

## Cupe 402 Contacts

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## Chief Shop Steward Message

### The Attendance Support Program (ASP)

Since the City has introduced this program, many questions have been put forward by the membership, the two most common being:

- Don't we have a right to our sick time under the collective agreement?
- Can I be fired for being sick?

As well many members are confused and frustrated about out the language in our collective agreement regarding sick time and the City's Attendance Support Program.

When the City's first introduced the Program, the Union sought and received a legal opinion from our legal counsel. The legal opinion indicated that arbitral decisions have established that employers may unilaterally (meaning without the approval of the Union) implement an attendance management program as long as the policy:

- Does not conflict with the collective agreement;
- Does not conflict with relevant legislation;
- Is not disciplinary in nature, and
- Is Reasonable (follow the K.V.P arbitration ruling)

Over the years, the Union has made it clear to the City, that as part of our duty to represent our members, we reserve our right to challenge any decision made by the City which negatively impact any of our members. This includes filing policy or individual grievances on a case-by-case issue.

The Attendance Support Program does not apply to Term, Auxiliary, Project employees and employees in their probationary period.

Do Union members have a right to use sick time as per the collective agreement? Sick leave provisions have been negotiated so that members who are sick would not suffer loss of wages.

The ASP does not prevent you from taking your sick days. Arbitrators have ruled that an employer may discipline employees for taking excessive sick days from work, even when the reason for absence(s) is valid. Arbitrators have divided absences into two types: innocent and culpable. Example of culpable absenteeism are; lateness or leaving early from work without notifying a supervisor, absence without leave. These can be subject to disciplinary measures

Examples of innocent absenteeism are illness, injury and disability - Absences beyond the employee's control.

The Union's position is clear - If you are not able to attend work because you are sick then you should be using sick time.

Can I be terminated for being sick? Each situation is analyzed based on the specific set of circumstances, evidence, facts, etc. however, it is important that you know that arbitrators have ruled that, in certain very serious situations, extreme absenteeism may warrant termination of the employment relationship.

There are factors that would be weighed in a termination case.

- The number and the reasons for the absenteeism
- The prognosis for future attendance (can you improve your attendance)
- The nature of the notice provided to the employee among other considerations.

## Q & A

How do I find a shop steward if I need someone to talk to?

*Toby Daniel Executive At Large*

This question gets asked more times than you think. Our shop stewards are located throughout the city to discuss your issues. We are there to guide you through the Collective Agreement and all other workplace issues. Everything is confidential and we can arrange to meet you at a convenient time and location for a coffee or a chat. If you don't know who a shop steward is in your area please call our office and we can confidentially direct you to someone.

Cupe 402 office # 604-543-3822

## CHIEF SHOP STEWARD CONT'D

There are considerations an employer must consider when absences are caused by a disability. Once an employee has established that they suffer from a disability there is an obligation on the employer to accommodate the employee.

The union has been advised by the city that last year's average has dropped by about .5%. What we are not sure about is whether this is due to employees being healthier...or is it due to employees taking their HOLIDAYS, FAMILY DAYS, OVERTIME for fear of being placed on the program?

The possible negative impact of using other types of leave could possibly alter the statistics upon which this program is based. If we continue this pattern the percentage will continue to go down but it is not a true reflection of actual sick time.

If you have other questions or concerns please contact the Union.

The Union will continue to monitor the program.

Rick Tanaka  
Chief Shop Steward

## Events

### Membership Meeting- Elections

Wednesday, May 13<sup>th</sup>, 2015 | 5:15 p.m. UNION OFFICE

### Party For The Planet

Saturday, April 4<sup>th</sup>, 2015 | 10:00 a.m. NEW CITY HALL

### Day Of Mourning

Tuesday, April 28<sup>th</sup>, 2015 | 7:30 a.m. NEW WORKS YARD

### Bowling Night

Tuesday, April 28, 2015 | 7:00 p.m. CLOVER LANES  
If interested please call or email the Union office at 604-543-3822 or [cupeoffice@cupe402.com](mailto:cupeoffice@cupe402.com). Limited spaces available.

Check out [www.cupelocal402.com](http://www.cupelocal402.com) for more details



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### Day of Mourning April 28<sup>th</sup>

Join us on April 28<sup>th</sup> at the New Works Yard for this years Day of Mourning event at 730am. The Day of Mourning is the day where thousands of workers all across the country gather to honour and remember those who have been injured or who have lost their lives on the job. The international symbol for Day of Mourning is the caged Canary. The Canary was chosen because in the beginning of the last century miners never had the technology to test the air for dangerous gases, so instead they sent a Canary into the mine. Since Canaries are more sensitive to air borne gases, such as carbon dioxide, they would send the Canary into the mine first; and if the bird never returned, the workers knew it was too dangerous to enter.

In Solidarity,  
Aman Cheema

Communications Executive

