

RETURN UNDELIVERABLE CANADIAN ADDRESSES TO:

Yukon Employees' Union  
2285-2nd Ave.  
Whitehorse, Yukon  
Y1A 1C9



# Yukon Employees' Union **NEWS**



## What is the “Duty to Accommodate”?

What is the “duty to accommodate”? Human rights legislation protects the right of all workers to be free from discrimination on the basis of a disability. In the workplace this means an employee has the right to be “accommodated” so they can continue to work despite restrictions or limitations.

Have you ever wondered how it's possible for someone to be “appointed” to a position you thought or hoped you might get at work? Was there an opening coming up, a possible promotion or new challenge you wanted to take a shot at, only to find the position filled without a competition being run? It may have been an “accommodation”.

What is an accommodation? Simply, in terms of a worker with a disability, an accommodation is an adjustment to the employee's job, duties, workstation, tools, schedule or hours that allows the worker to maintain employment. It is an employer's duty to accommodate an individual suffering from an illness, injury or disability which might make it impossible for them to perform some or all the duties of their substantive position.

What is an accommodation NOT? An accommodation is NOT a handout. It's not favoritism, it's not an abuse of the system and it's not cheating. It's not something being done TO the co-workers of the accommodated worker and it's not something done in conflict with the Union. Everyone at the workplace has a responsibility to support an accommodation.

In a unionized workplace, the employee, union and employer have duties and responsibilities in the accommodation process. The employer has a duty to inquire when there is a reason to believe the employee may have a disability. This duty may be triggered by changes in behaviour, performance or attendance. The employee has a duty to disclose that they

have a disability that may need an accommodation, and to provide sufficient medical evidence on their restrictions and limitations to support the process. The union has a duty to support accommodations; they may need to authorize adjustments to hours of work or exemptions from the usual hiring practices.

What is the role of co-workers in an accommodation? Union members are obliged to treat their co-workers with respect and to cooperate with accommodation efforts in their workplaces. While it can sometimes appear someone has been given preferential treatment in terms of duties, equipment, flexibility or exemption from competition, it's important to understand there may be an accommodation in place. A work environment with supportive and accepting colleagues helps disabled workers feel safe. It's also important to remember that co-workers are not owed full disclosure about an accommodated workers' medical condition or issues. All workers can expect their privacy to be respected.

A successful accommodation requires the active participation of the employee; they are obliged to maintain communication with their doctor, employer, disability manager and union. The employee must accept that the accommodation will be imperfect; a role will be found which suits their skills and knowledge as closely as possible.

Experienced workers provide enormous value to any workplace; they hold tremendous corporate memory and organizational intelligence. Workers with disabilities, injuries, addiction or illnesses do not cease being valuable when they face personal challenges. When you think about it, it's good to know that accommodations will be made for you, should you need them.

**WGH Local Y025 Logo contest: Winning design wins \$500!**  
Contest details at <http://yeu.ca/events/y025-logo-contest/>

## And now for some Local Flavour...

### Here's some news from Local Y011, Yukon College:

At Yukon College we recently had cause to establish a "Lay Off Review Committee" to look at alternatives to a potential Lay Off situation.

Budgetary concerns and a change to Third Party Funding Arrangements made it necessary to pursue changes for two members of our Local. Both were facing a potential "Lay off" situation.

In an attempt to find solutions, Management and the Union Executive of our Local agreed at our Joint Consultation Committee to form a "Lay Off Review Committee" as described in Article 7.04 of our Collective Agreement.

Competitions where the employees might possibly fit were temporarily frozen until these members could be redeployed. Union Executives and Management spoke with the affected supervisors regarding the need to redeploy the impacted employees. The employees were actively engaged in considering the possible resolutions.

The Layoff Review Committee discussed and recommended the alternatives to the College President who endorsed our joint recommendation.

The collegial spirit in making these transitions as amicable as possible has made this a good news story after all.

Thanks to Local Y011 President Birgit Martens for this submission.

## Canada's new Anti-Spam Legislation

Businesses, charities, non-profit organizations and unions have been working furiously to determine how the new legislation known as CASL will affect the way we do business. The law took effect July 1 after over a decade of discussion and negotiation, and reflects the work of a broad stakeholder spectrum.

It's very complex legislation, intended to control the unsolicited delivery of Commercial Electronic Messages (CEM's). The golden rule is that your consent is required in order to stay on the mailing list of a company wishing to engage in a commercial relationship with you.

The impact on unions is less clear. We have been advised that unions are not impacted by the CASL insofar as we are not trying to sell a product or service.

If you wish to be added to our mailing list please subscribe on the home page of our website [www.yeu.ca](http://www.yeu.ca). If you wish to unsubscribe please use the link at the bottom of the next email you receive or email us at [contact@yeu.ca](mailto:contact@yeu.ca).



## Are you a RAND?

Have you signed a union card? When you started your job you likely spent much of your first day signing papers and getting oriented. In a unionized workplace, one of the papers you should receive from your HR advisor is a union card. When this card is signed and submitted to YEU, you become a full member. PSAC head office in Ottawa issues permanent membership cards which are sent directly to you by mail.

That doesn't happen in every case; sometimes HR neglects to provide a card and sometimes a new member forgets to submit the card to YEU. Whether or not we receive a signed card, your union dues are deducted from your paycheque and you receive the full backing of your union. This is because of the Rand Formula, a decision by Justice Rand in 1946 ensuring that all those benefiting from unionization must pay dues.

As a Rand you won't be able to vote or participate as a steward, become a convention delegate or run for any union office.

If you haven't signed a union card (or can't remember if you did), haven't received your official PSAC Membership card by mail or need a replacement card, please call us at 667-2331.

# Straight Talk: Do unions protect the lazy?

No union contract will protect workers from fair and logical consequences.

If you're insubordinate, won't do your job, are chronically unproductive, won't take direction and won't follow policy, your union won't be able to save you. If you harass your colleagues, show up drunk or abuse your leave you can be sure to face discipline. That discipline could take the form of a letter of reprimand, a suspension or dismissal.

We often hear that unions protect the lazy & incompetent. We hear about the worker who refuses to do more than his job description demands or the co-worker who comes in late, hung over and belligerent all the time. Union membership cannot protect you from yourself. Like anyone else, a union member has to do the job they are paid to do and follow the rules.

Collective Agreements have language around discipline, outlining processes from the first complaint up to and including dismissal. What unions do is ensure that discipline is fair and has followed the process outlined in the negotiated contract.

Contracts offer a framework where performance management can take place in a fair and systematic manner. It's called progressive discipline. This progressive discipline is important – it creates opportunities for members to work with management to set goals. Proper documentation makes sure expectations and consequences are clear. Progressive discipline allows staff & management to work toward solutions while making sure workers take responsibility for their own actions.

The truth is you're just as likely to have a "dead weight co-worker" in a non-union workplace as a unionized workplace. Conflict is no fun; enforcing policy, handing out discipline and holding someone accountable is the toughest part of a supervisor or HR professional's job. Ultimately it's the duty of the manager to follow procedure; performance evaluations should show areas where improvement is expected.



Conflict must be recorded, expectations documented and compliance tracked.

As a union it's our duty to make sure members are treated fairly and are offered the support they need when times get tough. The bottom line is that we want to make sure any discipline you receive is warranted. The questions we ask are "did you do this, were you warned, and did you comply?" If the facts are indisputable, you were warned and you didn't shape up, well there's not much we can do.

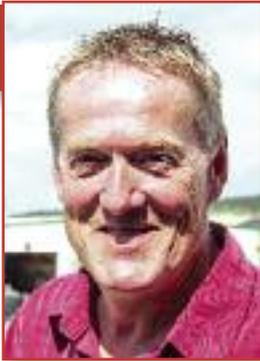
*The responsibility is always yours; do the work, do it well, be respectful & be accountable.*



Each year on Labour Day, YEU Local Y010 hosts a free "Feed the People" BBQ in Shipyards Park. This event serves thousands and offers games, music, activities and FOOD! If you can help out, please contact Tammi at 335-1329; Y010 needs shoppers, prep help, grill masters, face painters, crowd wranglers and more. Y010 - Keeping the Unity in Community!

**Feed the People BBQ needs YOU!**





YEU President  
Steve Geick

## News from the Bargaining Table

There's been a lot of pencil sharpening this year; many YEU/PSAC Bargaining Units have been at the negotiating table. Thanks to the hard work of our negotiators and the elected bargaining teams, we have some good news to share. We also have some news to make you go hmmm and some news that's just downright disappointing.

Air North's flight attendants are also in conciliation; after 9 months of discussions and negotiations with the company they are no closer to a contract but are still talking.

Watson Lake's Municipal workers are considering options. Watson's Mayor & Council have elected not to approve their own contract offer to the workers. Instead, the employer has asked to go back to the bargaining table. This unexpected manoeuver comes after much hard work by the negotiators from both the Union and Management teams and is in conflict with the recommendation of the town's negotiator.

### Rendezvous with YEU winner celebrates Canada Day in Ottawa!



### Congratulations Erin Suggitt!

First, congratulations to the City of Dawson; the municipal workers have ratified a new contract which will carry them through to the end of 2016. Highlights include improvements to sick leave provisions and increased flexibility for those accessing their accrued special leave. Members can also now carry accrued overtime from year to year rather than an automatic pay out.

The workers of Takhini Transport have held their first meeting following union certification last month. A negotiator has been assigned by the PSAC and the process of establishing priorities will begin soon. We look forward to working with these new members.

Unfortunately a few of our bargaining teams have run into difficulty. Two units are now in conciliation.

Yukon Utility Workers have applied for arbitration. Vince Ready has been agreed upon as arbitrator by both sides, and dates have been set.

## Meetings & Events

**Y010 Special General Meeting:** Tues June 17, 5:30 - 6:30 YEU Hall

**Y010 Monthly Meeting:** 2nd Tues., 5:30-7:30 p.m., Westmark Whse.

**Y017 Monthly Meeting:** 4th Wed., 7:30 p.m., YEU Hall

**Y023 Monthly Meeting:** 1st Mon., Noon, City Municipal Services Bldg

**Y025 Monthly Meeting:** 3rd Wed., 6:00 p.m., YEU Hall

**Y026 Monthly Meeting:** 3rd Thurs., 7:00 p.m., Dawson City

**YEU Monthly Exec Meeting:** 2nd Thurs., 6:30-9:00 pm, YEU Hall

**Yukon Employees' Union Office** 2285-2nd Avenue, Whitehorse, Yukon Y1A 1C9. Telephone: 867-667-2331, Fax: 867-667-6521, Toll Free: 1-888-YEU-2331, Email: [contact@yeu.ca](mailto:contact@yeu.ca), Website—[www.yeu.ca](http://www.yeu.ca). Follow us on Facebook & Twitter.

### Staff

**Frank Ursich**, Union Advisor; [fursich@yeu.ca](mailto:fursich@yeu.ca)

**Sharleen Patterson**, Union Advisor; [spatterson@yeu.ca](mailto:spatterson@yeu.ca)

**Beckie Huston**, Intake Advisor; [bhuston@yeu.ca](mailto:bhuston@yeu.ca)

**Tammy Olsen**, Financial Officer; [tolsen@yeu.ca](mailto:tolsen@yeu.ca)

**Kat Traplin**, A/Membership Services Officer; [ktraplin@yeu.ca](mailto:ktraplin@yeu.ca)

**Laura Hureau**, A/Executive Director; [lhureau@yeu.ca](mailto:lhureau@yeu.ca)

**Deborah Turner-Davis**, Media Relations & Strategic Communications Officer; [dturner-davis@yeu.ca](mailto:dturner-davis@yeu.ca)

**Josh Cuppage**, Executive Assistant; [contact@yeu.ca](mailto:contact@yeu.ca)

**Office Hours:** —Monday through Friday, 8:30 a.m. - 5:00 p.m.



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