

UNION-PROVIDED WORKPLACE RIGHTS

Sometimes, it seems many members fail to appreciate the value of the union and the work you do on their behalf as a Local officer or Steward. The employer, however, knows very well how important you are! In fact, managers may attempt to block your union representation work.

Luckily, your collective agreement and provisions contained in the Public Service Labour Relations Act both protect union members from managers who try to prevent them from exercising their legal union rights.

There are two redress mechanisms that can be used to resolve the issue. The definitions, management prohibitions and tips on building your case are virtually the same for both. First, let's look at the law, and then your collective agreement.

The Law - Public Service Labour Relations Act

Section 190 of the Public Service Labour Relations Act says managers can't use intimidation or threats to get you to give up your rights under the Act. Section 190 also states that managers cannot interfere with the union representing its members.

If your manager is violating Section 190, you can file a complaint with the Public Service Labour Relations Board. It is called a Section 190 Complaint. If the Board agrees that Section 190 has been violated, they can order your manager to stop the actions.

The Collective Agreement

Most collective agreements contain a 'No Discrimination' article that may read like this:

"There shall be no discrimination, interference, restriction, coercion, harassment, intimidation, or any disciplinary action exercised or practiced with respect to an employee by reason of age, race, creed, colour, national origin, religious affiliation, sex, sexual orientation, family status, mental or physical disability, membership or activity in the PSAC, marital status or a conviction for which a pardon has been granted".

If you feel that you have been discriminated against because of your union affiliation or activity, you can file a grievance under the "No Discrimination" article.

Here are examples of actions that constitute a violation of either Section 190 of the Public Service Labour Relations Act or the collective agreement No Discrimination Article:

- Refusing promotions because you spend too much time on union business;
- Complaining that you file too many grievances;
- Threatening to discipline you if you continue to be involved in the union; and
- Noting in your personal evaluation that your job performance is affected by your union involvement.

A pattern of discrimination might show up in the following kinds of actions:

Unequal Treatment:

Assigning you more than your fair share of dirty work.

Taking away the more interesting parts of your job.

Suddenly hassling you about how long you take for lunch while continuing to be flexible about other people's lunch break.

Unfair Treatment

Examples of unfair treatment by management are suddenly giving you either too much or too little work, or deciding that your job performance is no longer satisfactory even though it hasn't changed.

It's one thing to know your manager is trying to intimidate you. It's another thing to prove it. You must name the manager in your complaint or grievance and you must be able to show that the intimidating actions took place. You must also show that the person you name intentionally sought to prevent you from exercising your rights. The Public Service Labour Relations Board will assume that the manager is innocent unless you can prove that he or she is guilty. It is important that you furnish enough evidence so your representative can build a sound case.

Here are some tips on building a case:

Keep a record of all the remarks and incidents that you think were intended to intimidate you. The Board may not be impressed by one incident, but a pattern of intimidating practices might convince them.

In your record, note the dates and times of intimidating remarks and incidents.

Mention your suspicions to someone else early on.

Find witnesses who overheard the remarks.

Keep copies of damaging letters and memos.

Ask your union for advice as to whether it is preferable, under the circumstances, to file a grievance or a Section 190 Complaint.

Remember – unions and union members have rights. Don't let anyone take those rights away!

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