

**UNION OF TAXATION EMPLOYEES
LOCAL 20026 – PENTICTON
EXECUTIVE MEETING
Tuesday, November 2, 2010**

CALL TO ORDER: - ROLL CALL - 5:10 PM

Present:

Sharon Hickey, President
Brenda Williams
Colin Halliday, Chief Steward
Nathan Zailo, Steward

Derek Johannson, 1st Vice President
Ali Burton, Secretary
Stefan Dobernigg, Steward
Shiv Reddy, Steward

Absent:

Cheryl Ballantine, Steward

Suzanne Besseling, Treasurer

ADOPTION OF THE AGENDA

Motion to accent the agenda: Sharon, 2nd: Colin, Carried

PREVIOUS MINUTES

No issues.

BUSINESS ARISING FROM PREVIOUS MINUTES

None.

PRESIDENT'S REPORT

Thank you for the flowers and card, they were much appreciated.

It's been a very busy few months since we last met in June. I have had several meeting with Tim Philps on various issues and attended PSTAR update meetings.

In September, Derek and I attend the President's conference. For those of you who did not know, our National President, Berry Bannon, announced her retirement, she will be stepping down at the Convention in July 2011.

A number of us attended the PSAC Mobilization training here in Penticton in August, and I attended a follow up planning meeting in Vancouver. At that meeting we planned a Pizza Day to collect updated info on our members. Our Pizza Day was held in September and was a success. Thanks to Derek and Suzie for arranging it and all who gave up their lunch time to work.

Also in September, we had a plant gate to hand out the "Support your bargaining team" wristbands, thanks to all who helped with that.

In October, we had the ratification vote. We were the first in the region to do it and had a pretty good turn out with 40% of the members voting, from what I have heard that was not too bad. As all of you know by now, the contract was ratified and we have a new 2 year agreement.

Also in October, Susie and I attended the National OHS Conference. It was a great conference with workshops on DI and WCB/GECA. Later this month, Ali and I will be attending the National EAP Conference.

I'd like to congratulate and thank our "newbie's" for making the effort to attend as many of the PSAC courses as they can. Shiv & Nathan attended the Duty to Accommodate training in September and Nathan, Shiv and Stephan will all be attending union school in Vancouver in November.

Annual General Meeting – Our AGM is booked for January 24th 2011 at the Days Inn. The call for nominations will be done in December. Up for election, President – 2 yr term, Secretary & Stewards 1yr terms. I'd like everyone to put a report together for the committee's that they are on. Reports should be sent to Ali by December 31st.

Duty to Accommodate training – At the Regional President's meeting earlier this year we approved having a Regional Duty to Accommodate training course. This will be held January 14-16 2011 likely in Vancouver. We have been given 2 seats plus one for an observer, the local pays for the observer.

I'd like to take this opportunity to thank Brenda Williams for her numerous years of service to the local as well as Cheryl Ballantine who has also been on the executive for a number of years. Cheryl will be retiring the end of the year.

1ST VICE-PRESIDENT'S REPORT

Prepared by: Derek Johannson

Since the last meeting, I have;

- Taken part in the September President's conference in Ottawa.
- Attended 1 SITSO UMC sessions and 1 Regional UMC session.
- Met with the TSO Director regarding a series of grievances.
- Participated in a PSAC mobilization session, regarding bargaining strategy.
- Co-ordinated a members' pizza lunch.
- Met with senior management re: PSTAR role out and Divisional realignment.
- Participated in several staffing related discussions with management regarding terms and job opportunity posters.
- Assisted member with long-term disability problems with Sun-life.
- Co-facilitated OHS meetings as required.
- Acted as Local president during medical absence.

COMMITTEE REPORTS

GRIEVANCE AND STAFFING RECOURSE: Colin advised of 8 grievances at 4th level, and another 2 will be at 4th level by end of this week.

EDUCATION AND TRAINING:

Duty to Accommodate Course attended by Shiv and Nathan (see attached reports under New Business).

Duty to Accommodate Course put on by the employer – Shiv and Colin will be attending.

Duty to Accommodate Course Upcoming in Vancouver January 14-16, 2011. Stephan and Ali to let Sharon know if can attend. Derek is interested in attending.

UMI Part II Session put on by Cheryl Ballantine and Paul Brisson (see attached report under New Business).

National Grievance Course attended by Stefan (see attached report under New Business).

WOMEN AND EQUAL OPPORTUNITY AND EMPLOYMENT EQUITY: No report.

OCCUPATIONAL HEALTH AND SAFETY:

Committee meeting on November 10, 2010.

Work being done soon on exterior envelope of building at 277 Winnipeg Street.

MEMBERSHIP:

Ali working on fixing rands. Colin brought up composing a list of members' emails. Stephen advised website has area to subscribe to emails on it. No further action at this time.

CONSTITUTION AND BYLAWS: No report.

BURSARY AND SCHOLARSHIP: Call out for applications will be done at AGM.

EMPLOYEE ASSISTANCE PROGRAM:

Committee met October 7, 2010. Planning Lunch 'N' Learns. This month is addictions month. EAP Conference in Ottawa – Ali and Sharon to attend on November 18-21, 2010.

COLLECTIVE BARGAINING:

Collective agreement was ratified. It is posted on Union Bulletin Board and the website. Takes effect November 1, 2010.

POLITICAL ACTION: No report.

STAFFING & WORK FORCE ADJUSTMENT:

Derek and Tony Brosseuk met to discuss ARNI rollout. There is a number of staffing processes underway. No WFA as of now.

WEBSITE ADMINISTRATOR:

Stephan will update website with scholarship/bursary info.

NEW BUSINESS

All reports by union executive to be forwarded to Ali no later than December 31, 2010, for preparation for the AGM.

UTE member will need to audit the financial statements prior to end of the year.

AGM is scheduled for January 24, 2011, at the Days Inn.

We will be making up some AGM packages available for people who wish to have the package prior to the AGM, and there will also be packages available at the AGM. Ali will be putting packages together in December some time.

Thanks to Brenda Williams for her many years of service on the union executive, who stepped down from the secretary position.

Thanks to Cheryl Ballantine who has also stepped down at a steward. Cheryl is retiring the end of this year.

Duty to Accommodate Course – Report by Nathan Zailo

On September 26 and 26, 2010, I attended the Duty to Accommodate course held in Penticton. The course was led by Regina Brennan.

Some of the topics discussed were:

- BFOR- Bona Fide Occupational Requirement. This is a process that evaluates the employers workplace requirements, and ensures that the requirements are relevant to the job. The employee must first prove that there's a case of discrimination (duty to accommodate), and the employer must prove that it's a BFOR, or make the necessary adjustments.
- In a duty to accommodate situation, the onus is on the employer to prove that the duty to accommodate request would cause undue hardship on the employer. This is rare in government organizations due to the large workforce size/budget.
- Functional limitation: There is no need to provide the employer with diagnosis/treatment information relating to a disability (violation of privacy)
- Addiction to drugs, alcohol, gambling, etc, is considered a disability!
- Dignity of risk: The right for an individual to accept a greater amount of risk for themselves (example: wearing of a turban on a construction site, as opposed to a hardhat). This is based on discriminatory criteria (Age, sex, gender, religion, etc...)
- We also discussed many issues relating to disability insurance, sick leave and more. We learned that disability insurance can be continued beyond the two year time limit (with doctor's recommendation). Employees are entitled to an advance of sick leave of approximately 25 days (may be slightly different for CRA). Part time work, and/or modified duties are options in duty to accommodate situations.
- We analyzed several key case law examples that changed Duty to Accommodate policies, and how they are implemented. The two main cases that were looked at were the Meiorin and Grismer cases.
- We also examined various legislations relating to Duty to Accommodate policies such as the Canada Labour Code, the British Columbia Human Rights Code, the Employment Equity Act and the Canadian Human Rights Act.

Duty to Accommodate Course – Report by Shiv Reddy

On the weekend of September 25, 2010 I attended the Duty to Accommodate course held by the Public Service Alliance of Canada. The course was instructed by Regina Brennan.

What is Duty to Accommodate?

Employers are required to make every reasonable effort, short of undue hardship, to accommodate workers or service users who fall under a ground of discrimination within human rights legislation.

Legal requirement for employers to proactively eliminate employment standards, practices, policies, requirements, procedures or rules that discriminate against individuals or groups on the basis of a prohibited ground, such as race, sex disability, age, family status and so on. The course focussed on case law such as the Meiorin and Grismer decisions which changed the way that accommodation is dealt with.

Prior to these decisions the duty to accommodate a worker only arose when a problem had been identified.

Meiorin and Grismer have placed a positive obligation on the employer to design the workplace so that equality and accommodation are built in to all policies rules and practices. Accommodation now means, first of all, that all workplace standards, rule, and policies and practices must be proactively designed to be inclusive.

During the course issues affecting members currently were discussed such as CBSA and their testing for self defence and weapons and injuries as a result of such training.

Disability was discussed and expert contacts for problems arising from such issues were mentioned.

James Little – WCB Advisor for PSAC in Victoria
James Infantino – Sun Life Advisor
The course was found to be valuable and I would recommend to others.

UMI Part II - Session Report (by Cher Ballantine)

This was the final of four sessions given by me (as union rep) and Paul Brisson (as management rep), two each of Parts I and II.

Five management team members and two union executive members were in attendance at this session. The roster was based on which individuals on the union executive and in management had not yet participated in the previous Part II sessions.

Union executive and management participants demonstrated throughout this second and final session of UMI that they were familiar with the principles and practices of the UMI, and had put them to use to resolve issues in the work place.

They stated their belief that UMI is another version, or part, of the Alternate Dispute Resolution and Conflict Resolution processes and can assist in resolving problems at the lowest possible level.

The Magic Wand exercise brought to light common threads of change(s) that could be undertaken within The Agency, to enhance the productivity and satisfaction within our work place and environment. Interestingly, all focused on how those changes could/would improve things for others, not just themselves individually.

In total, 20 union executive and management team members were scheduled for the course, all 20 of whom participated in Part I. Seventeen of the 20 individuals attended Part II. The three managers who were unable to attend Part II will be rescheduled at a later date (likely when PIPSC signs and ratifies a new contract). Facilitators of the course will be decided at that time.

National Grievance Course – Report by Stefan Dobernigg

A national grievance course was held in Ottawa, Ontario during September 24 to 26, 2010. I represented the Penticton local at this course. Shane O'Brien from the UTE Head Office facilitated the course. On the first day of the course we went over Grievance Procedures. We compared the rights and obligations of the employee as well as the employer with respect to the collective agreement. We broke out into groups for this and went through the collective agreement section by section. Next, we discussed the various types of grievances: Staff Relations, Collective Agreement, Disciplinary, Termination & Demotion and CRA Policy Grievances. We took extra time to examine each type of grievance and what the procedures are when handling each type of grievance. Then we went over the various levels (Level 1,2,3,4) in the grievance process and the rights and obligations of each party at those levels. The next day we went over how to file a grievance and what forms and procedures need to be used. We also discussed how a grievance file should be organized and about the various case law from previous grievances. Shane stressed that an organized grievance file can significantly help a grievance as it progresses through the various levels. We ended the day discussing the adjudication process. The final day we wrapped up the course by discussing how to present a grievance and how to interpret the collective agreement. This was a worthwhile exercise because it showed how sometimes both sides interpret the collective agreement differently and negotiation is needed to come to an agreement.

One of the most enjoyable parts of the course was how Shane talked about his experience in previous grievances and court cases. He has a wealth of knowledge that I found very useful throughout this course. The course was one of the best union courses I have been to. We also each received a grievance procedures manual, which will be an excellent reference guide for future grievances that I may handle.

CORRESPONDENCE

None.

WELFARE OF THE LOCAL

Wanda Burns is off on sick leave starting November 3, 2010. Local will get card and send to her in next few weeks.

ROUND TABLE

Derek – Wants the union executive to start thinking about recruiting stewards.

ADJOURNMENT

Meeting adjourned at 6:45 pm.

Next meeting date and location is to be determined.