



Steward Notes

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Union representation

New members of AUPE need to know they have a right to union representation, even if they do not yet have a collective agreement in place.

AUPE is growing fast, thanks to our busy staff organizers and the many brave workers who have decided to form a union with their coworkers to have a voice at work. However, the time between the vote to certify the union at a new worksite and the finalization of the first collective agreement can be contentious, especially when employers and managers have little or no experience with unions.

Approximately 2,000 new members of AUPE are in the process of negotiating a first collective agreement, including 400 home care workers at CBI Home Health,

By Merryn Edwards
Communications Staff

400 highway maintenance workers at Carillion and many more employees of private seniors care operators including Age Care, Bethany Care Society, Bethany Foundation, Choices in Community Living, Green Acres, Points West Living and Revera.

Although a collective agreement will regulate the method through which union members can exercise their right to union representation, this basic right is still protected under the Alberta Labour Relations Code, with or without a collective agreement in place. Section 148 of the Code states: “No employer or employer’s organization and no person acting on behalf of an employer or employer’s organization shall participate in or interfere with the representation of employees by a trade union.”

A 2005 decision by the Alberta Labour Relations Board involving a union certified the year before at Lakeside Packers in Brooks, where an employee had been terminated without access to union representation, stated that “[o]nly in the event of very extraordinary

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or exceptional circumstances arising would the Employer be justified in denying access to the Union’s representative to a location in the plant at which it had decided to hold a discipline meeting, and would require the Employer to forthwith make suitable alternative arrangements.”

This decision helped AUPE to challenge the termination of a CBI employee, leading to a negotiated settlement. AUPE was also able to advocate for a new office location for a group of CBI employees who had previously been required to start their shifts in a public women’s washroom at a seniors lodge.

The key to making the right to union representation more than simply an idea on paper is open and frequent communication between members and union representatives. Members are the eyes and ears on the worksite, so they need to be in touch with their representatives with any questions, concerns or information about possible violations of their rights as soon as possible. ■



HAVE QUESTIONS?

CONTACT YOUR MEMBER SERVICES OFFICER

CALL 1-800-232-7284

Have your local/chapter number and worksite location ready so your call can be directed quickly.





Holding the line

“A strike is not a tea party,” the Supreme Court noted in an often-quoted 1959 ruling. Emotions can run high especially when confronting scabs, so it is wise to know in advance what kinds of behaviours are acceptable while “holding the line.”

By Merryn Edwards
Communications Staff

A court case is underway in Calgary for two security guards charged with assaulting AUPE picketers during a 2012 lockout at Monterey Place seniors care centre. One of the guards and general manager of the security company, Paul Senecal, told the court he lawfully arrested the picketers “as a Canadian citizen.”

In fact, much as employers (or overzealous security guards) might like to arrest picketers for less than genteel conduct, the law does not allow it. Legal precedents acknowledge picketing as a form of expression protected under the Canadian Charter of Rights

and Freedoms. Picketers’ freedom of expression is protected, unless it crosses other legal lines. Some examples of this: where there is direct evidence of illegal conduct by picketers, where police assistance has failed or where unlawful picketing is causing irreparable harm.

A Supreme Court decision in 2002 involving a strike at Pepsi-Cola in Saskatchewan decided that picketers (and all parties involved in a strike) could use a reasonable amount of psychological or other pressure. Such conduct could include pestering, annoying, mocking or shaming scabs, or reminding them that they are ruining

their reputation and will not be forgiven when everyone returns to work.

A 2012 Alberta Labour Board decision following a strike at the Palace Casino in Edmonton also found that picketers who published the names and photographs of scabs did not violate privacy laws, but restricted the publication of other personal information such as license plates, home addresses or family members.

Nevertheless, employers, security guards and even police may not have much experience with labour disputes. In the case of police direction, picketers should follow the “work now, grieve later” principle and comply with police instructions, but ensure that the officer’s name and badge number and a full account of the incident are recorded, and contact information for any witnesses gathered.

Smart picketers will try to educate and communicate with scabs before moving past the polite stage, for example, explaining that their actions are not in the best interests of clients, since fair treatment for valued staff will always improve client services, or offering other options for employment. You could also describe the long-term consequences of crossing the picket line, including damaging their reputation and relationships with co-workers, or consequences that could be imposed under AUPE’s Union Discipline process.

However, even when the polite stage ends, picketers should follow some basic ground rules (set before things get heated) including: no sexism, no racism, no homophobia, no insults based on someone’s physical appearance, and try to avoid swearing. You also must avoid threats to someone’s person or property, and any other behaviour that would cross legal lines.

It’s not always going to be pretty, but when coworkers and other union brothers and sisters support each other through intense and emotional experiences on the picket line, the bonds of solidarity and support are solidified just as starkly as scabs are isolated. ■



KNOWLEDGE IS POWER!

Labour education helps ensure AUPE members are trained and willing to take a stand for services to the public, decent jobs and fairness in the workplace and their communities. AUPE's Education Program is responsible for developing and delivering continuing education courses to members and officers in support of the role they perform in their Union.

AUPE courses are scheduled to be offered in Edmonton, Red Deer and Calgary. To register for core courses, contact the AUPE Resource Centre at 1-800-232-7284. You can also email the registrar for the area closest to you: Edmonton (edmontonregistrar@aupe.org), Red Deer (reddeerregistrar@aupe.org), Calgary (calgaryregistrar@aupe.org).

Education Schedule - Fall 2015

	EDMONTON	CALGARY	RED DEER
Introduction to Your Union	Oct. 6 Nov. 10	Oct. 6 Nov. 10	Oct. 1
Contract Interpretation	Oct. 14 Dec. 1	Oct. 14 Dec. 1	Nov. 5
Introduction to OH&S	Oct. 7 & 8	Oct. 7 & 8	Oct. 14 & 15
Basic Conflict Management	Sept. 30 & Oct 1 Nov. 17 & 18	Oct. 15 & 16 Nov. 17 & 18	Oct. 28 & 29
Component Officer	Sept. 29 & 30 Oct. 28 & 29	Oct. 28 & 29	Nov. 3 & 4
Foundations for Union Stewards	Nov. 4-6	Nov. 25-27	Nov. 18-20
OH&S for Stewards	Dec. 15 & 16	Dec. 15 & 16	
Online Introduction to Your Union	Nov 23 - Dec 4		

Please note:

Members within the Grande Prairie, Peace River and Athabasca servicing areas are required to register for courses in Edmonton.

Members within the Camrose servicing area are required to register for courses in Edmonton or Red Deer. Whichever location is closest to your home.

Members within the Lethbridge and Medicine Hat servicing areas are required to register for courses in Calgary. When registering for courses, members are required to call to register for themselves as well please ensure all course prerequisites are met.

For more details regarding courses AUPE has to offer please refer to the AUPE website at <http://www.aupe.org/member-resources/education/>. This includes the core course schedule for Fall 2015, course descriptions with prerequisites, Union Steward nomination forms and other AUPE Education details.

Steward Notes is published by the Alberta Union of Provincial Employees to provide information of technical interest to AUPE Union Stewards, worksite contacts and other members. Topics deal with training for union activists, worksite issues, disputes and arbitrations, health and safety, trends in labour law, bargaining and related material. For more information, contact the editor.

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The goal of Steward Notes is to help today's AUPE Union Stewards do their jobs effectively. To help us, we encourage readers to submit story ideas that deserve exposure among all AUPE stewards.

Story suggestions for Steward Notes may be submitted for consideration to Communications Staff Writer Merryn Edwards by e-mail at m.edwards@aupe.org or by mail. Please include names and contact information for yourself and potential story sources.

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