

RETURN UNDELIVERABLE CANADIAN ADDRESSES TO:



# Yukon Employees' Union

## December 2020

# NEWS



It seems unnecessary to say that it's been a strange year, but it's been a strange year. In the normal, pre-COVID cycle of events December would see YEU staff and leadership preparing to implement decisions and actions taken at our triennial convention, originally scheduled for October 2020.

Instead, the YEU Executive has joined the world in pivoting to meet the challenges of a global pandemic and all the change it has wrought. Instead of the customary introductory Executive Meeting to orient new board members, the YEU Executive met in early December for two days of planning, evaluating and interim budget discussions.

The logistics of a two-day planning session with a group of 12 people in the days of COVID presented no small challenge to our leadership and staff. To make it work, we employed new technology in the YEU Hall to allow separate small groups of people join from different meeting rooms over zoom, while one or two attended from their own homes or offices. It was definitely a unique meeting but a fitting venue to discuss the coming season of virtual conventions.

YEU is planning for the likelihood of a digital convention in the fall of 2021. Without certainty that large group gatherings will be safe by fall, we intend to make use of some very sophisticated technology and gather together while staying safely apart.

All PSAC Regional Conventions will be held remotely for the foreseeable future, including the PSAC North Virtual Regional Convention, May 28-30 2021. Local delegates selected previously for the June 2020 convention will receive information on what to expect from a digital convention. Those elected to represent their Local are still the delegates of record; if they can no longer attend, arrangements for alternates may be made by their Local.

The work of the union doesn't slow or stop because of COVID-19. Our Intake and Labour Relations Officers have seen their workloads surge as members navigate a patchwork of incoherent leave policies and increasing workplace OH&S concerns.

Thanks to the efforts of the volunteer Executive Board, YEU staff and our elected leadership, we are holding to our values and our commitment to the members. Like you, we feel the strain of doing our best work in an unpredictable and upended world, but we're stronger together and we'll just keep moving forward.

Please take good care of yourselves and enjoy a safe and happy holiday season. It's going to be a different sort of holiday, but with the promise of a vaccine in early 2021, we look forward to a new year and all the positive changes it will bring.

*Wishing you the best of the season from all of us at YEU.*



## It's time to talk about better leave support for Yukon workers.

Fallout from the COVID-19 pandemic is being shouldered by workers and families across the Yukon. It's been rough.

Many employees have no access to sick days or special leave time. When it comes to self-isolating, caring for others or dealing with a family crisis, they're on their own.

Tell us your story. Help us motivate positive change for all Yukoners by sharing your stories -- your wins and your losses. Help our employers find ways to provide real, meaningful support and flexibility for their workers.

The solutions are out there. It's time for better COVID support for all Yukon workers. Whether you're an employee or an employer, we want to hear from you.

The need to work together has never been greater.

## Visit [TimeOutYukon.com](https://TimeOutYukon.com) and share your story.

# #TimeOutYukon

## Shop Steward Resource Corner

Are you a Yukon Government employee? Kick off 2021 by registering for any number of courses offered through the YG Learn portal. If you are a Shop Steward, here are several options that could really complement your training.

### Anti-Racism

A one day course facilitated by Yukoner Paige Galette. We all need to work at understanding how racism shows up in all its forms, including systemic racism, and learn how to dismantle its dominant hold on us.

### The Working Mind -

This one day course aims to reduce the stigma of mental illness, promote mental health in the workplace, and re-conceptualize how employees think and talk about mental health and mental illness. Training can help employees identify poor mental health in themselves and others, teach coping skills to manage stress and poor mental health, review employees'/managers'/employers' mental health rights, and responsibilities, and create a more supportive environment for all.

### Mental Health Works

This half-day course teaches participants to recognize signs of depression, stress, and anxiety. The course introduces a framework (ARC) for teaching Awareness of when someone's mental health is compromised, how to Respond effectively, and how to Collaborate with the person to take some next steps. Practicing these skills is built into this course using scenarios; however, if you have a real-life situation there will be an opportunity to consider using that in the practice times.

### A Respectful Workplace- What's Conflict Got to do with it?

In this 3-part online workshop you'll learn how the Respectful Workplace policy and processes work, and learn some concrete strategies to respond to conflict in workplace situations.

Registration for these courses is on the YG Learn portal.



# NEWS

## From the President's Desk Steve Geick



Christmas is almost upon us and while traditionally it is a time to gather with family, friends and loved ones it seems that this year we have an uninvited guest looming, COVID-19. Fortunately, COVID cases in Yukon aren't nearly as bad as they are in our neighboring Provinces and Alaska. While this is comforting, we cannot sit idly by and watch our numbers rise. What we can do is follow the recommendations of our Chief Medical Officer of Health and try to stop the spread of this virus. While following these recommendations will do just that, they affect the way we live and work and can put a lot of strain on us as individuals at a time of year that is generally stressful for some of us to start with. We need to dig deep, rally our support systems around us, reach out to those that we know need that extra help and be kind to each other. We will get through this, but we need to stick together.

So how is this playing out in workplaces? From the beginning of the pandemic we have received mixed messages from our members. Some employers have been stellar in their responses to keeping employees safe while others seem to still be scrambling. Very few have been proactive when it comes to offering any relief with leave options that protect existing leave banks. For the most part YEU has had to fight and shame employers for any additional leave options.

Recently we received a ruling on 2 policy grievances around using sick leave to self-isolate, filed months ago with Yukon Government. I still shake my head that we even had to grieve it. The article clearly states that sick leave can be used for quarantine but the employer refused to let employees use it in some instances. We finally won the grievance but not before members had to drain other leave banks, causing hardship and mental anguish for some.

Sadly the same employer would not permit members to use a collective agreement provision in place since the early '80s permitting 2 hours of casual leave that would not be drawn from any personal leave banks. Rather than honor that long-standing agreement they added interpretations that put significant barriers in place. Their final decision removed the barriers but put in place another requiring that all other leave banks must be exhausted before casual leave will be granted. We will be sending that decision to Arbitration.

Another example is the Yukon Hospital Corporation (YHC),

where the biggest concern facing our members is their Health and Safety. A physician was recently assaulted in the Secure Medical Unit at Whitehorse General Hospital. It was our members that had to call an emergency meeting of the Health and Safety Committee to address this; while management was silent. What was management's initial response? Forcing staff that were involved to sign a non-disclosure letter, a gag order! Staff of the hospital already sign a confidentiality agreement, and some are held further to account by professional licensing bodies, so why an extra non-disclosure letter? During a global pandemic, an institution that is responsible for the health and wellbeing of Yukoners must be more proactive in caring for their staff. This does not seem to be the case with YHC.

Since the start of this pandemic their track record with holding legislated Health and Safety meetings is an abysmal 22%. There are reports of overcrowding in offices and people being made to work in washrooms that have been converted into offices. These matters are now under investigation by Yukon Workers Compensation Health and Safety Board.

These are two of the largest employers in Yukon, setting the standard for everyone else. We often hear "what is YG doing?" from smaller employers looking during bargaining. It is time for the Yukon Liberals and the CEO and board of YHC to step up to the plate and set an example.

An election will likely be happening in the spring. If the Government refuses to be held accountable while they are in power let's hold them accountable when we vote!

Stay tuned for #TimeOutYukon, a multimedia campaign that will endeavor to unite all Yukon employers and workers unionized or not to find creative solutions to combat the financial and emotional stress that the pandemic has imposed.

From all of us at YEU, please stay safe during the holidays.

In solidarity,

  
Steve Geick, President  
Yukon Employees' Union

# Done CORRECTLY, A Letter of Expectation is Supportive, NOT Disciplinary

In all employment relationships, there is an expectation that your employer will communicate your job duties and expectations of your performance from the time you're hired. Generally speaking, all positions in an organization should have a defined statement of duties, or at least a list of tasks that any employee is required to carry out. The supervisor should provide training, coaching, support and feedback to ensure you are on the right track to success in your position.

If your performance appears to fall short, or if you are having difficulty grasping all the technical nuances of your job, your supervisor should respectfully discuss any concerns, ask you what you need from them in terms of support and how they will help you achieve success. This, of course, is the ideal. If you've had this conversation and the issues continue without improvement, your supervisor can provide this feedback in writing as a "letter of expectations" or LOE.

An LOE is a letter of written expectations and is not disciplinary. An LOE does not contain disciplinary terms or tone in any way. An LOE is meant to be a supportive tool used by your supervisor to clearly articulate the specific expectations and also the supports, training or other resources the employer will provide to ensure your success.

As an LOE is a performance management tool and is not disciplinary, it does not go on your formal personnel file and is intended for you and your supervisor's eyes only. Practically speaking, HR is usually aware of these letters as they will provide guidance to your supervisor in writing them, but they know they are not to be used as a "stick" and should not be referred to in any future discipline. Remember; the LOE are meant to be supportive.

Many employers have their own policies on when to issue an LOE. The Yukon Government's guideline (AGS#32) from their Labour Relations branch on LOEs states;

***"Letters of expectations are not intended to be disciplinary. Ideally, following the letter, the employee's performance will improve to an acceptable level. Performance issues are not disciplinary unless and until an employee has been advised of deficiencies in his/her performance and of the standard of performance expected, has been given***

***ample opportunity (and any necessary support) to reach the standard expected and has not, for culpable reasons, reached the expected standard of performance."***

Because Letters of Expectation are not disciplinary, they are not grievable. However, an LOE can be so poorly written that it does indeed resemble a written warning, or worse, a reprimand.

When this happens we recommend you contact your shop steward, or call the YEU office immediately. A representative can advise you on how to assert your rights against an abuse of this form of feedback. The key points are that an LOE must clearly indicate what is expected of you, not what you are doing wrong. It should never be scolding i.e. *"Last Tuesday when you were rude to the client who came in late, it was unprofessional and will not be tolerated again!"* Instead it should be supportive; *"When clients arrive late, always greet them with a friendly, respectful gesture and tone and kindly remind that their appointment may have to be a bit shorter than usual"*.

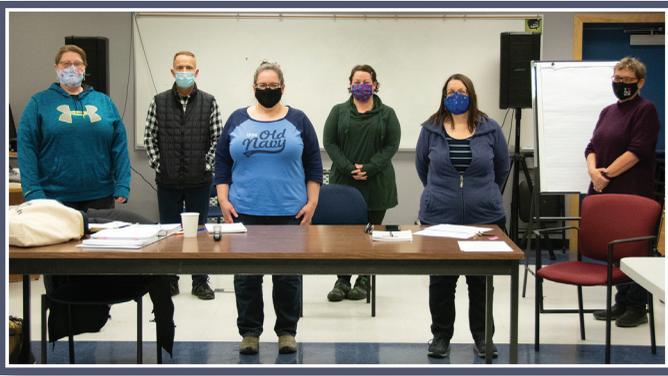
An LOE must never use the word "discipline". A supervisor may not end an LOE with *"failure to meet these expectations may result in discipline up to and including dismissal"*. This wording should never be in an LOE and is reserved for use in formal disciplinary letters only.

Ideally an LOE should not be a surprise, and should be discussed in a supportive and respectful way so you understand what is expected of you. This will give you the best chance for success in meeting those expectations. Usually an LOE has followed at least one conversation about the expectations, and your supervisor may believe that it is needed in writing in order to ensure your understanding. If it is used appropriately, it should be something that is meant to help you succeed, not to punish you for not measuring up!

If you receive an LOE and want to discuss your concerns, or you are a shop steward hoping to learn more about LOEs, feel free to reach out to one of us at the union hall. Submit your inquiry through [yeu.ca/intake](http://yeu.ca/intake) or [yeu.ca/contact](http://yeu.ca/contact) and someone will get in touch.

<b>Letter of Expectation</b>
Purpose; to counsel and communicate, to identify or clarify expected behaviour in performance of job duties.
Employer's intention and tone should be helpful, supportive. ( <i>Saying the intent of the letter is non-disciplinary will not alter the character of the letter if other factors point to a disciplinary/corrective intention</i> ).
Examples are used only to clarify inappropriate or acceptable behaviour.
Support is offered through training or other resources.
Develops, with employee input, mutual goals to encourage employee's commitment to change.
Focus- assumes behaviour will change in the future when the employee understands expectations and is supported in their effort to change.
A review period is set, to give feedback on progress.
A future disciplinable offense will be treated without reference to this letter as a foundation for progressive discipline. This letter may only be used to show that the employee was aware of the employer's requirements.

<b>Written Warning/Reprimand</b>
Purpose; to correct poor performance or undesirable behaviour; assumes that discipline is needed to achieve correction.
Employer's intention and tone - disciplinary
Examples are used to describe culpable employee conduct; a specific incident of poor performance, infraction of a rule, policy or standard.
Should be clearly stated as a disciplinary document.
The employee must grieve the letter to effectively refute it.
Focus - expected behaviour is identified, but consequences are attached to present and any future failure to meet prescribed standards.
May require compliance with provisions of the Collective Agreement such as the presence of a union representative when discipline is imposed.
Negative impact on employee's work record. Forms part of progressive discipline; further incidents of a similar nature may be followed by further increased discipline.



*The staff of Yukon Employees' Union wish you and your family a safe and happy holiday season. We look forward to a great year of solidarity in 2021.*

## Yukon's Hospital Workers Reach Tentative Deal

Almost a full year after talks began between the Yukon Hospital Corporation and the workers represented by the Yukon Employees' Union and the Public Service Alliance of Canada, a tentative agreement has been achieved.

Working without a contract since August 2019, the 300+ members of YEU/PSAC Local Y025 work in all areas of the hospital and perform jobs ranging from security to nursing. This bargaining period has been complicated by the COVID-19 pandemic; the process demanded agility and patience as the negotiations pivoted from in-person to virtual.

YEU President Steve Geick applauds the strength of the Hospital Corporation's workers. They continued to do their best work in the face of a difficult round of bargaining, a heavy workload, and the challenges of protecting the health of Yukoners during a global pandemic.

"We know workers have been through a lot, and the uncertainty of working this long without a contract has added to their stress. We hope this three-year contract allows time for the employer to implement some promised improvements to workplace safety and staffing levels."

PSAC Regional Executive Vice President North Jack Bourassa adds "Yukon's hospital workers put themselves in harm's way for the communities they serve every day. The bargaining team has worked hard to secure a strong contract that helps build a respectful and safe work environment, and I want to commend their work on behalf of the membership."

Virtual meetings will be scheduled soon to allow Local Y025's membership to review the proposed deal and vote on contract ratification.



## The YEU Community Laundry Project

**On PAUSE for  
now for safety.  
Please take  
Care.**



All of us involved in the Community Laundry Project really look forward to visiting and catching up with our monthly guests as they wait for the washer to finish, or enjoy a cup of tea or a bowl of soup. Each month we make funny faces at the growing babies and little kids who join in and make the outing a bit more of an adventure for parents juggling laundry and quarters and kids.

Of course, the health and safety of our guests and volunteers is the most important consideration and so we have made the tough decision to once again stand down until things are a bit safer.

With the recent news that a vaccine is on its way, we look forward with cautious optimism to the day soon when we can gather again and share a laugh while we wait for the washer and dryer to finish.



**STRONGER.  
TOGETHER.**

## Discipline? Call your Shop Steward

*"I don't need the union. It's just a one-day suspension – maybe it's not fair, but it's not a big deal. I'll serve it and that will be that."*

Every experienced union steward or local executive member has heard statements like this. And if "that will be that" was always true, then maybe the member did not need a steward. But unfortunately, sometimes there is further discipline.

With the concept of progressive discipline, a disciplinary letter is followed by a one-day suspension, then a three-day suspension, then a five-day, and after that a ten day suspension – or maybe dismissal, building on the previous discipline.

Because the member did not involve the union, the previous discipline was not contested. In labour law, discipline not grieved or appealed is deemed to be fair and based on an accurate statement of facts (the letter accompanying the discipline), and it cannot be disputed when used as part of the member's file in future discipline.

So say for example, after a five-day suspension, the member has a series of childcare problems or car troubles and is late for work a few times. Unfortunate, but not usually job-threatening. But if the boss wants to move it into the disciplinary arena, this member is now looking at a 10-day suspension or even dismissal – all because they did not challenge (appeal or grieve) the previous unfair discipline. On its own the triggering event may not merit a 10-day suspension but progressive discipline considers it as part of the whole disciplinary record.

Remember, the employer is **not always fair** when imposing discipline. There may be factors that should be considered before a disciplinary penalty is imposed. Union stewards can provide advice and can refer to the Union Hall's Labour Relations Advisors if more expert opinion is needed.

If you are summoned to a disciplinary meeting or are disciplined, **ALWAYS** talk to your shop steward or local executive member. If you know a member who faces discipline, urge them to do the same.

If you do not know a union representative in your work area, you can find one by visiting [yeu.ca/locals](http://yeu.ca/locals) selecting your local and checking the steward and executive listing there. If that does not work, you can fill out an intake form at [yeu.ca/intake](http://yeu.ca/intake), and someone from the Union Hall will get back to you to help out.

Do not delay – to be valid a grievance or appeal must be filed within a certain time-period (as few as 10 days in some cases). And it takes time for a steward or advisor to gather the facts and do the paperwork needed to file a grievance or appeal.

So protect your rights and your job. Contact the union as soon as you are summoned to a fact-finding or disciplinary interview or receive any form of discipline.

**All discipline is a big deal.**

# Joint Occupational Health & Safety Committees

**Necessary, democratic, and more important than ever.**

This pandemic is teaching us so many hard lessons. It has reminded us that it's critical that the Joint Occupational Health and Safety (JOHS) Committee in every workplace is active, and fully functional.

Workers need to know who their representatives are on these Committees so that they can let them know about COVID-19 and other health and safety issues when they arise. Some problems require that management consult with workers, and without communication, important safety issues can go unresolved. The employee representatives bring worker issues forward for discussion in JOHSC meetings, and the Committee can make recommendations for resolution.

A global pandemic is the time when these JOHS Committees can lead, as guardians of safe and healthy workplaces and committee meetings should not be cancelled or suspended under any circumstances. We've heard of meetings falling off because of the pandemic - this violates the requirements of the Occupational Health and Safety Act. Meetings can safely be held virtually, or in-person following the guidelines of the CMOH.

## **What are the requirements of a Joint Occupational Health and Safety (JOHS) Committee?**

The Yukon Occupational Health and Safety Act requires employers to establish a Joint Health and Safety (JOHS) Committee in all workplaces with 20 or more employees. In smaller workplaces (fewer than 20 employees), a single worker health and safety representative must be chosen who has essentially the same duties and functions as a joint committee.

Under the Act, joint committees must meet at least once a month. and emergency Committee meetings can be called by either the Employee or Employer Representatives on the Committee.

## **What if my workplace does not have a Committee, it's not meeting or doesn't seem very functional?**

Speak with your co-workers about this problem. Ask if they share your concern and discuss what health and safety issues they may have. Decide together who will speak to the manager with the aim of kickstarting the JOHSC, and who might want to be the worker rep on a committee.

Once they've been advised about the concerns you and your co-workers have and how a Committee would engage constructively, the next Committee meeting should be scheduled, ensuring an Employee Representative is present. Workers have the right to participate under the Act. This includes participation of the joint health and safety committee, and the right to participate in the development and implementation of plans to keep workers safe.

In light of the COVID-19 pandemic, the Committee should be reviewing a workplace exposure control plan and safety protocols, determining appropriate personal protective equipment and more.

If the Committee remains inactive or unresponsive to the concerns of the workers, it is worth contacting both the Yukon Workers Compensation Health and Safety Board (867-667-5645 or toll free 800-661-0443) and the YEU.

## **Can I join the JOHSC even if I don't have any experience or training?**

Yes! You just need commitment and a willingness to learn. Indicate your interest by putting up a Health and Safety Nomination poster on the Union Bulletin Board (contact YEU for this poster) or inform your co-workers of your interest. With a maximum of 12 members on these Committees, other interested workers can join as well. But it's important that the Employee Representatives are selected by the workers, not the employer.

The Canadian Centre for Occupational Health and Safety has excellent resources to get you started.

Visit <https://bit.ly/OHSCCommitteeInfo>.

**Once you are on the Committee, the employer is required to provide training to you to help you understand your role and that of the Committee.**

**The Union also provides training to the Employee Representatives on the JOHSC.**

**Health and Safety Training for Employee Representatives on Joint Committees**

**January 26, 28, February 2 and 4**

**Visit [yeu.ca/training](http://yeu.ca/training) for all our training details.**

This 4-part training is perfect for new and experienced Committee members. Spaces are limited so apply soon.



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# YEU Component Leadership



Steve Geick, President



Tony Thomas, Vice President Communities



Paul Johnston, Vice President



Please sign in using our **Contact Tracing Form** before entering the YEU Hall. Thank you.

Visiting the YEU Hall for an AGM, to sign a form, or to attend training? Please be sure to sign in at the rear door. We are doing everything possible to keep our staff and members safe in our space. All meetings with Labour Relations Advisors and members are being conducted downstairs, and we encourage you to call or text your LRA when you arrive. Someone will come down & let you in.

## Coming Events & Training

### AGM - YEU/PSAC Local Y013, Child Development Centre

January 5 2021, 12 noon - 2pm Zoom Meeting. RSVP at [yeu.ca/events](http://yeu.ca/events)

### Know Your Rights at Work

January 13, 2021 5:30 - 6:30 pm. Online session; RSVP at [yeu.ca/events](http://yeu.ca/events)

### Organizing Your Workplace

January 20, 2021 9am - 10:30 am, Zoom session. RSVP at [yeu.ca/events](http://yeu.ca/events)

### Welcome to Your Union -

January 20, 2021 5 pm - 6 pm. Zoom meeting. RSVP at [yeu.ca/events](http://yeu.ca/events)

### Shop Steward Orientation - Online

February 9, 2021. 9 am - 11 am. Zoom training RSVP @ [yeu.ca/events](http://yeu.ca/events)

## Shop Stewards are especially needed in the following workplaces:

YG: Economic Development, Finance, Environment, Tourism & Culture, Justice, Continuing Care (CRP).

The City of Whitehorse; Women's Transition Home, Child Development Centre

YEU Shop Stewards help build solidarity and promote fairness at work. Talk with your co-workers to decide who would make a great representative, then contact your Local's Chief Shop Steward or President. Visit [yeu.ca/locals](http://yeu.ca/locals)

## YEU STAFF CONTACTS

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[contact@yeu.ca](mailto:contact@yeu.ca) [www.yeu.ca](http://www.yeu.ca)

Hours: Monday - Friday, 8:30 am - 5:00 pm; YEU Office is not yet open to the public.

# Health & Safety in the Workplace: Your Rights & How to Exercise Them

Sixty years ago, a workplace tragedy that killed five immigrant construction workers in Toronto became the catalyst for developing Canada's first safety laws to protect workers. These workers had no safety training, no hard hats, flashlights or fire extinguishing equipment when they were sent to work in an underground tunnel. A fire broke out, the tunnel collapsed, and they all died\*. Since then, every province and territory have enshrined workers safety rights in their laws.

In Yukon, all workers have four basic Health & Safety Rights. Whether you are a new worker still on probation, a casual or a temporary foreign worker, you have the same rights. As a unionized member of YEU, your collective agreement may give you additional rights.

## Here are the four basic rights that you should understand and know how to exercise:

### 1. The Right to Know

Workers have the Right to Know about any potential risks and hazards in the workplace. You have a right to training and information on machinery, equipment, working conditions, processes, and hazardous substances.

For example, you have the right to know about:

- Your employer's latest Covid-19 safety protocol plan
- The Workplace Hazardous Materials Information System (WHMIS)
- Past experience of violence in the workplace
- Ergonomics (Known hazards)
- Asbestos (Known locations)

#### *How to Exercise this Right*

For example, you can ask for your employer's latest Covid -19 safety protocols for your workplace. If you do not get what you asked for, contact your Employee Health and Safety representative on the Joint Occupation Health and Safety Committee (JOHSC).

### 2. The Right to Participate

Workers have the Right to Participate in the process of identifying and resolving workplace health and safety concerns. You participate through worker membership on Joint Health and Safety Committees and by reporting concerns to your supervisor or employer. Workers also have the Right to Participate in workplace inspections and investigations.

#### *How to Exercise this Right*

If you believe, for example, that your workplace's procedure for "De-escalating Conflict when Client Refuses to Put on a Mask" is out of date and you have suggestions, you have the right to participate in updating the procedure by giving the employer your input. If the employer does not use your input, you can ask the JOHSC to discuss the issue and make recommendations.

### 3. The Right to Refuse Unsafe Work

Workers have the Right to Refuse work they believe is dangerous to their own health and safety or to another worker. This includes psychological safety. The Right to Refuse Unsafe Work is one of the few exceptions to the "work now, grieve later" rule in labour relations.

#### *How to Exercise this Right*

For example, if a client shows up with Covid-19 like symptoms, you must first notify your supervisor that you are refusing to work with this client and explain the circumstances. The supervisor must immediately investigate the situation in the presence of the local workplace health and safety committee, a worker health and safety rep, or a worker selected by the employee.

If after the initial investigation, the supervisor thinks the client just has a cold but you feel there is a hazard, you must report this to the supervisor who must immediately report the situation to a YWHSCB Safety Officer. You should remain in a safe place while the investigations are happening.

Federally regulated workers at Air North can only refuse work if the work poses an imminent or dangerous threat. While on the plane, you report to the Pilot-in-Command and must obey their orders. Upon return to the gate, management will investigate.

### 4. The Right to No Retaliation

You cannot be fired or disciplined for raising health and safety concerns as this is a protected element of your right to participate in Health and Safety activities.

Your employer cannot do any of the following in response to your action:

- dismiss or threaten to dismiss;
- discipline or suspend or threaten to discipline or suspend;
- impose any penalty;
- intimidate or coerce or attempt to intimidate or coerce a worker or a member of the worker's family; or
- take any discriminatory action against an employee

If, for example, you are a casual and your hours of work are reduced after you request training on the Covid safe practices for your workplace, that could be considered retaliation. Contact your workplace Joint Health and Safety Committee and the YEU immediately if you feel you have faced retaliation to asking questions or raising your OH&S concerns.

\*To learn about how the deaths of Pasquale Allegrezza, Giovanni Carriglio, Giovanni Fusillo, and brothers Alessandro and Guido Mantella saved the lives of future Canadian Workers, watch this video (<https://youtu.be/aZtOlzgnWJQ>)

**Join a Zoom session February 23, 2021 on Health and Safety Rights at Work. [yeu.ca/training](https://yeu.ca/training)**

# Occupational Health & Safety Meetings; Is Your Workplace Compliant?

Several months ago, YEU asked all our employers to share copies of their Joint Occupational Health & Safety Meeting Minutes with the union for our review. The OH&S Committee makeup and the frequency of their meetings are governed by legislation, and we wanted to ensure compliance for the safety of our members and the public. Anecdotally, we were hearing from workers that the meetings were not being consistently held and that when held, worker issues and concerns were not being addressed.

We received responses from the Child Development Centre, the Klondike Visitors' Association, Yukon Government, and the Yukon Hospital Corporation. Almost across the board, we saw meetings held sporadically, with few workplaces providing minutes of meetings that ought to have been held through the summer months

I have had discussions with our members who work for the Yukon Hospital Corporation, the City of Whitehorse, Yukon Women's Transition Home Society, and the Skookum Jim Emergency After Hours Shelter. I've also heard from workers at the Whitehorse Emergency Shelter, the Child Development Centre and the Yukon Arts Centre. Some called to let us know how their employer was creating a safe work environment and showing true leadership, but sadly only a few conversations were positive. At the beginning of the pandemic, both the Yukon Arts Centre and the CDC closed their doors to the public, but continued to pay staff. This was a big relief for members.

The Executive Director of the Yukon Women's Transition Home Society (YWTHS) deserves mention for going above and beyond, securing extra "essential service" pay for members without help from YG. YEU kept good communication with YWTHS members and other than a couple of minor concerns the members reported feeling safe and supported.

Another NGO worth mentioning is Skookum Jim; we received several calls expressing a host of concerns ranging from unsafe working conditions to a lack of supervision or support for staff. Since the pandemic began, a new board of directors has been hard at work, allowing YEU to make contact and build good communication. Under the new board, many of the workplace concerns are being addressed.

The Yukon Hospital Corporation (YHC) has ongoing OH&S issues only worsened by the pandemic. As many have heard in the media, a psychiatrist was recently assaulted in the secure medical unit at Whitehorse General Hospital. The media has shared the experiences of previous patients who felt unsafe in the hospital.

Inadequate staffing, an overburdened system and a lack of crisis intervention training has created a frightening situation for patients and staff alike. Our members have reported a host of concerns to their employer and to YEU including the staffing issues, constant schedule changes, feeling exhausted and burned out from working too many overtime hours. Hospital staff also report facing discipline after raising safety concerns even while their concerns are ignored.

While trying to support our members and direct them to the JOHSC we learned that YHC was not holding monthly meetings and were ignoring member requests for emergency meetings to be called due to the pandemic.

In response to those requests, Yukon Employees' union hired an Occupational Health & Safety expert to perform an audit of the OH&S Committee minutes provided by the Yukon Hospital Corporation. Unfortunately, the corporation did not fare well in the review. In terms of compliance, the YHC has historically achieved a compliance rate of about 50% however since the pandemic began, it's been closer to 22%. YEU leadership has requested that the YWCHSB perform an assessment or investigation of the safety of the workplace, and we have been advised that investigation is now underway.

At the beginning of the pandemic there were some concerns with City of Whitehorse directives going straight to members without first going through the WCB legislated JOHSC meetings. The Local president persevered and reminded management of the need to include the union when establishing new safety protocols for our members; it's a win whenever we can get an employer to work with the local members.

We are not terribly impressed with the Yukon Government's JOHSC meeting record for 2020 either; their overall compliance is well below 50%. While some branches are meeting regularly, others are not. There is no standard in reporting or even the forms they use to report when they do hold their meetings. It's really all over the place.

When OH&S meetings do take place, there seems to be little direction or follow through. For example, we recently reviewed safety minutes from Whitehorse Emergency Shelter and found that for months, serious safety concerns brought forward to the committee and management went ignored. Our bargaining unit members were cut out of the decision making process for a full year before YEU insisted that our members be on these committee and that training be provided. President Steve Geick also wrote a letter to the Deputy Minister responsible expressing his serious concerns with WES.

A few serious violent incidents at Family and Children's Services have met with a lackluster response from the employer. Although changes occurred once WCB was called in to conduct an audit.

And sadly, when a worker recently tested positive for COVID-19 in a YG workplace, only a select few co-workers were permitted to go home to self-isolate. Others were told that work from home arrangements would not be considered. The Premier and the CMOH recommend working from home wherever possible; this contrary direction from management is dangerous and tone deaf.

We have real concerns for workers with medical conditions making them more vulnerable to serious illness from COVID. Unfortunately, some managers have directed immuno-compromised members back to the worksite despite successful work from home arrangements.

Our members need special leave that would include anything related to the pandemic, a Pandemic Leave so to speak. None of our employers are on board with that. Shame.

Watch for the new YEU multi-media campaign called #TimeOutYukon. We invite workers and employers to share their stories, and help motivate positive social change around COVID leave.

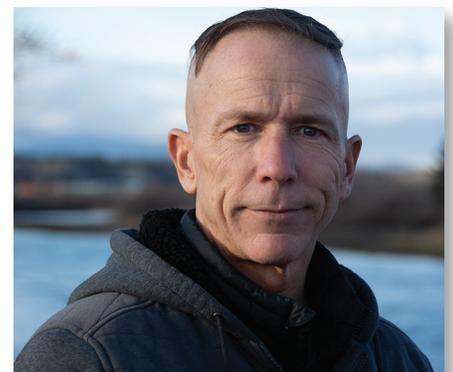
And if your workplace has more than 20 people but does not have a functioning Health & Safety Committee, please let us know. We can help encourage the formation or re-activation of this committee, and can point you toward training to help make sure it's strong and sustainable.

It's been a challenging year for everyone - I hope you enjoy your holiday season in good health.

Wishing you and your family all the best in the coming year.

In solidarity,

Paul Johnston,  
Vice President  
Yukon Employees' Union





# Your 4 Rights

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# Health & Safety

## 1. The Right to Know

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Workers have the right to know what health & safety hazards are related to their work.

It is an employer's legal obligation to tell workers of any hazards they may encounter, the likelihood of exposure, and the severity of harm if they are exposed.

Additionally, employers must ensure that workers know how to keep themselves safe when they deal with unavoidable workplace hazards.

## 2. The Right to Participate

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Workers have the right to participate in the decision making that impacts their health & safety. Workers should select a representative to discuss health & safety issues with the employer, or choose worker reps to the Health & Safety Committee.

The right to participate also means that workers must report hazards they become aware of to their supervisor, the union OH&S committee representative or another member of the OH&S committee.

## 3. The Right to Refuse

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Workers have the right to refuse to perform work they believe is unsafe for themselves or their co-workers.

To refuse work you believe is unsafe, follow the guidelines available at [yeu.ca/how\\_to\\_refuse\\_unsafe\\_work](http://yeu.ca/how_to_refuse_unsafe_work)

Please contact YWCHSB if you feel an inspection of the workplace is warranted. While procedures around the right to refuse vary, almost all workers have the legal right to say no to work that is dangerous.

## 4. The Right to NO Reprisal

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All jurisdictions have language in their laws that makes it illegal for employers to punish workers when they are following occupational health & safety guidelines in good faith. This includes reporting hazards, participating on a committee, and exercising the right to refuse dangerous work.

This is an important right because workers who fear punishment for protecting their health & safety will be less likely to participate in the employer's system.

**WORRIED? NOT SURE HOW TO EXERCISE YOUR RIGHTS?  
CALL YOUR SHOP STEWARD OR EMAIL [CONTACT@YEU.CA](mailto:CONTACT@YEU.CA)**