



CANADIAN UNION OF PUBLIC EMPLOYEES □ LOCAL 101 LONDON
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CUPE 101 Members' Questions

Fellow Members:

We are writing this today to capture outstanding question that have not been answered before now. Previous posts were written to address the Frequently Asked Questions (FAQs) submitted with common themes.

Although the questions noted below were not frequently asked, these questions are valid and warrant an answer. We will continue to answer these as they are submitted.

Please note that if you have time-sensitive questions, please contact Dom Anello, Executive Secretary (519-868-4451), or any other member of the Executive, or even phone me directly (226-378-6399). We strive to answer all questions in a reasonable period of time.

Q. When we were told to submit vacation requests in my department, we were later told our request would be considered based on the area I was redeployed to. Why?

A. When the Union agreed to extend the vacation planner due date, it was in the early and unknown days of the COVID19 crisis. We agreed to the extension as a measure to assist those off work the opportunity to submit their requests. Also it was to provide more time to members to decide how they would use vacation days, or even to decide if they still wanted to use vacation days. It was not a way to further to restrict more people from being denied time off.

Management has the right to manage, this right extends to the vacation planner.

We understand that with a much smaller working group, management is concerned about having enough people in place to carry out the essential services.

That being said, the Union has reminded management that staff are working beyond their means, are burdened by higher workload than usual, and that if members are denied vacation time when they truly need it, it may lead to burnout, higher stress, and increased illnesses.

If the vacation ratio is too restrictive, members will still have vacation time available but less opportunity to use it, and fewer choices of desirable days for the rest of the vacation calendar.

The Vacation Planner should have been posted 15 June 2020 and the Union has been pushing management to be reasonable in approving vacation requests.

We have highlighted to management that while DEL is in effect, there are less people working to meet the business needs of essential services. The members at work who are asking for vacations are the same people performing their own work in addition to the work of those away on a DEL leave.

To state more clearly, the Union is asking management to generously approve vacation requests as most people are overwhelmed by the workload volume.

Q. I volunteered to be off with DEL but was refused. Why couldn't I have it?

A. Management decided all people they were placing on a DEL.

Q. Once we return to work from DEL will we be allowed to cancel our vacation request if we change our mind or no longer can afford to go?

A. We have been told yes. It would still be on a business needs basis, but that no reasonable request would be denied.

Q. A person with a temp contract is over Sept 30th and not being called back. Will they receive a letter advising their contract has ended?

A. Yes.

Q. Can CUPE 101 staff be redeployed to the golf course because they are hiring some managers who were off on DEL?

A. No. We have asked management why CUPE 101 staff on DEL couldn't be used. We have been advised that no CUPE 101 staff were in this area therefore none can be returned there.

We additionally asserted that with CUPE 101 having such an overwhelming number of members off, it would be reasonable, even a sign of good faith, to allow some CUPE 101 members on DEL to be redeployed there. This was denied.

Q. What alternatives are being looked at for return to deskside interviews? Is management looking into alternatives to deskside interview when offices reopen again?

A. No decisions or discussions have been made on when, or if (or even how), we will be returning to deskside interviews. Management is abundantly aware that members are very concerned about personal safety and are

expecting PPE, rigorous cleaning protocols, barriers (deskside Plexiglas) to be in place long before the first deskside interviews resume.

Q. Are alternatives being considered for dealing with people face to face (interviews)?

A. Yes. The management COVID team is considering all scenarios for workflow.

Q. I'm super swamped and I know others who are not busy at all? What can be done with my workload?

A. We have shared the message with management consistently that there is a work imbalance – those who are busy are disproportionately overloaded. You need to inform your manager, explain the problem, and ask for help. It is a management right to decide workflow. If you are assigned more work than you can reasonably do, your manager needs to resolve this.

Q. When will people on DEL be returned to work?

A. Some have already been returned to work. To date, the first nine (9) people have received DEL return notices. This is a good start and we look forward to more.

Q. When the City contacted the Union to advise of the DEL how long did the Union take to respond?

A. Response was immediate. Management called a meeting with the Union and explained the potential of a DEL. The President and Vice-President attended all these meetings, which is normal practice.

Q Was the Executive as a whole involved in preparation for the negotiations of the DEL memorandum of agreement and was everyone present?

A. No. Typically the President and Vice-President work on memorandums, letters of understanding, letters of agreement, etc. without the Exec present, but with the assistance of the CUPE National Rep and or our Local's lawyer. While both the National Rep and lawyer were consulted, we had the assistance of the National Rep at every step of the way.

Additionally through the National Rep, we used the CUPE National Legal who assisted with the drafting of language and research for each proposal and counter proposal.

While this process was underway, someone leaked to the media that

management was considering some layoffs or DELs, and this resulted in a management message to staff, and forced the timeline to speed up. As such, all available Executives were called to the National Office to help us with this. Half of the Executives at this time were working on rotation, some were able to join at the end of the day – work during this time often went from morning past dusk.

The Executives were made aware and anyone who had capacity to assist were part of the process. Those who couldn't be present were informed as progress was made.

Q. Could I have a copy of the CUPE 107 (City of London Outside Workers) Letter of Memorandum that was signed? I would like to see how it compares to ours.

A. No. The CUPE 101 copy has been shared with CUPE 101 members, we do not have a copy of the CUPE 107 agreement, nor are we entitled to. It is a confidential agreement and is Without Prejudice or Precedent (Without P&P); meaning that is it private to the members of our respective Locals, and cannot be shared. If there is a CUPE 107 agreement, we haven't seen it.

Q. Why didn't CUPE 101 and CUPE 107 have a meeting to discuss prior to DEL....especially since we have the same employer? I thought all unions are supposed to be in 'solidarity'?

A. As noted above, the process is confidential and Without P&P, neither party were at liberty to divulge agreements. Yes we have the same employer, however we are different unions and our respective members have different needs, different DEL criteria, etc. That being said, we were notified simultaneously and as such, we went to work on our agreements immediately.

Q. Was there any consultation with our labour lawyer (M. Klug) or National to advise and guide us in this process? If not, why?

A. Yes. As noted above, we had the support of both.

Q. What is happening with the monthly General Membership Meetings (GMMs)?

A. This question requires a long answer. The short version is that in compliance with the Ontario State of Emergency we cannot meet physically due the sheer number of members, and we have not yet found an electronic method which would allow us to transact the business of the Union in a confidential way, and to ensure that only members attend.

The longer answer:

Physical Meeting

To answer the question of holding a meeting in person with proper social distancing, we considered larger indoor venues (such as the Western Fair District, local school auditoriums, theatres, etc.), and even outdoor venues, such as a sports field or grandstands. Neither of these seem practical nor confidential; but either way, the State of Emergency still restricts group sizes to a maximum of ten people.

Electronic Meeting

Before COVID19 began – from November 2019 to March 2020 – we had been shopping around for a software solution for union business: virtual meetings, record keeping, communication, etc.

We currently use an antiquated method of:

- In person meetings where some members who work 3 hours away have no practical way of driving all the way to London from afar to attend GMMs,
- Record keeping is largely pen and paper, and in filing cabinets,
- Communication had been posters on bulletin boards, emails over the employers' emails, paper copies of handouts, and messages communicated through Union reps and stewards.

The Need for a GMM

We absolutely need to hold a GMM because we have an enormous amount of work to do:

- We are 3 months overdue on getting approval for our annual budget,
- We are 3 month away from our next Executive election cycle
- We have trustees' reports to present,
- We have initiatives we are working on,
- We have training and convention duties stopped in their tracks, and
- Many, many more items and issues.

The last regular meeting completed was in February 2020, and the last meeting attempted was in March 2020 however we did not achieve quorum – we didn't have enough people present to conduct a meeting.

Like many local unions, we suspended meetings because of social distancing requirements. We communicated this on our website by changing the meeting notice date to "To be determined," we shared this with Union reps, and it was noted in previous communication that the meetings were temporarily postponed.

Work of the Executive Committee Since the Last GMM

The Executive Committee meets every two weeks on Wednesdays, all year long. Beginning in November 2019, we started using a long-form agenda similar to the GMM agenda.

From mid-March 2020 to May, we continued with these meetings, and increased our meeting frequency by created a Special Purpose Meeting (SPM) – also over ZOOM – on the weeks in between the full Exec Meeting. To state more clearly, from mid-March to the end of May, we met weekly in one form or another.

For the SPM, we used a limited agenda sticking to COVID issues such as to compare notes on:

- News from the Federal and Provincial governments,
- News from the Chiefs of Medical Health,
- New State of Emergency Orders (affecting members at
 - The City of London,
 - The Middlesex London Health Unit, and
 - At the South West Local Health Integration Network).
- Health & Safety reports,
- PPE – availability or not, use, restrictions, training, etc.
- Changes in workplace policy or procedures in response to COVID or the Orders which may result in a grievance being filed,
- Questions and concerns received from Members and shared with the Executive for response,
- Any updates from the employers in our five (5) workplaces, which we receive on a weekly, and sometimes daily, basis.

Constraints and Challenges

We have continued to hold our Exec and SPM meetings using ZOOM technology. We learned this was not a secure method when we had uninvited people join our meeting. It turns out that in some cases meetings can be found, and in other cases that the login link could be shared by forwarding an email.

We resolved this by having our Executive Assistant act as the ZOOM web-host, and monitor closely to ensure that attendees are limited to the 7 Executive members and invited guests. This is easy do with less than 10 attendees, but when dozens or hundreds may want to attend the next GMMs, monitoring becomes impractical.

It was pointed out to us that some workplaces have no trouble conducting business over ZOOM, or Microsoft Teams, or Skype. This is true.

Employers have the advantage of having IT networks set up and have assigned logins using HR/Personnel records to ensure each employee has one login. We as a union do not have this.

As noted above, while perusing union software solutions, this is something we were trying to find. To proceed with a ZOOM-like solution, it leaves us with three scenarios – each with its own problems.

- 1) If we post a link, anyone can share it or access it, and possibly record and disseminate the meeting.
- 2) If we make a link and only email it to the membership, it could still be forward to non-members. Also, we have approximately 1200 members, and emails with more than 250 recipients are typically blocked as spam.
- 3) If we made a unique link for each member, it would require an inordinate amount of time to create and put into a dedicated file, and we still are not sure if this would resolve the privacy and security concerns previously mentioned.

To recap: To date, we have not been able to hold a GMM meeting in person, and we cannot yet hold a GMM meeting over electronic means securely.

Alternatives We Have Considered

Townhall Meeting

If we do not transact business, we could hold a ZOOM town-hall meeting.

The Executive Committee is leaning towards this option, and is more than happy to do so. Again we have to assume there may be interlopers and it is possible someone may record the event and post it, but it would be a good forum to discuss the obvious issues.

Proper Notification

There is another consideration. In order to hold a meeting, you need to properly notify all members of the meeting, and ensure an equitable opportunity for members to attend.

We presently communicate by creating a write-up and post it on our 101.cupe.ca website, on our Facebook page, and on a direct email send out. The first two methods allow our write-ups to be seen by anyone. The direct email is fairly confidential and ideally, we would like to move to this exclusively. However, we only have about 350 email addresses for all of the CUPE 101 members.

Despite all three methods, we know we are not reaching all of our members. When all workplaces are open, a GMM notice is posted on the Union Bulletin Boards, and as such, all members are considered duly notified.

But in a COVID19 world, we have some members at work, we have other members working in unfamiliar workplaces, some working from home, others off work on DEL, and more who are off work with short- or long-term disability.

After much consideration and after consultation with CUPE National, we have learned that if we post a meeting notice using our three main methods and give sufficient time – like a week – we can consider this proper notification.

We ask all members who want to be notified and to attend a GMM or Townhall meeting, to please contact Executive Assistant Michelle Sterling at michelle01@rogers.com with your contact information including name, personal email address, and your workplace. You may be asked for your Seniority Date. This information is being gathered to verify your identity and is for Local use only.

If you have questions not addressed above, or on past FAQ notices, please let us know and we will pursue answers. Thanks.

Q. Can you turn off comments on Facebook? There are a few negative people badmouthing the union.

A. This is a yes and no answer. Yes it is possible, no we are not prepared to do that at this time.

If you are a Facebook user and a person or groups of people are Cyberbullying, please report that to Facebook for breaching terms of use. If a person or people use our Facebook to slander, mislead, or lie, we will take appropriate action.

There is a huge difference between someone mad-as-hell, and someone who is mad-as-hell and right. We mustn't censor people just because a post is angry or a pointed question. It might very well be a good question. If a question is asked of the union, a response is owed.

Initially, CUPE 101 started using Facebook as a means to reach the maximum number of members, and not intended to be a replacement for a union meeting.

As stated above, we would prefer to only send message to members via private email, and ideally we get to the point where we have software and our own internal email forums. We are not there yet.

Also, not everyone is on Facebook. Currently the Executive Secretary pulls the question when he can and forwards them to us. We will continue to answer the questions as they are received.

It's pretty obvious when a person uses a public forum to be seen posting a

question with the objective of criticizing or attacking, as opposed to legitimately seeking information. I believe the term is an Internet Troll, and it says more about them than us. If someone wants to foment agitation, all they end up doing is winding up people who may already be stressed out. It is not for us to interpret the intentions of the person behind the question. We will continue to take all questions as sincere and answer them truthfully.

We have been transparent from the beginning that if you have an urgent question, ask us directly – you are welcome to phone or email any of the Union Executives. Not only will we give you the answer, we will post both your question and answer for the benefit of all the other members. It wouldn't be very good common-sense to post an urgent question on a seldom visited forum like Facebook.

Finally, if you have made it to the end, we thank you for reading. This is a much longer post than usual, for obvious reasons, and took more time than usual to write. We appreciate your patience.

While we have received large amount of negative and nasty feedback, without exaggeration, we have easily received 4 times as much positive feedback to these posts. If we are falling short in any way, we welcome your feedback and would equally welcome your assistance. Thanks again for your patience.

Adam Brightling
President, CUPE Local 101

On behalf of your Executive Committee.