

In this Issue -

PSAC National President's Visit, Investigation Appeals, Workers Win in Canada's Supreme Court, President's Message ... and more

Nycole Turmel Delivers Message of Support National President in Yukon

The National President of the Public Service Alliance of Canada travelled to the Yukon from September 25th to 28th.

Nycole Turmel held meetings with PSAC members in Whitehorse and Dawson City. She personally delivered PSAC's pledge of support for union members embroiled in the government's computer use investigation/discipline process.

Shortly after arriving, Nycole and YEU

President Dave Hobbis met with John Edzerza, the Minister responsible for the Public Service Commission. That evening, she attended a reception in her honour to meet YEU-PSAC members, deliver a brief address, and speak with the representatives of the media.



Turmel's visit generated considerable media attention, and kept the Union's issues in the public eye.

Sister Turmel described her discussion with John Edzerza with dismay and embarrassment. When asked if he would review the government's computer use investigation process and consider the negative impact the government's actions were having on Yukoners, Edzerza maintained that he was not involved. However, he repeated that his staff had his full support. Turmel told the members, "I felt ashamed that, as a leader, he could not give direction to his department."

Following an early morning breakfast meeting with the Whitehorse Regional Women's Committee and an interview with CBC's Northbeat, Turmel travelled to Dawson City to meet with PSAC members there.

Legal Support for Disciplined Members Now in Place

The process of defending Union members facing discipline as a result of the government's computer use investigation is well under way. Discussions between YEU President Dave Hobbis, Service Officers, support staff, and legal counsel Andrew J. Raven have already taken place. Mr. Raven is a principal of Raven, Allen, Cameron and Ballantyne, one of Canada's premier labour law firms.

YEU had hoped that the matter would be resolved without reference to the courts. However, the government's unwillingness to consider a non-punitive resolution has forced legal action. PSAC's intervention and the selection of a top legal team ensures our members will be well represented.

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YEU issues in the workplace

There was a time when arbitrators refused to consider violations of statutory rights - including human rights - unless collective agreements specifically included them. You could complain to the Human Rights Commission and, in ten years or so, if yours was one of the three to six percent of the cases to make it that far, you might get a hearing.

Until recently, there was no general rule that a grievance could be based on statutory rights such as those found in human rights legislation. That changed on September 18, 2003, when the Supreme Court of Canada released its judgment in *District of Parry Sound Social Services Administration Board v. OPSEU, Loc. 324*. This case established that statutory employment rights are automatically incorporated in all agreements.

The Parry Sound case was about a probationary employee who was dismissed following her pregnancy leave. The agreement said that the discharge of a probationary employee was at the discretion of the employer. The employer

The Supreme Court has ended the debate about whether an arbitrator can enforce human rights or other employment-related legislation.

argued that the case shouldn't be in arbitration, but the majority of the board of arbitration disagreed, saying that they had the jurisdiction to apply the Ontario Human Rights Code despite the terms of the agreement.

After several appeals and one reversal, the Supreme Court of Canada upheld the ruling in favour

of the employee, and laid down some expansive principles affecting the jurisdiction of labour arbitrators in Canada. Three things are striking:

1. The Court found that human rights legislation and other employment-related statutes were implied in all collective agreements and are, therefore, enforceable at arbitration.
2. The Court went on to rule that employers and unions could not negotiate terms below minimum rights afforded by human rights and employment laws.
3. The Court endorsed, for the first time, a long-established common law principle that a grievance should be liberally interpreted and not be defeated by errors or defects of form.

from Labour News - C.A.L.M.



YEU you asked

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

Q. *I'm planning a vacation. What additional benefits are available to PSAC members?*

A. PSAC membership provides a number of additional benefits in the form of discounts offered by various vendors. See the YEU website for more information.

Car Rental

Present PSAC membership card and discount number.

- Avis Car Rental
- Thrifty Car Rental

Fuel

Call for details.

- Petro Canada Bulk Sales Agency
- North 60 Petro Ltd.

Moving

Discounts of 10% for local and 40% for long distance moves.

- Allied Van Lines

Group Life Insurance

\$5,000 in free coverage available.

- Coughlin and Associates, PSAC Insurance Trust

Home & Auto Insurance

Call for discount rate.

- Allianz Insurance

Hotel Room

15-20% off negotiated rates.

- Delta Hotels

Credit Card

Several benefits. Call for details.

- Bank of Montreal Mastercard



**Local Y010
Annual General
Meeting**

November 26th, 6:00 p.m.

YEU Hall. Agenda available from the YEU office, or call Mark Bowers, 667-5889.

YEU from the President



It was our pleasure to have PSAC National President Nycole Turmel here in the Yukon last month.

Although her visit was overshadowed by the specter of the government's computer use investigation, our members were delighted to have the opportunity to meet with her and discuss matters of shared concern. The support Nycole offered and her ongoing commitment to our struggle is sincerely appreciated.

Unfortunately, our meeting with Minister John Edzerza was less satisfying. Both Nycole and I must express our profound disappointment with Mr. Edzerza's response to the computer use issue. The Minister has had, and continues to have the authority to direct the PSC. He chooses not to exercise this authority to the detriment of the employees and his portfolio. As a result, we are faced with the prospect that this ordeal could drag on for 5 or 6 years, should all grievances proceed to the end of the process.

The government-imposed challenges over the last nine months

have preoccupied the YEU executive, staff and membership. While these challenges continue to demand our attention and determination, action to find a resolution has now adjourned to the forums of appeal and adjudication.

Even in the eye of such a storm, long-term planning and a commitment to establishing a clear vision for the Union's future continues. Beginning on September 21st, the PSAC North Executive Committee met in Yellowknife for 4 days to discuss the future of PSAC in Canada's north.

A Vision Statement was adopted, ad hoc committees struck, and action plans implemented. The meeting featured:

- a review of the structure of PSAC North committee itself,
- development of Terms of Reference for an Ad-hoc Communications and Recruitment Committee,
- appointments to Standing Committees,
- a Plan of Action for elections and campaigns, and
- a Work Plan for the 2005 PSAC Regional Convention.

Details of this meeting, including the issues considered and the practical steps taken to move forward, are available on the YEU website.

The Terms of Reference for the Communications and Recruitment Committee is of particular note. This committee's mandate is to assist in the design of a membership survey, provide direction for the redesign of the PSAC North website, and to oversee the development of an overall communications strategy.

The recognition of the importance of communication and education, and PSAC North's move to address this need was significantly influenced by the actions of the Yukon Employees' Union. The stated mandate will be familiar to many of our members. It mirrors the actions taken by YEU the year before.

Consideration of our union's long-term direction must also involve our younger workforce. Many of our current members and activists will be leaving in the next 10 years. We need to hear from youthful workers, and learn what kind of face they see the union presenting tomorrow. Over the next two years, I am committed to engaging our young workers in the dialogue about our union's future.

VISION OF THE PSAC NORTH

PSAC North unifies all members into an inclusive, accessible, informed and active union movement across Canada's North.

We identify and act on pan-Northern issues of concern to members, the labour movement and the broader community, in partnership with like-minded organizations.

Calendar:

YEU Executive Meeting

Monthly - 2nd Thursday, 6:30 p.m.

Union Office. All members are welcome to attend.

Anti-Racism Workshop

Oct 27 - 8:30 a.m. - 4:00 p.m.

Yukon Inn. Registration Fee: \$30. Evening session from 7:00-8:30 p.m. No Fee.

Oldtimers Hockey Game

Nov 4 - 7:00 p.m.

Takhini Arena.

Local Y010 AGM

Nov 26 - 6:00 p.m.

YEU Hall. Agenda available at www.yeu.ca or from the YEU office.

YEU Human Rights Day Open House

Dec 5

White Ribbon Campaign

Dec 6

Human Rights Day

Dec 10

YEU member of the month

Sue Christianson

As an employee of the Yukon government, Sue Christianson has been a PSAC member for 22 years.



Sue's union activism includes participation in PSAC's Regional Health & Safety Committee, the Regional Women's Committee, the Yukon Area Council and PSAC North. She also chairs the Yukon Alliance Facilitator Network, serves as a Shop Steward and is Secretary/Treasurer of Local Y010. For the past 3 years, she has assisted with the annual Labour Day "Feed the

People" barbecue hosted by Y010, and takes great pleasure in giving back to the community.

Like many members, Sue became involved in the union when she felt wronged by the employer and needed help. The union was there for her, and she responded positively to an invitation to get directly involved. Considering the extent of Sue's contribution, the word "involved" is an understatement.

"It frustrates me to see members not being given the rights that they deserve. Childhood bullies grow up to be adult bullies, many of whom continue to bully in the workplace.

We can work together to change this. If we don't, who will?"

Sue Christianson

Workshops:

October 29 - November 2, 2003

Local Officers' Advanced Training (LOAT)

Yukon Inn, Whitehorse. 5 day residential course open to Local Officers and Stewards. See LOAT Information PDF on the YEU website for details.

November 15 & 16, 2003

Building Union Solidarity (BUS)

YEU Boardroom, 9:00 a.m. - 5:00 p.m. Covers Knowing Your Rights, Protecting Your Rights, Exercising Your Rights, and Improving Your Rights. *Note: the BUS course is a prerequisite for all PSAC in-residence courses.*

Dec 6 & 7, 2003

Health & Safety Committee Member Training

YEU Boardroom, 9:00 a.m. - 5:00 p.m. Improves understanding of the Yukon Occupational Health & Safety Act and Canada Labour Code Part II, recognition and Identification of health and safety hazards, and workers' perspective on H&S issues.

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

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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 or fax the number above.