

*In this Issue - A win in court, EMS debacle continues, executive elections, scholarships are back, political activity rules, and more ...*

## Appeal Court favours Union Appointment rejected

**The Yukon Court of Appeal has supported an adjudicator's right to order a new competition in a case where the Yukon government attempted to circumvent the collective agreement and avoid arbitration.**

The employer had appointed a government employee to a bargaining unit position without competition. Another applicant, also a union member, had been acting in the position in question for six months.

In an attempt to avoid arbitration, the employer laid-off their desired appointee. They then used s.152 of the *Public Service Act* to appoint the lay-off to the new position without competition.

An arbitrator reviewed the matter and ruled that a competition must be held. In court, the government claimed that the arbitrator had exceeded her authority.

The employer maintained that the "right" of the lay-off to appointment without competition superceded the other employee's right to advancement. The court recognized that, in this case, the actions of the employer amounted to an attempt to circumvent provisions of the Collective Agreement.

*"There is a strong suggestion of high-handedness in the sudden use of s.152 in the face of pending arbitration proceedings".*

**Mr. Justice Braidwood**

In summary, Justice Braidwood wrote, "... the question is whether the parties, by agreeing to the terms of their collective agreement, have agreed that s.152 (*Public Service Act*) will be governed by Article 47.01 of their agreement. In my view, they have."

The original decision of the arbitrator now stands.

## Jenkins rethinks EMS - again

The fate of Emergency Medical Services continues to drift in a murky cloud of contradictions and unanswered questions.

Minister Peter Jenkins' explanation du jour has the Yukon Hospital Corporation entering into a management agreement with the government as part of a transition that could last one or more years. The effective-date of this arrangement has not been announced.

What is clear is that YHC will have no direct financial authority, nor ability to maintain or even access the personnel records of the employees. How a medical service can be managed under such restrictions is anyone's guess.

In effect, the minister is creating an EMS secretariat, a form of administration he has publicly opposed and even dismantled in the past, as in the case of Alcohol and Drug Services. (*See President's message on page 3*).

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## The PSAC Scholarship Program is back

In early 2004, the Public Service Alliance of Canada revised the **PSAC Scholarship Program**.

The PSAC Scholarship Program is offering the following scholarships to PSAC members and their children for 2004:

- \* one \$4,000 Groulx-PSAC National scholarship;
- \* two \$3,000 Groulx-PSAC National scholarships;
- \* the J.R. (Joe) Power \$2,000 Scholarship;
- \* one \$1,000 PSAC National Scholarship;
- \* one \$1,000 scholarship for each region (Atlantic, Quebec, National Capital Region, Ontario, Prairies, British

Columbia and the North).

Scholarship awards are based on a 1200 word essay, scholastic achievement, and community and union involvement.

For further details and application information, visit the PSAC website at [www.psa.com](http://www.psa.com). The deadline for applications is August 1, 2004.



## YEU you asked

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

**Q.** Now that a federal election has been called, are union members who work for the government free to express their political rights?

**A.** Absolutely. All PSAC members are free to exercise their political rights, regardless of who employs them. Of course, all activities must be carried out on your own time and outside the workplace.

The following are *examples* of some of the political activities you can pursue:

You can:

- Sign a candidate's nomination papers.
- Wear a party or candidate button in public.

- Place an election sign on your property.
- Support or oppose a political party or candidate at a public meeting or elsewhere.
- Give political opinions in public or elsewhere on any issue, including job-related matters as long as the information addressed is generally available to the public.
- Work as a canvasser for a political party or candidate.
- Work in a campaign office in a variety of ways such as: telephoning voters, stuffing envelopes, answering inquiries, stating the candidate's or party's position, etc.
- Participate in the formation of party or candidate policies on

any issue of public interest except those that form the subject matter of your job.

- Take part in election day activities such as: scrutineering at a polling station, "pulling the vote", driving voters to the polls, etc.
- Make speeches on topics of general political interest.
- Attend peaceful demonstrations on political topics.
- Solicit funds from the public for political campaigns and parties, but not from one's subordinates within the public workplace.
- Attend a political convention as a delegate with full voice and vote on policy and leadership.
- Write letters to the editor endorsing a candidate or party.

# YEU from the President

**We continue to monitor the government's ever changing position on the future of Emergency Medical Services.**



It now appears that on some yet to be announced date, a management agreement covering emergency medical services will be established between the government and the hospital corporation. This agreement will remain in force for at least a year while the corporation gains exposure to ambulance services as a "transitory" step.

Apparently YHC will provide management services at a level equivalent to that of a director, without budgetary control or the ability to create, maintain and manage personnel records. YHC will be required to approach Management Board for approval of expenditures, as well as for their own management fees.

At a May 14th meeting with Deputy Minister Rob McWilliam, I suggested that this arrangement had the appearance of a secretariat. He replied that "If it wasn't transitory, I would have concerns that it *was* a secretariat." He declined to comment when I asked if this was the same minister who disbanded the Alcohol and Drug Services Secretariat because he didn't believe in them.

## **Correctional Centre**

I met recently with Justice Minister Elaine Taylor about issues at the Whitehorse Correctional Facility. These issues included staffing and the need for a new building.

Construction of the new facility has been put on hold. At the time of the announcement, the minister offered assurances that no other capital projects would be undertaken before this new facility. She did not respond when asked how, in light of that statement, the government could justify building a bridge over the river in Dawson.

We learned some time ago that instead of immediately constructing a new facility, the government intends to spend at least \$750,000 for temporary renovations to the existing structure. This facility is quite literally falling down. I therefore questioned the wisdom of this expenditure. Taylor declined to comment, although she disputed neither the renovation plan, nor the projected cost.

But problems with staffing at the centre remain our most serious issue. Currently there are nearly as many term positions, acting positions and temporary assignments as permanent positions.

Justice recently developed a new staffing model. However, because work on the new design has not been initiated, this can be no more than a temporary reorganization.

The minister has, in our view, a direct role to play in such staffing

issues, since Cabinet and Management Board now review all staffing matters. Nonetheless, Taylor refuses to deal with it.

## **Executives Elected**

Effective May 7, 2004, two positions on the YEU Executive have been filled.

Loralee Kesler (Y017) was elected as YEU Executive Director, replacing Julie Docherty. Loralee assumes the role of Chair, By-laws & Resolutions Committee.

Effective May 13th, Charles Sigurdson (Y010) assumed the position of 2nd Vice President and now Chairs the Community Representation Committee.

Congratulations to YEU's new executive members, and thank you to Julie Docherty for your past work and dedication.

## **NAIM Call Out**

Are you Aboriginal, Inuit or Metis? Are you a member of the PSAC? Are you interested in participating in the **National Aboriginal, Inuit and Metis Network (NAIM)**? If so, visit the YEU website for information and an application, or call the YEU office. We'd be pleased to send you an information package.

## **YEU Office Facelift**

In May, YEU completed cosmetic renovations to your union hall. Please accept our apologies if the painting and patching resulted in any service disruption.

## Local Executives Elected

### Government of Yukon Local Y017

On April 22, 2004, Local Y017 elected new officers for the coming year. Congratulations to the following members on their new roles:

President: **Loralee Kesler**

Vice Presidents: **Russ Carpenter & Adam Labar**

Secretary/Treasurer: **Brenda Baxter**

Directors: **Eleanor Clubb, Carole MacCannell, Steve Geick**

Three Director positions remain vacant, as does the position of Chief Shop Steward. We encourage members of Y017 to step forward and fill these key positions.

### City of Whitehorse Local Y023

Effective May 05, 2004 the Executive members of Local Y023 City of Whitehorse employees) are:

President: **Richard Graham**

1st Vice-President: **Patrick Landry**

2nd Vice-President: vacant

Secretary/Treasurer: **Tina Woodland**

Chief Shop Steward: **Diane Allen**

Assistant Chief Shop Steward: **Larry Shipman**

Y023 members interested in standing for the vacant position of *2nd Vice President* should contact Local President Richard Graham.

## Negotiations Update

The **Child Development Centre Local Y013** reached a tentative agreement on May 20th. A vote is scheduled for June 10th.

The **Klondike Visitors Association Local Y018** has scheduled negotiations for June 28-29.

Several contract changes were agreed to at the June 10-14 negotiations for **City of Whitehorse Transit Workers Local Y022**.

The next set of negotiation meetings are scheduled for July 26-30.

## Contacts:

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**Thursday, June 10th**  
**Child Development Centre Local Y013 Collective Agreement Vote**

**Saturday, June 12th**  
**PGI Golf Tournament for Literacy**  
Mountain View Golf Course, Whitehorse

**Friday, July 30th**  
**PSAC National Aboriginal, Inuit and Metis Network National Circle Call Out**  
Deadline for application. Contact the YEU office or visit the YEU website for info.

**September 30th - October 3rd**  
**2004 PSAC National Access Conference: Our Rights - Moving On Up**  
Queen Elizabeth Motel, Montreal, Quebec.

**2nd Thursday**  
**Monthly YEU Executive Meeting**  
6:30 p.m. YEU Hall. Members welcome.

**2nd Wednesday**  
**Y010 Monthly Meeting**  
5:00 p.m. YEU Hall, Whitehorse.

**YEU News** is published 12 times a year by the Yukon Employees' Union of the Public Service Alliance of Canada.

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### Office Hours:

**Mon-Thurs** 8:30 am – 5:00 pm

**Fridays** 8:30 am – 12:00 pm

1:00 pm – 5:00 pm

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.