

Telephone Town Hall – September 2, 2021 @ 7 p.m.

1. **Meeting called to order** at 7:02 pm by Dan Goodman.
2. **Roll Call of officers:**
Dan Goodman, **President**; Charles Pratt, **Secretary-Treasurer**; Brian Taylor, **Recorder**; Margaret Robins **VP #1**; Alicia Whitehead **VP #2**; Susan Espin, **VP #3**; Sandra Peters, **VP #4**; Dino Castellarin **VP #5**; John Lewinski **VP #6**; Sandra Geldart **VP #7**; David Mowatt **VP #8**; David Haere **VP #10**; Doug Insley **VP #11**; Dawn Stevenson **VP #12**; Dale Juvelin **VP #13**, Cathy Shannon **VP 14**;
3. **Adoption of Agenda**
m / s / c to adopt the agenda
4. **Adoption of May 13, 2021 Minutes** as posted on UFCW 247 website
m / s / c to adopt the minutes
5. **President's Report**
 - Local Union Election process – members were mailed the summer newsletter that contained an outline of the election process, nomination & election meeting dates. UFCW Special Assistant to the National President, Derek Johnstone is the election chairperson and running the election. For members in Invermere, your voting location has changed due to the federal election. Notices have been posted in your workplace and mailed to each member at their last known address and posted on our website. The election committee has been in constant discussion with WorkSafeBC, provincial and regional health authorities and the various meeting locations to make sure we are in compliance.
 - New Westminster Training Centre – Since the pandemic started there's been very few in-person training sessions and those that did take place were Steward or bargaining committee training. There hasn't been any of the extended courses where members sign up and attend. We all find it difficult to image returning to the old in-person courses anytime soon. We approached Lookout, who had recently purchased the building to see if they were interested in taking over our space. They agreed, and we will vacate the New Westminster building by beginning of October. Ximena will move to Head Office.
 - COVID – we continue to work with all of the Companies on COVID regulations and protocols. The recent spike in cases in the Kelowna area has seen us need to press Loblaw to reintroduce the various restrictions and signage, but things are slowly returning to normal. We still have restrictions on our own staff being in the office, but they are all in the stores servicing.
 - Staffing – Our bookkeeper is now retired as of July 30th. The last month she was with us, she and Sandra Hill, her replacement, worked side by side so Sandra would learn how we do things. Sandra came to us from Local 1518 so she has the knowledge of how unions work and the different reports that are unique to UFCW.
 - CLC Convention – The CLC Convention took place virtually in June and Team Unite led by UFCW Local 832 Secretary-Treasurer Bea Bruske, made history as the CLC's first ever all-woman slate to be elected in Executive position at the helm of the Country's labour movement.
 - Truth & Reconciliation Day – The Federal Government's Bill C-5 was given Royal Assent on June 3rd, and therefore, in observance of National Day of Truth & Reconciliation, September 30th, will now be a statutory holiday in Canada. In the majority of our collective agreements, the language states that employers will recognize newly proclaimed Statutory Holidays, provided that all

major retailers remain closed. This is old language and we need to update it and we are working with our National Office in pressuring the various employers to recognize the holiday. We are amending our proposal package to change the Stat or General Holiday language in the Superstore agreement, and we will be doing so for all collective agreements moving forward.

- Leukemia & Lymphoma Society of Canada (LLSC) – The Superstore campaign just finished and LLSC raised \$152,629 across all of Western Canada. And respectively, here in BC, we raised \$51,241, which was about \$19,000 short of what we did last year. Congratulations to Local 247 members in the Chilliwack Superstore for being the top fundraising store.

Sobeys update from Cathy Shannon – Assistant to the President:

- Notice to bargain the re-opener from the Safeway Extra stores was sent to Sobeys for Langley, Burquitlam and Dawson Creek stores. Preparations to bargain these locations has also started with a mailout to all members in those stores inviting proposals and other changes they would like to see in their agreement. We are hoping to put a committee together and to start we have Gord from our Dawson Creek location, who has over 40 years of combined service and experience with Safeway and Safeway Extra stores.
- The third wave of Safeway stores returning from Appendix B stores back to Appendix A stores will take place the week of September 5th. We have a total of 18 stores that have returned to Appendix A stores. Thanks to the good work done by everyone.
- Safeway met with Bruce Jackson (Union Rep) and myself (Cathy) back in June to discuss the Company's in-house meatcutter training program. This was what both parties had earlier agreed to work towards back in March of this year. We were pleased to see that the program the Company presented was more comprehensive than anything they had done in the past. We agreed to meet with the Company again after we shared the information with our meatcutter committee, which includes Doug Insley, Brian Taylor, both journey person meatcutters, with over 30 years of experience each working at Safeway. Alicia Whitehead who has successfully gone through the Thompson River University (TRU) meatcutter training program and is now an assistant head meatcutter. They reviewed the training program material, and when we had the second meeting with the Company on July 28th, they provided their feedback. The group of interest applicants for the program were the Lower Mainland and outlying areas of the province. Based on the current circumstances, the Employer and the Union came to an agreement that the first training group would be where the greatest need was. There are five applicants in the Vancouver area that will be part of the first group to go through the training program with further discussions by the parties on the outside Lower Mainland group that have also expressed their interest. The program will be 23 weeks in total and is slated to begin September 13 ending February 18, 2022, after which they will be placed on the meatcutter pool.

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

6. **Guest Speaker – Tony Glavin** – see notes/transcript attached.

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

- Loblaw Bargaining – We had a great response to the online survey with approximately 50% more members participated this time. The DC bargaining team also conducted 3 Steward based focus groups specific to their proposals, with one meeting for each DC. Initial bargaining sessions were scheduled with the Committee & Employer with the retail side meeting on July 27-30 and the DC side meeting July 27 & 28th. Proposals were exchanged, and the intent of the proposals were explained by both sides. Retail Committee was able to renew several relevant letters of understanding (LOU), gain agreements on health & safety related proposals, address availability relation proposals and resolved several housekeeping issues.
- One of the most significant was on the dynamic scheduling proposal that had initially been discussed over a year ago, when early bargaining initially began. It's a concept that arose out of

bargaining in Ontario with Loblaw & UFCW Local 1006A. The system is a web portal that can be accessed by the member's smartphone in real time. It's designed to give part-time employee's unprecedented ability to fine tune their work schedules according to what is going on in their lives on a week-by-week basis. It is an online tool that allows part-time employees to give away unwanted shifts to other employees, trade shifts with others or pick up shifts if they were looking for additional hours. There is also a component of the program that allows individuals the ability based on seniority to access hours in other departments rather than the employer hiring more staff. There were many questions in regards to this complex but interesting proposal from the employer. There's also considerable interest from many of our part-time members of the stores when the Local Union Staff discussed it with them. We reached out to Local 1006A for their feedback on how the initial rollout went and how it was adopted by the membership. WE were advised that the interest in dynamic scheduling grew quite quickly once introduced, especially with members trying to give away unwanted shifts. Local 1006A did have a number of concerns with apparent violation of the agreement language specifically regarding seniority and the assignment of additional shifts. This issue of potential violations of our seniority based scheduling right is a major problem in potentially adopting this system and must be resolved prior to us agreeing to this program. We will not be adopting the program if we cannot work out a resolve on the scheduling and seniority issues.

- The Retail Bargaining Committee has secured further meeting dates on September 15, 16 & 17th, and again on October 6, 7 & 8. We will continue to work through the non-monetary proposals with the goal of beginning the monetary issues as soon as possible. The DC Bargaining Committee is finalizing dates both September and October.
- Members are reminded that their current agreement is in effect until a new one is negotiated and ratified or there is a strike or lockout.

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

8. **Bargaining Report**

- Indigo/Chapters Coquitlam – we finally ratified a collective agreement. It's a location we recently organized. It's been a long process, as we were certified last fall; and after many attempts at trying to get dates from the Company since October of 2020, we started negotiations on February 23, 2021. This was the first contract so every line of every article had to be bargained. The Company is not used to that concept of a unionized workplace, and we had a hard time getting them to understand that all employees in the bargaining unit would have to be members and they'd have to deduct dues. The idea of seniority being used for scheduling and call-ins or extensions was a foreign concept to them. They argued with stats that most employers in Canada do not have to use seniority as a guide for determining hours, we had to remind them on this and several other issues that seniority only exists in a unionized workplace and there would not be a recommended deal without that. After we had most issues agreed to, they still wouldn't move on the issue of a probationary employee having access to the grievance procedure. A Union and employer are allowed to agree to a lesser standard during probation but to bar an employee completely is not legal. We were forced to apply to the Labour Board for a mediator, we could have filed an unfair labour practice as it's not legal to bargain an illegal position to impasse. With the assistance of the mediator who agreed with our interpretation of the labour code of banning probationary employees from the grievance procedure was not legal, he crafted some language that the company could accept. The collective bargaining agreement (CBA) was ratified on July 21 by 88%.
- YIG Squamish – We ratified the YIG Squamish collective agreement on July 15th. It mirrors other YIGs that also recently ratified.
- Other YIG Locations – We are waiting to confirm dates on other YIG locations. We will bargain YIG Kamloops on September 14th.

- No Frills Locations – We have several No Frills locations with agreements set to expire in November and we'll try to get to them before they expire.
- Five Corners Meat – we have agreed to dates in January 2022 for this plant in Chilliwack.

9. **Education & Training Report**

- We've offered two virtual Mental Health First Aid courses to our Stewards since May. This course offers many valuable resources that have now been added to our website for all our members to access. We plan to continue offering this course to Stewards in the fall & winter.
- We have booked a 3-day Introduction to Stewardship course September 14-16 for members who are interested in learning about the job of a Steward, including two young new members from Indigo/Chapters in Coquitlam.
- The current pandemic has given many members the opportunity to access webCampus for the first time; enrollment has seen a significant increase this past year. There are over 150 courses available for members & their family members. Courses are free & registration is available on our website.
- Reminder that the deadline to apply for our Local's scholarship & grants is September 30th. Members can also apply for the scholarships offered by UFCW Canada. Access to all scholarship information and application forms is available on our website, under education tab.

10. **Guest Speaker – Jeremy Jones** – see notes/transcript attached.

10. **New Business**

- No new business.

4 questions taken by members on the call.

12. **Adjournment**

The meeting adjourned at 8:03 pm.

Member Draw - was conducted electronically. 3 winners were picked; each receiving a \$100 gift card.

NOTES/TRANSCRIPT FROM GUEST SPEAKER – TONY GLAVIN

Hello to all the brothers and sisters of the union that are joining us on this virtual town hall meeting. I've been asked to give a very high level review of the law and legal issues related to masks and vaccination orders and policies in this global pandemic. It's an issue that is a moving target. It's very much one that is fluid as a result of the escalation in infection rates and then the de-escalation and infection rates, and how governments are responding accordingly. And indeed, how employers are responding to those, I'll call them moving targets.

So I thought I would talk just at a very high level tonight on four issues, on masks, on vaccinations, on employer policies and then on the legal issues and the law that applies to the above three issues. And we've been accustomed, for some time now, of course, with masks in our workplaces, when we're out in public, when we're with even friends and family. It's common for some time, everyone's got a variety of different masks, I'm sure some are funny, some are pretty bland, some are worn out. But we've been subject as citizens and as employees to various government orders as well as employer policies.

So the public health officer has issued, early in the pandemic issued orders for masks to be worn in addition to social distancing and determined that masks would be required in certain indoor establishments, virtually all indoor establishments when the infection rate is high. It's gone from mandatory masks and social distancing in all indoor establishments to optional mask wearing as COVID numbers have come down, and then to as you know, re-instituting mandatory masks as COVID infection rates have increased.

Grocery store chains and others of your employers have instituted their own employer policies requiring their employees to wear masks, even when the public is not similarly mandated. The public health office and Dr. Bonnie Henry has issued orders, employer policies have been issued and they are subject to health and safety legislation regulations, privacy legislation and human rights legislation. So I'll come back to those legal issues that arise shortly.

So I've spoken about masks, the recent order from the public health office and Dr. Bonnie Henry on August 23rd was that we would have mandatory vaccinations in certain establishments. And it would be phased in over the next six weeks, actually eight weeks. So the new BC law will require, as of September 13th, at least one vaccination has been had by an individual and double vaccination has been had by individuals for indoor organized gatherings.

There's a variety of sports and fitness centers, gyms, pools, recreation facilities and nightclubs, casinos, pubs, restaurants, etc., that would be subject to and covered by the public health order of August 23rd, again, that would require by September 13th one vaccination and by October 24th, the double vaccination in order for persons of the public to go and gather in these places. And additionally, that would mean that employees who work and serve in these settings would be required to have double vaccinations. I don't see, currently anyway, the public health order for double vaccinations having direct application to grocery stores. That's not to say that that public health order won't be varied to include all indoor settings. But currently, it doesn't specifically say that it will apply to grocery stores.

Having said that, I move on to the third topic I wanted to discuss, which is employer policies. So absent a public health order that would cover your workplace, such as a casino or a nightclub or a restaurant where double vaccination would be required, employers are still able to issue their own employer policies related to health and safety. That would include masks, social distancing and possibly, vaccination and proof of vaccination. And really, both mask and vaccination policies, when they're issued by an employer, as opposed to a government order, they have to meet three criteria. Number one is that they have to be lawful. Number two is that they have to be reasonable. And what does that mean? That's a lawyer's favorite word. But it means that the policy that an employer issues has to be clear, it has to be communicated to the employer's workplace, it should be done with proper notice to the employees and importantly, it should be proportional. So you shouldn't have employer policies that overshoot the objective that they're intending to achieve, which is health and safety, obviously.

So in certain employment settings, for example, it would be overshooting, and it would not be proportional for there to be a requirement for double vaccination, where maybe you work on a farm and you're outside and other methods would achieve the objective of providing a healthy and safe workplace such as masks and social distancing.

The third aspect of an employer policy is that it needs to allow for accommodations. So even if a policy is otherwise valid, if it applies to individuals in a way that could result in discrimination, then employers are required to look to accommodate those employees to the point of undue hardship. So for example, if the employer was validly, if, and I'm just making an assumption, validly imposing a vaccination policy and if an individual that worked for that employer were

able to show that they were not able to take a vaccination because they were immunocompromised and the doctor was able to say, "Look at this person, can't have that kind of a vaccination. They can't have any, in fact," the employer has to look at accommodating individuals like that. They may be able to accommodate the individual, they may not. The legal test on that is the employer is required to try to accommodate an individual to the point of undue hardship.

So I mean, I could go on for hours to talk about those sorts of legal issues. But that's a very high level look at how employer policies would be judged and also reviewed by your union in consultation with their legal counsel.

Just let me conclude by talking about the legal issues, the specific legal issues that arise. And sometimes they come into conflict and they compete with each other and they serve different interests. So the first is health and safety laws. So employers are required by WorkSafe regulations to provide and maintain a safe and healthy work environment. And that means protecting its workers. And that would include being compliant with public health orders. So health and safety is one overriding legal issue that's always at play in the context of a pandemic.

Then we look at privacy issues. Because privacy is important. We've got privacy legislation in British Columbia. And when we're talking about disclosing people's medical information, i.e. whether they have been vaccinated or whether they're immunocompromised and can't have a vaccination, for example, the employer is required to be very careful not to disclose your private medical health information. They need to protect that information. So in addition then, to health and safety law, there's privacy law that has to be considered when addressing issues of masks and vaccinations in a pandemic.

The last issue, and I've touched on it, the last legal issue is a human rights consideration. And that's around the issue of accommodation. So I've given you that example of someone who might be immunocompromised, it's possible, and there's been discussion in legal circles, and I've given legal advice on that it's possible that someone might need to have a religious accommodation, if their religion specifically... I'm not aware of one frankly, but it's possible that one's religion might say, "No, you're not to have vaccinations." And employer would have to consider whether they can allow a person who needs that religious accommodation to continue to work in the workplace safely, whether other methods of containment of transmission, such as masks and social distancing would be sufficient to accommodate these people. And if not, then unfortunately, they can't be accommodated.

So those are the very high level legal issues that are at play related to, and they're moving targets. And then I say that for a couple of reasons. Number one, the infection rate has been fluctuating, we're predicted to have greater infection into the fall. But hopefully, the projections aren't too bad. And the policies that employers will impose won't be too onerous on our employees. Thanks.

NOTES/TRANSCRIPT FROM GUEST SPEAKER – JEREMY JONES

Good evening. And it's impactful to represent our Indian Residential School Survivors Society. My English name is Jeremy Jones, I come from Nanoose First Nations on Vancouver Island. I'm coming to you also as a resolution help support worker slash LGBTQ+ liaison for the Indian Residential School Survivors Society. I'm very honored to have just a few moments to discuss some of the important work that we at IRSSS do and that to really commend you for the work that you all are doing. Also, recognizing that this topic is really heavy, that this topic isn't a comfortable topic, that this topic isn't always easy to hear when our ideas of our history are challenged, especially by Indigenous folks. And I also would like to take a moment to recognize that we, as First Nations people to North America do not hold the hallmark on trauma due to colonialism and that we as Indigenous people have shared trauma with a lot of Indigenous folks from across the world. Yeah. So that's my little opening spiel that I often do.

And at IRSSS we often get the privilege of speaking to many different types of people about some of the history, some of our understanding of colonialism, Residential Schools, day schools, the Sixties Scoop, missing and murdered Indigenous women and girls, as well as many other very, very heavy topics. We often have a lot longer than I have currently. But here we are.

And yeah, so like just in my little short description, I am hoping to foster a sense of curiosity as the road to empathy, and understanding that we as Indigenous people are here, I would imagine that we as Indigenous people are working for many of the people in your union, that there's many Indigenous people that your union serves and the services that you all provide and that, yeah, we're here, we haven't gone anywhere and that there are many beautiful resources around educating and why is that important, that we understand about one another and that our history has historically not been taught, but resources have been made available in various different places, whether it's the TRC's calls to action, and report the MMIWG report and calls to action, UNDRIP. And also really other beautiful pieces of art like The Inconvenient Indian is such an amazing book and such a great starting point for folks who don't have access or have prior knowledge to the true colonial history of North America, actually that one touches on...

Indian Horse is really impactful film, also really heavy. So if you're not in an great emotional state, maybe that's not the one to watch. And also Phyllis Webstad who is the founder of the movement of the Orange Shirt Day has a website that's orangeshirtday.org that has so many beautiful resources and goes into her story of why Orange Shirt Day came to be and is a little recap, and it's very, very short recap that Phyllis, upon arriving at school, was really proud of her orange shirt, she was really excited and then that was one of the things that was taken away from her, and she's never seen it again. So there's that.

And we don't have these conversations to be blaming or to cause more trauma, but to say this is a part of who I am, as an intergenerational survivor. And you might ask, what is an intergenerational survivor? Which would be a fair first question. That means that both of my biological parents attended Indian Residential School, my father attended the Port Alberni Indian Residential School here on Vancouver Island. And then, was actually one of the first folks in the Blackwater case, which was a bunch of men who attended the Port Alberni Indian Residential School, who held the government accountable for the atrocities that happened in these school.

And that, yes, so that's the part of who I am. And also, just an ask for the folks who are listening to really, A, be gentle with yourself in navigating these histories, because they are awkward, but also recognizing that they're not so far removed in that I'm only 35 and lived with many years of the after effects of these schools and that the last school closed in 1997, and so I would have been in my grade four.

And so yeah. And recognizing that September, for a lot of survivors and their families are a really hard time because of the triggers that come from that. And so if you have survivors that you're working with, if you're a survivor yourself, if you have folks who are Indigenous who have survivors in their family, September is a really hard time of year, and that these supports, such as Indian Residential School Survivors Society, who service a lot of BC, Tsow-Tun Le Lum on Vancouver Island, the Nuu-Chah-Nulth Tribal Council also on Vancouver Island. KUU-US Crisis Line that's 24 hours.

IRSSS has a 24-hour crisis line at the moment as well, to really, yeah, encourage folks to interact or to utilize these services. And to know that some of the helpful things to say to survivors is that you are not ever going to be taken to one of these schools again, and to recognize that Orange Shirt Day can be really traumatizing for, or re-traumatizing for survivors. And so yeah, Orange Shirt Day is really beautiful and holds a lot of healing for a lot of people but it also can be pretty triggering, as well.

So as we move forward in these activities of Orange Shirt Day know that we do so gently in that we really recognize that it is bringing up a lot of memories for a lot of people but it's also bringing up a lot of feelings for other folks as well. Yeah. So again, and in these presentations, I often get a lot of folks coming to the positionality of what do we do as non-indigenous people? And my invitation always is A, be comfortable being uncomfortable. And continue education, continue these conversations within your perceptive workplaces and that also beyond just wearing an orange shirt at the end of the month, continue to support Indigenous businesses, continue to support Indigenous ventures, really find ways to center Indigenous voices, diverse Indigenous voices too, and not to tokenize Indigenous people, not to make, if you have one First Nations person on your staff, don't make them the expert for an entire continent of people because that's unreasonable. And I know subconsciously, we as human beings look for answers, and we'll see someone who might have a little bit of knowledge and expect maybe a little too much. Yeah.

So, yeah, to continue to cultivate safe spaces for all people and recognize that complex relationships are hard to navigate, especially when dealing with such a diversity as First Nations people and the mixed identities that come with that and all these kinds of things.

So again, in a very short amount of time, that was a lot of information. And my invitation for folks is to continue to be gentle with themselves as we navigate this topic, and to continue learning, if you don't know what you don't know and to find ways to support our people, however that feels right for you, whatever you have the capacity for.

And I really want to thank you and the folks who invited me here, to take this little amount of time to hear just a drop in the bucket of a really bigger presentation that we at IRSSS do. And that, yeah, the more we have these conversations, the more as Canada, we can continue to turn this page of dark history in our country and that we as First Nations people, Métis people, Inuit people cannot do this without each and every one of you, that we also recognize that there's a lot that's happening in the world, and that it's like there's so much. Continue to take that self-care. And self-care isn't necessarily just going for a run or having a bubble bath, its finding psychological help, ceremony, whatever that looks like for you. Yeah.

So that's my little spiel, I really, again, just raise my hands and invite you to continue to be curious and use curiosity as a road to empathy. Thank you for your time. And thank you for listening to me.