



Impact

FEBRUARY 2014

COMPENSATION EMPLOYEES' UNION



Message from the President February 2014

Every CEU member is proud of the work they do to prevent injuries and provide fair compensation for injured workers. You should be. You make a difference. That is why the unfair criticism of Prevention and Investigation Officers in the aftermath of the Crown's decision on Burns Lake is so upsetting. I was impressed, but not surprised, with one of the officers I spoke with. His intimate knowledge of the people of Burns Lake and the affect this is having on them was remarkable. He was clearly frustrated for them, and he passionately wanted to ensure this kind of thing doesn't happen again.

The message the Union is giving to the external community is clear – those Officers did an excellent job. The issue is the Crown's decision not to pursue charges. In the future, when a Board Officer recommends regulatory charges that's what needs to happen. I don't believe the public interest is served by keeping this out of the courts. If an employer wants to argue due diligence, let that happen in court.

We all need to stand strong for one another. While the Burns Lake situation has put an external spotlight on the Board, the Prevention Division was already a focus for the Union. The last year has been particularly busy with the issues of standby, limiting laterals and the Saturday pilot. For some reason, the Board decided to change the world in Prevention. That change brought conflict.

Every single Prevention Officer posting with a required "focus" has been grieved. The arbitration to resolve this

dispute is in June. This is an important issue for all CEU members. Many classifications at the Board have multiple work assignment (or specialities/focus as the Board is calling them) within the generic job. The attempt to restrict members' movement in a classification because they do a specific work assignment could have far reaching impact for everyone.

The Union believes the collective agreement language is clear. Once you are successful in bidding into a job; you hold that classification and should be able to lateral to any work assignment. If you don't have specific skills related to a work assignment, the Board should train you. All Prevention Officers know how to inspect a work site. If they need training on a specific industry, the Board should provide it. Imagine if they told a Case Manager you can't lateral to Victoria because you don't have ASTD training.

As bargaining approaches we need to remember the importance of solidarity. We all work hard. And we all do a good job. It is time for a fair and reasonable collective agreement.

INSIDE THIS ISSUE...

Changes to sick leave processes may lead to privacy issues	2
Dispute erupts over CEU/WCB Joint Return to Work Program	3
Solidarity Committee looks to expand CEU connections and advance social justice issues	4

Changes to sick leave processes may lead to privacy issues

Last year, the employer made changes to how it reviews sick leaves. Now, if you're off work for more than six days, you'll likely get a call from one of the disability managers. To protect your privacy, here's what you need to know about requests for medical information.

Medical information is private information. Employers have the right to know the general nature of your illness and the expected time away from work. Employers do not have the right to know what your diagnosis is. So, if you are home sick and you receive a call from a disability manager, be aware that you will likely be asked to provide medical information to substantiate your inability to attend at work.

Article 34 sets out when and why the employer can ask for medical evidence if you are absent from work due to illness. Those requests can be made if there is a "pattern of consistent or frequent absence" or for absences greater than five consecutive work days or more than thirty days have elapsed since medical evidence was provided. It's important to note, medical evidence should not be asked for outside of these three conditions. If it is, please seek the assistance of a steward.

If one of the three conditions is met, the disability manager may seek your permission to contact your doctor directly. We strongly suggest you don't grant that request. Once you give the disability manager permission, it's difficult to limit her inquiry to the actual illness. Unions with greater experience with disability managers warned the CEU that granting permission for direct contact with family doctors often leads to big privacy problems

for employees.

For example, let's say you are off work because you suffer from depression.

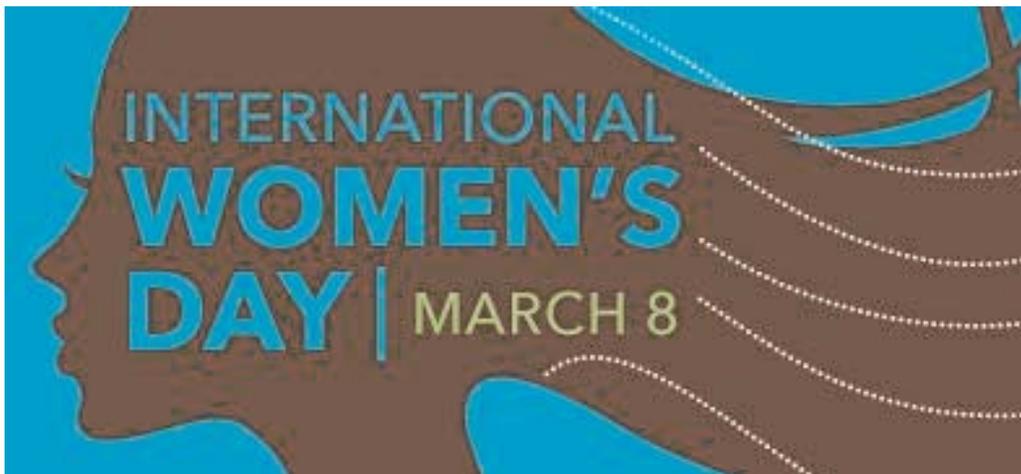
There's a very real chance that by giving the disability manager permission to talk directly to your family doctor, that your diagnosis will be disclosed. That is a violation of your right to privacy.

The doctor should be writing a doctor's note saying you are unable to work because you have a psychological condition that prevents you from working.

Or, let's say you are off work because you have acute tinnitus (ringing in the ear). What the family doctor should be saying is something like; this patient is unable to work because s/he is having difficulty concentrating, other than for short periods of time, and they cannot drive.

In these two hypothetical examples, the employer has the right to know what your limitations are. In some cases, limitations will not mean you cannot work. In these types of situations, limitations may be discussed as part of a return to work plan.

If you are off work due to illness, remember to protect your privacy. If further medical information is requested, take note of what the disability manager is requesting. If for any reason you think the request could be a breach of your right to privacy, please seek the assistance of a steward or call the union office for help.



Dispute erupts over CEU/WCB Joint Return to Work Program

Since 1999, the Union and Board have had a joint Return To Work (RTW) Program. Many, many people have been helped to return to work; managers and employees. The program's success is rooted in a basic principle, voluntary participation.

The voluntary nature of the program has had wide appeal. Because of it, the clear majority of people off work choose to participate in the program and get back to work as soon as is medically possible. Most members prefer to avoid prolonged absences from work. In fact, many employees choose to participate in the program to avoid going off work. This is commonly referred to as the stay-at-work component of the program.

Our program respects that members need to take care of themselves, while their family doctor determines the appropriate time to return to work. Getting people back to work successfully means they have a high probability of staying at work and that they are doing appropriate work.

Recently, the Board decided to create two new excluded Managers, Disability Health (MDH). This decision appears to be based on the belief that the RTW program requires more rigour. In other words, the RTW coordinators are not acting in the best interests of the employer.

"In my view, the coordinators have a difficult job. They need to advocate for the employee, but at the same time, they also need to ensure the medical evidence supports the employee's return to work plan. We think they've done an excellent job in that regard. I encourage members to continue working with the coordinators, you can trust them to do a good job," says Sandra Wright, CEU President.

The employer claims these new managers are required to stop abuses because the program isn't getting people back to work fast enough or that inadequate medical evidence is being used to support employee accommodation. What nonsense!

When this program first came in, CEU members actually received a gainshare payment based on the savings the program generated due to early RTW. Nothing has changed. The RTW coordinators continue to follow the

joint processes as they were originally negotiated and they've also adapted to any revised processes as they were negotiated.

So why is the Board doing this. What's changed? We know management is scrambling to try and find ways to deal with work volume and increased duration but that doesn't give the employer the right to unilaterally change the program.

People off on sick leave or LTD are being seen as resources that need to get back to work to help out. What has also changed is the fact that sick leave usage and LTD claims have increased. Rather than asking why this is

"There are also issues regarding entitlement to receive sick leave and LTD benefits. We have seen LTD claim denials increase dramatically in the last eight months..."

happening, and addressing the issues that are contributing to these increases, things like workload and job design, the Board is focused on blaming

the employee. There is a crack-down on sick leave usage, LTD claims and related costs.

The new MDHs are intervening on every sick leave case and the Board is now aggressively "case managing by proxy" LTD files. The Board's underlying message is people are off work for too long. They need to get back to work sooner.

"There are also issues regarding entitlement to receive sick leave and LTD benefits. We have seen LTD claim denials increase dramatically in the last eight months. We're also starting to see members being told to submit more medical to support their sick leave claim or the MDH is denying sick leave," says Wright.

The RTW Program is embedded in the collective agreement. Changes can only happen at the bargaining table. The CEU has filed grievances related to the RTW Program, the management of LTD claims and we are also monitoring a number of LTD related issues that may result in individual grievances.

We believe the Board's new approach will result in increased grievances and potential Human Rights complaints. That is unfortunate. Clearly it's a step backwards. CEU members need to be on the alert for interactions with the MDH. Collective agreement rights concerning benefits are under attack, and it will take a collective action to ensure those rights are preserved.

Solidarity Committee looks to expand CEU connections and advance social justice issues

The concept of solidarity is at the heart of trade unionism. It is best expressed by the old Industrial Workers of the World (IWW) slogan, “An injury to one is an injury to all”. As trade unionists, solidarity means we stand up for each other and help each other out when needed.

Article 3 of CEU’s Constitution and By-Laws captures this belief and sets an objective to “engage in cultural, civic, legislative, educational, charitable, social and other activities which further the interests of this Union and its members.”

That’s why we created a Solidarity Committee. During the last year, the CEU executive approved the terms of reference to guide the committee. We are committed to advancing solidarity between our own members, between our union and other unions and to lending our voice to social justice issues.

These efforts will raise the CEU’s profile and provide opportunities for people in the broader community to see us as people and our actions will demonstrate our concern for our communities.

We have donated time and money to many different causes, organizations and events. Last Labour Day, we hosted a CEU information table at the BC Federation of Labour’s Labour Day Picnic. This created an opportunity for us to have discussions with many other trade unionists

and the general public about the CEU.

We also support the Canadian Centre for Policy Alternatives, the BC Childcare Advocacy Forum, women’s centres, the BC Federation of Labour Christmas Dinner Fund, Camp Jubilee, Asbestos Related Research Advocacy Area Fund, and many other worthwhile causes.

Within the workplace, we support members through co-sponsoring fees for members on the CEU/WorksafeBC team for the Vancouver Sun Run; and annually, we cover the administrative costs for Helping Hands to ensure your donations are fully used for the charities you wish to support.

Now it’s time to hear from you. What are your suggestions about organizations

and causes in your communities? What do you recommend the Solidarity Committee get involved in?

Please keep in mind we are looking for opportunities for us to advance the name of the CEU as well as to advance social justice issues and solidarity with other unions.

Contact Toni Murray, Chair of the Solidarity Committee and CEU Director, with your suggestions at tonimurray@ceu.bc.ca

We look forward to hearing from you and to furthering solidarity within our union, in our communities and with other BC unions.



Your Executive Members

Sandra Wright, President
Frank Lanzarotta, Vice-President
Laura Snow, Treasurer
Candace Philpitt, Secretary
Carole Diaz, Chair - Shop Stewards

Toni Murray, Director
Michael Hess, Director
Adam Andrews, Director
Adele Peters, Director
Ed Dergousoff, Director

IMPACT is a publication of the CEU

#120 - 13775 Commerce Parkway, Richmond, BC V6V 2V4 Phone 604-278-4050 Fax 604-278-5002

Printed on paper with 30 percent recycled post consumer waste

www.ceu.bc.ca or contact us via email at editor@ceu.bc.ca

The interpretations in this document are provided on a without prejudice to errors and omissions basis to any position the Union may take in any arbitral proceedings or any other forum.

