



WAPSO-IFPTE LOCAL 162 ANNUAL GENERAL MEETING

**Wednesday November 1, 2017
Meeting Room, United Way
580 Main St
Winnipeg, MB**

AGENDA

1. Call to Order
2. Approval of the Agenda
3. Greetings – Paul Shearon, Secretary-Treasurer IFPTE
4. Approval of the Minutes of Annual General Meeting, November 7, 2016
5. Matters Arising from the Minutes
6. Reports
 - a. President
 - b. Administrative
 - c. Auditor
 - d. Secretary-Treasurer
 - e. Proposed Budget
7. New Business
 - a. Nominations and Elections for the 2017-2017 Board of Directors
8. Adjournment



Annual General Meeting
Minutes

November 7, 2016
12:00 p.m.

-
1. **Call to order** at 12:05 p.m.
 2. **Approval of minutes of Annual General Meeting, November 4, 2015**

Motion to adopt November 4 minutes as presented. Motion by Fred Carlson, seconded by Richard Mahe. Carried

3. **Matters arising from meeting** – none.
4. **Reports**
 - a) **President**
 - b) **Admin**
 - c) **Auditor's Report**
 - d) **Secretary/Treasurer**
 - e) **Proposed Budget**

Motion to accept budget as presented. Motion by Richard Mahe, seconded by Andrew McMillan. Carried

5. **New Business**
 - a) **Nominations and Elections for 2015-2017 Board of Directors****Nominations from the floor.**

Nomination of Richard Mahe as 1st Vice President by Michael Robinson. Acclaimed

Nomination of Angela Smith as Secretary/Treasurer – Acclaimed.

Nomination of Darren Wolf as member at large Group 2 by Michael Robinson. Carried

Nomination of Tim Holmes as member at large Group 4 by Andrew McMillan. Carried

Adjournment: Motion to adjourn at 12:45.m. Motion by Alex Regiec.

Michael Robinson, President

Alex Regiec, 1st Vice-president

2017 Annual General Meeting – President’s Report

Thank you for allowing me to serve as your president. I would also like to thank the following people for the past year of support, patience and hard work, they are: first, our WAPSO staff Dee, Val, Saadia, and Alyssa.

I would also like to thank our Board and Executive. All of these individuals work hard to serve you, our members. Our current Executive is:

Richard Mahe – 1st VP
Donna Jacobs – 2nd VP
Angela Smith – Secretary/Treasurer

Other Board members include:

Adam Cunliffe – Parking Authority
Tim Holmes – Water and Waste
Bonnie Konzelman – Public Works
Pam Langstaff – Planning, Property, and Development
Tara Martin – Riverview Health Centre
Nelson Maurer – Transit
Alex Regiec - Transit
Gary Swanson – Community Services
Derek Teperto – Public Works
Andres Villafana – Corporate Support Services
Rochelle Viray – City Clerks

I would also like to thank Chad McKenzie from Transit who served on the Board as well over the past term.

I would also like to thank our IFPTE representative Dave Sauer, for his assistance this year in developing our political action strategy and assisting us wherever he was needed. We are proud to be a local of IFPTE.

Lastly, I would also like to acknowledge my colleagues at my job at Planning, Property, and Development. Without their support and ability, my time away from my workplace would not be possible.

The last year has been a year where WAPSO has continued to flex its muscle and has made its presence known around the City.

One example is how WAPSO took a very firm position on Schedule J in the City of Winnipeg Collective Agreement, and communicated to our members that they had the right to say no to reassignment and that they were not obligated to volunteer to perform the work of striking employees from another bargaining unit.

We filed a grievance and went to arbitration on this matter, because we had a strong conviction that Schedule J was applied improperly by the City. At the end of October, we were notified that the arbitrator had ruled in our favour on most of the points in our grievance.

Including the arbitration on Schedule J, WAPSO has filed a total of 13 grievances against employers in the past twelve months and has had 5 arbitrations.

The sheer volume of activity is in a large way attributable to WAPSO's determination to fight for its members and to make sure that our membership is treated fairly by their employers.

Standing up and fighting for the rights of our members is a mindset that is shared collectively by the Board and the staff and one that we will continue. I have spoken with many members and I can honestly say that this change in mindset is being noticed and acknowledged by our membership.

I would like to thank the Bargaining Committee, our staff, and our legal counsel Fred Thiessen for their hard work starting at the beginning of this last round of negotiations in December 2015 that culminated in WAPSO receiving a favourable award in the City of Winnipeg arbitration. The favourable award was in large part due to the countless hours of research and writing that occurred in preparation for the arbitration hearings.

In other efforts at the City - in last year's report, I talked about our joint efforts with CUPE to fight increases in vacancy management at the City. These efforts appeared to pay off – because in the 2017 budget, the City decreased savings for vacancy management from \$20.9 million to \$18.5 million; a 12% decrease.

This year, Transit security was a big issue in the news after the vicious murder of a transit operator, Mr. Irvine Fraser. Following that incident, I spoke at Standing Policy Committee on Infrastructure Renewal and Public Works and advocated for WAPSO being included in the newly created Transit Advisory Committee, which is being tasked with improving transit safety. Due to this advocacy, our Executive Director, Dee Gillies, has been appointed to the Committee – to ensure that WAPSO can represent our Transit members and make their voice heard in these important discussions.

This has been a challenging year for health care. Two bills introduced by the Pallister government could have a significant impact on our membership. Bill 28 aims to limit wage increases and to take them out of the collective bargaining process. Bill 29 is designed to reduce the number of collective bargaining units in the health sector. WAPSO joined with more than a dozen unions across the Province to challenge this legislation as unconstitutional.

Our statement of claim asks the Court of Queen's Bench for an injunction against the bill and a declaration that the wage freeze is unconstitutional.

While we wait to see how this will affect the WRHA and Riverview Health Centre, we are taking every step that we can to protect the rights of our members.

As you may have noticed, we are also continuing our member outreach. One example of that is our second annual hot dog day event at various locations throughout the City. This year we expanded to a fourth location at Winnipeg Transit. We had a great turnout at these events again this year and I personally got to meet many members. We are planning to continue this event next year.

Also, the Board has approved budget for a \$500 scholarship again next year. This year, thanks to one of our board members Alex Regiec, the dollar amount was matched – so instead of one, \$500 scholarship for one student, we were able to award two, \$500 scholarships. The two recipients of the scholarships this year were:

Anson Chan - Son of Terence Chan (Corporate Support Services)
Ashley Ng - Daughter of Johnny Ng (Corporate Support Services)

We've also continued to budget for professional development opportunities for members. This past year, we sent three members to the Mel Myers Labour Law Conference in Winnipeg and two members to the Canadian Labour Congress. We will continue to invest in professional development opportunities in the coming year.

Personally, I have enjoyed serving you as your President over the last two years. I hope that I was able, in a small way, to make WAPSO better and to leave the organization in a strong position as we keep pace with the challenges and opportunities that face us in the future.

In conclusion, I would like to say thank you to our members. Thank you for your attendance at our various bargaining information sessions, member meetings, and our hot dog days. Thank you for your questions and your input. The staff and Board will continue to serve you to the best of our ability. Thank you.

Respectfully submitted,

Michael Robinson
President
WAPSO-IFPTE Local 162

Executive Director's Report

October 30, 2017

The 2016/2017 Board year has been very challenging year with major changes in health care delivery, the introduction of Bills 28 & 29, our Interest Arbitration for the City of Winnipeg, and an unprecedented number of complaints, grievances and arbitrations, with the City of Winnipeg, the WRHA and Riverview Health has not been without its challenges on the Labour Relations front also.

WRHA & Riverview Health Centre

The Province's Manage to Budget strategy and changes to health care delivery have resulted in layoffs in health care, in particular, of nurses, aides and physiotherapists. At this time, we have no reductions in our staffing levels however we have no guarantees that our members at the WRHA or Riverview will not be affected. Changes to service delivery are ongoing and have really just started.

Both the WRHA and Riverview's collective agreements expire in March 2018 and will be affected by Bill 28. Bill 28 is the Public Services Sustainability Act. It calls for public sector workers to receive 0% in year 1, 0% in year 2, 0.75% in year 3 and up to 1% in year 4.

Assuming inflation continues to increase by a rate of two per cent, the net effect of this loss to purchasing power will be compounded year-over-year to the tune of 6.2 per cent at the end of the legislated wage pause. Bill 28 was passed by the government in June 2017 but to date, has not been proclaimed.

As Bill 28 is a direct attack on the collective bargaining rights of Manitoba workers who provide public services, WAPSO has joined with Manitoba's public-sector unions to create a Partnership to Defend Public Services (PDPS) to determine a strategy and response to this legislation.

The Partnership to Defend Public Services asserts that Bill 28 is both unfair and unconstitutional and has mounted a legal challenge. An injunction against this unconstitutional restriction of collective bargaining rights was filed on October 20.

We expect this legal challenge will be long and the process will be very slow but very important for us to participate in to protect our rights under the Constitution.

The Health Sector Bargaining Unit Review Act (Bill 29)

This Bill establishes a fixed number of bargaining units for each health region and for each province-wide health employer such as Cancer Care Manitoba and Diagnostic Services of Manitoba Inc. There will be seven bargaining units for health care workers. They are as follows:

Nurses

Physicians

Medical residents

Physician assistants and clinical assistants

Professional/technical/paramedical

Facility support

Community support

WAPSO represents the Community TEAM Mangers at the WRHA and allied health professionals at Riverview Health Centre who will be directly affected by this legislation.

In an interesting turn of events, the WRHA grieved against the union regarding reimbursement of overpayment to 3 members. WAPSO denied all three grievances however the employer filed for arbitration on one of the grievances. WAPSO asserted that as the member had retired, WAPSO had no jurisdiction over the matter and that the jurisdictional issue must be addressed first. Our legal counsel is currently reviewing the jurisprudence for our argument.

We have had a number of grievances with the WRHA including a significant policy grievance for Team Managers concerning compensation when working stats while on-call.

City of Winnipeg

As noted in the Secretary-Treasurer's report, our legal bills have been very high this year. Most of the cost was for the Interest Arbitration however we have had an unprecedented number of arbitrations arising out of the grievance process.

Interest Arbitration

Collective bargaining, which began in December 2015, broke down in the July 2016 and conciliation was unsuccessful. We finally went to Interest Arbitration on April 24, 25 & 26, 2017 and received the arbitration award in July 2017.

The Interest Arbitration Board award was as follows:

1. The new collective agreement will be for a term of 4 years and 2 ½ months, ending on December 31, 2019
2. Wage increases of:
 - a. 2.2% effective October 31, 2015;
 - b. 2% effective October 31, 2016;
 - c. 2% effective December 24, 2017;
 - d. 1% effective December 23, 2018;
 - e. 1% effective June 23, 2019
3. Current employees are entitled to retroactive pay, payable as of the pay period following date that the new agreement comes into effect. Former employees or their estates are entitled to retroactive pay adjustments subject to submitting applications for retroactive pay in writing by December 31, 2017
4. The request by WAPSO to impose changes to the overtime provisions is denied
5. Standby rates in Article 32 are increased to \$50.00 to \$100.00 from \$45.00 and \$90.00 for weekday and weekend shifts, respectively

6. The request by ^{the} City to impose changes to the provisions concerning Sick Leave and LTD is denied
7. Schedule J is removed from the collective agreement.

Retroactive wages and the general wage increase have been calculated and paid out.

New Collective Agreement

We have been unable to finalize the new Collective Agreement as we had a dispute regarding the Professional Development Fund. As of October 24th we have reached a tentative settlement with the City. Once the details are finalized we will share them with you.

Grievances & Arbitrations

This year, we filed seven (7) individual grievances and five (5) policy grievances against the City. We also filed four (4) Unfair Labour Practice Applications against the City to the Manitoba Labour Board.

Of those, the City failed to respond in a timely manner on five (5) (42%) and we utilized the Expedited Arbitration process for resolution of the grievance. As you can see, this process is costly and is in all cases, unnecessary, as we can only invoke it when the City fails to respond in a timely manner.

We have had discussions with the City regarding timeliness in response to our grievances and reached a tentative agreement on a process to resolve this issue.

The following grievances are of broad interest:

Schedule J - WAPSO alleged that that the City breached both the terms of the collective agreement and Sections 16 and 80 of the Labour Relations Act in the timing and method of invoking a Schedule to that collective agreement (Schedule J) in the circumstances existing between approximately the middle of February and the end of June of 2017.

1. The Arbitrator allowed the grievance in part and made a declaration that the City was in violation of Schedule J in the following respects:
 - a. Failure to consult with WAPSO on the changes to the 2011 Voluntary Reassignment Form made after the February 15, 2017 meeting between the parties;
 - b. Conflating of the terms reassignment and redeployment in the election contained in the Voluntary Reassignment Form;
 - c. Failing to focus the request to make the election for reassignment to those employees who were likely not to be continuing in their home positions.

Further, the Arbitrator declared that the City was in violation of both Schedule J and of the duty to act reasonably in the administration of a collective agreement under Section 80 of the Act in the manner in which employees who did not respond to the initial request to submit the Voluntary Reassignment Forms were approached, including the repeated mentioning of the prospect of lay off and the language of follow up communications.

Finally, the Arbitrator declared the City was in violation of both Schedule J and of the duty to act reasonably created by Section 80 of the Act in not allowing, facilitating and/or communicating

the right of employees in the WAPSO bargaining unit to change their minds once the form was submitted.

The Arbitrator did not award damages as requested by WAPSO.

Schedule N – WAPSO filed an unfair labour practice (ULP) application with the Manitoba Labour Board asserting that, in imposing unilateral changes to the Professional Engineer Designate (In Training) Letter of Understanding committed an unfair labour practice by:

1. Seeking to bargain directly with bargaining unit members;
2. Unilaterally altering the terms and working conditions proscribed by a governing collective agreement;
3. Failing to bargain in good faith;
4. Seeking to impose a unilateral policy that contravenes the terms and working conditions of a governing collective agreement in bad faith.

We reached a satisfactory settlement through Board assisted mediation.

Scheduler Intern Program – Transit program that appointed CUPE & ATU and training employees to do Scheduler work without posting the positions in our jurisdiction and without requiring CUPE & ATU members to pay WAPSO dues while acting in WAPSO jobs. WAPSO grieved. As of September 4th, the program no longer exists.

Dues – The City has clawed back dues in excess of \$100 without prior notice in violation of an agreement made with the City in August 2015. We are close to resolution on this matter.

Salary Schedules – Two members grieved that neither the 2011 job posting they applied on nor their letters of offer indicated that the positions they won were on the A2 Salary Schedules and that they should not be capped out at the X2 rates. This matter was referred to Expedited Arbitration and the grievance was allowed by the single arbitrator. The grievors will progress to step 21 of the A1 Salary Schedule.

A follow up grievance arising out of City's defence of the initial grievance has been settled in principle, to WAPSO's satisfaction. (Any member on payroll prior to October 21, 2001 should be on the A1 Salary Schedule. This affects approximately 100 employees currently on the A2 Salary Schedule. We are negotiating a resolution to this matter).

Overtime Grievance – we have filed a grievance with the City impugning the lawfulness of the overtime provisions of the Collective Agreement. We have the Step 2 hearing scheduled on Friday November 3.

Labour Management Committees

This year, Robert Kirby reinstated the Labour Management Committee at the City of Winnipeg which will hopefully help to resolve issues as they arise. The WRHA's committee has been active for some time. I am pleased to report that WAPSO takes an active role in all Labour Management Committees.

Office News

Once again, our office staff have been exemplary in the commitment and support to WAPSO. Saadia Maryam and Val Verity in particular provide a commendable level of support to our members, Alyssa Hung and me.

A special thank you to Alyssa Hung, our Labour Relations Officer who has been very busy this year. She manages all our labour relations/human resource issues with the City, the WRHA and Riverview. She has proven herself to be a competent and prepared witness at arbitration and well researched and professional in her grievance presentations.

It is my great privilege to work with such a team.

Respectfully submitted

D Gillies
Executive Director

WINNIPEG ASSOCIATION OF PUBLIC SERVICE OFFICERS

Secretary/Treasurer's Report 2016/2017

September 1, 2016 – August 31, 2017

2016/2017 Fiscal Year Financial Statements

WAPSO ended the year in a surplus position. The year-end total surplus of \$16,891 was due to higher than anticipated expense for legal of \$157,780. The unrealized loss on investment income was \$1,558 for this year. Unrealized gains and losses on investments must be recognized annually in the financial statements to comply with generally accepted accounting principles.

The financial statements contained in this Annual General Meeting package have been audited on behalf of WAPSO by Mike McLenahan Chartered Professional Accountant Corporation, who had full access to information provided by WAPSO's books, staff and executive.

2017/2018 Fiscal Year Budget

The draft budget presented for the coming fiscal year is being presented as a surplus budget of \$168,766. The increase in legal is due to the increase in grievances with the City of Winnipeg. The decrease in rent is due to giving up the large board room across the hall from the office. We have made a smaller room in the back of the office space to hold board meetings.

Each category of spending is analyzed as to what may realistically be achieved in the fiscal year. This approach results in fluctuations in category balances from year to year as requirements change but achieves a more accurate matching of actual revenue and expenses to budget.

We have started a defense fund in September 2017, for strike/lockout, with an initial deposit of \$75,000. We anticipate transferring all surpluses into this fund at year end.

Respectfully submitted by
Angela Smith, Secretary/Treasurer
WAPSO



2017 AGM Board of Directors Roster of Nominees

The following **are current members of the Board of Directors** completing the second year of their elected term through to November 2018.

Angela Smith, <i>Secretary/Treasurer</i>	Water & Waste
Adam Cunliffe, Board Member	SOA-Wpg Parking Authority
Nelson Maurer, Board Member	Transit
Alex Regiec, Board Member	Transit
Andres Villafana, Board Member	Corporate Support Services
Rochelle Viray, Board Member	City Clerk
Pam Langstaff, Board Member	Planning, Property and Development
Tim Holmes, Board Member	Water & Waste
Derek Terpeto, Board Member	Public Works

The following members have indicated their willingness to stand for election or re-election to the Board of Directors for the two (2) year term of 2017 - 2019.

Richard Mahe, <i>President</i>	Planning, Property and Development
Michael Robinson, <i>1st Vice President</i>	Planning, Property and Development
Donna Jacobs, <i>2nd Vice President</i>	Winnipeg Regional Health Authority
Gary Swanson, Board Member	Community Services
Tara Martin, Board Member	Riverview Health Centre
Michelle Van Caesele	Winnipeg Regional Hospital Authority
Laura Rempel	Planning, Property and Development