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Purchasing rules may have been violated

Minister’s actions questioned

Documents obtained by the Yukon Employees’ Union under the Access to Information & Protection of Privacy Act raise questions about a recent purchase of two ambulances by Health & Social Services.

At issue is Minister Peter Jenkins’ direct intervention in the purchasing process and his apparent willingness to bypass the *Contracting Directive*. Questions about the Minister’s motivation also arise.

A hand-written memo in the form of a fax cover sheet shows that Mr. Jenkins personally requested an employee of Health & Social Services to implement a \$224,000 sole-source purchase from Dynamic Specialty Vehicles. However, a contract of this nature requires either a request for bids, or authorization by the Minister of the contracting authority, in this case Community Services Minister Glenn Hart. Such authorization is limited to “special cases”.

The Yukon government has to

date been unable to provide documentation signed by Mr. Hart authorizing the purchase, either before or after Mr. Jenkins’ committed to the expenditure. Under Minister Jenkins’ direction a quarter million dollars seems to have been spent without adhering to established financial accountability practices. Such a transaction deserves scrutiny.

Furthermore, the purchase was rushed through the system, bypassing the government’s tender requirements. The need to fast-track such a significant expenditure is not evident, because the supplier did not deliver the vehicles for 5 months.

In the case of the ambulance purchase in October 2003, one that appeared to follow normal tendering and authorization procedures, the delivery was expected within 21 days.

The purchase request with the vendor’s specifications attached was faxed by a director of Health

& Social Services to Shawn Francis, President & General Manager of Dynamic Specialty Vehicles. The director’s instruction stated, “Minister Jenkins requests that you proceed immediately with this Purchase Request.”

This instruction was sent January 29, 2004. On the same date, *Request for Purchase #210704* for \$224,128 was signed by Minister Jenkins, not Mr. Hart. On this form, the commitment Authorization “yes” box is checked, thereby establishing a contract.

Neither the director nor Mr. Jenkins has the authority to implement such a sole source acquisition. When questioned about this, Health & Social Services referred the Union to the Finance Manager for Highways & Public Works, who wrote that the contract was valid because it was “sole sourced under section 20(f)” of the *Contracting Directive*. YEU’s review of the directive does not support this explanation.

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Minister's actions questioned

Apparently Mr. Jenkins attempted to put a paper trail in place six days after the purchase by sending a letter to Minister Hart on February 4th. It read, "This memo is to confirm my wish to proceed with sole source purchase of two ambulances through Dynamic

Specialty Vehicles of Surrey, B.C."

A routing slip from Minister Hart's office bears only the hand-written word "process". But this instruction was unsigned, leaving no record of authorization by Mr. Hart.

Strangely, Health & Social Services' former Deputy Minister Rob McWilliam does not appear to have been in the loop at all, since

Jenkins went directly to a junior staff member to push the contract through. Could it be that Mr. McWilliam refused to participate? Whether or not Mr. Jenkins' actions merit a public enquiry can best be addressed by the Opposition. The primary focus of the Yukon Employees' Union remains the security and protection of its members.

see "Questions raised" on page 3



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

Q. Why are workers in a bargaining unit who are not signed union members called RANDs? Is this word an abbreviation or a noun?

A. The word *RAND* refers to a person, in this case Canadian Supreme Court Justice Ivan Rand. Justice Rand made a lasting contribution to Canadian law and union history with an arbitration decision.

His ruling established the "Rand Formula", a labour relations method he devised for the Ford



Labour dispute in 1945-46. His compromise formula obligated workers in a unionized workplace to pay union dues, but not to join the Union.

General Motors had signed the first auto-industry contract in Windsor, Ontario in 1937. However, World War II prevented the auto-worker movement from gaining full momentum.

Strict regulations in force during the war imposed compulsory conciliation of labour disputes, deemed picketing illegal and froze wages. Auto workers accepted these restrictions in the name of patriotism, but as auto companies garnered record profits from production of war materials, the mood changed.

A prolonged period of labour unrest followed. Although numerous successes were achieved, only marginal improvements in working conditions resulted.

In an effort to gain leverage in the fight for improved conditions, Ford workers struck in 1945, demanding a closed shop, automatic union enrollment of all employees, and compulsory withdrawal of union dues.

Picket lines blockaded twenty-five worksites, including Ford's power plant. The government dispatched 125 mounties to Windsor to handle the situation. This force was repelled by an auto-blockade that



covered 25 blocks around the plant. The impasse led to the appointment of Justice Rand to arbitrate.

His ruling stopped short of requiring union membership, but did make dues payment mandatory. This decision was a milestone in union-management relations and remains an integral part of collective bargaining in Canada.

YEU from the President

I was deeply saddened to learn of the death of Brian Midgett in a work-place accident on June 17th.



Safety awareness, and workplace and vocational training programs are essential tools in the fight to eliminate job related injuries and death. Regrettably, such tragedies still occur.

In the last 20 years, nation-wide more than 16,000 Canadian workers have been killed in the workplace, and nearly 18 million injured. Brian's death underlines the reality that Yukon workers often face peril on the job site.

I urge all union safety committees to remain vigilant in the fight for job site safety, and to pressure the employer to give safety issues the attention they deserve.

Ontario Porn Probe Ruling

A recent adjudicator's ruling forced the Ontario government to rehire workers who lost their jobs as a result of their ill-fated internet porn investigation.

While this ruling carries no direct implications for Yukon government workers who were caught up in PSC's version of the inquisition, it does cement the foundation of the union's argument that the entire process was unfair, unnecessary and inherently wrong. This is particularly true because

the Yukon government repeatedly pointed to the Ontario investigation as its model.

The Ontario decision echoes the outcome of mediation here in the Yukon. Two fired workers were reinstated and penalties such as suspensions were reduced by as much as two-thirds. The Yukon's mediated solution also eliminated the necessity for adjudication, thereby protecting the identities of 753 workers who had faced the ordeal of investigation.

As part of the adjudication process in Ontario, the names of the people, their departments, and details about the materials that formed the basis for their punishment were released to the public.

The personal damage from such open scrutiny can actually outweigh the punitive repercussions of the investigation itself. Reinstatement or penalty reductions may never allay their suffering.

Issues and numerous grievances here in the Yukon remain outstanding. Incredibly, nearly 18 months after the beginning of this mess the Yukon Party government still has not developed a human resources policy on computer use.

PSC has now informed the Union that they do not intend to develop a policy at all. Instead they point to the HPW's website as the definitive guideline. YEU, however, has not faltered in the belief that a jointly developed policy on computer use is essential.

Questions raised by ambulance purchase

Minister Peter Jenkins' apparent willingness to bypass established procedures when purchasing capital assets raises many questions.

- Why was this contract pushed through when the delivery date offered ample time to follow the Contracting Directive?
- Why would Minister Jenkins proceed in this manner when his attempt the following week to legitimize the purchase show he knew or should have known that his actions were inappropriate?
- Why didn't Minister Glenn Hart formally authorize the purchase when requested?
- Why was Deputy Minister Rob McWilliam bypassed, and a junior departmental official requested to place the order?
- Why was this a "special case", allowing the purchase to be sole-sourced, instead of proceeding to a tender?
- In light of the Auditor General's critical evaluation of Yukon government financial practices, what does Mr. Jenkins' behaviour say about this government's commitment to financial responsibility?
- What conclusions can be drawn about Mr. Jenkins' attempt to sell or transfer Yukon ambulance services to the hospital corporation? How will the public monitor similar financial dealings and procedures in the future?

Government worker dies in jobsite accident

Sadly, the YEU and the Yukon government lost a long-serving worker on June 17th, as a result of a job site accident. Brian Midgett was killed while helping load heavy equipment onto a transportation trailer. Employed by the government for nearly 30 years, he was only months from retirement.

Brian's passing underlines the ongoing need for training and vigilance in terms of workplace safety.

A joint investigation into his death is under way by the Yukon Coroner's Office, the RCMP and the Yukon Workers' Compensation, Health & Safety Board.

At the conclusion of this investiga-

tion, a report will be prepared. An executive summary of the findings will then be distributed to the family, the employer and the union local's Safety Committee.

The results of this investigation will determine if the Coroner's Office carries out a public inquest or judgement of inquiry.

WCH&SB statistics indicate that Yukon workplace fatalities have been relatively uncommon in the past 5 years. Four accidental deaths were reported.

However, the Board does qualify the numbers by noting that the counts in some years may not have been correctly reported.

Over the past 50 years, the Yukon has averaged 4 deaths per year. In

1995 alone, 10 workers lost their lives due to workplace accidents or occupational disease.

YEU calendar

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.

Events:

Food & Fun Family Picnic



About 200 people turned out for a family picnic on July 12th in Dawson City. The event was sponsored by YEU, YFL, Y017, PSAC North, and the National Component. Congratulations to Steve Geick and the other organizers for helping to raise the profile of Union workers in the community.

Contacts:

Staff (867) 667-2331

Linda Bidrman, Admin Assistant,
Membership Services; lbidrman@yeu.ca

Kathy Hanifan, Service Officer - contact for members and Shop Stewards;
khanifan@yeu.ca

Alex Furlong, Service Officer - contact for members and Shop Stewards;
afurlong@yeu.ca

Carolyn (Toody) Boland, Admin Assistant,
Financial; tboland@yeu.ca

Rebecca Anderson, Admin Assistant,
Secretarial; randerson@yeu.ca

Bob Nardi, Communications Officer -
contact for Newsletter and Website;
bnardi@yeu.ca

Denise L. Norman, Executive Director -
contact for YEU and Local Executive
Members; dnorman@yeu.ca

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201-2285 - 2nd Avenue, Whitehorse,
Yukon Territory, Y1A 1C9

Tel: 867-667-2331 **Fax:** 867-667-6521

email: contact@yeu.ca

Web: www.yeu.ca

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 or fax the number above.