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**Grievances resolved, though anger remains**

## Computer Use Settlement

**The Yukon government and the PSAC/Yukon Employees' Union have reached a mediated settlement that resolves the issues resulting from the government's computer use investigation.**

The settlement dramatically reduces penalties imposed by the government, and entirely elimi-



Angry workers line the steps of the YTG administration building this summer to protest the computer use investigation.

nates the contentious "Letters of Counsel" (*see Local News on page 2 for details*).

The decision to accept binding recommendations concludes the

outstanding grievances and appeals brought by employees and the Union against disciplinary action imposed by the Employer.

Representatives for both sides met during the first week in January in an effort to bring the matter to a conclusion without the need for adjudication hearings that would have continued through 2005.

YEU President, Dave Hobbis, concluded that the terms of a mediated settlement was the best result that could be achieved without a protracted legal battle.

The government's decision to pursue a punitive response against its employees without offering appropriate education and training poisoned employee-management relations throughout 2003. The anger among the workforce remains, because the settlement only addresses the penalty aspect of the issue. It does nothing to mitigate the sense of disrespect and embarrassment unnecessarily inflicted by the employer.

Bitterness among the employees remains. While there is general relief that the formal process has concluded, some members including many in attendance at the general meeting held January 22nd, remain angry that the government was not held accountable for its behaviour during the "investigation".

The only remedy available to address that failure lies within the political arena.

### Strike Vote - YCEU 92% in Favour

Members of Yukon College Local Y011 have voted to give the members of their negotiation team a mandate to strike.

The resounding margin of the favourable vote provides the team with a powerful mandate to take to conciliation meetings. Updates and details will be posted regularly on the YEU website at [www.yeu.ca](http://www.yeu.ca).

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## Computer Use Settlement Details

In addition to the points outlined in the joint press release, the settlement delivered by the mediator addresses a variety of specific concerns of government employees. These include:

**Universal Application:** all changes and/or reductions in discipline apply to **all employees**, regardless of whether or not an appeal or grievance was filed.

**Letters of Counsel:** all will be removed and destroyed; no record

of these letters is to be maintained.

**Letters of Reprimand:** will be maintained on file for one year from the date of issuance, at which time they will be destroyed; employees will *not* be required to request their removal.

**Suspensions:** amended as follows - 20 days reduced to 7 days, 15 days to 5 days, 5 days to 2 days, 3 days to 1 day, 1 day to Letter of Reprimand.

Records of suspensions are normally maintained on an employee's personnel file for 2 years. Therefore, employees who received suspensions as a result of

the computer use investigation should contact the PSC two years from imposition date to ensure that the records are expunged.

**Terminations:** of 6 imposed, 2 remain in place, 2 are reduced to suspensions, 2 are still under review.

**Reimbursements:** the employer must reimburse employees for wages and benefits resulting from the reduced suspensions outlined above; these will be paid out as soon as practicable, but in no event later than the first pay period in March, 2004.



## YEU you asked

*"Here are some answers to questions that might affect you or your co-workers."*

**Q.** *I am an expectant father. I was recently told by my supervisor that while I am eligible for 17 weeks parental leave under the new YTG Collective Agreement, I am not eligible for the Employer's 'top up' to the EI premiums unless I take the leave in the first 17 weeks following the birth of my child. Shouldn't I be able to take the parental leave at any time during the 52 week period after the birth of my child, and still be eligible for the 'top up'?*

**A.** Yes, you are eligible for the 'top up' regardless of when your parental leave is taken, as long as the leave occurs within the 52 week eligibility period following the birth of your child. Neither the new collective agreement, nor federal legislation restricts eligibility for benefits to the 17 weeks immediately following your child's birth.

It is worth noting that such an eligibility restriction for the 'top up' was not in place under the

old collective agreement either. The availability of the 'top up' itself is not therefore a change, but a continuation and extension of a benefit previously available.

The new collective agreement provides a variety of additional benefits and new language related to Leave under Article 26. If you have any questions or require an interpretation, please contact one of YEU's Service Officers.

## Human Rights - Should you put forward a complaint?

*(Written by Lillian Nakamura Maguire,  
Yukon Human Rights Commission, Public  
Education)*

Should you or shouldn't you put forward a human rights complaint through the Yukon Human Rights Commission? Should you rely on your union grievance to resolve the issue? What are some of the factors to consider? How long will the process take?

Hopefully most of you will not have to address these issues, but you may be wondering about the relationship between your collective agreement and the Yukon Human Rights Act and how the Act handles complaints of discrimination and harassment.

The first point to consider is whether or not your complaint is covered under the Yukon Human Rights Act. The Act prohibits discrimination in the areas of

- Employment (*Federal government employment or with other employers regulated by federal law such as airlines or banking or telecommunications are covered by the Canadian Human Rights Act.*)
- Services to the public (*eg. retail stores, hotel accommodations*)
- Membership in unions and other occupational groups

- Tenancy (*eg. Rental of apartment*)
- Public contracts.



The Act also make it illegal to discriminate against or harass people on the following grounds of discrimination:

- Ancestry, including colour or race
- National origin
- Ethnic or linguistic background/origin
- Religion or creed
- Age
- Sex, including pregnancy
- Sexual orientation
- Physical or mental disability
- Criminal charges or criminal record
- Political belief, association or activity
- Marital or family status
- Source of income
- Actual or presumed association with any of the grounds listed above.

Harassment based on any of the

above grounds is also discrimination. If the complaint isn't covered under one of the above grounds of discrimination, you should check government policies and your collective agreement for issues related to "abuse of authority", which deal with the improper use of power or authority.

Another issue to consider is whether or not the complaint can be handled in another way. Sometimes it can be quicker and easier for people to resolve the issue for themselves or resolve it informally or by mediation with the assistance of others, without the involvement of a formal process.

You should also be aware that if you wish to file the complaint with the Yukon Human Rights Commission, it must be made within six months from when the discrimination occurred. You may choose to work through the internal government process or the grievance process with the involvement of your union first, but still file the complaint with the Commission within the 6 month limitation period, and then ask for it to be put on hold in order to try to resolve it through the other process first.

The length of time to resolve the issue is often another considera-

tion. On average, the Commission receives 175 to 200 inquiries annually, and out of these approximately 35 to 40 may result in formal complaints. The whole process of investigation and dealing with your complaint can take as little as 6 months or as long as a year or more depending on the complexity of the complaint and also the volume of workload at the Commission at the time.

If you decide to go forward with a complaint to the Commission, it goes through the following process:

1. Inquiry - You make an appointment with a staff person for an intake interview. The staff person will determine if the matter is within the jurisdiction of the Commission or whether or not it could be referred to another appropriate body. If the complaint falls within the Act, and within the 6 month time frame, details of the incident are recorded.
2. Preliminary Investigation - The Director reviews the case to determine if the complaint should be investigated fully or if it should be dismissed. (*You can appeal the Director's decision to dismiss the complaint.*)
3. If agreeable to both parties, the Commission will try to informally resolve the dispute at any point during the intake and investigation process.
4. Investigation - The investigator will interview both parties and

any other appropriate witnesses. A full report is prepared for the Commissioners, and copies are also given to both parties. Both parties are given the opportunity to respond to the investigation report. This investigation can take anywhere from a few weeks to several months depending on the complexity of the case, availability and number of witnesses, and unforeseen delays. You as the complainant, can ask that the investigation be stopped at any time during the process.

5. Decision - Three to five Commissioners will review the investigation report and any responses from both parties. They will decide on whether or not to dismiss the complaint or refer it to Commission staff for settlement or to a Board of Adjudication for hearing.
6. Board of Adjudication Hearing - If the complaint can't be settled, it goes before an independent Board of Adjudication. The Board can make an order to stop the discrimination, pay damages for financial loss caused by the discrimination, and to pay compensation for loss of "injury, dignity and self-respect".
7. Review and Appeal - An order of the Board of Adjudication can be appealed to the Supreme Court of the Yukon.

For further information please contact the Yukon Human Rights Commission, #201-211 Hawkins Street, 667-6226, e-mail: [humanrights@yhrc.yk.ca](mailto:humanrights@yhrc.yk.ca).

## Letter

YEU Members:

I am about to enjoy the last few months of employment with the Yukon government. Twenty-five years!!!

I was first employed with the Department of Education in 1965 as Driver/Custodian for the newly opened Teslin Elementary School. My wages were a princely sum of \$600.00 per month.

When the information packages were distributed explaining the union and what the benefits would be, both my wife and I signed on. We certainly have not been active over the years but we have received assistance when in times of need for which we are most thankful; which brings me to the object of this letter.

My thanks to everyone who encouraged and assisted me in learning my job and how to cope with the paperwork (of which there was never a shortage).

To each and everyone who have had the courage to become shop stewards; to sit on boards and negotiating teams and to those of you who have put your names forward for election to the Executive my sincere thank you and appreciation.

In addition, a thank you out of the eastern region property management team for your support and friendship.

Last but not least to Dave Hobbis who has guided our vision over the rocky road of the last quarter of the 20th century and into the 21st. Thank you from a union member and a friend. Keep up the good work.

Take care all.

Bonar Cooley

# YEU from the President



**A mediated settlement has now resolved the appeals and grievances**

**resulting from the government's disastrous computer use investigation.**

The settlement ends a *process*, but does nothing to mitigate damage that resulted from the *events* that set that process in motion.

The government's ham-fisted approach to an issue that could have been resolved fairly and efficiently through dialogue remains incomprehensible.

The anger and sense of betrayal that now pervades the Yukon public service was clearly evident at the General Membership Meeting held in Whitehorse on Thursday, January 22nd.

It was clear that many members would have preferred to carry through with the appeal and adjudication process. Many other members were simply relieved to see an end to the process.

The recommendation that the Union agree to refer the matter to mediation was provided by our legal representatives. While there was room for optimism that an unbiased adjudicator would find in

favour of the Union's position, there was simply no guarantee that an adjudicator would in fact be unbiased.

We therefore would have risked the gains achieved during mediated discussions, for an uncertain outcome. Furthermore, the process and attendant uncertainty would have lasted through 2005.

The mediator's recommendation to roll back the suspensions imposed by the government by 65-70%, and to order all Letters of Counsel destroyed, is clear evidence that the penalties were excessive.

The mediator's recommendation, however, did not address the investigation's flawed procedures. Nor does it mitigate the moralistic bias, hypocrisy, confidentiality failures, the entrapping nature of its interviews, and its fundamental disrespect of the workers.

Finally, it did not address the fact that the entire fiasco was unnecessary. All that was required was an unambiguous policy, clearly presented to all employees.

In an effort to ensure that the Minister finally takes action to address this need, at the request of the Union's Executive I sent Mr. Edzerza a letter the day the settlement was announced indicating the Union's desire to begin work immediately on a jointly developed computer use policy.

This policy should be developed in

a manner similar to that employed during the development of the workplace harassment policy. Our expectation that the Minister will take action without delay was clearly presented.

## **Yukon College Strike Vote**

Members of Yukon College Local Y011 took a strike vote on Wednesday, January 21st. That once again Union members were pushed into such action is indicative of the atmosphere that has poisoned management-employee relations since the election of the Yukon Party.

## **Community Meetings**

Beginning in mid-February, YEU representatives, including members of the bargaining team, will begin community visits to explain the details of the new collective agreement for Yukon government employees.

## **Shop Stewards Needed**

The government's intransigence during collective bargaining, the mistreatment of workers during the computer use probe, underline the need for an active, informed union membership.

I encourage members of all Locals to take an active role in your Union. Courses and training materials are available through the YEU office. Additional information on the roles and responsibilities of Shop Stewards will be forth-coming in the next few weeks.

# YEU staff member profile



**Kathy Hanifan**

Kathy has been providing support and assistance to union members as a YEU Service Officer since 1991. Her position brings her into daily contact with union members and local Shop Stewards throughout the territory.

Kathy's job is to ensure members receive the full protection of employment terms, conditions and rights as negotiated within collective agreements, and as contained in legislation. In recent years, the job has evolved, and today places an increasing emphasis on conflict resolution, facilitation and mediation.

*"I'm driven not by a need to win, but by a desire to see that the people I represent are treated fairly, and leave satisfied with my efforts on their behalf."*

Kathy first became involved with the Union in 1987, when she served as Shop Steward at the Dept. of Finance. She also served as YGEU Treasurer before accepting the position of Service Officer. Between 1997 and 2000, she took leave from her position to serve as Executive Assistant to Minister of Education, Justice and the

Women's Directorate, Lois Moorcroft.

Active in Carpenters Local 2499, Kathy has for the past 3 years also served as Employee Representative and Vice Chair of the

Employee Standards Board.

A Yukoner since 1972, she knows the Yukon well, having resided in Carmacks,

Dawson City, Faro and Marsh Lake, before making her home in Wolf Creek. There she pursues her interest in art by painting and sketching, and reads extensively about history and archaeology.

Kathy is married to Mt. Lorne MLA Steve Cardiff. They have three sons.

## Events:

**PSAC National Health & Safety Conference**  
March 25th - 28th, 2004

## Submissions Welcome

YEU/PSAC members are encouraged to submit articles and letters for publication in the YEU Newsletter. In addition to serving as your source for information about your Union, the newsletter is a valuable tool for dialogue and the presentation for the views. Locals can also take advantage of both the newsletter and website to publicize events.

## Contacts:

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Members are reminded to notify the YEU office of any change of address or name changes. Call Linda Bidrman - Membership Services, email [lbidrman@yeu.ca](mailto:lbidrman@yeu.ca) or fax the number above.