



# THE NO BULLETIN

OPSEU Local 217  
The Niagara Parks

Volume 5 Issue 1

October 1996

## Thanks for the input!

Marie Stokes

The call went out for input and our seasonals responded! We had a great turn out for the last general membership meeting. Over 100 seasonal members came out to make their voice heard. Our budget was presented and passed as written in the last *No Bulletin*. The negotiating team was there to present the issue and field any questions. The discussion of a benefit package versus the 12% in lieu of benefits was short but thorough, members from Falls parking presented a terrific argument outlining what losing the 12% would mean to seasonals. The members in attendance unanimously supported the motion to have the team drop the demand for a seasonal benefit package and remain status quo on the 12%.

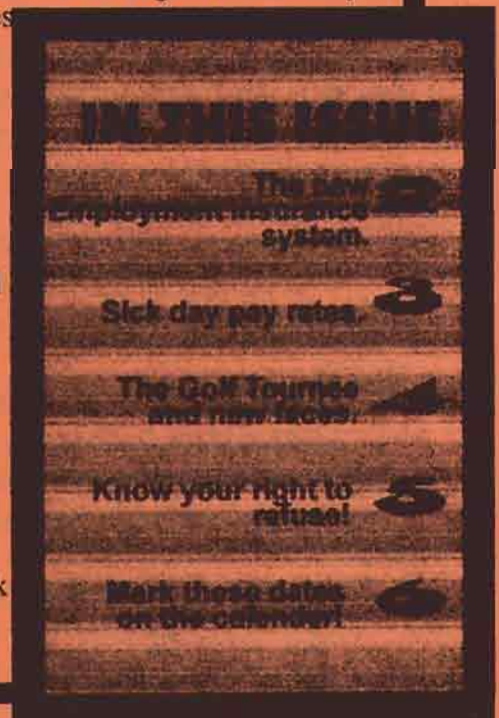
All is not lost for employees wishing benefits. A committee was struck that evening to look into getting group rates on benefits outside of the park. This committee has already met with insurance representatives. Unfortunately we are unable to set any costs until we know who is interested in benefits. Seasonal employees have received an extra form in their mailing. It is very important that everyone who is interested in getting benefits fill out this questionnaire and return it to the benefits committee as soon as possible. The information on the form is needed to be able to set the rates and there is nothing more the committee can do until this information is collected. So get those forms in folks!

Our next negotiations dates are October 21

and 22 we will keep you informed if we make any progress. It is nice to get back to the table, our last negotiations took place July 29 and between vacations and the OPSSU strike, there have been no dates available until now.

As I mentioned in the last issue of the *No Bulletin*, OPSSU, the union representing the people working for our union, were in a strike position at the end of August. Staff representatives, technical and support staff working for OPSEU were forced to walk off the job after labour day. The employer, OPSEU was asking for large concessions and permanently laid off 51 staff positions with no regard to seniority.

(The same issues that sparked howls of rage when OPSEU was the victim of the cuts.) An agreement was hammered out and while it still contained staff concessions, I am pleased to say that the permanent layoffs have been recinded and the staff returned to work the end of September.





# What the new Employment Insurance system means to you.

Paul Martin

The Government of Canada has revamped the Unemployment Insurance Act and created a new Employment Insurance System. The new system is divided into two main areas, income benefits and employment benefits. Major changes were implemented on July 1, 1996, with more to come on January 1, 1997. These changes will have an impact on most of our seasonal employees.

The number of weeks that a claimant can receive benefits is based on the unemployment rate of the region. Under the new Employment system, the same formula used in the past for the old system, is left intact. A claimant may receive one week of benefits for every two weeks of work, plus two weeks of benefits for every percentage point the unemployment rate exceeds 4%. As an example, our region has an unemployment rate of 9%. Thus an NPC employee working 26 weeks would be entitled to the following benefits:

$$26/2 + (9-4) \times 2 = 23 \text{ weeks}$$

One change that took place on July 1, 1996 is the averaging of earnings over a fixed period. Since our region has a moderate unemployment rate of 9%, the fixed period was set at 18 weeks, it will increase to 20 weeks January 1, 1997. Although the rate of claims remains at 55%, individuals not working the minimum of 18 or 20 weeks will see their benefits decrease. Let's go with another example to illustrate this. Under the old system an NPC employee earning a gross pay of \$500/week for 16 weeks would qualify for the following benefit:

$$\$8000/16 \times .55 = \$275.00/\text{week}$$

With the new EI and the 18 week fixed period, the benefit for the same employee will drop to:

$$\$8000/18 \times .55 = \$244.00/\text{week}$$

And finally, using the new EI and the 20 week fixed period that comes into effect January 1, 1997 the benefit for this same worker will drop to:

$$\$8000/20 \times .55 = \$220.00/\text{week}$$

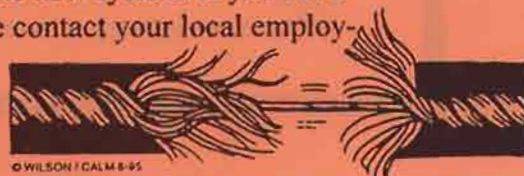
*Employees who meet the 18 or 20 week fixed period (ie: work more than 18 or 20 weeks) will not see a reduction in benefits.*

The intensity rule, introduced on July 1, 1996, will effect most NPC employees who collect EI. The intensity rule allows for a 1% reduction of benefits, for every 20 weeks of EI collected in the last 5 years. The good news is that claims before July 1, 1996 are not included. This means that an employee filing for EI this fall will receive 55% of their gross weekly earnings. However, if they collect more than 20 weeks of benefits during this claim, next year's claim will be reduced to 54%. A further reduction of 1% will occur at each 20 week increment until 100 weeks of benefits in the last 5 years is reached. After reaching the 100 week mark, the minimum benefit rate of 50% applies.

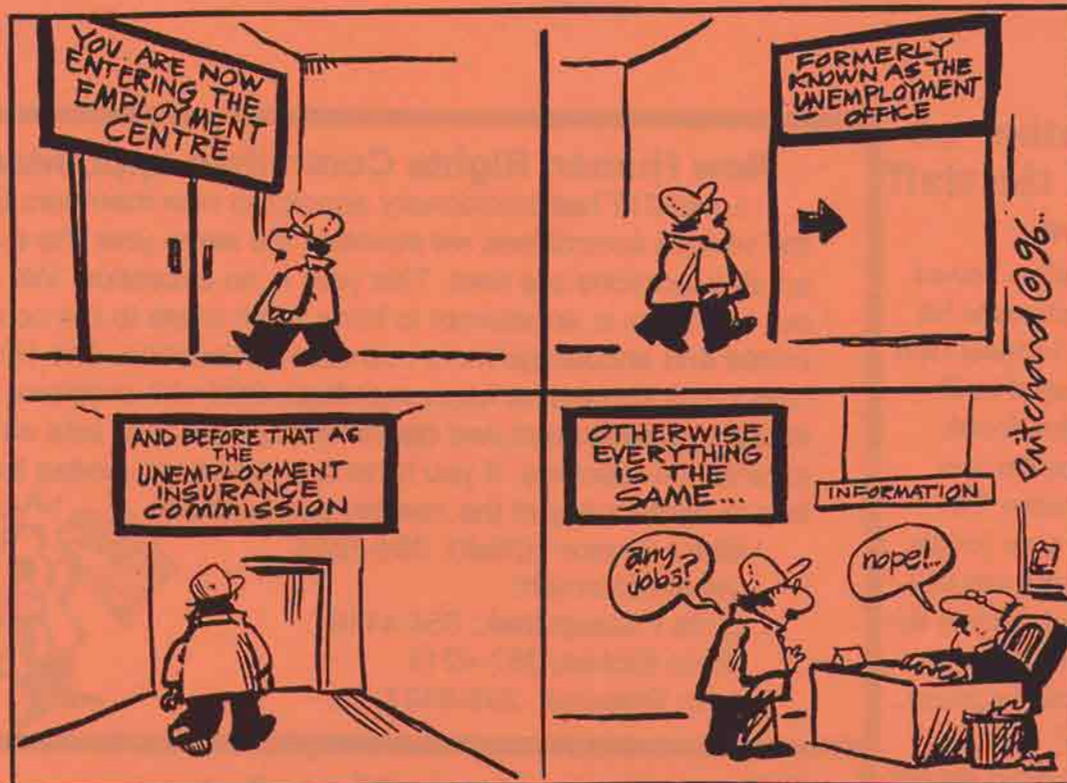
On January 1, 1997, the Employment Insurance system will be based on hours instead of weeks. At this point 35 hours of work will equal one week of work. Our region will have a fixed period of 20 weeks at this time. To receive maximum benefits, you must work at least 700 hours. Working more than 700 hours will not increase your benefit rate, but it will however increase the number of 'weeks' you work, thus increasing the number of weeks you may claim benefits. (This may help out horticulture seasonals that regularly work 40 hours/week) In addition any hours that are available in the shoulder season can now be compiled to make weeks, which will increase the length of your claim. (this should help seasonals in retail and food services, whose hours are usually cut as the season winds down).

The new system still allows individuals to earn up to 25% of their benefit rate before dollar for dollar deductions take place. Low wage earners are now allowed to earn \$50.00 before any deductions take place. The new system also contains many programs and services to help people become re-employed or change career paths.

I hope that this has answered some of your concerns regarding the new system. If you have any questions, please contact your local employment center.







## Seasonal sick days: Are you getting the right pay rate?

Marie Stokes

At our last stewards meeting an issue came up about sick credits and what the rate of pay should be if you have to call in sick. The employee has a dual job classification and pay rate. The employee usually works at job with the higher rate of pay. The employee called in sick one day, and when the pay stubs were distributed for that pay period they found that they had been paid the lower wage rate for their sick day. This didn't seem fair when we looked at it.

I called human resources and explained the situation, looking for clarification and here it is.

When an employee calls in sick, the foreman or supervisor marks 'S' on the time sheet. As you know, employees accumulate 1 sick day for every 23 days worked in the season. Payroll determines if the day is paid by looking to see if there are any sick days in the season-

al's bank. If there are days in the bank, the day is paid according to the rate of pay set by the supervisor. The area that needed the clarification was the specification of the rate of pay.

Both horticulture and food services make use of split rates. There are Labourer 3-4s and combination cash-counter-bussing employees who are paid different rates depending on the job they are doing. These employees fall into a grey area when it comes to pay rates for sick days. What rate should they be paid?

According to human resources, the employee should be paid the rate for the job they would have been doing had they not called in sick. Taking horticulture as an example: if a labourer 3-4 normally drives a truck, or is scheduled to drive the truck on the day they call in sick, they would be paid the labourer 4 rate for the day. Similarly, if the same labourer

usually pushes a lawn-boy, or is scheduled to on the day they call in sick, they would get the Labourer 3 rate.

Apparently this rule of thumb was not being used in all areas. The supervisors were never made aware of this practise. As a result some employees may not have been paid the correct rate for their sick day. Please do not blame the supervisor if this has happened to you. This was a grey area that was never clarified until now. If you feel that you were not paid the proper rate of pay for a sick day, please approach your supervisor. This would only apply to employees that have multiple job classes, most employees will not have been effected. Also, when speaking with your supervisor it would be very helpful if you had a pay stub or the date which you were sick for easy reference.



## Cold weather no damper on the staff golf tournee.

Over 100 golfers braved the chilly temperatures to hit the links at the Whirlpool Golf Course for our annual staff tournament October fourth. This year's tournament was even bigger and better. The twenty dollar fee gave people 18 holes of golf with cart and clubs, a burger and drink at the turn, a terrific dinner that evening and a draw for prizes. What a great deal!

Cudos are in order for our Chief Steward, Paul Martin. Paul took over as the Union organizer of the tournament and he did a fantastic job!. Dinner was excellant, as always, the staff at the Diner on the Green outdid themselves. Many thanks are in order for the staff in the pro shop who entered the scores and kept things running smoothly. The big winners this year were Larry Berman and Kim Burke for Low Gross, Carol Robson and Dave Agnew for Low Net and Donna Rossi for most honest.



## New Human Rights Committee appointed

Local 217 has traditionally appointed new members to the various committees we maintain the same year the executive elections are held. This year is no exception. We vary our members in an attempt to bring fresh ideas to the committee and encourage more member participation. The Human rights committee helps members deal with problems including harassment and discrimination and also acts as an information resource. If you have any questions please feel free to contact any of the committee members.

Grant Carson (Chair): 354-7884

Jennifer Homan:

Lydia Parowinchak: 354-4110

Marie Stokes: 357-4219

John Woodruff: 295-6337



## Have you talked to your supervisor first?

You may have heard this question from members of the steward body or Health and Safety Committee before. When an issue is brought to the attention of the executive, we will take up the matter with human resources. Oftentimes human resources will come back saying the supervisor in question was not even aware there was a problem.

Many times, the issues that we bring to upper management are small and could have been easily dealt with internally between the worker and the immediate supervisor. I have found, in dealing with supervisors around the park, that most supervisors are very approachable. Your managers would greatly appreciate the chance to deal with your concerns before you go over their heads. They get frustrated when issues that could have

been quickly and easily solved, bypass the initial stages. The ability to deal with the day to day issues is part of your manager's job. Going around your supervisor and having us bring out the proverbial 'big guns' of human resources reflects poorly on your manager. This can sometimes lead to strained relations in the workplace (and who needs that headache).

This is not to say that all problems can be solved internally. Sometimes Human Resources has to be brought in to rectify the situation through the EERC, or a grievance must be filed. We are more than happy to represent your case to Upper Management. Just remember, the first step in both the EERC process and the grievance process is to approach your immediate supervisor. Give them a chance folks, you might be surprised at how easily the problem may be solved!



# The right to refuse, know it so you can use it.

Marie Stokes

Next to the right to know, one of the most important rights you have in Health and Safety is the right to refuse unsafe work.

Earlier this summer we had a situation involving cutting grass on slopes in the rain that workers felt was unsafe. This has been an ongoing issue in Health and Safety meetings for over a year and the end result has been to leave it up to the discretion of the employee (a real grey area). Unfortunately the Park's WHMIS training does not currently include a detailed description of how to refuse to do unsafe work. (It is not as simple as it appears, there are rules to follow) As a result employees ended up going home rather than initiating a work refusal and the issue was never dealt with to their satisfaction. To prevent this from becoming an issue again for anyone else, I'd like to go over the correct way to start a work refusal.

The Health and Safety Act addresses the worker's right to refuse unsafe work in section 43 of the legislation. All work places **must** have a copy of the act posted in an accessible area. Take the time to read the section. It covers all of our employees with the exception of the police.

The Act gives an employee the right to refuse work that they have **reason to believe** may endanger themselves or another worker. You simply state to your supervisor that you refuse to do the work assigned on the grounds that you feel it is unsafe. The situation must be investigated by a certified health and safety representative or worker representative from the Joint Health

and Safety Committee without delay. The supervisor can not assign the work to another employee without letting them know that another employee has refused the work and why. (This means that it is important to show solidarity and stick together.) Until the investigation is completed, the worker shall remain in a safe place at or near their work station. **Do not go home!**

Following an investigation or any steps taken to deal with the circumstances that caused the worker to refuse work if the worker still feels that the work is unsafe and **has reasonable grounds** to believe so, they can continue to refuse to do the work. At this point an investigator from the Ministry of Labour is called in to assess the situation. Any investigation is done in the presence of the worker, certified member and employer representative. The worker can be assigned to alternate safe work while waiting for the Ministry investigation. The investigator must notify the Park of their decision in writing as soon as possible.

The right to refuse unsafe work also extends to the operation of equipment. If you are operating vehicles or machinery that you feel are unsafe, the same procedure applies.

Section 50 of the Health and Safety Act (legislation section) very clearly states that the employer is prohibited from dismissing, disciplining, penalizing or otherwise threatening a worker because they have complied with the Act and followed the regulations.

Remember, the responsible use of the Right to Refuse may save your life or the life of a co-worker one day.



"Get over here... You said labor and management should stand together."

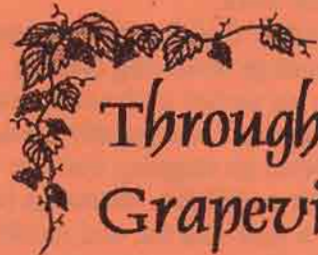
## New Faces in Health and Safety

I'd like to welcome some new blood into the Joint Health and Safety Committee. The executive of Local 217 periodically appoints new representatives to the committee in an attempt to increase member participation and get a fresh perspective on the issues.

Sean Leitch, (QVP Horticulture Sub-forman), Colleen McComb-Page (Greenhouse Grower) and Ed Ketcheson (Niagara Glen) will be joining the committee. We will not change the entire committee at the same time because we need some 'old hands' to help orientate the 'rookies'.


A very special thankyou to out-going committee members Penny Berketa (QVP Horticulture), Kate McArdle (Distribution center) and Marie Stokes (QVP Gardener) for all their hard work for health and safety over the past years.








## Through the Grapevine

Congratulations to Peter Krutschke (QVP Horticulture) and his wife on the safe arrival of their first child, a bouncing baby boy named John Peter Forrester.

 Congratulations are also in order for George Morrison who has retired after Eight years with the Parks. George came to us from the railroad and worked briefly with the Peoplemovers at Rapidsview before joining the horticulture staff at Queen Victoria Park. Enjoy your retirement George!

 Our deepest condolences to Carl Renshaw and his wife for the loss of their child.

 Cudos for our new Union Representative to the Quality service team. Paul Martin (Falls Parking) was appointed to replace Bill Burns (Refrigeration) after Bill's term ran out. A hearty Thanks go to Bill as well all his input regarding quality service.

 All the best for a speedy recovery to Erica Katcho (QVP Horticulture). A large three tier trolley fell on Erica, injuring her back and leg. She has been off on compensation since that day

### Mark this date!

### Upcoming Events

#### Children's Christmas Party

Sunday December 15

Niagara Falls Arena

\*Come see Santa

\*have fun skating

\*Registration deadline Oct 28, 1996

**Come and partipate!**

### **Our Motto (Besides No Bull!)**

The *No Bulletin* is published quarterly and mailed to all signed in members. The *No Bulletin* is your newsletter. If you have any related articles, jokes or cartoons, please give them to:

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(357-4219)

We welcome your comments and suggestions and we reserve the right to edit for length and content.

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