

CSSEA NEWS

COMMUNITY SOCIAL SERVICES EMPLOYERS' ASSOCIATION

A member newsletter
published six times a year

August 2011

Volume 18, Issue 04

Meet Our New CEO: Gentil Mateus

We recently announced the appointment of Gentil Mateus as our new CEO. We are excited he is joining CSSEA and for you to get to know him in the coming months. Here, he answers some important questions posed by CSSEA News.

What will your first priority be after taking the reins at CSSEA?

Most important to me will be speaking with the membership and hearing their comments, opinions and concerns. I'd like a full picture of what their challenges are and the direction they'd like to see the organization go as we move forward.

You have lots of experience in HRLR and in the health sector. Will there be unique skills you will be transferring to our sector?

I think all the experience I developed over the years is transferable, especially since most have been acquired in the public sector. I would say my skills would contribute to a universal continuum of providing quality services to British Columbians. In my years in the public sector, I have dealt with unions, funding ministries, and the like. I'm comfortable working within a complex framework involving many stakeholders.



"Right now the most important thing is to engage with the membership, board, panels and CSSEA staff."

-Gentil Mateus

quality services to the public. I see CSSEA's role as one of coordination and facilitation in order to ensure members are able to continue their effective delivery of services.

Collective bargaining is top of mind for all members. What's your experience in that area?

I've been involved in public sector bargaining in my previous roles and have had successes at the bargaining table. I think the foundation of bargaining must include staying true to member needs while nurturing relationships with all parties involved. I plan on building upon that as I lead us through this and upcoming rounds of bargaining.

The mission of CSSEA is to balance the interests of members and government. It's a tough job. How do you see yourself doing that?

I actually don't see the interests of members and government as being at odds. I think they are complementary because both members and government have the common interest of providing

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Speaking of leadership, what would you say is your leadership style?

First and foremost, I am a passionate leader. I am also action-oriented and while my primary style is very much collaborative and inclusive, I believe leadership is situational and no leader today can rely on just one style. I'm very open to constructive criticism and value diversity of thought because I believe that makes for richer outcomes.

Have you thought about your long-term vision for CSSEA?

Right now, the most important thing is to engage with the membership, board, panels and CSSEA staff. I want to listen and ask questions before developing a long-term plan for the organization. Having said that, a large, overarching goal I'd like to accomplish is for our members, government and unions to see CSSEA as the leading employers' association in the public sector. We will achieve that goal by building on the work of our talented and dedicated staff and the work of my predecessors. I think we can make our mark in the province and I will work hard to accomplish that.

Let's diverge a little bit. Do you have a favourite hobby you'd like to share?

My favourite hobby/sport is soccer. I'm passionate about it so hopefully there won't be too many meetings planned when Portugal plays! I'm also a history buff. ■

More About Gentil

- He was most recently Vice-President, Corporate Services & System Innovation, at the Health Employers Association of BC (HEABC). He joined HEABC in January 2009 on secondment from Interior Health where he was Interim Chief Human Resources Officer.
- Gentil was the lead negotiator at the Community bargaining table and played a key role in launching the BC Care Aide and Community Health Worker Registry.
- He served on numerous boards, including the Vancouver-Richmond Health Board, Trail Regional Hospital, HEABC and the Occupational Health and Safety Agency for health care (OHSAH).
- In his personal time, Gentil is a member of the Rotary Club of Kelowna and is co-founder of the Friends of Children Foundation, a charitable organization committed to helping families with sick children in BC's Kootenay region.

A recent Ontario Court of Appeal decision strengthened the privacy rights of employees using electronic devices when it ruled police violated a teacher's Canadian Charter of Rights and Freedoms' right to privacy, arising from a warrantless police search and seizure of a school-owned computer. (R. v. Cole, 2011 ONCA 218).

The Court found that the teacher had a reasonable (albeit modified) expectation of privacy regarding the information stored on the computer and hard drive. This expectation of privacy arose because, although it was a school-owned laptop, teachers were allowed to use them for personal use. There was no policy on monitoring, searching or allowing police access to teachers' electronic information. Further, teachers were permitted to password-protect their computers. The right to privacy was understood

not to be absolute, as users understood a technician could access the computers to maintain the network.

**EMPLOYEES HAVE
PRIVACY RIGHTS
OVER PERSONAL
INFORMATION ON
WORK COMPUTERS**
by Bela Barros
Legal Research Analyst

The Court ruled that the teacher's Charter rights were not breached when:

- The technician found pornographic images of a high school student in the course of his legitimate access to the computer;
- The principal searched the laptop to confirm the student's identification, seized the evidence

by copying the photographs to a disc, and seized the actual laptop;

- The school board searched the laptop and copied the temporary internet files onto a disc.

However the court found the police, in their role as a government agency, did violate the teacher's Charter rights when they searched the computer and disc with the temporary internet files because the search without a warrant was unreasonable. However, the police's viewing of the photographs taken from the school's network, using the school's computer was not found to violate the Charter of Rights.

This decision demonstrates that the law regarding electronic devices is rapidly changing; employers must ensure their policies are current in accordance with the development of legal analysis in these cases. ■

In Profile: Ishtar Transition Housing Society

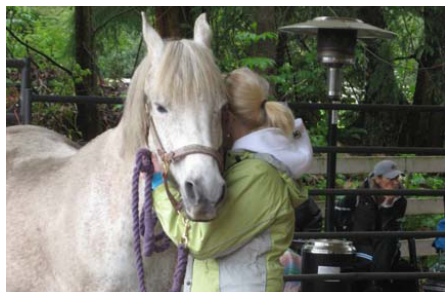
Dorothy McKim, executive director of North America's first transition house, shares with us how her agency stays cutting edge

Briefly tell us about Ishtar. How many employees do you have, what community do you serve and what kinds of programs do you offer?

We have roughly 40 employees (depending on casual staff). We serve both the Township and City of Langley. We offer two transition houses, one 10-bed and one 12-bed. We also offer Community Based Victim Services, Stopping the Violence Counselling, services for Children Who Witness Abuse, Community Outreach and a donations programme, which provide clothing and household items to clients at no charge.

Ishtar is the first transition house in North America. How does your long legacy affect the way you run your agency today?

It makes us strive to be better and to stay on top of any trends that can be identified. Our reputation in the community is extremely important to us and building community partnerships is a very important part of what we do.



The healing power of horses at work.

Tell us about H.E.A.L. (Horses Empowering Authentic Living)

H.E.A.L. is a 4-week program designed to help participants use the intuitive power of horses to help them learn to trust themselves and others again, to stand strong in their convictions, listen to their intuition and to replace any negative self-talk

with stories of worthiness, love and wholeness. The program is facilitated by a Master Coach and Intuitive Healer out of her facility in Langley. It uses her herd of gentle and kind horses, coupled with respectful coaching designed to develop trust among participants in the program.

Horse therapy seems to be



Participants in the program bond quickly with the horses.

gaining ground amongst different agencies in our sector. How did you first conceive the idea to use horses?

I have my own horse, and have understood for many years that horses are incredibly intuitive and sensitive. They understand the importance of connecting on a different level with humans and once you let them in, unbelievable things happen.

How successful has the program been and why?

This program is very successful. The responses we receive from participants identify that the horses "knew how they were feeling." The program enables them to look deep inside themselves and find a strength they didn't know they had. It also allowed for incredible healing to start happening.

Tell us about your community outreach program.

We have two community outreach workers who continue providing support and assistance to women after they have left the transition houses. They also take self referrals from anyone in the community who is looking for assistance with housing, family court, income assistance, etc.

Ishtar currently has a number of partnerships in our community which help raise awareness about violence against women. We also plan several public events during the course of the year, specifically Victims of Crime Week, Purple Light Nights, a White Ribbon Campaign and a Candle light Vigil which is always attended by our MP, MLA's, Mayors of both the Township and City, the RCMP as well as members of our community. ■

Glimpse into a H.E.A.L. Session

"Breathe and allow yourself to feel what wants to be felt. Breathe and allow whatever part of you wants to be healed to be healed", the facilitator says. Softly and reverently the breath becomes deep, the tears begin to cleanse the soul, the nakedness of the human experience is felt by everyone. Vulnerability is honoured and the release begins. No, not by the women...but by the horses who stand in the circle patiently waiting, accepting unconditionally the heartbeat of these precious women. The heart space of the horses is big, the container of emotion does not overwhelm them for they have learned how to interpret the messages behind the emotions.

Ask an HRLR Consultant: Alexia Jones



Q: *As a result of bargaining and strike preparation on the part of the union, employers are getting a lot of requests for union leave. What is the employer's obligation in this regard?*

A: • An employer must grant an employee a leave of absence if they are involved in any of the union activities listed in Article 3.10 – Time off for Union Business. An employee must be credited with the seniority they would otherwise have earned while off on one of these leaves.

- Depending on the purpose of the leave it may be *without pay*, *without loss of pay* or at *straight time pay*.
- An employee who is on leave without *loss of pay* must be paid for any time they are on leave for which they would otherwise have been paid by the employer.
- When an employee's leave is *without pay*, the employer must continue to pay the employee for the time they would otherwise have been paid for working. The employer must then apply to the union for reimbursement of the appropriate salary costs incurred for that employee's leave.
- Union leave for the purposes of bargaining (per Article 3.10(a)(3)) and strike preparations (per Article 3.10(a)(2)) are *without pay*.
- If the union leave is requested for a day that is ordinarily an employee's day of rest the employer is not obligated to pay the employee. Nor is the employer, as in one recent request, obligated to provide an additional day off to compensate an employee who was doing strike captain training on her regularly scheduled day of rest.

Send your questions to dsun@cssea.bc.ca

CSSEA @ Whistler:

Don't forget to register for the AGM! Registration information is available on our website.



Check out our event website, created in partnership with Tourism Whistler:

www.whistler.com/delegates/cssea/

We look forward to seeing you in Whistler October 4-6!

Top human capital Challenges

1. Leadership development
2. Retain key talent
3. Attract top talent
4. Keep workers productive and engaged
5. Succession planning
6. Develop and maintain competitive compensation

Source: Wunford Group's Spring Flash Update, May 2011

Sectoral Case Updates

Calculation of hours for wage rate – Issue: Whether hours worked in one classification or grid level can be applied in another for the purpose of calculating wage rates. Status: The parties met to review the areas in dispute with Arbitrator Wayne Moore and a second case management meeting is scheduled for December 5, 2011 with hearing dates to follow.

Class 4 driver's license – Issue: Interpretation of Article 28.12, specifically, which costs an employer is obligated to pay. Status: The parties met with Arbitrator Vince Ready and exchanged positions for case management; further adjudication will commence in due course.

Verbal warning reduced to writing - Article 11 – Issue: Documenting a verbal warning. Status: The union and CSSEA have agreed upon an arbitrator; appointment is pending.

Use of leave for personal reasons - Article 20.4 – Issue: Paid leave for attending court for a hearing occasioned by off-duty responsibilities. Status: The union and CSSEA have agreed upon an arbitrator; appointment is pending.

Rate of pay - wage grid – Issue: Interpretation of application of prior experience to wage rate. Status: Arbitrator Brian Foley has been appointed and the parties are awaiting dates for case management.

Local union observer - Article 24.6 – Issue: Local union observer wants to be present during management deliberations. Status: The union and CSSEA have agreed upon an arbitrator; appointment is pending.