

CSSEA NEWS

COMMUNITY SOCIAL SERVICES EMPLOYERS' ASSOCIATION

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My First AGM

Marianne Sorensen, Executive Director, Association Advocating for Women and Children (AWAC)

From my perspective as a new member of CSSEA this year's AGM and Fall Conference was a pleasure to attend. The fact that the conference was held at a beautiful hotel in Kelowna during the wine festival also did not detract from the experience! The choices and decisions made around venue and hospitality for attendees were outstanding.

The conference featured many very skilled presenters who were able to connect with and relate to the needs of community social services agencies in attendance. Added to the skill of the individual presenters was a unifying theme that developed for me over the course of the conference. Each session or keynote address built on the acquired knowledge and information from previous sessions, deepening my understanding of the materials and tools provided. The calibre of presenters really was very impressive.

I found myself consistently engaged in the workshops, eager to hear others' experiences and strategies, and share some of my own. The topics were presented within a strengths-based approach which challenged me to reflect on successes and possibilities, strategies and solutions. So many of the workshops included tools and strategies easily imported into workplaces to carry out capacity-building within our own staff teams. A particular highlight for me was participating in the Emotionally Intelligent Leadership workshop.



There was lots of time at the conference to make use of opportunities to meet and talk with others working in similar settings around the province. Nothing beats a supportive peer group when you are working through challenges! I am sure I resolved several outstanding challenges and issues just by virtue of these informal conversations. I enjoyed lots of "light bulb" moments during these conversations, and also lots of camaraderie and laughter.

And speaking of support, I want to thank the staff team at CSSEA for providing such helpful and timely support and advice to its members. Always patient, always gracious and friendly. The Society I represent in Prince George is newly unionized, and we have had many questions and implementation issues to sort out over the last several months – I am sure I would have made a colossal mess of it without the terrific support of CSSEA (Huge thank you to Jennifer Nuttall!).

I look forward to a year of learning and building connections within CSSEA and the sector, in my new role as a member of the General Services Panel. It is my goal to be the best representative for the north and for rural communities that I can be. I look forward to meeting many of you over the next year!

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From the CEO

The recent uncharacteristic bout of winter weather may have launched us into a festive mood earlier. All around us, there are reminders of the season. And as work winds down with many of you taking time off, that festive energy will only increase.

The joy surrounding the season is undeniable and it is precisely at this time I feel it's appropriate to acknowledge those who are taking pause during this season of celebration to assist with ongoing bargaining.

Bargaining has been a challenge. Our bargaining teams have shown an inspirational dedication and resolve to achieve a new collective agreement, and that is truly commendable. They have now been in their roles for over

a year. I recognize the difficulties that come with taking a position on

BARGAINING TEAMS PROVIDE A YEAR'S WORTH OF DEDICATION

- Lorne Rieder

our bargaining teams, as it requires significant time commitment and considerable effort. Compounded with the day-to-day demands of the agencies that our team members lead, there is no doubt that dedication amounts to a lot.

Our Bargaining Committee will be working hard throughout December to try to come to a conclusion to bargaining. The hours and days will be long so I sincerely thank each Bargaining Committee member in advance. The sector is fortunate to have your leadership.

As 2010 comes to a close, I wish you all happiness, togetherness and peace. It is my hope that 2011 will bring prosperity and abundance. Season's greetings. ■



In a decision released in October, Coast Mountain Bus Company Ltd. v. National Automobile, Aerospace, Transportation and General Workers of Canada (CAW-Canada), Local 111, 2010 BCCA 447*, the BC Court of Appeal overturned a 2009 BC Supreme Court ruling and significantly restored a BC Human Rights Tribunal decision regarding the employer's application of its attendance management program.

The Court found it discriminatory how certain aspects of the attendance management program were applied to disabled employees; namely, the placement of employees at a high level in the attendance management program on the basis of absences due to disabilities and the subsequent treatment of those absences. A characteristic of the employer's attendance management program was to move employees through progressive levels; a low level identified employees with high absenteeism and a high level constituted potential

termination according to employees' absenteeism.

The Court established that employees with disabilities received adverse treatment when placed at a high level because:

Attendance Management Program found Discriminatory towards Employees with Disabilities

by Bela Barros

- they were advised that the employer would consider it grounds for dismissal if their absenteeism level exceeded the average absenteeism rate in either of the two following years;
- average absenteeism rates were used to establish the attendance parameters without considering employees' disabilities;

- employees with disabilities became eligible for termination as a result of non-disability absences at an earlier time than employees without disabilities; and

- partial day absences were included in employees' attendance records while on return-to-work programs to determine whether they had exceeded their attendance parameters.

As a result of this decision, employers should review their attendance management programs to ensure that suitable adjustments are made for employees with disabilities; particularly, when establishing averaging absenteeism rates for comparison and including partial day absences due to employees' return-to-work programs.

Employers should be assured that CSSEA's Best Practices Series – Attendance Management Guide has taken these accommodations into consideration. ■

*For more background on this case, please refer to CSSEA News Vol.16-03 from June, 2009.

The AGM in Pictures



Members voting at the AGM.



Workshops offered thought-provoking challenges.



Attendees team up for some discussion and groupwork.



Bouwe Wierdsma from Possabilities was the winner of our Whistler gift basket.



CSSEA staff members Adam Chatburn and Bela Barros at the Tuscan dinner.



Members unwind at the Tuscan dinner after a day of learning.

In Profile: Handling Difficult Conversations with Ease



Mediator and trainer Sally Campbell led one of our most popular workshops at the AGM, on “Difficult Conversations: Turning a Conflict into a Negotiation.” We asked her to give us some more insights on how you can handle the tough talks.

What are your experiences with having difficult conversations? How did you get into this line of work?

All of us have (or avoid) difficult conversations, be they with our teenagers, spouses, siblings or co-workers. Each one can teach us something, especially the less successful ones, and I’ve had many of those in my life. I believe the trick is to bring curiosity, clarity and kindness to these tough conversations.

I got into this work because I learned as a lawyer that my clients wanted me to help them get things settled, not get them into court.

What are some “difficult conversations” that managers typically have with their staff?

“Who is going to get the coffee?” That, and probably most often, conversations around performance issues.

What would you say to someone reluctant to have difficult conversations for “fear of rocking the boat” in an organization?

Get a grip. Focus your attention on finding ways (to discuss difficult issues) that build relationships

and build capacity within the organization.

What can a manager do to prevent having to necessitate difficult conversations? Specifically, how can a manager create a conflict-free workplace?

This question was drafted by a person with conflict-avoidant tendencies! A conflict-free workplace is an illusion. Conflict is healthy and normal; it is how we work with it that matters.

What can a well-meaning manager do if staff are uncooperative and unreceptive to change and constructive criticism?

Take Conflict Resolution training. As they say at the Justice Institute, “All behaviour makes sense”.

How can someone prevent themselves from offending staff or getting emotional when having difficult conversations?

Sometimes people are simply unhappy, and they will take offense despite your good intent and best efforts. Listen to them, acknowledge them, be respectful and don’t sell out your legitimate interests just to “keep the peace.” That never works.

In terms of preventive work, people expect a more even playing field in today’s workplace. They want the opportunity to have input before decisions that affect them are made. Try to find simple and effective ways to do that.

As for emotion, we take our emotions everywhere with us. We need to prepare carefully for tough talks, not let our emotions engulf us, and keep our sense of humour and perspective about the situation. (Is this life-threatening? Probably not, just hard.)

What if two people just don’t get along on a personal level? How can you be productive in the workplace?

Tons of people don’t get along with someone else in the workplace. To be productive, focus on work, on what you can agree on, and what you may have in common. Give the other the benefit of the doubt. Do not expect that person to change. It is more useful to try to understand what makes that person tick, and then change your own attitude toward your co-worker. As the wonderful Gilda Radner said about her terminal cancer, “It’s always something!” ■

A New Face at the AGM



You may have noticed a new face at this year's AGM.

Katarina Gerhardt, a client of Kelowna & District Society for Community Living, assisted CSSEA in greeting and registering conference attendees. The Kelowna resident said she was "excited to meet new people" and did a wonderful job connecting with members.

When she is not out and about in the community, Katarina enjoys staying active in sports such as cross-country skiing. In fact, she qualified for both the Special Olympics and World Games in 2008! We thank Katarina for bringing her warmth and upbeat personality to this year's AGM.



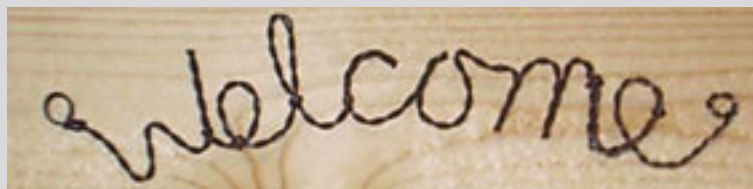
We would like to extend our gratitude and appreciation to CSSEA's Bargaining Committee for their dedication over the past year! We appreciate your ongoing efforts in helping to secure new collective agreements.

First-time Panel Members Bring New Ideas

At the 2007 AGM, our Constitution and Bylaws amended to provide the opportunity for new representatives to serve on their respective panels. This year, we have 3 new panel members: Tony Laing from Penticton and District Society for Community Living (CLS), Bill Dartnell from Langley Community Services Society (GS) and Marianne Sorensen from the Association Advocating for Women and Children (GS). We thank them for participating and look forward to collaborating with them over the next 2 years.

Good Bye and Good Luck

Parveen Mann resigned from her role as Managing Consultant at CSSEA in November. Parveen was one of CSSEA's longest serving team members and supported employers in collective bargaining, HRLR services and numerous other initiatives. Her sense of humour, enthusiasm and dedication will be missed by staff and employers alike. CSSEA recognizes and appreciates her committed service and wishes her all the best for the future.



CSSEA welcomes Karri McDonald, our Senior Administrative Assistant. Karri will be supporting our CEO and HRLR Services and replaces Bela Barros, who is now our Research Analyst.

We are also excited to welcome back HRLR Consultant, Resina Becket, who has returned from maternity leave!

Sectoral Case Updates

Continuity of Service Grievance – Issue: The HEU has filed an application with the Labour Relations Board (LRB) seeking a declaration that they are the bargaining agent for a bargaining unit currently serviced by the BCGEU. CSSEA has also filed a submission with the LRB asking for the HEU's application to be dismissed on a number of grounds. The BCGEU has also filed a submission requesting dismissal of the HEU's application. **Status:** Awaiting Labour Relations Board's decision on preliminary objections of CSSEA and the BCGEU.

Use of sick leave by part-time employees – Issue: Use of sick leave credits by part-time employees on days outside their regularly scheduled shifts. **Status:** Hearing dates are being set.

Joint Job Evaluation Program (JJEP) – Issue: Re-interpretation of the documents governing the JJEP to include CSSEA's legislated role. **Status:** This matter was settled in collective bargaining.

Calculation of Hours for Wage Rate – Issue: To be determined by union. **Status:** A case management meeting was held with Arbitrator Wayne Moore and the Union is now required to provide information and argument to CSSEA.

Class 4 Driver's License – Issue: Interpretation of Article 28.12, specifically, which costs an employer is obligated to pay. **Status:** Files are being consolidated before a single arbitrator, Vince Ready, for adjudication. CSSEA will be canvassing members for information in preparation for litigation.

Improper Activities of BCGEU Representatives – Issue: Improper actions were conducted against a CSSEA member by renegade members of the BCGEU. **Status:** The President of the BCGEU issued a formal written apology. Case management of remaining issue is ongoing.

Labour Relations Board Applications Decision – Issue: CSSEA had filed submissions with the LRB regarding the failure of the CSSBA to bargain in good faith due to the internal dysfunction created by the Articles of Association. CSSEA had also applied for interested party status in the CSSBA's applications. **Status:** CSSEA was successful in establishing its right to participate in the ongoing adjudication and in securing a certainty regarding the internal decision making process of the CSSBA.

Tis the Season to Consider Employer Liability as a Social Host



Employers hosting social events where alcohol is served are exposed to various risks. They, for example, have a duty to care for the safety of employees at events held on employers' premises. To help minimize risks at upcoming holiday events, the following guidelines are recommended:

1. Begin events after work hours.
2. Hold events at a bar, restaurant, or hotel.
3. Hire a bartender if the event is held at the workplace.
4. Provide employees with taxi vouchers.
5. Announce arrangements (like taxi vouchers) in advance.
6. Purchase event specific insurance.

**Happy Holidays
from everyone at
CSSEA!**

*Wishing you and yours a safe
and joyous holiday season!*

