



Steward Notes

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Attendance management

Unions will challenge some aspects of these new policies, but stewards should remind members that “innocent absenteeism” could be grounds for dismissal

by Merryn Edwards
Communications Staff

Major employers including the Solicitor General, Alberta Health Services (AHS) and the Good Samaritan Society have recently adopted attendance and disability management programs.

For Solicitor General, the attempt to establish acceptable levels of absenteeism represents a departure from the previous practice of shining a light on absences only when they fell above the average level for the bargaining unit.

AHS has also established a process whereby employees who exceed a certain number of days absent will move through a process of receiving “informal” and “formal” letters and reminders that a failure to improve attendance could lead to dismissal.

Yet despite formalizing attendance management processes, these employers

insist that such letters are non-disciplinary. Since they are explicitly referring to “non-culpable absenteeism,” AHS also insists that the letters will not be removed from personnel files. AHS defines “non-culpable absenteeism” as “absences for reasons where blame or fault is not an issue. It is a legitimate, innocent absence that is usually beyond the control of the employee.”

Some areas of these new policies are more contentious than others, and AUPE will continue to review the full range of legal options in responding to them. For example, AHS’s plan to limit temporary medical accommodations to six months (after which time they would automatically either be considered undue hardship or become a permanent accommodation) may well constitute discrimination on the basis of disability.

However, there are precedents for upholding dismissals for “innocent absenteeism.” In one case where a dismissal was upheld, the arbitrator outlined the test criteria to determine if an employer was justified in dismissing an employee for “excessive innocent absenteeism:” “1) was the absenteeism excessive; 2) was the employee warned that his or her

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absence could result in discharge; 3) was there a positive prognosis for regular future attendance at the time of dismissal; and 4) if the absenteeism was caused by illness or disability, did the employer attempt to accommodate the employee up to the point of undue hardship prior to dismissal.”

Stewards should remind members that paid sick days are not a benefit under the collective agreement like vacation, but a right to protect those who are ill. When absences are due to legitimate medical reasons, stewards can help their members to protect themselves by communicating clearly and providing proper documentation. Your MSO is also available to assist.

If absences are due to recurring medical concerns, members should be encouraged to bring their job description to their doctor. If there is reason to believe short or long-term disability leave or accommodation may be necessary, it is better to identify that as soon as possible. Employees who may be trying to attend work despite ongoing medical concerns could find themselves under scrutiny as the number of “separate occurrences” begin to pile up.

When supporting members whose absences have triggered letters or other measures under attendance management programs, being able to establish that the attendance record can be improved is essential to avoiding termination or other forms of discipline. ■

Steward workshop registration deadline

The deadline to register for AUPE’s fall regional union steward workshops is fast approaching.

The one-day workshops offer stewards an opportunity to improve and upgrade their skills, get up to date on current and emerging labour relations issues and to network with other AUPE stewards in your part of the province.

The deadline to register is Aug. 14, 2015. All active stewards registered in AUPE’s database are eligible to attend the workshop in their region. They were sent a registration form in the spring, but any steward who did not receive one or has any questions can contact Gil Laflamme, Union Representative, Special Projects at: g.laflamme@aupe.org.

SEPT. 15	GRANDE PRAIRIE	SEPT. 16	PEACE RIVER
SEPT. 18	ATHABASCA	SEPT. 22	MEDICINE HAT
SEPT. 23	LETHBRIDGE	SEPT. 24	CALGARY
SEPT. 29	RED DEER	SEPT. 30	CAMROSE
OCT. 2	EDMONTON	OCT. 6	CALGARY
OCT. 8	EDMONTON	REGISTRATION DEADLINE AUG. 14	



From isolation to inclusion

Reaching union members who don't work in traditional worksites presents specific challenges

by Merryn Edwards
Communications Staff

If your workplace is a remote Alberta highway or a home care patient's private residence, many of the tactics of union communication and mobilization just won't work for you. Posters in the lunchroom, break time or shift end meetings, "support your committee" button-wearing days—strategies and tactics like these only work in facilities where larger groups of members are concentrated.

AUPE recently welcomed two sizable new groups who rarely, if ever, come together in large groups with their coworkers: approximately 400 home

care workers employed by CBI Home Health in Edmonton and another 400 highway maintenance workers employed throughout the province by Carillion.

The snowplough operators, skilled tradespeople and other highway maintenance employees of Carillion in Alberta are spread out over vast geographical distances, since the company is responsible for maintaining most highways throughout the eastern half of the province, from the northern to the southern borders of Alberta.

While CBI Home Health home care workers in Edmonton may not be as

geographically dispersed, they are arguably even more isolated since they may be dispatched directly to a client's home and may never have occasion to meet their coworkers.

Fortunately, AUPE already has many ways for isolated workers to connect to the broader union. Through the toll-free number (1-800-232-7284), members from all over Alberta can reach the Member Resource Centre with their questions or concerns. And of course, *Direct Impact* reaches all AUPE members four times a year.

Online resources including AUPE's website (www.aupe.org), the AUPE app for mobile devices, the online version of *Direct Impact* (available through Issuu.com) and AUPE's Facebook and Twitter accounts are excellent ways to stay connected to the broader union and engage with other members. But the most effective way members can stay connected is providing their email address.

Nevertheless, mobilizing for bargaining presents particular challenges when pre-existing networks amongst coworkers just aren't there, so stewards and other union representatives will have to come up with innovative solutions.

For example, Carillion members have nominated one member from each area to participate in bargaining. Although not all of these nominees will sit on the bargaining committee, they will play an important role in making sure that specific regional concerns are represented and information channels remain open to all workers during bargaining.

Another innovation tailored to CBI workers, the majority of whom work two or more part-time jobs, was a day-long Info Fair, where new members could drop in and visit a variety of booths including Occupational Health and Safety, Negotiations, and AUPE Communications and Campaigns in order to learn more about the union they had voted to join.

It may take a little extra work to reach out to isolated groups of workers, but they have so much to gain from experiencing the strength in numbers that comes with belonging to AUPE. We all benefit when each member can move from isolation to inclusion. ■



Learning Changing Growing

AUPE's core course scheduling has changed to serve you better

AUPE has streamlined the core course scheduling process to make getting your union education easier. Our new process makes our core courses more convenient, flexible and most importantly reliable.

Now the courses will be offered as soon as enough people are registered to take them, with the most convenient location chosen based on where the majority of registrants live.

Any member can take the *Introduction to your Union* and *Contract Interpretation* courses. Other courses are reserved for Union Stewards and Officers.

To take your union education further:

- 1) **Go online.** www.aupe.org/member-resources/education/
- 2) **Choose.** Find a course.
- 3) **Register.** Call 1-800-232-7284 and ask to speak with the course registration desk.
- 4) **Confirm.** Once a course has met the required numbers, a location will be chosen based on the postal codes of registered members and you will be contacted with the date and location.

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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