

# HEALTH SECTOR

JULY 2013

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## Celebrating 100 years of working together!



2013 marks the 100th anniversary of the Saskatchewan Government and General Employees' Union (SGEU).

On February 21, 1913, a small group of civil servants gathered at the Saskatchewan Legislature to form the Saskatchewan Civil Servants Association.

One hundred years later, the association has evolved into a strong and thriving union of nearly 20,000 members across the province.

"Healthcare workers have been a big part of Saskatchewan's history and we have proudly represented the Health Sector since day one of our inception," said SGEU President Bob Bymoan.

"We are grateful for the foresight of our early members to form an association, and are confident that SGEU will continue to play a positive and progressive role in Saskatchewan - advocating for rights and protections for workers and their families, and equality and social justice for all," added Bymoan.

To mark this special occasion, a number of SGEU sectors, bargaining units, and committees will be hosting centennial celebrations in their communities across the province.

Visit [www.sgeu.org/centennial](http://www.sgeu.org/centennial) for upcoming event details.



SGEU

# Labour law changes

## ***Public Service Essential Services Act***

SGEU, the SFL and other unions, have asked the Supreme Court of Canada to hear the matter of the Government of Saskatchewan's Bill 5 so-called "essential services" legislation and Bill 6 – amendments to the Saskatchewan Trade Union Act. It's now up to Canada's highest court to consider whether or not to hear the case.

Last March 2012, the provincial government filed an Appeal of Justice Ball's historical decision which struck down the Public Service Essential Services Act (Bill 5) for violating the Charter of Rights and Freedoms.

The Saskatchewan Court of Appeal heard this matter, along with amendments to the the Trade Union Act (Bill 6), in November 2012 and held that both werethe law is constitutional; however, the decision lays the groundwork for positive developments in the legal recognition of workers' rights.

At issue is the question of whether the right to strike is protected under the freedom of association rights laid out in s.2(d) of the Charter of Rights and Freedoms. The appeal court ruling suggests that this is a possibility, but that it is up to the Supreme Court of Canada to make that decision.

In the meantime, SGEU is urging the Saskatchewan government to recognize that the existing Essential Services Act is flawed and should be revised to provide for appeal processes and dispute resolution mechanisms.

The Essential Services Act was passed in 2008 and prohibits many public sector workers from taking job action, which significantly restricts the union's ability to bargain a fair collective agreement.

It is important to bear in mind that the essential services law still applies. It has been given a place in the new *Saskatchewan Employment Act*, which the government passed on May 13, 2013.

The government is open to improvements on essential services, which gives us a chance to lobby for positive changes such as binding arbitration.

## ***The Saskatchewan Employment Act***

### **Labour laws should make life better – not worse – for working families.**

But government's plan to overhaul all of the province's labour laws will make life tougher for Saskatchewan workers - union and non-union alike. SGEU and other unions lobbied hard for amendments to the proposed legislation, and have had some success in protecting worker rights in certain areas.

### **The right to belong to a union**

Though [The Saskatchewan Employment Act](#), will still result in many workers losing their collective bargaining rights, we succeeded in bringing about amendments that will make it more difficult for employers to exclude members from the union. If you are excluded, that is, eliminated from the definition of an "employee" with a right to belong to a union, your job security, seniority and defined hours of work are at risk.

Initially, Bill 85 stated that a person whose duties include activities of a confidential nature, relating to:

- budget planning or implementation
- policy advice, or
- business strategic planning

--- could not be part of a union. This would have deprived hundreds of SGEU members of union rights.

However, [amendments](#) passed just days before the end of the legislative session limit the provision. Now, for a person to be excluded from the union, the activities of a confidential nature would have to be among their 'primary duties' and potentially 'have an impact on the bargaining unit' the person is part of'. Unless these conditions are met, the person remains an employee for labour relations purposes.

The amended provision still goes too far in attempting to deprive workers of their right to belong to a union, but the changes mean that fewer people will be negatively affected.

### **Supervisors forced out**

To date there has been little improvement in the *Saskatchewan Employment Act* provision that forces employees with supervisory duties out of the bargaining unit they currently belong to. It should be noted that the definition of "supervisory employee" was amended to clarify the primary duties are to be supervisory in nature.

Hundreds of SGEU members could lose the stability and strength of their existing bargaining unit. Seniority, benefits, and other union rights will be in jeopardy. Supervisory employees will be forced to reorganize under new bargaining units if they want to retain union representation – and members of a smaller supervisory

bargaining unit will have few options for bumping into a different job if a position is eliminated as a result of downsizing.

### **Barriers to collective bargaining**

The proposed changes will also make it more difficult to achieve a fair contract. The *Saskatchewan Employment Act* will mean more interference in the bargaining process. For example, the employer can identify any offer made after collective bargaining has occurred – including their first – as a ‘final offer’, and force a union vote on it. This is an unfair tactic that will allow employers to intimidate union workers.

### **Family and friends in non-union jobs stand to lose rights**

We are hopeful that we have succeeded in preventing the erosion of some basic workplace rights and protections for non-union workers. The labour movement raised concerns that the *Saskatchewan Employment Act* would erode the 8-hour work day, the 40-hour work week, and two consecutive days off. Recent government statements suggest that they will not go as far as planned in attacking our province’s labour standards, and an amendment will at least preserve the 8-hour work day for part-time workers. Details will become clearer once the regulations which accompany the legislation are made public, likely by this fall – but for now, the *Saskatchewan Employment Act* tears down some important statutory protections for labour standards.

### **Let’s keep up the pressure**

The actions of all those who talked to their Members of the Legislative Assembly (MLAs), wrote letters, signed petitions and sent emails helped bring about the positive amendments to the *Saskatchewan Employment Act*.

But there is still more work to be done. We need to keep the pressure on.

### **Send a message**

Let government know that you are opposed to any labour law changes that will make life tougher for SGEU members, and all Saskatchewan workers and their families. Visit [TheSaskWay.ca](http://TheSaskWay.ca) and [FairWork.ca](http://FairWork.ca) for more information and to send a message to Labour Minister Don Morgan, and your Member of the Legislative Assembly (MLA).

### **Spread the word**

Talk to your friends, family and co-workers about the impact of these labour law changes.

Discuss how this could affect your workplace with co-workers and other union members.

## ***The Occupational Health & Safety Act***

**The government has made amendments to The *Occupational Health and Safety Act* (Bill 23). These amendments include:**

- Enhanced duties of employers, supervisors and suppliers as they relate to occupational health and safety (OH&S);
- Requirements for employers and other parties to provide training and supervision of employees, as well as maintenance of equipment;
- The creation of duties for prescribed owners to designate a prime contractor, for coordination of site safety on work sites where there are multiple employers or self-employed persons;
- Procedures related to the creation and greater effectiveness of occupational health committees and health and safety programs; and
- The introduction of new maximum and ranges of penalties.

## **Summary offense procedure regulations**

While not specifically OH&S legislation, changes to The Summary Offences Procedure Regulations, 1991 will authorize Occupational Health Officers from the Occupational Health and Safety Division of the government the ability to issue financial penalties for non-compliance with health and safety laws at workplaces throughout the province through Summary Offence Ticketing (SOT).

### **Summary Offence Ticketing overview:**

Under this legislation, the Occupational Health Officer (OHO) will be authorized to give out the tickets to three different groups with differing fine amounts for first-time offences. The fines for second offences and repeat offenders are not yet known:

- **Employers, contractors, self-employed persons, owners and suppliers:** \$400 - \$1000 fine per offence
- **Supervisors:** flat fine of \$400
- **Workers:** flat fine of \$250

The government implemented these changes to safety legislation on January 1, 2013 and is applying a six-month transitional period to introduce the ticketing system to employers and workers across the province.

Workers could be subject to larger fines if proper safety protocols or procedures are not followed in the workplace.

There is no formal appeal process in place to challenge a summary offence ticket. Workers and supervisors must seek independent legal counsel and go through the courts if they wish to challenge any Summary Offence Tickets (SOTs) received

### OH&S Information Sessions

The Ministry of Labour Relations and Workplace Safety has scheduled information sessions across the province to explain the new Occupational Health and Safety standards and the Summary Offence Ticketing system announced in November 2012. Attendees will receive a guide that provides interpretations for each of the amended sections of The Occupational Health and Safety Act, 1993.

### Highlights of the OH&S information sessions, include:

- Bill 23 legislative changes, including:
  - Enhanced duties of employers, supervisors, contractors and suppliers respecting training and supervision of employees and maintenance of equipment; and,
  - Procedures related to the creation and the effectiveness of occupational health committees and programs
- Regulatory changes and safety measures required for late night retail workers.
- SOT system – including identifying infractions related to non-compliance and the ticket amounts.

### Registration

To view a list of remaining Occupational Health and Safety Information Sessions available, visit: [www.lrws.gov.sk.ca/information-sessions-ohs-legislative-amendments](http://www.lrws.gov.sk.ca/information-sessions-ohs-legislative-amendments). Call 1-800-567-7233 or 1-800-667-5023 to register for a session.

### More Information

Click [here](#) for an information booklet on Summary Offence Ticketing, which includes a detailed list of the offences and fines.

**SGEU IS CAUTIONING ALL MEMBERS TO CAREFULLY  
FOLLOW ALL SAFETY RULES!**

**Effective January 1, 2014, the provincial government will begin  
issuing Summary Offense Tickets and subsequent fines for safety  
violations.**

**All workers have the right to:**

- safety training
- know all safety hazards and precautions needed to reduce or eliminate workplace hazards
- participate in the day to day detection, evaluation and reduction of the workplace hazards – through your OH&S committee – as elected by your peers or appointed by your trade union; &
- refuse unsafe or unusually dangerous work without fear of repercussions.

## Safety management

### The Saskatchewan Association for Safe Workplaces in Health (SASWH)

The Saskatchewan Association for Safe Workplaces in Health (SASWH) Board of Directors, which has 50% union representation, has been working diligently to put health and safety on the agenda in every health region. Lorna Hamilton is the SGEU member on the Board. SASWH would like to thank SGEU for their support of the work we are doing to prevent injury and disease.

The last few months have been very exciting times in the field of occupational health and safety. We have seen the adoption of the SASWH Safety Management System (SMS) and the completion of self-assessments in most of the health regions, using our evaluation tool.

The SMS is a process used to ensure worker safety and evaluates a collection of documents, forms, policies, procedures, training and communication. All of which need to be in place to ensure a healthy and safe workplace.

Preliminary results from the SMS self-assessments show there are many gaps in the system, specifically in the areas of documentation and communication to front line workers.

STAY TUNED for the final results of the self- assessments and the development of the SASWH provincial action plan.

REMEMBER: “An Injury to one is an injury to all”

Jacquie Griffiths, Safety Advisor, SASWH Website: [www.saswh.ca](http://www.saswh.ca)





## Safety Management Systems

The Ministry of Health has directed all Health Regions to implement a Safety Management System (SMS) in order to reduce workplace injuries in Healthcare, as they are the highest number of Workers' Compensation Board claims.

The Saskatchewan Association for Safe Workplaces in Health (SASWH) is the safety association with equal union/employer representatives for the Health Sector. SASWH has developed a tool to assist health care Employers in this regard. However, it is not mandatory that Employers use their system; yet the Health Care Unions (SGEU, SUN, SEIU-West, CUPE and HSAS) are urging them to do so.

### **Safety Management System (SMS) overview:**

- A SMS is a program to reduce the risk of injury in the Health Care sector. It is a collection of documents, forms, procedures, policies, practices, training and communication required to effectively manage health and safety in the workplace
- Part of the system requires an assessment to occur in some healthcare facilities where there are the highest levels of workplace injuries within each Health Region.

### **Who is involved?**

- Workers need to be involved directly in program development. Workers are exposed to hazards and have a good idea of the current realities they face each day in the workplace.
- The Occupational Health and Safety (OH&S) Committee members should be included as part of the Assessment Team

### **What will be happening in my workplace?**

- Assessors will be using a variety of methods to gather information from worksites where the highest injury rates exist. They will be observing the workplace, interviewing workers to see if they have been properly trained in OH&S procedures and protocols and they will be requiring documented proof from the Employer that proper policies are in place
- Based on the result of the assessments, we expect the Employer will have to make changes to ensure that they are doing everything possible to make the workplace safer

### **What can you do?**

- Please encourage your employer to utilize the Health and Safety Committee in your worksite. If you are chosen for an interview with the Assessment Team:
- Identify all hazards in the workplace
- Indicate if and where training or resources (such as safe staffing levels) are lacking



# Bargaining updates

## Cancer Agency bargaining unit



**LOCAL 3024**  
**SGEU CANCER CARE**

The SGEU Saskatchewan Cancer Agency (SCA) Local 3024 will be calling for elections in preparation for the next round of bargaining to start next year.

The SCA contract will expire on March 31, 2014.

“We are really hoping that new essential service language has an impasse resolution mechanism so our next agreement won’t take almost three years,” said Trent Edwards, Negotiating Committee Chair.

For regular updates, visit [www.cancerworkers.ca](http://www.cancerworkers.ca)

## Health Providers bargaining unit

The Health Providers continue to service their membership, holding grievance meetings, attending the Unfair Labour Practice meetings held at the Labour Relations Board, Union Management (UMAC) meetings, various meetings held throughout the Health Regions with management.

Health Providers continue to communicate with CUPE and SEIU, our coalition partners to keeping abreast of where they are at with bargaining. Once our coalition partners conclude their side table bargaining, we will begin common table discussions. Visit [www.sgeu.org/health-providers](http://www.sgeu.org/health-providers) for bargaining updates.



Health Providers' biennial general meeting delegates (October 2012)

# Elected positions

## Health Sector Provincial Council Standing Committee Members 2013-2015

### **Provincial Council committee**

Bonnie Erickson [berickson@sgeu.org](mailto:berickson@sgeu.org)

Kim Nordmarken: [kimnordmarken@hotmail.com](mailto:kimnordmarken@hotmail.com)

Tracey Sauer: [sweetnsauer1@hotmail.com](mailto:sweetnsauer1@hotmail.com)

Wendy Simonson: [w.simonson@hotmail.com](mailto:w.simonson@hotmail.com)

### **Administration committee**

Bonnie Erickson – Health Sector V.P

### **Anti-Privatization committee**

Paul Zuck

### **Education & Publicity committee**

Sharri Laczko

### **Fostering Acceptance of Indigenous Rights (FAIR) committee**

Ryan Favel

### **Membership/Constitution & Legislation (MC&L) committee**

Kim Nordmarken

### **Occupation Health & Safety (OH&S) committee**

Lorna Hamilton

### **Provincial Grievance committee**

Cynthia Roney

### **Women's committee**

Cindy Nordmarken

### **Long-Term Disability (LTD) committee**

Wendy Simonson

Diane Ralph

Cynthia Roney

## 2012-2014 Health Sector Executive Members

*Executive table officers:*

**Vice President**

Bonnie Erickson

**Chair**

Kim Nordmarken

**Vice Chair**

Wendy Simonson

**Secretary**

Sharri Laczko

**Treasurer**

Diane Ralph

Tracey Sauer

Bart Beckman, Mamawetan Churchill River

Dennis Favel, Keewatin Yatthé

Trent Edwards, Cancer Agency Regina

Garnet Rink, JT Ambulance