

MINUTES FROM GENERAL MEMBERSHIP MEETING



Telephone Town Hall – February 7, 2019 @ 7 p.m.

1. **Meeting called to order** at 7:01 pm by Dan Goodman.
2. **Roll Call of officers:**
Suzanne Hodge, **President**; Dan Goodman, **Secretary-Treasurer**; Kevin Barr, **Recorder**; Brian Taylor, **VP #1**; Susan Espin, **VP #3**; Sandra Geldart **VP #7**; David Mowatt **VP #8**; Gorden McDonald **VP #9**; David Haere, **VP #10**, Doug Insley, **VP #11**, Charles Pratt **VP #14**.
3. **Adoption of Agenda**
m / s / c to adopt the agenda
4. **Adoption of November 14, 2018 Minutes** as posted on UFCW 247 website
m / s / c to adopt the minutes
5. **Business Arising from Previous Membership Meeting**
None
6. **President's Report**
 - two new members on the Executive Board; Dino Castellarin as VP #5 for Western Grocers. Dino is a long-term member with 30 years' service at Loblaw's Marine Drive Warehouse. Second Vice-President is Dale Juvelin. Dale fills the vacancy of the miscellaneous BC position, VP #13. Dale has been employed for 12 year with Five Corners Meat Co., formerly Vantage Foods.
 - Lots going on with Safeway/Sobeys (Dan to report)
 - New contract was ratified with Stong's on November 27th.
 - Annual Children's Christmas Party was held on December 3 at Burnaby Village Museum.
 - Vince Ready issued his decision on December 19th regarding Local 1518 negotiations with Sobeys. The decision included an imposed collective agreement for FreshCo for Local 1518. Local 1518 is currently appealing two parts of the decision. The first, is the exclusion of department heads from the bargaining unit on the basis that Vince Ready does not have the jurisdiction to exclude them. The second was regarding the dismissal of the new banner grievance. Local 247 is not a party to the Vince Ready decision. In addition, we have not yet began bargaining with Sobeys.
 - January 29th, Sobeys announced the conversion of 5 more Lower Mainland/Fraser Valley stores to FreshCo in 2019. In addition, the 5 stores of the 10 that closed last year will also re-open as FreshCo in the Spring, for a total of 5 stores permanently closed, 10 to be converted to FreshCo, and 3 additional that are currently closed in re-development projects. On the issue of the 5 most recent Safeway conversion stores, we have sent a letter to the Director of Labour Relations for Western Canada pointing out the imbalance between 1518 members and 247 members in terms of the options available to them with respect to the conversion. We were hoping to be able to address these issues for our members during a meeting under Section 54 of the Labour Code. Two days of meetings have been confirmed for the end of this month. We met on with our Sobeys' bargaining committee to update them. We anticipate bargaining to commence soon.

m / s / c to adopt the President's report as read

7. **Secretary-Treasurer's Report**

- Loblaw participated in the Leukemia & Lymphoma's Light the Night walk by allowing our members to sell paper lanterns at the front-end tills in the Lower Mainland stores. Almost \$36,000 was raised. In 2019 they will be holding walks in the Spring in Kelowna, Kamloops and Victoria. Loblaw generously agreed to allow Superstores in these areas to sell the lanterns.
- FG Deli who have been providing the smokies and hot dogs for the Vancouver Light the Night walk emailed us about getting more involved and sponsoring walks across Canada.
- We are in the process of printing Superstore agreements. Printing was delayed due to changes to many of the scales as a result of the November hearing on the impact of minimum wage.
- An education day was held for our Union Representative. This is given by our law firm as part of our agreement with them. Two of the most relevant topics were the cannabis act and how legalization impacts workplaces, and discipline for off duty conduct and social media.
- Vince Ready issued his award, between Safeway and Local 1518, on December 19th and last Tuesday, the Company announced five stores would close and be converted to FreshCo banner. The stores slated to convert are Abbotsford, Chilliwack, Aldergrove, Ladner and Maple Ridge. Three stores are due to close in May, one in July and one in September.
- Vince Ready breaks the re-opener decision into two, profitable stores and non-profitable stores. 13 stores are listed as profitable, as per the PNL statements as of period 5, fiscal 2019.
- It is interesting to note that prior to the closures, the Company stated they only had one profitable store location. He determines that the current terms of the collective agreement will stay in place until March 31, 2023, and awards, increases, or bump ups for non-Grid A members in 2021 and 2022. He then introduces a voluntary buy out to any full or part-time Grid A employee, with some exclusions, of three weeks' pay per year of service to a \$65,000 maximum. HE then says that the Company will own these hours and they may be scheduled exclusively to Grid B members. The remaining 39 stores are deemed to be experiencing financial difficulties and have more modifications, such as a reduction to the Grid B dental and health premiums, a reduction the contributions to the Union education fund, and the suspension of ATO.
- Also full-time Grid A employees, excluding pharmacy assistants and key personnel, can opt for a 36-hour basic work week consisting of four nine-hour shifts. Part-time employees will be paid at the full-time rate of pay and vendor stocking will be allowed in these stores. Mr. Ready gives a definition of vendor stocking in his decision. Members in these locations will also be offered the buyout. The changes imposed can be reverted should the store maintain profitability for one year or as of December 31, 2021. He also added in language on ATO that said that any full time Grid A employee, excluding department managers on a weekly salary, may elect to permanently forego their rights to ATO and return for a lump sum of \$5,000, less deductions. Employees electing this option will be paid out any remaining hours in their ATO bank.
- This decision can be made at any point up to December 31, 2021 when the term expires. The suspension of the ATO and the movement of part-time to full-time scales has already taken place for 1518 members. All remaining collective agreement language stays in place so no changes to vacation entitlement, pension contributions, and no copay on the benefit premiums, all things the employer was seeking. On the new banner issue, 1518 had argued numerous reasons why they didn't need to bargain a new banner deal, but unfortunately, Mr. Ready rejected those arguments and awarded a full FreshCo collective agreement, which also allows for members in those locations to choose a buy out or buy down option.
- On the same day Sobey's announced the conversions, they also distributed letters to 1518 members outlining their buy out options in the non-converting stores. What has this meant for our members? Massive confusion. 247 members in the five converting stores are alarmed that they don't have the same options as 1518 members and many just want to be offered anything to leave. The million dollar question is what opportunities will our members have in FreshCo location? As far as we know, FreshCo stores do not cut meet and they do not have a traditional

deli. In the 1518 FreshCo agreement, it states that they do not represent employees employed in the preparation for sale, handling, and selling of fresh, frozen, cooked, and smoked meats, fish and poultry. Language that mirrors the Safeway exclusions.

- We have spoken to the Company and are actively seeking more information from them. As we do not yet have firm bargaining dates for the full negotiations, we hope to utilise the Section 54 or adjustment plan under the code to deal with some of the new banner issues in a more expeditious manner. As Suzanne pointed out, we sent the company a letter asking them to meet and just this morning we agreed to two dates at the end of this month. These discussions will be specific to the five converting locations with the full bargaining to follow.

m / s / c to adopt the Secretary-Treasurer's report as read

8. **Guest Speaking – Murphy Fries from Koskie Glavin Gordon**

Please see attachment for her full notes.

- Cannabis in the workplace
- Social Media & Discipline

9. **Bargaining Report**

- Stong's members ratified an agreement on November 26 & 27. New deal has many improvements for grid "B" members including a new dental package and a much-improved wage scale. Company was looking for many concessions from all employees, but mostly current Grid "A" employees. We were able to maintain or improve original terms of agreement.
- Swiss Water ratified a new agreement. Members saw immediate improvement to the wages and premiums. But most important part was the transitional language that will help facilitate move to brand new facility over the next year or two.
- Fresh Street ratified a new agreement on January 28 & 29 after many months of negotiations. Many improvements including new full benefits package.

9. **Education & Training Report**

- Our free online platform WebCampus Plus is currently offering over 60 courses to all members and their families. Most courses require a commitment of approximately 10 to 15 hours of your time.
- In person courses at our New Westminster Training Centre started on January 21. Courses are free however some require a small fee for manuals, etc. In an effort to encourage more members for the winter season those small fees will be waived. Complete list of courses can be found on our website.
- 15 Shop Stewards attended our now popular money skills program last week. New course this year is the Labour Community Advocate which is booked for February 12 & 13. Provides participants with info about social issues faced by working people and the resources available in their community. Stewards are given the skills and referral techniques to assist members.
- a 3 day session, including first aid, bullying and harassment and transforming assumptions is booked for March 5, 6 & 7 in New Westminster followed by money skills in Victoria the following week and Kelowna in April.
- More introduction to Stewardship courses are booked.

10. **New Business**

- No new business.

4 questions taken by members on the call.

11. **Member Draw**

The draw was conducted electronically.

3 winners were picked; each receiving a \$100 gift card.

12. **Adjournment**

The meeting adjourned at 7:34 pm

Murphy Fries – Koskie Glavin Gordon

- Suzanne Hodge: Thanks, Dan. At this time, I would like to introduce our special guest speaker, Murphy Fries. Murphy is one of our lawyers at Koskie Glavin Gordon. Murphy has been with the firm for 11 years and has handled numerous legal issues for us. As everyone knows, cannabis became legal last October in Canada. That now raises the question of cannabis in the workplace. Has anything changed since it became legal?
- Murphy Fries: Thank you, Suzanne. The short answer to your question, what has changed for the workplace with the legalization of marijuana is not much. Today, it's no longer illegal to consume or possess small amounts of marijuana. But that means on your personal time and outside the workplace. Legalization does not change employees' obligation to work safely and to not work while impaired. The basic principles, particularly for employees in safety sensitive positions or working with customers haven't changed. And these include you cannot work while impaired or compromise the safety of coworkers or customers. And that implies to impairment by marijuana, alcohol, illegal drugs, and even prescription drugs that impair your ability to work safely.
- Murphy Fries: So, it's very important that if you have a prescription for medical marijuana, that you consult with your doctor about the amount and timing of your marijuana consumption, to ensure that you are not impaired while at work. And if your prescription for marijuana, or other medications for that matter, does impair your ability to work safely, the occupational health and safety regulations require that you notify your employer. The legalization of marijuana does not mean you can smoke it in the workplace or on the employer's property, even outdoors such as the parking lot. It doesn't mean that you can smoke marijuana on your lunch break, and legalization does not mean that employees can bring it into the workplace. You'll need to consider what your employer's policy says about bringing alcohol or drugs into the workplace.
- Murphy Fries: So, I recommend reviewing your employer's policies on alcohol and drugs, and contact the union if you have any questions. Back to you, Suzanne.
- Suzanne Hodge: Thanks, Murphy. Another issue that our reps are dealing with more frequently now is social media and discipline. Can our members be disciplined for what they say on social media?
- Murphy Fries: Thanks, Suzanne. That's a great question because sometimes our off-duty actions actually can have an unintended impact on the workplace. Generally, what employees do in their personal private lives when not working is their own business and should not concern the employer. However, social media is not a private forum. It is a very public forum. Employees should be aware that what they post on social media may very well be seen by their employer, their supervisor, their coworkers, or even customers. Even if that was not the employee's intention. And there's many recent arbitration cases saying that in today's world, employees cannot assume that their social media posts are private. Arbitrators have made it clear that employees should know that posting on social media is conduct for which they can be disciplined.
- Murphy Fries: And that's because any off duty conduct can give rise to discipline if it negatively impacts the employer's business or reputation. Or if that off duty conduct leads to a reluctance of coworkers or management to work with that person. So, posts, comments, shares on social media that have resulted in discipline include negative remarks about the employer, the employer's products, or business, management, coworkers or customers, offensive comments that are not necessarily directed at any particular person. This includes general racist, sexist, or homophobic remarks, or other comments that cause coworkers to fear for their health and safety. Posts that are likely to cause offense to customers and therefore harm the employer's reputation have also

resulted in severe discipline including termination. And sharing confidential business information of the employer or sharing the employer's images or logos without permission.

Murphy Fries:

So, here's some tips to avoid being disciplined for your social media use. Be careful who you friend on social media. Consider avoiding adding people who have a connection to your workplace. Be cautious in identifying your place of work in your profile or your posts. Review your privacy settings regularly and limit who can see your posts. Consider using a nickname or alias for your online accounts. Obviously, avoid making negative comments online about your employer's business, products, workplace, supervisors, coworkers, or customers. Be mindful about what you like or share. Even liking and sharing posts will show up in your profile. Consider whether your post could damage the employer's reputation or workplace relationship.

Murphy Fries:

And remember that anything you post online may be out there in the online world forever, even after you choose to delete it. Anyone you share your posts with can potentially save and further share that post online. In the end, if you have frustrations or concerns about your employer, consider expressing those complaints the old fashioned way in private with close family or friends, or of course formally through your union and the grievance procedure.

Suzanne Hodge:

Thank you, Murphy, for your responses. We appreciate having you here tonight as our guest. For our members, if you have any questions regarding cannabis or social media issues in the workplace, please contact your union representative directly.