



CEPACC MEMBERSHIP BULLETIN SEPTEMBER, 2009



Collective Agreement Amendments

The proposed changes to the collective agreement for per diems, boot allowance and Group Assured Access, were accepted by 93.3% of the members who voted. The increase to per diems and boots allowance was effective July 3, 2009. Members are responsible to ensure that they received the correct entitlement. Acceptance of Group Assured Access means that for the first time Other Post Employment Benefits (OPEB's) are now enshrined into our contract. Now, we need to work on obtaining guarantees of the \$1000 OPEB allowance and the grandfathered benefits. The CEPACC Executive is pleased with the outcome of the vote because it helps a lot of members who would have had some very difficult times ahead paying for drugs and other benefits. Thank you to all who came out to vote on this very important issue.



New National Rank & File Board Member

Ron Beaton from Local 972 in Cape Breton, NS, who was the longest serving National Board Member in our union, retired July 1, 2009. Ron brought a wealth of knowledge and history to the Board that will be greatly missed. However...we are delighted to announce that Lisa Martin from Local 506 (NB), having been elected as first alternate at the last national convention, has been called up to be a permanent member of the Board. Lisa will bring her own sense of style and enthusiasm to the Board and we know she'll do a great job in representing all CEP Atlantic Region members. Congratulations Lisa!! CEPACC members now make up 3 of out 4 Rank & File positions on our National Board. Mary Croke and Penny Fawcett are the two other Board Members. Noel Pauley, President Local 401 now moves up as first alternate after being elected as second alternate at the last convention.



8th National Women's Conference



The 8th National Women's Conference is being held in Ottawa from Nov 8 – 10, 2009. Each Local will be sending delegates based on rules set out in their respective local

by-laws. This year's theme is **'Breaking Down Barriers...Building Equality!'** Two workshops are designed for all participants: 'CEP Confronts Harassment and Bullying' and 'Economic Crisis – We're Not Taking This Sitting Down'. The other two workshops are for women only. They are 'Taking on Harassment and Bullying' and 'Finding Our Voices'. For more detailed information on the conference, go to www.cep.ca. Check with your steward to find out the process for delegate selection / election in your local.

Occupational Health and Safety Right to Refuse

Every winter we have the same discussion with the company and every year it's the same response. Every time there is a major snow storm, there are questions from members about whether or not the company is going to take company vehicles off the road. Well, you don't have to wait for the company to take action. **Every member has the right to refuse dangerous work. If you don't feel safe driving your company vehicle during a major storm then you have the right to refuse to drive it.** You must notify your supervisor that you are not driving in dangerous conditions and **YOU** are taking your vehicle off the road. (See page 2 of this bulletin for more detailed information.) **YOU** sometimes have to take measures yourself to ensure your own safety. Remember... **"No job is so important and no service is so urgent, that we cannot take time to perform our work safely"**.



CEPACC 2nd Biennial Council Locals Meeting

This years Biennial Meeting was held from May 29 – 30, 2009 at the White Point Beach Resort in Liverpool, NS. A total of 28 delegates, 2 national representatives and 4 resolution committee members attended. In addition, there were three guest speakers, Wendy Sol, CEP Administrative VP for the Western Region, Ervan Cronk, CEP VP for the Atlantic Region and Rick Clarke, President of the NS Federation of Labour. Several amendments were made to the Council By-laws pertaining to voting strength based on dues paid to the Council rather than to the National; a specific time when local delegate entitlement to the Biennial meeting is determined; clean up of who conducts elections if there is a vacancy during mid-term and mileage will now be based on the National Union's rate rather than the company's rate. There were no elections conducted as all positions went uncontested. The CEPACC Executive remains the same with Penny Fawcett, President of Local 2289 as the Chairperson; Phil Briffett, President of Local 410 as the Vice Chairperson; Noel Pauley, President of Local 401 (PEI); Chuck Rouse, President of Local 506 (NB); Mary Croke, Recording Secretary and Joyclin Coates, Treasurer. The 3rd Biennial Council Locals Meeting will take place from June 10 - 11, 2011 in Rocky Harbour, Gros Morne National Park, NL.



In Memoriam

Wayne Simms: It was with deep sadness that we heard of the sudden passing of our co-worker and union member, Wayne Simms on March 19, 2009. Wayne was well liked and respected by all who knew and worked with him. Wayne worked as a Network Technician on Toll Route out of the Mount Pearl C.O., NL. Our deepest sympathy to his wife Donna, sons Evan & Ryan, to his brother Dennis, a CEP Local 410 member who works in the Hermitage, NL area, and to all members of his extended family.

John O'Keefe: Passed away suddenly on May 25, 2009 at his residence in the Goulds, NL. John Joseph O'Keefe age 56 yrs. John worked for many years at the Allandale CO as a Network Technician and he was a union member for 35 years. John was mostly known at Allandale for his 'walkabouts'; keeping in touch with just about everyone in the building. He will surely be missed by his co-workers in that office. Condolences are extended to his wife of 32 years, Pauline as well as two daughters; Melanie and Justina.

In solidarity,
Penny Fawcett, Chairperson
Chuck Rouse
Mary Croke

Phil Briffett, Vice Chairperson
Noel Pauley
Joyclin Coates, Treasurer

Workers Right to Refuse

Section 128 of the Canada Labour Code Part II, gives workers the right to refuse to do any work that constitutes a danger.

Workers have the right to refuse work if they have reasonable cause to believe it will place them in danger, or place other workers in danger.

“Reasonable cause to believe” means that a worker has some knowledge that the work will cause them harm. This belief could include the following:

- Heard about.
- Read about.
- Been told about.
- Have seen injuries or illness occur
- Suspect because of past experience.
- Have been involved in.

The Definition of danger means that the workers have the right to refuse to do any task that they believe will cause injury or illness to them;

- If there is a hazard, a condition or an activity involved that might cause an injury.
- If the injury or illness might only appear in the future and is not imminent.
- If the task involves a hazardous substance.
- If the task might cause a chronic illness.
- If the task might cause a disease.
- If the task might damage the reproductive system.

Workers do not have to prove that a danger exists in order to refuse-only to reasonably believe that it exists.

Steps To Be Followed When Refusing To Do Dangerous Work

- Step 1.
 - ✓ Report at once your refusal to your immediate supervisor
 - ✓ Your supervisor must investigate the circumstances of the refusal and if he/she must take immediate action to protect employees from the hazard. (This could include eliminating the hazard/exposure or stopping the process) Until then, the worker should be in a safe place. A report of the action taken must be given to the Workplace Health and Safety Committee or Representative.
 - ✓ If the supervisor does not agree there is a danger or does not take adequate steps to resolve the danger, you can continue to refuse.. You must immediately report the circumstances to the employer and to the Workplace Committee or Representative
- Step 2.
 - ✓ The employer must immediately start an investigation in the presence of the worker and a worker representative from the Workplace Committee or the Workplace Representative.(Where there is no Committee or Representative the worker can select another worker to be present.)
 - ✓ If a group of workers are refusing, they can all be present or appoint one of them to represent them during the investigation.
- Step 3
 - ✓ If the employer does not agree that there is a danger or does not take adequate steps to resolve the danger, workers can continue to refuse. The employer must inform a Health and Safety Officer of the continued refusal.
 - ✓ The employer must inform the Workplace Committee or Representative of a continued refusal.
 - ✓ Workers should stay in a safe place until the Health and safety Officer has arrived and completed an investigation. The employer may reassign workers to another job that they are qualified to do.
- Step 4
 - ✓ The Health and Safety Officer must without delay investigate the refusal. The investigation must be conducted in the presence of the following:
 - A worker member of the Workplace Committee or
 - The Workplace Representative
 - The worker refusing or their designate
 - The employer
 - ✓ When the investigation is done, the Officer shall immediately give a written copy of the decision to the worker and the employer.
 - ✓ If the Officer concludes that a danger exists she/he shall issue a direction to the employer and the worker can continue to refuse until the employer has complied with the direction.
 - ✓ If the Officer concludes that no danger exists, the worker must stop the refusal.