



# Impact

MAY 2014

COMPENSATION EMPLOYEES' UNION



## Message from the President May 2014

You all do difficult, but rewarding work. Rarely are you acknowledged for your positive efforts to ensure workplaces are safe, and workers are treated fairly. And when you are acknowledged, it often happens in a small and private way, away from the public's eye.

I recently had this experience. I ran into an old client of mine in the grocery store. He was a client when the Vernon office was open, and I was working as a Vocational Rehab Consultant. Yes, there used to be a Vernon office! It closed in 2002.

I remembered him, and he remembered me. We both said hello, and I asked, "How are things going for you?" He said, "You know, I always wanted to thank you. Since you assisted me, I went on to complete my Business Diploma, and my life got back on track. I couldn't have done it without your help. I really want to say thanks."

I have to say it made me feel good, that a decade later, this fellow still remembered me. He took the time to tell me I helped make his life better, and he appreciated it. I know all of you have a similar story. Even if you don't know about it yet because you haven't run into that guy in the grocery store!

In a time when the media is writing negative stories about the Board, and about the work you do, I encourage you to step back. Know there are many quiet, positive stories out there that aren't exciting; and so they never make it into the news.

The explosions at the Babine and Lakeland mills were

devastating for workers' families and their communities. We all want to ensure this type of thing never happens again. But a tragedy like this shouldn't have people thinking the system is completely broken. I don't believe that, and every chance I get I remind people about what is working.

Most complaints about the Board are about the claims process. This time out, the focus is clearly, at least right now, on the Prevention and Investigation part of the work we do. Clearly, new policies and procedures will be put into place to manage investigations in view of the Dyble review and recommendations.

With the appointment of Gord Macatee and his mandate to "develop a plan for implementing a world-class inspection and investigation regime" we think it's important to draw on the knowledge of officers working the closest to these issues. We will work hard to ensure the work done by our officers is valued, and the ideas they have about how to make things better are not only heard, but put into action.

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I believe it's important to remember the little things you all do to make the work world-class. Some of my past remarks in this space have criticized the Board with the goal of addressing workplace needs and collective agreement issues. I'll continue to do that when necessary.

I also believe it's important to recognize that ultimately, every employee wants to know they're appreciated for the work they do. What's your story? I encourage you to share it. Our stories remind us, even when times may seem bleak, we do do good work.

## Management move to post all future OSO positions as "S" type short-sighted

On March 31, 2014, the pilot project charged with examining Saturday work in prevention ended without anyone actually doing Saturday work. Just before then, the employer announced due to operational needs, all future OSO jobs would be posted as "S" type employees. While the collective agreement gives the employer the right to post "S" type positions, the contract also limits the number of "S" type positions they can create.

After the employer made this announcement, the CEU requested and received a breakdown on the number of "S" type employees. We advised the employer they were already over the 5% cap noted in Clause 26.03 (b) (vi). According to the employer, employees are only counted under the cap if they receive a shift premium. The union filed a grievance in April on that point.

"Putting the cap issue aside, we think the employer's approach on this is wrong. They're already having a great deal of trouble recruiting officers to these positions. Do they really think people in industry, who are paid way more, would be willing to give up that pay, and be forced

to work weekends at straight time pay? Also "S" types must work under the direction of a manager and the work itself isn't something that can be done 9-5. We believe overtime costs will increase. This just isn't a smart way to go," said Sandra Wright, CEU President.

According to some prevention managers, this plan will only cause further trouble. Tension within prevention is already obvious due to numerous actions by management over the last year

including the blockage of lateral transfers for some OSOs. Unless the officer has a "focus" they say the officer isn't qualified (remember, it's one classification and one job description). Telling an officer they aren't qualified to move under their own job classification is offensive. Your union filed grievances on all of these "focus" postings.

It's unknown what level of success the employer will have recruiting "S" type OSOs into the 29 vacancies they recently posted. What is known is every officer remains determined to do the work to the best of his/her ability. Let's hope this fixation on an all or nothing approach is short-lived.

*"... the work itself isn't something that can be done 9-5..."*

## Bargaining begins

All the preparation has been done; bargaining surveys analysed, grievances reviewed and proposals crafted, the next step is meeting with the employer to exchange bargaining packages on May 8th. We're hopeful bargaining will be different this time, and management won't be so aggressive in their bargaining stance. "I'm optimistic we'll be able to reach

a fair and reasonable deal for our members," said Susan Epp, CEU Business Manager.

Bargaining is scheduled over eight days during May. Should a tentative agreement be reached during that time ratification meetings will follow. If an agreement isn't reached, bargaining will resume in late summer or early fall.



# The DOs and DON'Ts of sick leave

When you need to be away from work because of illness or injury, you have collective agreement rights. Recently, the employer changed their management of health-related absences. That triggered a lot of questions. Here's what you need to know about your rights and responsibilities when you are sick (and we hope you feel better soon!).

## NOTIFY THE EMPLOYER

**DO** notify your manager that you will be absent, as directed:

- Managers may set local rules regarding when/who to call, use of voicemail, email, etcetera.

**DO** provide the general reason for your absence:

- Are you sick, injured, or quarantined?
- **DON'T** provide your diagnosis or graphic descriptions about your symptoms.

**DO** provide an estimated date of return to work.

**DO** provide a contact number where you can be reached:

- The employer may call you for urgent work related reasons, or if you don't return when expected.
- **DON'T** screen your calls.
- Some managers may call with genuine concern for your well-being. But if you are uncomfortable or feel the calls are intrusive, speak to your Shop Steward.

**DON'T** post personal information on social media about your activities during your absence.

## MEDICAL NOTES

**DO** see a physician if your condition requires medical attention, or if you will be absent from work for more than five consecutive days.

**DO** obtain a note from your doctor confirming the date of your visit, the general nature of your condition, and the expected date of return:

- Most physicians won't charge for a basic note. The employer may request this information on a standardized form, in which case they should pay any fees.
- **BE AWARE** attending physician letters supplied by the employer may be an invasion of your

privacy. If in doubt, call your Shop Steward.

- **DON'T** submit notes that disclose your diagnosis, symptoms, or treatment details.
- **EXAMPLES:** Your doctor might state you are being treated for an orthopedic injury (**NOT** a fractured arm), or a psychological disorder (**NOT** depression).

**DO** be aware that if you are off for more than five days, you will be contacted by one of the Managers, Disability Health. You will be required to provide them with the medical information to determine sick leave entitlement (as described above). You will also be required to stay in contact with both the MDH and your own manager for the duration of your absence.

**DO** speak to a Shop Steward or Union Representative if the employer asks for additional medical information:

- Your employer should treat you with respect and accept that you are legitimately sick when you provide the basic information. They must have some reasonable cause for further questioning. Your Shop Steward can help to clarify your rights.

**DON'T** sign a blanket consent form authorizing the employer to access your medical records or to speak to your physician by telephone. **BE AWARE** a friendly voice at the end of the telephone is not necessarily acting in **YOUR** best interests.

**DON'T** use slang such as "stress leave" or "taking a mental health day". There is no such leave under the collective agreement. Psychological disorders or mental illnesses are covered under the sick leave provisions, the same as any other type of illness.

## HELP IS AVAILABLE

**DO** make decisions regarding the best treatment options for you in consultation with your own physicians and medical providers. There are programs and benefits under the collective agreement that may be helpful, including the Extended Health Benefit plan, the Employer and Family Assistance program, the Alcohol and Drug policy, and more. Your Shop Steward can provide more information.

**DO** be aware that the Manager, Disability Health may

also offer individuals access to additional treatment opportunities, including private specialists or test referrals, often ahead of waiting lists. The Union's position is these benefits should be negotiated for all members. We support public healthcare, not privatized, for-profit medical corporations. We also recognize this is an intensely personal decision for each employee. DON'T be forced to do something you don't believe in.

Treatment plans should be developed by your attending physician, s/he knows you best. DON'T agree to participate in any treatment arranged by the Board without confirming exactly what information will be given to the employer. They cannot and must not direct your treatment or require you to be examined by a physician of their choice. These decisions are best made by you in consultation with your attending physician.

If you voluntarily attend treatment they are paying for, and if you haven't taken steps to limit their access to information by limiting the consent for treatment, they may have greater access to information, and they may rely on it to make decisions about your benefits, accommodations and employment.

#### RETURNING TO WORK

DO contact a RTW Coordinator if you would like assistance in planning your return to work or if you think

you might need some accommodation:

- The joint RTW program is entirely voluntary and confidential. The Coordinators are jointly appointed by the Union and the employer.
- The Coordinators can explain all of the options available to you and help you to navigate the process.

DO be aware the Manager, Disability Health will probably offer support and assistance with your return to work planning, which can be very helpful. However, we are aware the Board believes they can require an employee to return to alternate job tasks, or hours of work, and if s/he does not, then sick leave benefits can be denied. The Union does not agree with this position. Contact your Shop Steward if this happens to you.

#### IN SUMMARY

- ✓ DO know your rights
- ✓ DO fulfil your responsibilities
- ✓ DO protect your right to privacy, and the right to make decisions about your health
- ✗ DON'T come to work if you are sick
- ✗ DON'T take sick leave if you are well enough to work
- ✗ DON'T go through it alone - we are here to help



**Happy Anniversary,  
Compensation  
Employees'  
Union!**

**Come out and celebrate!!!  
May 26th, 2014**

# LTD appeals skyrocket

Last year, the number of CEU members filing LTD appeals doubled compared to the previous year. This increase occurred during a time when tension between the CEU and the employer started to increase because the employer made unilateral changes to the long-standing Return to Work Program and they also instituted the Mangers, Disability Health.

This significant rise in LTD appeals is an alarming trend. When CEU members find themselves disabled, they can apply for LTD. When a claim is denied, members have the right to appeal that decision to a Review Committee (Clause 22.12). Historically, there were two or three appeals per year, but starting in 2013, the number of LTD appeals increased dramatically.

By the end of February 2014, four appeals had already been filed; we anticipate many more will follow. We suspect Sun Life Assurance has denied even more LTD claims, but the CEU only finds out about a denied claim when an appeal is filed. This rise in LTD appeals is very concerning. What is

behind this sudden uptick in appeals?

The LTD rights in Article 22 were bargained many years ago. These rights give injured or ill CEU members long term disability benefits. The employer must provide

those benefits, and Sun Life, is the third-party provider responsible for administering the LTD plan. We believe the employer directed Sun Life to improve their “case management” resulting in more appeals.

## Appeal process

Viewpoint Medical, another third-party provider,

arranges Review Committee hearings. Earlier this year, we discovered they weren't following the 2008 CEU/WCB guidelines. After several meetings, Viewpoint corrected the problems.

Under the guidelines, when a member appealed and had a hearing, the report was supposed to go to Sun Life. We discovered Viewpoint was sending the report to the employer

instead. Because reports can contain personal and medical information not specific to the claim, the employer doesn't have a right to see this level of detail so we objected to this process.

This was one of the hardest issues to resolve. We now have an agreement on the content and distribution of reports,

and new guidelines are in place. The next step is to meet with Viewpoint to ensure personal information isn't disclosed in reports.



YEAR	APPEALS FILED
2007	3
2008	2
2009	0
2010	2
2011	2
2012	7
2013	19



# Open House

*Please set aside the date and  
join us for a casual gathering  
at our new office location*

**Wednesday, May 21<sup>st</sup>, 2014  
4:00 p.m. to 6:30 p.m.**

**COMPENSATION EMPLOYEES' UNION**

**#120 -13775 Commerce Parkway,  
Richmond, BC V6V 2V4**

*Please RSVP to [judithross@ceu.bc.ca](mailto:judithross@ceu.bc.ca) or (604) 278-4050*

*by May 5, 2014*

*light refreshments will be served*



## Your Executive Members

Sandra Wright, President  
Frank Lanzarotta, Vice-President  
Laura Snow, Treasurer  
Candace Philpitt, Secretary  
Carole Diaz, Chair - Shop Stewards

Toni Murray, Director  
Michael Hess, Director  
Adam Andrews, Director  
Adele Peters, Director  
Ed Dergousoff, Director

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