

Fighting precarity at the bargaining table



At Guelph University, the employer has spent a decade using attrition to actively reduce the number of custodian and support employees. The situation went from bad to worse: 39 temporary workers stuck on three-month contracts which were constantly being renewed – up to seven years for some workers. Along with this increased precarity, cleaning standards dropped from “Moderate Dinginess” to “Unkempt Neglect” as set by the university’s own standards. Bargaining took place from November 2017, to March of this year. On the first day of bargaining, the university administration told CUPE 1334 that they were going to outsource the 39 positions, despite collective agreement language (“No regular full-time employee shall be laid off due to contracting out”) which prohibits such a move.

In response, the Ontario University Workers Coordinating Committee launched an online and ground campaign to highlight the administration-reduced cleanliness standards and mobilize members to defend their work. A 96 per cent strike mandate was achieved. Negotiations focused on stopping the outsourcing of the work and moving the “temporary” workers into full-time work. Through the collective work of the local and broader CUPE campaign support, the local was able to negotiate the creation of a new “Custodian 1” position that assumed the tasks that were going to be outsourced. A job rate of \$17.75, with full benefits, was established and the probation period was waived for all current temporary workers. Plus, the bargaining team achieved full benefits and pensions for temporary workers!

Work got a lot less precarious for our members. All 39 previously temporary workers were offered regular full-time positions: 14 custodian 3s, 14 custodian 1s and 11 secondments. Six months later, all 39 custodians have achieved custodian 3 or 4 levels and the university is now hiring new custodians at level 1. The local also negotiated letters of understanding stipulating no lay-offs and no attrition for the term of the collective agreement. It also reached agreement that temporary workers would only be used to cover long-term disability when no regular full-time employee wanted a secondment to that position. If your local is facing similar pressures, remember that a strong strike vote – and a public campaign – can make the difference!

■ **Graham Cox**

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BARGAINING STRATEGIES

Protect labour reforms at the bargaining table

Over the last year, the Alberta New Democrat government has introduced numerous reforms to the province’s labour legislation. The reforms have included changes to the Labour Relations Code; the Employment Standards Code; the *Occupational Health and Safety Act*; and the *Workers Compensation Act*. The government has overhauled and modernized the legal framework for labour relations in Alberta, after decades of neglect by previous conservative governments. Many of these changes directly affect the rights and benefits of workers under provincial jurisdiction. For instance, the *Fair and Family-Friendly Workplaces Act* (June 7, 2017) made 37 changes and 16 additions to the Employment Standards Code. These include an increase in the minimum wage to \$15 per hour, improvements to leave eligibility, parental leave and compassionate care leave, as well as new entitlements to leaves for bereavement, domestic violence, critical illness of a child, and long-term illness and injury. The same act also made 13 changes and 10 additions to the Labour Relations Code, including classifying all continuing care

facilities and healthcare laboratories as essential services requiring essential service agreements to ensure continuous operations during potential strikes. It’s an impressive list of positive changes, and CUPE locals need to integrate these improvements into their collective agreement. The rapid pace of legislative reform means CUPE locals may find themselves with a lengthy list of items to negotiate at the bargaining table. To the extent possible, locals should try to include all the new standards as part of their collective agreements, with specific language for each of the improvements obtained through legislation. Backing up legislation with bargaining improvements also helps defend gains if the government changes. In Alberta, members of the United Conservative Party (UCP) have declared their intention to roll back these gains and even push for “right-to-work” legislation. If the improved standards were to be rolled back, clear and specific language in our collective agreements would protect CUPE members from losing newly acquired entitlements and leaves. Employers, however, may resist the introduction of this language if they believe that a future Conservative government would remove many of the new employer obligations. If a collective agreement does not contain specific language for domestic violence leave,



for example, a change in legislation would leave the employer off the hook and would constitute a loss for the workers. Even in the face of employer resistance, CUPE locals should make every effort to negotiate new standards into their collective agreements in any jurisdiction where gains are realized. Find out more about how you can bargain new standards into your contracts. Connect with your CUPE staff representatives to create a plan.

■ **Alejandro Pachon**

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Bargaining language for a greener workplace

Many CUPE locals are taking progressive steps on environmental issues. For some, that includes bargaining green language directly into their collective agreements.

Environmental challenges, including climate change, are among the highest priorities for workers and their communities. We know unions, like CUPE, can be part of the solution, even at the bargaining table. Many environmental issues can be addressed – or at least recognized – within collective agreements. While exercising union leadership, we can demand employers do more.

Environmental goals and statements

Some CUPE locals have bargained collective agreement language and letters of understanding that set goals for workplace environmental improvements for employers and workers. Rather than focus on a single environmental issue, this language often takes a broad approach. This approach can help CUPE members raise the importance of environmental issues where they work, which can be a springboard to negotiating collective agreement language on specific environmental issues.

For example, CUPE 3886 at Royal Roads University in Victoria has bargaining language on environmental stewardship.

“In keeping with the University’s environmental mission, the University and the Union are committed to developing and maintaining high standards of environmental stewardship. Our mission is to be a global leader in environmental sustainability through innovative strategies which foster the protection and preservation of the environment.”

Transportation

Transportation is Canada’s second-largest source of carbon pollution. In 2016, transportation produced approximately 23 per cent of all Canadian carbon pollution. Any steps employers and workers can take to reduce transportation pollution will benefit the environment and worker health.

CUPE 3942, in Ottawa, negotiated language supporting bicycle use for its members. The employer reimburses workers who travel by car to cover gas and vehicle wear and tear. Now they have expanded transportation options by reimbursing staff who use bicycles as well. According to CUPE 3942 President, Denis Savard, the staff at the social service agency see this as a progressive environmental step that has encouraged

more bike travel to and from work, and has increased bike use for staff who visit clients in the community.

Their collective agreement includes the following language:

“An employee who travels by bicycle for the Employer’s business shall be paid at a rate of twenty-five (25 ¢) cents per kilometre.”

CUPE 402 and the City of Surrey negotiated language where the employer pays up to 30 per cent of the cost of transit passes to encourage workers to travel to and from work by public transit. CUPE 4557 members at the United Church of Canada/Kairos also bargained to have a portion of their transit passes paid by their employer.

Conservation and sustainability

Promoting conservation and sustainability at work through various steps can help improve a workplace’s environmental performance and cut greenhouse gases. Some CUPE locals have used bargaining language to push their employers to extend some common household and community conservation and sustainability principles and practices to the workplace.

CUPE 1169, in Calgary, negotiated language encouraging sustainable work practices. The language has helped



Gerry Richard, a member of CUPE 3942, uses his bike for work and gets reimbursed for mileage.

spread sustainable practices through a workplace environmental committee formed to create green bargaining language. As a result, all 18 branches of the Calgary Public Library have adopted recycling programs, waste and packaging reduction programs, and use environmental cleaning products.

“Both Management and the Union recognize and share a common interest, respect and commitment to sustainable environmental practices in our workplace. In continuing pursuit of this goal, both parties acknowledge that change and thoughtful transition will be necessary and that co-operative action leads to successful implementation.”

Environmental products and green alternatives

Changing the products that we work with is a simple and direct way to reduce

a workplace’s environmental impact. “Green” products and processes are no longer out of reach because they are too expensive or hard to find. They’re affordable, and available. Employers should provide environmental products where possible to reduce environmental harm and protect workers’ health and safety.

CUPE 2012-01 members who work at the Terrace Women’s Resource Centre in British Columbia negotiated progressive language that has helped workers follow environmental principles at work:

“The Parties agree that a safe and clean working environment is essential in order to carry out work assignments in a satisfactory manner. The Employer commits to investigate the use of environmentally friendly products.”

CUPE 4153 members at the Hamilton-Wentworth District School Board struck a Joint Chemical/Equipment Review Committee where the union and the employer each have

three representatives. The committee’s work led to language that considers both the environmental and health and safety impacts in the workplace, and how improvements can extend beyond the workplace.

Conclusion

These examples show how CUPE locals can help advance an environmental agenda that improves working conditions and lowers workplaces’ negative environmental impacts. Pressing employers to agree to green language in collective agreements and letters of understanding is one strategy workers can use to confront climate change and other environmental issues.

Finally, locals can also consider how similar language can be bargained around issues like training, just transition, procurement, use of electric vehicles, and more.

For more examples like this, or to have support in developing new and innovative green language, please contact: enviro@cupe.ca.

■ **Matthew Firth**

Tabletalk is published four times a year to provide CUPE bargaining committees and servicing representatives with useful information for preparing and negotiating bargaining demands.

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