Impact
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COMPENSATION EMPLOYEES' UNION

Message from the President February 2015

This year will be full of many different challenges; some of them may even be tumultuous. On March 2, 2015, the Lakeland inquest will start and the Babine inquest will start in July. The media focus on the WCB will be intense. But an inquest is not about finding fault. It is about determining what happened and taking measures to ensure it won't happen again.

My concern is for those immediately affected by the inquest – the injured workers and families and also our CEU members. Some CEU members will be witnesses, and I anticipate the media will focus on many negatives regarding the investigation. It's also likely media attention will spill over into the work done by the claims members assigned to those files.

The whole story never seems to be told when these types of events happen, and clearly there are people out there looking for someone to blame. In my view, if there is any "fault" to be found, it should clearly lie with the WCB's senior management group, and how they decided to approach the issue of combustible dust, not with the members carrying out their duties.

I am working with the BC Federation of Labour in an attempt to shape the message that Labour will have on this topic. I also want to encourage all CEU members to become familiar with the topic. Don't assume everything you hear on TV or radio, in a two second sound bite, is the whole story. Support your co-workers during this time. Have faith that they all want the same outcome; to provide fair compensation to those affected by these explosions, and to ensure this type of tragedy never happens again.

In addition to the inquest, we also have a number of very big arbitrations coming up. The embattled Joint RTW Program, and the impact the new Managers, Disability Health (MDH) have had on that program went to arbitration at the beginning of February. While I would like to see the Joint Program continue, with the unilateral changes made by the Board, including the introduction of the MDH, I am no longer sure that will be possible. However, we will await the outcome of the arbitration to see what happens to the program.

We also have the Lateral transfer/Industry focus grievances scheduled for April 2015; and the S-Type Grievances scheduled for November. These are big issues affecting your seniority rights for lateral transfer, moving into new jobs and career progression.

We are also waiting for the decision on the "Standby" arbitration held last July.

I am extremely frustrated with the current Human Resources/Labour Relations culture at the Board. Management is essentially thumbing their noses at the collective agreement, doing whatever they want and saying "if you don't like it, then grieve it".

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Statements made by management like "this is just business" or "this is just a disagreement between the parties on interpretation" is an easy way for them to duck taking responsibility for the impact this has on YOU. Saying it is "just between the parties" dehumanizes the effect of the decision and leaves you out of the equation. This approach shows a lack of respect for all members. We will continue to fight for your rights.

I have been your President for thirteen years. My approach to labour relations challenges is to try to find resolutions to issues that work well for both the employer and your union before taking it to a third party for arbitration. It seems a better way to have a happy workplace.

After David Anderson retired and a search for a new CEO was launched, I hoped a new CEO, coming from the external community, would look at this deteriorating labour relations culture with fresh eyes, and return us to a more collaborative, common sense approach to issues.

Now that we know the new CEO is not a set of fresh eyes, I am not confident things will change. But I am never one to give up hope. We will meet with Diana Miles to see if we can find a way to build a better working relationship, with the aim of treating you more fairly.

Lastly, we do need to settle a new Collective Agreement. That too will be discussed. All in all, 2015 will be a busy year – I believe that by standing together we will find common sense solutions to these important issues.

Over sharing on social media can cause big headaches in the workplace

Whatever your platform of choice may be, Twitter, YouTube, Instagram or Facebook, CEU members should be cautious about sharing too much information about your employer and/or co-workers via social media. Arbitration decisions over the last few years indicate comments that are insulting or damaging to co-workers, supervisors or the employer can lead to discipline up to and including termination of your employment.

The nature and frequency of social media comments will become factors affecting how much discipline the employer imposes in response to unwelcome and/or harmful posts. If cases of this nature go to arbitration, arbitrators tend to side with the employer when comments have a negative effect on the employer's reputation or if they're insulting or damaging to others in the workplace.

In a B.C. case, Lougheed Imports Ltd.V UFCW, Local 1518, (2010) B.C.L.R.B. No 190, an arbitrator determined the comments made by two workers about their employer and supervisors on Facebook were "akin to comments made on the shop floor". The posts were accessible to current and former employees on the Facebook page and the employees were disciplined after the employer found out about them.

How do I protect myself?

Always remember that once your post goes up, you lose control over it. You may think nobody would share your information with your employer or other co-workers, but you cannot be certain. Once posted, a permanent record of your comment exists that anyone can save and/or share with the world.

Assume that most information circulated amongst co-workers will eventually make its way to the employer. Protect yourself and your information. Don't assume your privacy settings on social media will protect you from having information saved, copied and forwarded to your employer.

Keep the following guideline in mind: If you wouldn't make the comment in the hallway or a public area at work, then you should not be sharing it on social media. If your comment or statement could affect or harm the reputation of your employer, it's not in your best interest to share it. The same holds for insulting or offensive remarks about a co-worker or supervisor. If your post or someone else's contains any material that could offend human rights, the harassment policy or Bill 14, delete it and do not share it.

Please educate yourself and other members about the serious consequences of over sharing. If in doubt about what workplace policies might apply or if you are really unsure about whether a comment might be objectionable, seek another opinion that may be more objective than yours.

Bullying and harassment in the workplace

The Collective Agreement between the CEU and the WCB includes LOU B9, the Joint Harassment Committee. This committee has, over the years, addressed many instances of workplace harassment. And while the focus of the committee is largely remedial, there's also an educational component involved regarding what is and what is not harassment.

The committee developed a harassment policy "to ensure all Board employees enjoy the right to work in a collegial, harassment-free work environment." One of the goals of the committee is to work with employees and management so instances of workplace harassment are quickly identified and investigated so remedial action, if necessary, is carried out as soon as possible.

Sometimes people have a tendency to vent or blow off steam when something doesn't go their way. We know these co-workers and understand they are venting. We know they don't intend to hurt anyone, or follow through with the things they said. But could this venting be interpreted as a threat or harassment? Where is the line between blowing off steam and a real threat?

While it would depend on the circumstances, yes, a co-worker could interpret venting or blowing off steam as bullying or harassment and feel threatened. Not only could you find yourself subject to an investigation for bullying or harassment but you may also find yourself named in a workplace injury claim and you could possibly be subjected to discipline.

Although some co-workers may become threatened in the event someone blows off some steam or gets worked up over an issue, many others are not. That doesn't mean venting is a constructive way to go. A quick check-in with your co-workers can go a long way toward putting things into context and making plans for how to effectively manage the situation.

On July 1, 2012 legislative changes to the Workers' Compensation Act came into effect allowing workers to make a compensation claim for benefits for mental disorders caused by a significant work-related stressor, including bullying or harassment or a series of work-related stressors. Since then several claims have been made by CEU members, but very few have been accepted.

The legislation, Bill 14, requires the worker to have a diagnosis recognized in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM). Stress, for example, is not a valid DSM diagnosis. To be accepted, the diagnosis must be made by a psychiatrist or psychologist and NOT by a family physician.

Claims must also meet certain criteria before they will be compensated as a mental disorder. A claimant must show the claim:

- is a reaction to one or more traumatic events arising out of and in the course of the worker's employment; or
- is predominantly caused by a significant work-related stressor, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment.

Many compensation claims for mental disorders arising out of the workplace are unsuccessful. For example, the employer can argue the claim is really about interactions between the employee and manager regarding performance or workplace issues and therefore, the claim is rejected. However, a rejected claim may not mean bullying or harassment hasn't occurred and there may be a remedy under the collective agreement.

The harassment committee has worked hard to make sure employees understand they have an obligation to report instances of bullying or harassment and procedures

are in place to ensure employees are protected from reprisals or retaliation if they make a complaint. Bullying and harassment will be taken seriously, whether it's under the provisions of the harassment policy or Bill 14.

In some instances of bullying or harassment, there could be a Bill 14 claim, a harassment investigation and a finding of harassment. In extreme cases, discipline up to and including dismissal could occur – all the more reason for people to recognize behaviour in the workplace needs to be collegial and harassment-free. These days, it's important to find healthy ways to cope with workplace frustrations because venting or blowing off steam could be seen as threatening to someone else.

There are three separate processes to investigate instances of bullying and harassment; under the harassment policy, under the safe workplace provisions of the Act and under the staff claims process (Bill 14). Currently, CEU and Board representatives are working to determine the best way to coordinate these processes to help ensure a better outcome for everyone.

In a recent decision, an Ontario arbitrator dismissed a grievance for a terminated worker who uttered a death threat against a co-worker. The worker had a history of swearing and slamming doors in the workplace. The union argued the penalty was excessive but the arbitrator said the verbal threats must be considered workplace violence and threats must be reported and investigated.

Arbitrators give weight to the seriousness of the incident and how it impacts workplace safety when they're deciding if the discipline is excessive or appropriate. Arbitrators also take into consideration factors such as length of employment, employment record and if the grievor is remorseful when making a decision about whether an individual can return to the workplace.

If you have a relationship with a co-worker who has a habit of venting or making threats of violence against anyone in the workplace, either verbally or through social media, you may decide to tell them you heard or saw what was said and that the behaviour is not appropriate.

Many workers will say, "I was only joking" or "I never intended to do what I said". These defenses may not help. For those workers who were venting, drawing attention to their conduct will help them to realize they need to find another outlet for their emotions.

Workplace situations where workers or managers are venting or making threats probably won't improve without some form of intervention. All workplaces should be safe. If you are aware of a workplace situation similar to that described in this story, please contact the CEU representatives on the Joint Harassment Committee who will in turn, advise the committee chair.

Health and safety – just a couple of buzzwords?

Last year, the CEU's executive decided to make the health and safety of its membership a priority. We know the Workers Compensation Act mandates health and safety committees. We also know the CEU/WCB Collective Agreement, Article 58 mandates health and safety committees but despite that, sometimes these committees have had challenges complying with the Act. For example, workplace accident inspections aren't always occurring on a regular basis, meetings aren't always monthly and the joint committees in each work location don't always get information regarding workplace threats of violence.

23% of WCB employees have repetitive strain injury claims

"We know our members are highly dedicated to the work they do on behalf of British Columbians. They work hard and don't always think of themselves as workers too. That makes the work of the joint health and safety committee members challenging as workplace hazards can be overlooked. That's why we need to start talking about what our health and safety issues are," said Sandra Wright, CEU President.

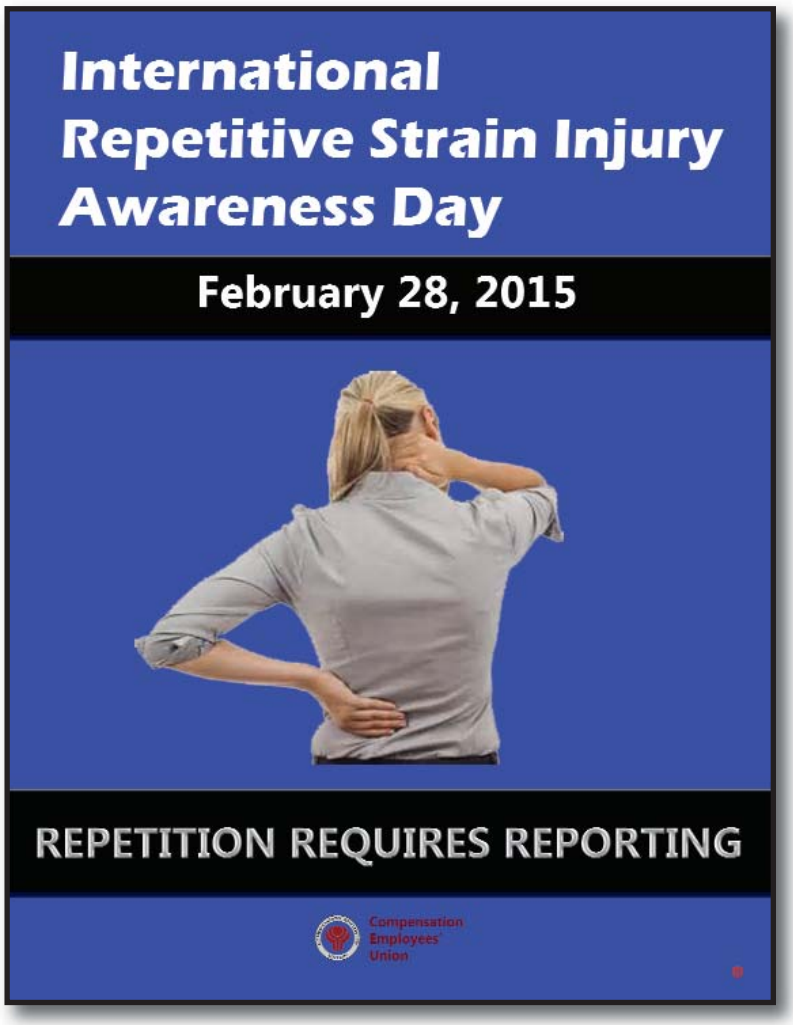
One of the preventable injuries CEU members, particularly those working in Claims, Finance and Assessments are exposed to is repetitive strain injury. They aren't alone. Each year, many Canadians are injured at work by work activities that are frequent and repetitive, or activities with awkward postures, including fixed or constrained body positions; continual repetition of movements; force concentrated on small parts of the body, such as the hand or wrist or a pace of work that does not allow enough rest between movements.

Repetitive strain injury (RSI) or work related musculoskeletal disorders are broad terms describing a range of soft tissue disorders related to physical activity that may result in symptoms such as:

- Persistent muscle and soft tissue pain
- Tingling
- Numbness
- Loss of strength

It's important to recognize these symptoms early because medical treatments become less effective the longer these injuries go on; so be sure to report them to your manager, doctor and your CEU joint health and safety representative if you experience them. "To be effective, our committee members need to be able to act for our own injured workers. They also need to actively investigate potential and real hazards. That's a key ingredient to an effective committee," said Wright.

Preventive and control measures will only be effective if there's significant involvement of CEU representatives, members and management at the joint health and safety committee level. If you don't know who your local CEU representative is, please contact Toni Murray, CEU Director and Corporate Health & Safety Co-Chair.



Why we SHARE

Every year the CEU reviews its financial statements with members. Sometimes questions are asked about our bottom-line and other times people want to know how we invest union dues so there's enough money to defend members' rights and promote social justice issues. So what is our social responsibility when it comes to investing money in our Surplus and Defense Funds?

- Should we just invest money with whoever produces the highest rate of return at the time?
- Do we turn a blind eye to the working conditions and principles of the company?
- What if some of the highest profits come from a company such as the one operating in Rana Plaza, Bangladesh on April 24, 2013 where 1,100 workers died and about 2,500 were injured when the dangerously built eight-storey Dhaka-area building collapsed?

A few years ago, the CEU's executive decided we needed help to figure out which companies had a good track record when it comes to working conditions and ethically run companies. Now all of your union's Invested Funds (both Surplus and Defense) are screened by S.H.A.R.E. – the Shareholder Association for Research and Education (www.share.ca).

SHARE considers three main points before recommending investment with a company; environmental, social and governance (ESG) factors. It balances competitive investment returns with these ESG factors. SHARE analyses the environment, human rights, labour and governance issues that give very valuable insight into a company and their viability. For example, if a company has a poor track record in human rights or safety issues, the CEU will not invest in that company.

When it comes to shareholder responsibilities and voting rights at shareholder meetings, the CEU couldn't possibly travel to those meetings. Instead, we use proxy voting and SHARE votes on our behalf. We exercise our vote because shareholder meetings may include the election of Directors, approval of auditors or approval of executive compensation packages.

Clearly our investment shares are valuable assets. SHARE's proxy voting service helps us to exercise our voting rights and influence how companies manage ESG issues and form policy. SHARE is also active in shareholder engagement. Throughout the year they file shareholder proposals on our behalf and represent us in on-going conversations with companies.

On the environmental front, SHARE has also researched fracking. It turns out a Council of Canadian Academies panel charged with examining the environmental impacts of shale gas extraction found that current research and monitoring data examining how fracking impacts the environment are neither sufficient nor conclusive. As a result, through SHARE we have signed onto a number of proposals for disclosure of information from companies involved in shale gas extraction.

It's important to understand what the ESG issues are before we invest in any company. CEU investments are ethically sound. The Surplus and Defense Funds are healthy, and your union will continue to work hard to ensure the ESG factors remain front and centre when determining how investments will be made.

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