Settlements for members to compare
- Additional graphs and data to keep you aware of the latest unemployment, CPI and union wage increases

Stay informed online at
pea.org/collectivebargaining

FMEP

Annual General Meeting

Members of the FMEP chapter met on November 17 in Vancouver for their Annual General Meeting. Brent Hird, Richard Bernwell and Jennifer Anderson were acclaimed to the positions of Chair, Vice-Chair and Secretary-Treasurer respectively.

GLP

AGM

The GLP Chapter held their AGM in Kamloops this year on November 21. Executive members Brian Chow, Bruce Barnewall, Kathy Danchuk, Frank Kohlberger, Warren McCormick and Heather Narynski were acclaimed.

Many thanks to Richard Voyer and Lynda Murdoch for their service on the GLP Chapter Executive.

Collective Bargaining

The GLP Bargaining Committee and staff led a series of meetings in November to inform member on the state of bargaining. Members who were unable to attend the meetings are able to download a copy of the presentation from pea.org/glpbargaining.

The GLP Bargaining Committee recently completed a market survey that was discussed in these meetings, indicating some important trends for GLP members in regards to comparable salaries for other public and private sector professionals. The results of the market survey will be communicated to members in the near future.

Members are encouraged to voice their opinion and join the discussion online on the PEA Forum. The GLP Chapter Forum is the place to bring forward proposals and suggestions you would like the Bargaining Committee to bring to the table. A members' bargaining proposal survey closed December 4th.

Oil and Gas Commission

The PEA was alerted that a bargaining unit position had been made excluded by the employer without the consulting with the PEA. This contravenes the collective agreement between parties. The PEA filed a grievance with the OGC on this matter. Initially the OGC believed that they were not in violation of the collective agreement, but have since conceded and agreed to return the position to the bargaining unit and pay lost dues retroactively to the union.

HSP

Annual General Meeting

HSP members were in attendance at the 2011 Annual General Meeting in Penticton, BC on November 30. Members re-elected Joanne Montgomery to the positions of Chair. Thanks to outgoing Executive members Laura Kuypers and Amanda Bartlett.

Collective Bargaining

Members were provided an opportunity to fill out a bargaining survey in November. The PEA will use the results of this survey to create our union's proposals to submit to the Health Science Professionals Bargaining Association (HSPBA). The final bargaining proposal package will be based on the feedback the HSPBA receives from each union in the bargaining association. The collective agreement between the HSPBA and the Health Employers Association of British Columbia (HEABC) expires on March 31, 2012.

LSL

Annual General Meeting

LSL members held their Annual General Meeting on November 30 in Vancouver. Lance Cook, Michael Rhodes and Jack Olsen were re-elected to their positions on the Executive.

LSS

Annual General Meeting

The Annual General Meeting for LSS was on November 29. Members elected Karen Whonnock and Gordon Teichroeb to the positions of Chair and Secretary Treasurer respectively. Thank you to outgoing Chair Judith Kenacan.

ORL

Tentative Collective Agreement

The PEA and ORL commenced collective bargaining in September, 2011. The message our Bargaining Committee received from management was the Library Board had set a conservative bargaining mandate due to concerns over how the agreement might impact municipal election results. Members of your Bargaining Committee struggled with tentatively agreeing to 1% in 2011, 1.5% on 2012 and 3% in 2013, but believed this was the best possible deal under the circumstances. A tentative agreement was reached on October 26th, 2011.

Both the Employer and the Union are required to ratify the tentative agreement. On November 23rd the Library Board held a special meeting to vote on the tentative agreement. The Library Board did not ratify the tentative agreement because they felt 1% in 2011, 1.5% in 2012 and 3% in 2013 was too rich for PEA members. These were the same Library Board members who instructed management on the mandate for this round of negotiations. The Library Board's rejection of this tentative agreement is insulting to PEA members and erodes the Employer/Union relationship.

The Board directed management to ask the PEA Bargaining Committee to agree to a two year settlement with wage increases of 1% in 2011 and 1.5 % in 2012. All other agreed to items in the tentative agreement would remain the same. The Board was no longer willing to

offer 3% in 2013. The Bargaining Committee members do not find the Employer's latest offer acceptable since it does not meet the bargaining mandate set by the PEA membership.

The Bargaining Committee has requested to reconvene negotiations with the Employer. Bargaining dates have yet to be determined.

Annual General Meeting

The ORL Chapter held their AGM on September 19, 2011 and elected Maureen Curry, Annie Pope and Monica Gaucher to the Chapter Executive.

Many thanks to outgoing Chapter and Association Executive member Fern Teaglow.

PGSD

Annual General Meeting

PGSD members met on October 6 for their Annual General Meeting.

SMS

Annual General Meeting

Members of the SMS Chapter met on Tuesday, November 29 to elect members of the Chapter Executive and discuss regular business including a report from the Chair, the Secretary Treasurer's report, the Labour Relation Officer's Annual Report, and other business.

SMS members re-elected Ross Alden as Vice-Chair. Gregor Campbell and Sean Holland were elected to positions of Members at Large.

UVic

Annual General Meeting

The UVic Annual General Meeting was held November 9, 2011 with 131

BCGEU Raid on the CHSS Successful

The PEA was notified on October 28th that the Community Health Services and Support Staff (CHSS) chapter were in the process of applying to the Labour Relations Board (LRB) for representation with the BCGEU. The BCGEU filed a formal application with the LRB on November 3rd after denying the PEA's request for additional time to address issues of concern with these members. The PEA sent communications to each CHSS member and invited all CHSS members to a meeting in Vancouver on November 9th. These were done to provide an opportunity for all CHSS members to attend and address issues of concern.

Despite this effort, a vote held by the LRB that closed November 30th, resulted in the CHSS choosing to be represented by the BCGEU. Prominent members of the chapter told the PEA that the driving force to leave the PEA was based on dissatisfaction in servicing levels from 2008 and 2009. They publicly indicated their level of satisfaction has increased with recent servicing; however, the damage incurred during the earlier period was insurmountable even in the face of a near complete overhaul of staff with a renewed focus on member servicing.

The PEA remains committed to its members. We pride ourselves on our unique and superior servicing model which affords every member direct access to a Labour Relations professional. This is unique within Labour Relations and Unions in BC. In addition, we are committed to providing service to members while maintaining one of the lowest dues rate in the province. These elements of our strong and effective union will all continue. We wish the CHSS members luck in the years ahead.

members in attendance. Members elected Jonathan Foweraker to the position of chair and welcomed new directors Sheryl Karras and Abhinav Rai to the Executive.

Thank you to outgoing chapter Chair Catherine Franz and Director Lance Grant.

Collective Bargaining

The new UVic Chapter Executive elected Sheryl Karras, Lynn McCaughey, Abhinav Rai, John Foxgord, Sandra Guerreiro and Bentley Sly to the Bargaining Committee.

UVic members can take part in the bargaining survey, which is available online in December. Information on UVic Bargaining, including a link to the survey can be found online at pea.org/uvicbargaining.

Looking for more updates for your chapter?



Visit pea.org and navigate to your chapter homepage for the most recent news and events.

Family Status in the Workplace

What does discrimination in the workplace look like for families and parents?

Section 13 of the Human Rights Code of British Columbia states that employers can't discriminate against employees on the basis of family status defined narrowly as the status of being in a "parent-child relationship." It protects adoptive families, foster-family relationships, and gay or lesbian parents.

In BC the bar for establishing a case of discrimination on the basis of family status has generally been held high. For example, the BC court of Appeal held that:

"A case of discrimination is made out when a change in a term or condition of employment imposed by an employer results in a serious interference with a substantial parental or other family duty or obligation of the employee." In other words, an employee's request to accommodate such things as a child's day care or school schedule fall within the usual work life challenges faced by employees and do not constitute discrimination.

If an employee can establish a case of discrimination by satisfying the above noted conditions, the onus then falls on the employer to prove that the change in the term or condition of employment constituted a bona fide operation requirement. The employer must demonstrate that the employee cannot be accommodated without an undue hardship.

In recent years, the law has evolved in the area of family status requiring employers to go further to accommodate employees. A look at some recent decisions show the changing legal landscape in this area:

Discrimination:

After returning from work following a maternity leave, an employee requested a fixed shift with the same number of hours. The employer granted the fixed shift but reduced her number of hours worked. The Federal Court of Justice determined that discrimination existed on the basis of family status. This case is seminal in that it rejected the "substantial interference" test. It determined that an adverse impact on an individual was sufficient to establish a case of discrimination based on family status.

Not Discrimination:

Single father terminated after refusing to work overtime for a moving company because of childcare responsibilities. No case of discrimination found. Parents are expected to make appropriate child care arrangements.

Discrimination:

Employer changed hours of work thus interfering with a mother's responsibility to care for her four children including a child with severe behavioural problems. Discrimination was found.

Not Discrimination:

The employer scheduling a single mother to work night shifts was not found to be discriminatory. Employees have to exhaust alternative options before requiring accommodation.

Not Discrimination:

The employer denied an employee's request to not travel for work because of his need to care for his son with attention deficit hyperactivity disorder and his pregnant wife whose pregnancy was defined as "high risk." No case of discrimination found. The employee did not establish that he made sufficient effort to arrange childcare.

Each of these decisions depend on a unique set of circumstances. The decisions demonstrate that the law is complicated and sometimes confusing. To this end, the BC Law Institute is doing a project to research the meaning of family status under the BC Human Rights Code. The research will be presented as a discussion paper published in June of 2012 and PEA members will be updated.

Employees with questions about discrimination on the basis of family status should contact their Labour Relations Officer.



Melissa Moroz
Labour Relations Officer



Vote for the organizations you think deserve a donation from the PEA

November 15 - December 15

**Members nominated a wide range of organizations for Giving Back 2011!
Members can vote for up to five of the following organizations for a donation
from the PEA.**

- The Alzheimer Society of BC
- Broken Promises Rescue
- East Meets West Orphans Foundation
- Footprints Conservation Society
- Georgia Basin Ecological Assessment and Restoration Society
- The Greater Victoria Compost Education Centre
- Lifetime Networks
- Make Poverty History
- Our Place
- PEERS Victoria
- Power to Be Adventure Therapy Society
- Queen Alexandra Foundation for Children Organization
- SPCA
- War Child

**Members will need their member number and website username in order to vote.
If you require either of these please contact the PEA Office.**

Find out more and vote at pea.org/givingback

PEA 2012 Scholarship & Bursary Program



PEA Scholarship Program

The Association Executive awards up to ten scholarships of \$1000 to PEA members and their families who are enrolling in a full-time post-secondary education program. Scholarships are awarded based on an essay competition adjudicated by the Scholarships Committee.

Scholarships are awarded based on the worthiness of the 1,500 word essay by considering content, analysis and literary style. Please visit pea.org/scholarships for full details.

This year's essay topic:

In the long term, the Occupy Movement will have a negative / positive impact on the BC labour movement. Choose one position and defend it.

PEA Bursary Program

The Association Executive awards up to ten bursaries of \$500 to PEA members who are registered or in the process of registering in a part-time program leading to a post-secondary degree or diploma. To be eligible, applicants must require financial assistance to pursue their educational goals.

Should there be more than ten applicants, bursaries will be awarded by lottery. Continuing education does not meet eligibility criteria. Please visit pea.org/bursaries for full details.

Applications for Scholarships & Bursaries are due by March 15, 2012