

# Union Action Guide

**Service employees Union  
Local 800**



THANK YOU TO THE TEAM  
THAT HELPED MAKE  
THIS GUIDE A REALITY:

RAYMOND LARCHER  
SYLVIE MAHEU  
ALAIN BRISSON  
ALAIN COMTOIS  
ALAIN LAROUCHE  
LOUISE MERCIER  
RITA PLAMONDON  
ALAIN ROYER  
CLAUDE ST-MARSEILLE

and thank you, to all SEU 800 union  
representatives for their cooperation.

Secretarial  
Marlène Choquette

**Translation:**  
**Sally Coleman**



**SERVICE EMPLOYEES UNION  
LOCAL 800**

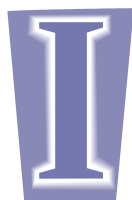
<b>ADDRESS</b>	<b>920 RUE DE PORT ROYAL EST MONTRÉAL (QUÉBEC) H2C 2B3</b>
<b>TELEPHONE</b>	<b>514-385-1717 1-800-361-2486</b>
<b>FAX</b>	<b>514-385-9888</b>
<b>WEBSITE</b>	<b><a href="http://ues800.qc.ca">ues800.qc.ca</a></b>



## Table of content

I.	Introduction.....	2
II.	Unionisation (Recruitment) .....	8
III.	The services offered by the SEU 800 .....	11
IV.	Industrial accident and occupational disease .....	13
V.	Harassment .....	18
VI.	Grievance .....	21
VII.	Mobilization within the workplace.....	23
VIII.	Strike and /or lock-out .....	24
IX.	Structure of the S.E.U. 800 .....	30
X.	Your working tools .....	39
	Glossary .....	42
	Forms .....	44





## Introduction

The aim of this guide is to provide answers to the questions that delegates and members of the executive committee are most often asked by members of their base units. It will also serve as a tool for the latter to be able to react efficiently when faced with certain situations.

It is easy to consult and should become a quick reference for those who will use it. To learn more, you should communicate with your union representative. The website “[ues800.qc.ca](http://ues800.qc.ca)” also contains a lot of useful information.

At the beginning of the guide you will find a series of questions and answers for which references can be found further on in the book. You will also find subjects of a general nature that should further your knowledge and assist you in your work within the union.

### ATTENTION

The following text is not official and you should always refer to the Laws, your collective agreement and the Constitution of the Service Employees Union, Local 800 in place for an accurate interpretation. For those employees working at the Federal level, certain adaptations of this guide will be necessary and you should also refer to the Canadian Labour Code.

### NOTE

In this work, the masculine form was used systematically in order to facilitate its reading. For purposes of interpretation, the masculine gender thereby includes the feminine gender when taking into account the context.



# FREQUENTLY ASKED QUESTIONS

## WHAT DOES A UNION DO?

Unionized workers collectively have the possibility to:

- Negotiate their working conditions;
- Improve their working conditions;
- Defend their rights and their interests;
- Be respected.

To learn more, refer to pages 9 and 10.

## WHAT ARE THE UNION DUES USED FOR?

The union dues are used towards obtaining services such as:

- Technical support from the person acting as « union representative »
- Negotiation
- Strike fund
- Assistance and defence in the dossiers related to industrial accidents and occupational diseases
- Assistance and defence in the dossiers of employment insurance
- Assistance and defence with regards to grievances and arbitrations
- Support and counsel in labour relations
- Union education
- Recruitment
- Salary equity

To learn more about the services offered by the Service Employees Union, Local 800, please refer to pages 11 and 12.



**HOW DOES THE S.E.U. 800 FUNCTION?**

The Service Employees Union, Local 800 is a union made up of four (4) divisions. The larger orientations of the union are decided during its' convention. Between conventions, the union is governed by the General Council and between the assemblies of the General Council; the Executive Committee governs the union.

To learn more, please refer to pages 30 and 31.

**WHAT MAKES THE EXECUTIVE COMMITTEE OF A BASE UNIT EFFICIENT?**

Communication.  
Team work.

To learn more about the base unit, please refer to page 32.

**WHAT IS THE ROLE OF A UNION REPRESENTATIVE?**

The union representative acts as technical support as well as plays the role of an adviser.

To learn more about the union representative, please refer to page 11.

**WHAT IS A GRIEVANCE?**

All misunderstandings related to the interpretation or the application of the collective agreement.



**WHAT IS THE PROCEDURE TO FOLLOW IN LIEU OF DEPOSITING A GRIEVANCE?**

- Identify the problem.
- Do an investigation.
- Verify if the situation allows for the deposit of a grievance in accordance to the collective agreement.
- Verify the steps and the delays (collective agreement).
- Understand the rules of drafting a grievance.
- Refer to the union representative.

To learn more about grievances, please refer to page 22.

**WHAT TO DO IN THE CASE OF AN INDUSTRIAL ACCIDENT?**

The first thing to do in the case of an industrial accident is to advise your immediate superior, receive first aid, and consult a Doctor.

To learn more, consult page 13.

**WHAT IS TEMPORARY ASSIGNMENT?**

The employer assigns you to another job when you're the victim of an employment injury; this even if the injury is not healed or consolidated. The temporary assignment must be approved by your Doctor and be beneficial to your rehabilitation.

To learn more about temporary assignment, please refer to pages 15 and 16.



**WHAT SHOULD I DO IF I BELIEVE  
A JOB ASKED OF ME  
CONSTITUTES A DANGER FOR  
MY HEALTH AND SAFETY?**

Exercise your right to refuse by refusing to execute a work when you reasonably believe that a danger exists for your health and safety. This is an individual right.

To learn more about exercising a right of refusal, refer to pages 16-17.

**HOW TO ACT IN THE CASE  
OF PSYCHOLOGICAL HARASSMENT  
ON THE PART OF THE EMPLOYER OR  
A WORK COLLEAGUE?**

- Take the complaint serious.
- Speak calmly to the presumed victim.
- Avoid submitting the victim to an interrogation.
- Reassure the victim.
- Always remember to inform the union representative.
- Do an investigation.
- Know the union policy regarding this matter.

To learn more, please refer to pages 18, 19 and 20.

**CAN WE DECIDE TO DO A  
STRIKE OR A LOCK OUT  
WHENEVER WE WANT?**

A strike or a lock-out is not allowed during the duration of the collective agreement. To start a strike, there must be, within the prescribe delays, a majority vote of the members present at a general assembly convened with a minimal delay of 48 hours.

To learn more, please refer to pages 24 to 26.



## WHAT TO DO IF

### The employer fires or suspends an employee:

- Do not panic;
- Communicate with the employee;
- Listen to the employee, reassure him;
- Do an investigation;
- Remind him of his rights, that he can contest the employers' decision.

## WHAT TO DO IF

### The employer asks you to assist in a disciplinary measure meeting concerning an employee:

- Listen;
- Avoid an argument;
- Take notes and the names of those people who are present;
- Note the length of the meeting;
- Do not sign an agreement on the spot;
- Brief the union representative;
- Follow the investigation and grievance procedure;
- Draft a grievance if necessary.

## WHAT TO DO IF

### There is a lock-out within your company:

- Calm the employees down;
- Set up a picket line;
- Get in touch with the union representative.

## WHAT TO DO IF

### Your employer fires you, suspends or imposes a measure of retaliation against you for having exercised one or more union activities.

- The Law allows you to contest the employers' decision.
- However, you should know that this is an individual right. Otherwise stated, it is up to you alone to deposit a complaint under article 15 of the Labour Code to contest this measure. However you may be represented by the union during the audition before the "*Commission des relations de travail*" (Labour Relations Commission).





## Unionization

**A union is an association of workers who have the same interests and goals in common. The right to said association is regulated by the Quebec Labour Code.**

As a matter of information, remember that the right to unionize exists in all democratic countries.

Each one of us possesses a power in front of the employer: our work strength. Taken individually, it does not hold much weight; however, expressed collectively, it becomes a characteristic that is more important.

Collective negotiation maybe considered as a process of free discussion between two economic agents, with sights on a collective agreement related to the working conditions. This joint determination on working conditions by the parties' representatives may cause a conflicting situation and a situation of converging interests; a situation that requires a number of compromises. Furthermore, the workers have interests of their own, but some of those interests may converge with the interests of their employer.

*The actors come to an understanding after a complex exercise, made up of exchanges of information, pressure tactics, raiding and necessary concessions.<sup>1</sup>*

---

<sup>1</sup> Gérard Hébert, *Traité de négociations collective*, Gaétan Morin, éditeur, p.10



## A balance of power

A balance of power is born with the access to unionization, meaning as soon as workers form a union to intervene on their working conditions and to defend their rights.

Once unionized, a balance of power remains necessary even if it is synonymous with conflict. A union who assumes their responsibilities and their role is a union that continually searches to communicate and listen to their members to be able to adequately represent them in front of the employers. It is there that the solidarity amongst the members will allow a true balance of power to be established. Is it not true that a union has a power? As well it is often the perception of this power by the employer that allows conflicts to be avoided. An employer doesn't hesitate to enter into a conflict with their workers if they perceive them to be weak and divided.

## Recruitment

Recruitment of new members is very important! Workers must join forces in order to protect their acquired rights. More than ever, the expression "strength in numbers" makes sense.

Our collective agreements and our jobs are in jeopardy if the same work is being done by non unionized workers and that at a lower wage. We must recruit exploited workers and together build fair and equitable standards in our sectors of activities. We can do it together, for ourselves and our families.



## Objectives

- ◆ Recruit new members in order to increase the balance of power of a union and enlarge the range of services that are offered.
- ◆ Increase the percentage of unionized workers in order to easily counter the effects of sub-contracting in “cheap labour”.
- ◆ To have a greater representation within certain sectors to establish standards.
- ◆ Protect our jobs.
- ◆ Be respected.

## Your implication

The members of Local 800 are the best ambassadors to explain what a union provides. They are also more apt to explain that unionization protects their jobs and has the effect of improving working conditions.

At the S.E.U. 800 there is a recruitment policy and it is easily obtained. You need only ask for it or consult the website « [ues800.qc.ca](http://ues800.qc.ca) ».





## THE SERVICES OFFERED BY THE S.E.U. LOCAL 800

### **Support from a team of union representatives and a person acting as coordinator of activities**

This team is present in all aspects of union life and will assist you in the defence of your rights and working conditions. The representatives principle functions are: the interpretation of the collective agreement, the follow up of the grievance procedure and arbitration, they participate in the general assemblies, the direction of the strikes, the services of members, the negotiation of the collective agreements, as well as the participation on various committees. The person acting as coordinator of activities has a mission of supporting education, various tasks, programs, projects, and acts as a resource person at various activities.

### **Recruitment**

Encourage unionization in order to improve the working conditions of workers and increase the strength of your union in front of your employer.

### **Collective Agreement**

It is the application and respect of the collective agreement as well as its interpretation.

### **Negotiation**

It is the preparation, negotiation and conclusion of the collective agreements.

### **Strike Fund**

It is financial support in the case of a conflict.



### **Occupational Health and Safety**

It is the assistance and the defence of dossiers related to industrial accidents and occupational diseases in front of the CSST, and the CLP, as well as the support of Occupational Health and Safety Committees.

### **Employment Insurance**

It is the assistance and the defence of members in employment insurance cases, including those submitted to arbitration.

### **Labour Relations**

It is the support and counsel in labour relations, writing, production and the defence of grievances.

### **Legal Services**

It is a technical and professional support for the union representatives who are mandated with providing service to the members. The legal services also oversee the follow up on all dossiers related to accreditations.

### **Union Education**

Its objective is to provide militants with the necessary tools to improve their work place by way of collective union action.

### **Salary Equity and its maintenance**

The service of a resource person to do the salary equity within your company and the necessary follow up with regards to its application and its maintenance.

### **Francisation Committee**

### **Education Committee**

### **Grievance Committee (Building Maintenance Montreal region)**

### **Insurance Committee (Building Maintenance)**

### **Women in Action Committee**

### **Social Delegates Committee**

### **Health and Safety Committee**

### **The SEU 800 Newspaper and the website <http://www.ues800.qc.ca/>**

### **Scholarships**

The SEU 800 awards educational Scholarships each year as well as an International education Scholarship (conjointly SEU 800 and SQEES 298).





## Industrial Accidents and Occupational Diseases

**In the case of an employment injury or an occupational disease the employee must advise his employer or failing him, another representative of the employer before leaving the premises if possible or, otherwise as soon as possible (art 265, LATMP).**

**The Act states, in article 2, that an employment injury means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation.**

### INDUSTRIAL ACCIDENT

**Definition: A sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him.**

1. If the accident does not lead to a loss of time, you must demand that the employer write it in the register of first aid care and first aid. The employee should request to have a copy.
2. The employee must go to the Doctor, and it is he who chooses the treating physician and not the employer.
3. For an absence of more than a day, the employee must remit a copy of the medical attestation completed by his physician to the employer.
4. The employer fills out the form "Employer's Notice and Reimbursement Claim". It is the employee who must describe the accident in his own words. It is important to verify the salary that is indicated otherwise the CSST benefits may be erroneous. Example: "I was at work and I suddenly fell. I twisted my ankle".



5. The employer must pay the employee the rest of the day of the accident at 100% of his salary. After which, he must pay 90% of his net salary for the days who normally would work, **within the first 14 calendar days** following the day of the accident following which CSST will pay him 90% of his net revenue until his return to work. Up to 50% of the revenue replacement indemnity can be seized for the payment of child support, and is not totally exempt from taxes.
6. If the employee must be absent for **more than 14 days**, or to claim expenses (medication, transport, etc.), he must complete the form « Worker's Claim » as soon as possible and send it to the CSST. He should consult the union as soon as he receives a letter from CSST.

## OCCUPATIONAL DISEASE

**Definition:** An occupational disease is defined as such: a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work (article 2, LATMP).

You must relate the circumstances to the nature and to the particular conditions in which the work is affected:

1. In the exercise of the work;
2. The fact of being exposed or submitted to one or several dangerous agents that constituted a health risk;
3. The name of the disease, the organ affected or the part of the body that is concerned.

In the majority of our workplaces, there exist occupational diseases. The occupational health and safety Commission recognizes several.

Visit [www.csst.qc.ca](http://www.csst.qc.ca) and click on workers.



TEMPORARY ASSIGNMENT
----------------------

- Temporary assignment must be situated within a means of rehabilitation. They reassign you to another work when you are the victim of an employment injury, even if the injury is not healed or consolidated.
- The objective of temporary assignment: favour the reintegration of the worker to work.
- We should untangle the concepts. Firstly, before proceeding with a temporary assignment, the **employer must obtain authorization from the treating physician** of the worker after fulfilling the following conditions.
  - The employer, before assigning, furnishes the worker and his physician, a complete description of the workstation and the tasks to be accomplished. He must indicate the particular requirements of the work (posture, movements, weight of the objects to be manipulated and the frequency) (art. 179 LATMP).
  - The proposed work must be a productive activity, normally carried out and directly furthers the establishments' interests.
  - The treating physician determines if three conditions are satisfied relatively to the proposed work:
    - a) The worker is reasonably fit to perform the work;
    - b) The work, despite the worker's injury, does not endanger his health, safety or physical well-being;
    - c) The work is beneficial to the worker's rehabilitation.
  - It is important to present the treating physician the letter informing him that his decision to refuse the assignment cannot be contested (see letter to the treating physician in appendix on page 48).
- If the employer goes against the prescribed temporary assignment, the worker should advise his union and consult his treating physician.



- The refusal of a temporary assignment by the treating physician cannot be contested by the employer, or by CSST. Despite the opinion of his physician, the worker may consider himself unable to accomplish the proposed work and contest the decision. In that case he is not bound to do the work assigned to him by his employer until the report of the physician has been confirmed by a final decision. The revenue replacement indemnity continues to be paid. Under certain conditions, this indemnity may be recoverable.

In all cases, the worker could refer to his union representative.

## THE RIGHT TO REFUSE

### **Who can exercise the right to refuse?**

The worker may refuse to exercise a work if he or she believes a danger exists for their health and safety. This is an individual right. It is not the union who can do this on behalf of the worker or the members.

The right to refuse depends on the personal opinion of the person at cause. Solely as an example, here are some reasonable factors to refuse a work.

These factors may be:

- Material (broken parts on equipment, excessive noise, etc.);
- Previous (accident to the person himself, accident to other employees);
- Immediate (burns, dizziness, etc.);

Related to the particular situation of the worker (example: replacement on a machine for which the employee has not received any prior training).



## Steps to the right to refuse

If an employee believes that their work presents a danger for their health, their safety or that of another person, he must:

1. Inform his immediate superior;
2. The superior meets with the safety representative or a member of the occupational health and safety committee or someone designated by the union to examine the situation;
3. The employer may not have the work performed by another employee until a binding decision is rendered;

However, the employer may have the work executed by another employee after informing said employee that a right of refusal has been exercised;

4. The employee is considered as being at work;
5. If there is no agreement between the safety representative and the employer, an inspector of the CSST is called upon.

If, in the inspectors opinion the employee has reason and he orders the employer to correct the situation, three things may happen.

1. The employer may demand that the employee remain at the workplace and assign him temporarily to other duties that is he is reasonable capable of performing, without loss of any salary.
2. If, according to the inspectors opinion, there is not a danger justifying the refusal, he may order the work be performed and still order the same corrections.
3. If the decision of the inspector is not satisfactory, the employee may appeal within the 10 days of the notification and demand a revision from CSST.





## Harassment

You must know that:

- Harassment is neither wanted, desired or solicited. It may be expressed verbally or physically; it is generally restrictive and may happen only once or on several occasions. Harassment includes the actions, attitude, motives and the gestures, that regardless who the harasser is, are offensive, abusive, insulting and immoral, and exceed what is considered to be appropriate and reasonable behaviour.

### Psychological harassment

To constitute psychological harassment, the reproachable facts must contain the following elements:

- Is a vexatious behaviour, i.e. humiliating and abusive;
- Is a repetitive behaviour, however one serious incident may be suffice;
- Affect the employees dignity or psychological or physical integrity;
- Make the work environment harmful.

***“It goes without saying that the notion of psychological harassment cannot be extended to all situations in which the employer acts or intervenes in accordance to his rights of management. One must distinguish between a harassing behaviour and the legitimate management of an employer which may implicate the application of disciplinary measures.*”**

***One should not automatically jump to the conclusion that there is psychological harassment”***

(Extract from an article in the Local 800 Newspaper published in June 2004)



## Procedure to follow to denounce an alleged situation of harassment

All those who believe they are victims of harassment and who feel they need help to have it stopped, should speak confidentially to a member of their base units Executive Committee, so that an investigation can be set into motion. All those who request the intervention of the union are presumed to be doing so in good faith. The procedure should not be used in an abusive or malicious manner, nor with the intention to harm someone.

### Role and task of an Executive Committee member once made aware of a complaint

As soon as a member of the Executive Committee is made aware of a complaint, he must inform the SEU 800 union representative assigned to the service of members for that base unit.

### Union intervention and investigation

The Executive Committee member who is made of a complaint, along with the union representative discreetly investigates the situation in order to find a desired regulation. This requires complete confidentiality for all those concerned, no matter their role, all of whom will be involved in the investigation and the regulation of the situation.

### The mandate of the investigators

- Proceed with the collection of all information from the person who requested the unions' intervention.
- Evaluate with this person, the best way to regulate the situation.
- Meet the witnesses individually and obtain their version.
- Meet the « presumed harasser » and obtain their version.
- Evaluate whether the complaint is sound or not.
- Draft a report to those people who are responsible for the employers' policy containing recommendations such as:

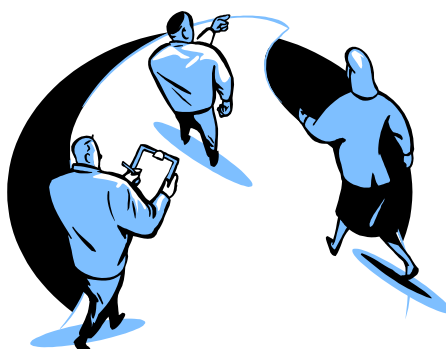


- Harassment awareness for the « presumed harasser » in part or for all the members of the concerned unit;
- A mediation meeting between the « presumed victim » and the « presumed harasser » accompanied by a person of their choosing, this only after receiving their consent;
- The deposit of a grievance;
- The deposit of a claim with C.S.S.T.

After submitting the report to those persons in charge, inform the « presumed victim » of the recommendations that were formulated with regards to the complaint and the follow up that will be given.

The deposit of a grievance on behalf of the « presumed victim » implies that the SEU 800 is reasonable convinced, following the unions' intervention and investigation that was done, that the gestures and the language at cause constitute harassment and that they truly were posed and/or spoken.

Consequently, a grievance aims at contesting the measures that will be imposed by the employer after the fact on the « presumed harasser » (who would also be an employee », and would only be deposited by the SEU 800 if they believe that the imposed measures are inappropriate (nature of the measure) or disproportional (severity of the measure). A person representing the Union, other than the person, who did the intervention and the investigation, will be mandated to represent this member in the treatment of his grievance, and later on in arbitration.





# Grievance

## 1. What is a grievance?

The definition of a grievance is generally found in the collective agreement. If this is not the case, you can refer to the Quebec Labour Code, article 1 (f) which reads as follows: “all misunderstandings relative to the interpretation or the application of a collective agreement”.

## 2. Who can submit a grievance?

Generally, it is the union who has the power to submit a grievance, as much as in their name as in that of the employees they represent. When we say union, we mean the union representative, a member of the executive or the delegate. Some collective agreements allow a grievance to be deposited by an employee.

## 3. What is the procedure to follow in lieu of depositing a grievance?

- Identify the problem.
- Do an investigation.
- Verify the steps and **the delays** (collective agreement).
- Evaluate our action and try to regulate the problem before depositing a grievance.

**Attention** You must always inform the union representative of a grievance being deposited and provide him with a copy. A missed step in the procedure can cause the grievance to be lost.



#### 4. After learning about the problem, you must investigate it

(Investigation form is in the appendix)

- Who? Who is implicated, who is a witness?
- What? What is the problem, the case history, the facts, the witnesses?
- When? When did the facts take place (date, time)?
- Where? Where did the facts take place?
- Why? Why did the problem arise?

Are there any documents to be added to the dossier?

Examples:

- Disciplinary letter
- Seniority list
- Memo from the employer
- Pay stub.

#### 5. Drafting the grievance

(It is recommended to use the grievance form of the SEU 800 – an example is in the appendix)

Example of a drafted grievance:

**We contest** the disciplinary measure dated \_\_\_\_\_.

**We claim** the disciplinary measure be annuled and removed from the dossier.

The drafting of a grievance is not always easy. It is recommended that you learn the rules of drafting a grievance and the other requirements by following a union education course.

You must also remember **to inform the union representative** at all times.



# VII

## Mobilization within the workplace

The strength of a union; rest for the most part on the mobilization within the workplace. To encourage solidarity, you should make your members aware of the unions' questions and to the problems related to their workplace.

### How to do this?

- Firstly, you should introduce yourself and take the time to encourage your members to ask you questions.
- Take the time to talk with your members, as well as to listen to them.
- Your attention will help build and strengthen the moral of the workers. It will increase the members' level of trust in the union and increase their participation.
- Rally the leaders, encourage the members to talk amongst themselves.
- Find means to stay in contact with your members, to transmit information and keep them informed.
- Keep the union bulletin board up to date.
- Highlight the small victories.
- Create activities that allow members to have fun and get to know one another.
- Meet the new members or at least let them know verbally or in writing that they are welcomed. Verify if they have signed their union card and give them a copy of the collective agreement.
- Create a newspaper.
- Interest the members in the life of their base unit.
- Remind them that the union belongs to the members.

It is important to negotiate clauses in the collective agreement that will facilitate the communication with the members, such as liberation time to meet and greet new members, time to investigate grievances or time for union activities.





# VIII

## Strike or lock-out

A strike is first and foremost the ultimate means of protecting or improving our rights and our working conditions. It is never an objective.

**The decision to strike belongs to the members.**

A lock-out is the closing of a workplace that has been decided by the employer to shut down a strike movement or retaliate against the workers demands.

According to the Labour Code:

(Art.58.) **[Rights of a strike or lock-out]** The right to strike or to a lock-out shall be acquired 90 days after reception, by the person to whom it is addressed, of the notice served on him or transmitted to him in accordance with section 52.1 or that he is deemed to have received in accordance with section 52.2, unless a collective agreement has been reached between the parties or unless, by mutual consent, they decide to submit their dispute to an arbitrator. (Also see Art. 52.1 and 52.2 Q.L.C.)

The Labour Code imposes certain obligations:

1. Hold a vote or secret ballot and obtain a majority mandate prior to beginning a strike;
2. Inform the members at least 48 hours in advance of holding a strike vote or a vote to ratify the collective agreement.

It is important to properly explain the reasons for a strike, its' consequences but more importantly to have the support of the members.



## The police

In the case of a strike or a lock-out, there are attitudes to avoid within our relations with the police.

Don't believe we can control the police, and don't think that the police are on our side.

We can meet the police and explain that we plan on picketing and that we are instructed to respect the Law; and that we do not want any unfortunate incidents.

On the picket line, name a spokesperson that will be responsible for speaking with the police, **avoid any and all provocation.**

If the police intervene, do not resist, gather round or demand de see a lawyer if arrested. **Keep your cool!**

## Security agents

Companies often use security agents to protect their belongings and control access to their property. They have the right to do so.

It is useless to provoke or insult the security agents. They have a job to do and you are better off ignoring them. However it is recommended to identify the company they work for and transmit the information to your union representative.

Security agents are not police officers. As long as the picketers remain on public property, they cannot give orders, push you around nor stop whom ever.

If a security agent threatens, insults or pushes a picketer, avoid confrontation, take note of the facts (what is said, gestures, witnesses, place, etc.) and file a complaint with the police as soon as possible. Don't fall victim to provocation. Communicate with your representative; if the agents are unionized, an intervention with their union should calm things down.



## Organize the picket line

Picketing is a way of making the public aware and disrupting the companies operations.

The structure of a picket line must aim at bringing everyone on board. We separate the members into teams that will alternate in order to ensure a efficient presence on the line when required. Each team will have a team leader, person in charge or strike captain. It is not necessary that the number of picketers be equal at each and every hour of the day.

The picket line should be concentrated at times when it will do the most harm to an employer.

You should not hesitate to change the hours of the picket line if need be to be more efficient or to ensure the greatest participation of the members.



## Everybody on board

It helps to have groups of picketers from the workplace, the departments or various sections of the company. This will facilitate the identification of the "scabs" in order to allow an efficient intervention of an investigator responsible for ensuring the Law is respected following a complaint by the Union. The group of picketers will have an effect of creating additional ties within the union.

We can establish contact with other groups on strike and make exchanges of the picketers.

The relationship between the other unionized groups asked to cross our picket lines (other units, deliveries, clients or suppliers, construction workers or services such as gas, Hydro-Quebec, Bell, the municipality, etc.) must be treated with tact. We should avoid playing one against the other. At times, circumstances prevent a group to support us like we wanted to be supported.

Everyone should understand that you can't be on the sidelines of a picket line, unless you are doing other strike tasks approved by the union.

The limits of the law often render a picket line symbolic but not useless. In the eyes of the law, the right to picket is a right to circulate on the public property and to give information to those who approach the establishment.

A striker has no less and no more of a right than a citizen in this chapter. Consequently, picketing can be done on public property, no matter where, no matter when, by no matter whom.



## The S.E.U. 800 policy regarding the right to strike benefits

Those members on strike who affect the continual time length of the required daily picketing are entitled to the benefits.

As of the first day of continual strike and for each discontinued strike day:

\$100.00/week maximum

\$20.00/day for the member who does less than the number of required weekly picketing days (based on five days), up to a concurrence of \$100.

As of the 2<sup>nd</sup> Sunday of a continual strike:

\$200.00/week maximum

\$40.00/day for the member who does less than the number of required weekly picketing days (based on five days), up to a concurrence of \$200.00.

As of the 8<sup>th</sup> Sunday of a continual strike:

\$250.00/week maximum

\$50.00/day for the member who does less than the number of required weekly picketing days (based on five days), up to a concurrence of \$250.

These clauses also apply to a lock-out.

The S.E.U. 800 may apply the present policy in a different manner in exceptional circumstance or with regards to particular base units when its integral application reasonably renders the exercise of certain rights impossible or certain activities necessary to the maintenance of union life within a base unit, or when it is contrary to the interests of the Union.

The participation on the picket line must be confirmed by ones' signature on the attendance sheet or by any other means determined by the Union.



## Payment of the benefits

The members on strike who walk the picket line shall receive during the 2<sup>nd</sup> week of strike the payment of the benefits for the first week of strike and so forth.

In the case of a conflict (strike or lock-out) do not hesitate to get from the Service Employees Union, Local 800 the QFL guide entitled « **To win, you must organize** ».

You can find some great information on mobilization, picketing, and relations with the police and strategies on those cases.









## Structure of the S.E.U. Local 800

### THE DIVISIONS

A division is a group of members from base units working in similar sectors of activities. Presently, there exists four divisions:

-  School Boards and Universities
-  Building Maintenance
-  Industries and handling
-  Services, commerce and financial institutions

### THE CONVENTION

The Convention of the S.E.U. Local 800 (which is held every four years) is the equivalence to a general assembly of a base unit. It is the supreme body of the Union, meaning, it is the Convention that decides the main orientations of the Union, where the amount of the union dues are set, where the Constitution is modified and where we proceed with the election of those who will govern the Union until the next Convention.

### THE GENERAL COUNCIL

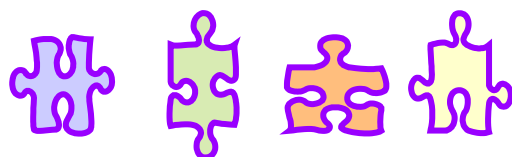
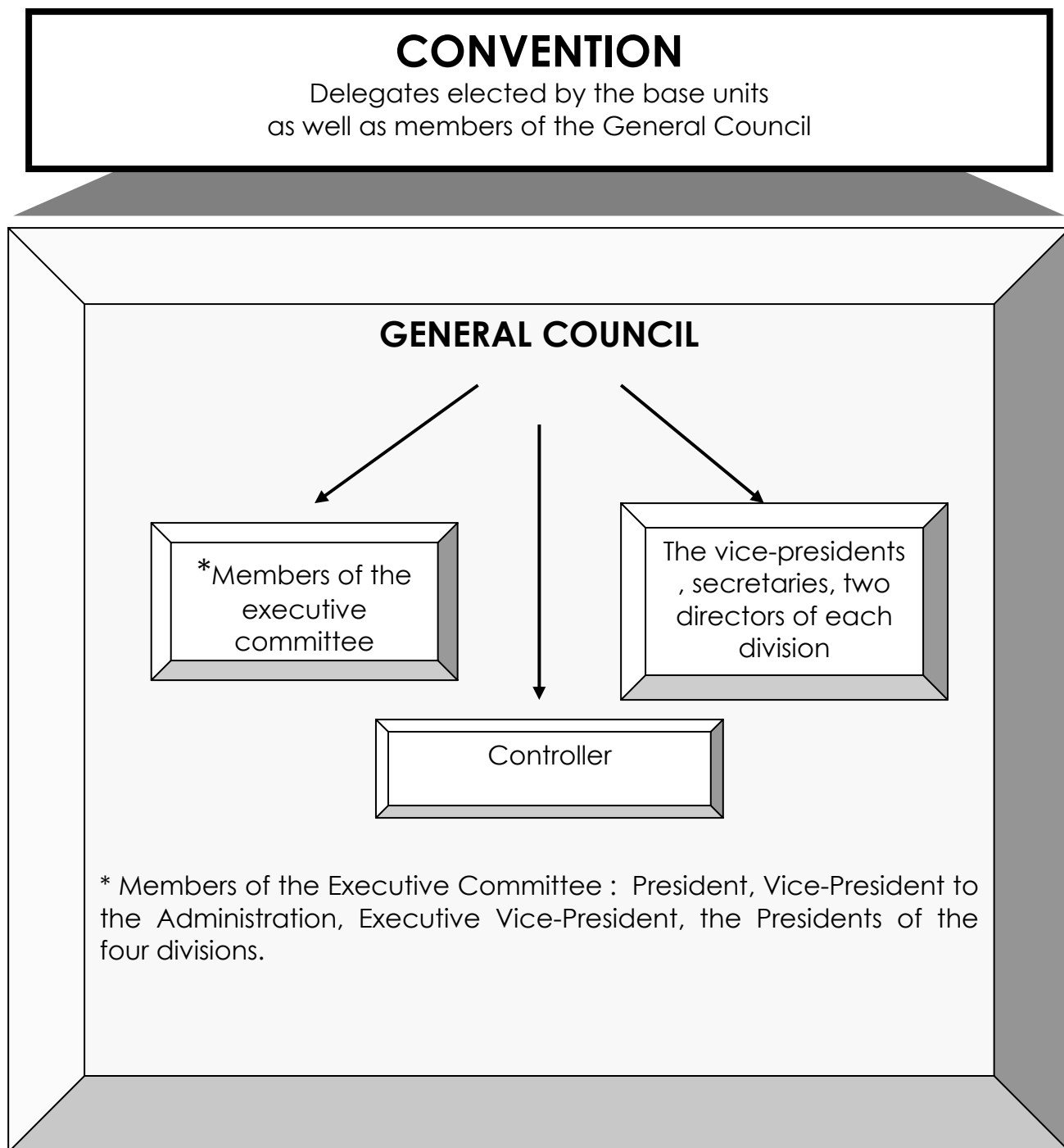
The General Council of the Union is the organism that governs the Union between Conventions. They meet regularly, every three months, in order to establish the main actions and the general activities orientations of the Union in accordance to the decisions taken during the Convention. The mandate of the General Council members is for duration of four years.

### THE EXECUTIVE COMMITTEE

The Executive Committee is the organism that governs the Union between the General Council meetings. It is composed of those people in the position of President, Vice-President to the Administration, Executive Vice-President as well as the President of each division.



# Organigram



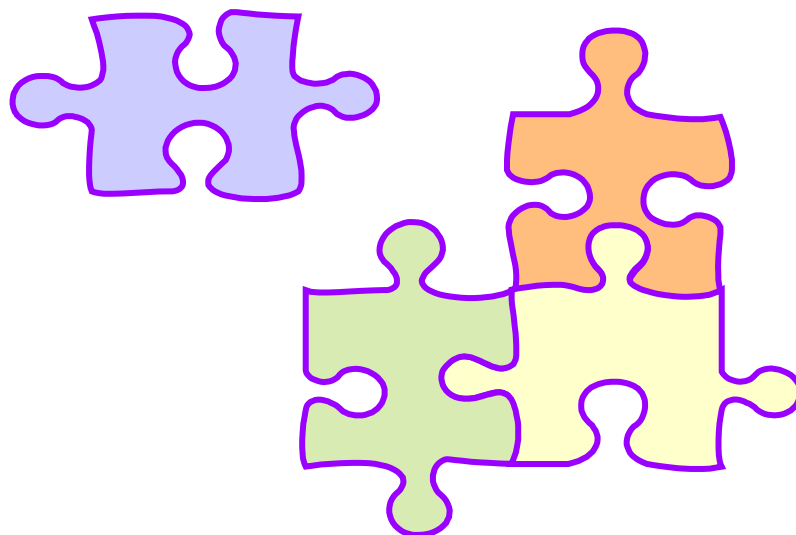
## The base unit

The base unit is the first structure of the union movement, because it groups together the workers, those who are most able to identify their particular needs, their interests and the problems to which they are confronted.

The way a base unit functions must take into account this reality and allow the members to speak freely and democratically, and this, via the general assembly.

### First implication at the union level

The workers of your base unit must choose the members of the Executive Committee, who are elected during a general assembly or in accordance to a manner foreseen in the Unions' Constitution. You decide to get involved; you're elected and become a member of the Executive Committee. Before getting to work, it would be important to look over the base units' organigram as well as the structure of the SEU 800 in order to better understand where you're situated, your role and your responsibilities.



## The base unit Executive Committee: a team

The Executive Committee is composed generally of a President, Vice-President, Secretary Treasurer. The Constitution of the Union also allows the possibility of adding other people. You must administer and coordinate the activities of the base unit in accordance to the mandates received from the General Assembly, in accordance to the Constitution of the Service Employees Union, Local 800. As much as the Constitution of the S.E.U. Local 800 stipulates that the Executive Committee of a base unit is composed of five (5) members, it maybe that your unit will decide to function with 2 or 3 people only.

### Team work

The first step following the election is to foresee a first meeting of all those members elected in order to exchange on the role of each one, define the responsibilities, identify the dossiers that are priorities, establish an action plan and determine the frequency of the meetings.

What must be retained is that the responsibility of each person should be complementary to the other members of the Executive Committee. The Executive Committee is a supportive team that is responsible for the base union. The first preoccupation of the executive: the members of the base unit.

Don't forget that when the members are facing difficulties within their workplace, they want to be helped and supported by this team. Each and every member of the Executive Committee, regardless of their title, should be aware of:

- ❖ Union life within the base unit ;
- ❖ What's going on in the workplace;
- ❖ Of activities to come and/or to be organized
  - Negotiation,
  - Follow up of grievances,
  - Regulation of certain problems,
  - Pressure tactics,
  - General assembly,
  - Delegates meetings,
  - Health and safety, etc.

The work of the Executive Committee will only be efficient if team spirit is constantly present.



## How a base unit functions

For a base unit to function well, it requires:

- That each person accomplishes the tasks related to the position in which they were elected to;
- That the members money be used in accordance to the Union's Constitution and policies in place and to the policies of the base unit
- That the members lists are up to date
- That the decisions are ones of consensus
- That each person endorses and defends the decisions taken.

You can count on the support and the competency of a union resource person: the union representative assigned to your base unit.

### **The meetings of the Executive Committee members**

So that the meetings of the Executive Committee are beneficial, it is important that all the members participate and state their opinion. To avoid wasting time, confusion, and unruliness, an agenda should be drafted and followed.

### **The union belongs to its' members**

The union belongs to its' members. It is therefore normal that the workers of the base union make the decisions that concern union life. They must also decide upon their working conditions and approve the solutions to the problems that arise in their own workplace. To make democratic decisions, the workers of the base unit reunite within a general assembly.

All "members" in good standing make up the general assembly. The later is sovereign and the decisions bind all members of the base unit.



## **The general assembly is the deciding body of the base unit.**

It has competence on all matters covered by its jurisdiction:

- Adopt, modify or repeal the rules of function of the base unit, all in accordance to the Constitution of the S.E.U. Local 800 ;
- Elect the Executive Committee;
- Decide the creation of a social activities fund and establish its functioning;
- Adopt all policies regulating the expenses of the base unit;
- Approve the financial statements;
- Elect the delegates to the S.E.U. Local 800 convention in accordance to the Constitution of the Union;
- Pronounce on the acceptance or the rejection of the employers proposals and on the collective agreement; and if necessary propose pressure tactics aimed at exercising a show of strength in front of the employer;
- Solve all other problems within the base unit;
- Vote on all proposals or reports that are submitted to them;
- Vote or secret ballot to exercise the right to strike.

The frequency of the general assemblies is determined by the needs of the base unit in regards to the decisions that need to be made by all of the workers. However, the call to a general assembly once a year is obligatory.

The call to a regular general assembly must be at least seven (7) days in advance by way of a written notice to this effect. The notice of meeting may be posted or addressed to each of the members and must include the agenda for the assembly. A special general assembly or emergency assembly may be convened within a delay of no less than 48 hours.



## The rules of procedure for a general assembly

To ensure that a general assembly is democratic and allows members to actively participate, there must be two things:

- ◆ Know and respect the rules of procedure of a general assembly in use
- ◆ Allow each and everyone to express their opinion.

These two points are of equal importance, because it's useless to have an encyclopaedic knowledge of the rules of procedure if we are unable to state our opinion, and it's useless to be a great speaker if we don't know when we can speak or on what subject we can talk about.

You not only need to know the assemblies rules of procedure but you also need to know the Constitution of the Union. The **“Constitution”** book of the S.E.U. Local 800 is a written act constituting the union, and establishes judiciously its objectives, means and rules of governing.

The members of a base unit, via their Executive Committee, cannot go against the Constitution of the S.E.U. Local 800. The base unit must establish their rules of governing by always referring to the Constitution.

You can acquire a copy of the Constitution from the union office or on our website. The Constitution book should be part of your “tool box”.

The recording secretary must write an accounting of the general assembly (minutes) in order to ensure the follow up of the decisions taken and have the minutes adopted by the next general assembly. When the base unit has union funds, they must also present a statement of account to the general assembly.

Before allowing an employee to participate in the assembly, you must verify if the member has signed their union card in order to ensure they are a member in good standing. If necessary, he must sign the card on site to participate in the assembly.



# POLICY REGARDING UNION DUES

**In effect since June 15, 2003.**

## 1. Field of application

- 1.1 The present policy applies to all employees working for an employer, within a building covered by an accreditation certificate, issued on behalf of the Service Employees Union, Local 800.
- 1.2 It applies as soon as the accreditation certificate is issued on behalf of the Union and after that, to all new employees as of their first day of work.
- 1.3 It also applies until the end of the employees' employment.

## 2. Policy

- 2.1 The employee pays 1.75% of their weekly salary, up to a maximum of \$13.75 per week.
- 2.2 The union due rate of 1.75% applies in all cases where an employee receives a salary from the employer, including, but not limited to, in the following cases:
  - The payment of sick days;
  - The payment by the employer the revenue replacement benefits foreseen by the Act respecting industrial accidents and occupational diseases and by the Act respecting occupational health and safety;
  - The vacation pay;
  - The payment of social or special holidays, no matter what the nature;
  - The payment of moveable holidays;
  - The payment of any amount related to a maternity or paternity leave;



- All amounts received in a regulation of a grievance;
- All amounts received in the application of an arbitration sentence or a decision by the Labour Relations Commission;
- In general, the salary during all paid absences;
- All retroactive amounts, indexation or benefit payable following the signature of a collective agreement to a person who is no longer employed at the time of the payment.

2.3 The dues also applies during an absence resulting from an industrial accident or occupational disease, recognized by the Occupational Health and Safety Commission, on the basis of the salary that the employee would normally have received from the employer had their not been this absence and payable upon return of the employee to work, minus the portion that the later would have paid during this absence.

2.4 Notwithstanding the general rule stated in paragraph 2.2, no due is paid during the following cases:

- The payment of overtime;
- The payment of the monneyable portion of the sick days not used;
- The payment of the monneyable portion of the mobile holidays not used;
- The premiums of all nature;
- All amounts of retroactivity, indexation or benefit payable following the signature of a collective agreement to an employee who is employed at the time of the payment;
- The salary insurance benefits advanced by the employer.





## Your working tools

To help you do your job well, you should always have on hand:

- A copy of your collective agreement
- The seniority list
- A copy of the Service Employees Union, Local 800 Constitution
- Industrial accident claim forms
- Copy of the declarations or the register of accidents
- Grievance forms
- Grievance investigations reports
- The website address of the SEU 800
- As well as any other information that may assist you in responding to the members of your base unit (the base unit policies, the minutes of the assemblies).

Most of these documents are available at all of the SEU 800 offices.



SERVICE EMPLOYEES UNION, LOCAL 800			
WEBSITE : ues800.qc.ca			
<b><u>Head Office</u></b>			
<b><u>MONTREAL</u></b>	Telephone: (514) 385-1717	Fax Number: (514) 385-9888	
	Toll Free: 1-800-361-2486		
<b><u>Regional Offices</u></b>			
<b><u>QUEBEC</u></b>	Telephone: (418) 627-8800	Fax Number: (418) 627-5617	
	Toll Free: 1-800-565-2800		
<b><u>TROIS-RIVIERES</u></b>	Telephone: (819) 376-2800	Fax Number: (819) 376-6372	
<b><u>OUTAOUAIS</u></b>	Telephone: (819) 771-2800	Fax Number: (819) 771-4254	
<b><u>SAGUENAY</u></b>	Telephone: (418) 699-0180	Fax Number: (418) 699-7272	
	Toll Free: 1-800-465-0180		
<b><u>ESTRIE</u></b>	Telephone: (819) 847-2424	Fax Number: (819) 847-4048	
QFL REGIONAL COUNCILS			
MONTREAL METROPOLITAIN	Telephone: (514) 385-3666		
QUEBEC-CHAUDIÈRE-APPALACHES	Telephone: (418) 623-8713		
OUTAOUAIS	Telephone: (819) 777-5441		
SAGUENAY LAC-ST-JEAN	Telephone: (418) 699-0199		
CENTRE DU QUÉBEC (Mauricie)	Telephone: (819) 378-4049		
ESTRIE	Telephone: (819) 562-3922		
LAURENTIDES LANAUDIÈRE	Telephone: (450) 438-8281		
LABOUR STANDARDS COMMISSION			
Information Services			
Telephone : Montréal (514) 873-7061		Toll Free: 1 (800) 265-1414	
COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL			
Information Services		Toll Free: 1 (866) 999-2778	
BUILDING MAINTENANCE PARITY COMMITTEE			
Parity Committee (public buildings maintenance) Montréal		514-384-6640	
Parity Committee (public buildings maintenance) Québec		418-667-3551	



## For quick consultation

(To be completed for your base unit)

Name	Telephone and email
President	
Union Representative	
SEU Local 800 Office	
QFL Regional Council	
Labour Standards	Toll Free Line Montréal 1-800-265-1414 514-373-7061
CSST	1-866-999-2778
Division President <ul style="list-style-type: none"> <li>- Building Maintenance</li> <li>- School and University Support</li> <li>- Industries and Handling</li> <li>- Services, Commerce and Financial Institutions</li> </ul>	
See also the SEU 800 agenda.	
Website <a href="http://ues800.qc.ca">ues800.qc.ca</a>	



## Glossary and other

<b>CLP</b>	« <i>Commission des lésions professionnelles</i> » Commission for occupational diseases
<b>Executive Committee of the S.E.U. Local 800</b>	The Executive Committee of the Union is composed of the President, Vice-President of the administration, Executive Vice-President and a number of Vice-Presidents equal to the number of divisions.
<b>The S.E.U. Local 800 Convention</b>	Gathering of the base unit delegates and is considered the supreme instance to make decisions within the S.E.U. Local 800.
<b>Canadian Labour Council (CLC)</b>	Groups the provincial Federations at the Canadian level.
<b>The S.E.U. Local 800 General Council</b>	All those members elected during the convention who oversee the orientations determined during the Convention and who govern the Union between conventions.
<b>CRFTQ</b>	“ <i>Conseils régionaux de la Fédération des travailleurs et travailleuses du Québec</i> » Quebec Federation of Labourers Regional Councils
<b>CSST</b>	« <i>Commission de la santé et sécurité du travail</i> » Occupational Health and Safety Commission
<b>Decree</b>	Legal extension of a collective agreement in a sector of activities.
<b>Division</b>	Grouping together of members of the base units who work within similar sectors of activities.
<b>QFL</b>	Québec Federation of Labourers
<b>LATMP</b>	« <i>Loi sur les accidents du travail et les maladies professionnelles</i> » Act respecting industrial accidents and occupational diseases
<b>LSST</b>	« <i>Loi de la santé et sécurité du travail</i> » Act respecting occupational health and safety



<b>Treating physician</b>	Health professional chosen by the worker (art.192 LATMP)
<b>Member in good standing</b>	All employees paying union dues to the Service Employees Union, Local 800 who have signed the union card.
<b>Union Representative</b>	Employed person mandated by the Service Employees Union, Local 800 to act on the unions behalf with all the rights and obligations foreseen in the Labour Code within the various base units.
<b>S.E.U. Local 800</b>	Groups together the various base units. The Service Employees Union, Local 800 is affiliated to bigger union central in Quebec, the QFL (Quebec Federation of Labourers). The S.E.U. Local 800 is also part of an International Union "Service Employees International Union" and is regulated by a Charter.
<b>SEIU</b>	The Service Employees International Union which has more than 1,800,000 members.
<b>Base Unit</b>	A group of workers working for the same employer and under one accreditation.



## FORMS

GRIEVANCE FORM

GRIEVANCE INVESTIGATION FORM

INDUSTRIAL ACCIDENT – LETTER TO TREATING PHYSICIAN



**SERVICE EMPLOYEES UNION  
LOCAL 800**



FORM 804

# GRIEVANCE

BASE UNIT  
NUMBER

GRIEVANCE  
NUMBER

UNION NAME		Service Employees Union, Local 800	
UNION REPRESENTATIVE			
EMPLOYEE NAME			
EMPLOYER			
PLACE OF WORK		JOB TITLE	

## Nature of the grievance


(description of the misunderstanding and the remedy requested)

Signature of the plaintiff		Date	
Signature of the union representative if necessary		Date	
Articles being invoked			
The collective agreement and its articles as well as all other pertinent clauses			
Fax		To the attention of	
		of	
Received by			Date

## Disposition of the grievance (if regulated and how)

Signature of the employer or his representative		Date	
Signature of the union representative		Date	



<b>SERVICE EMPLOYEE UNION LOCAL 800</b>			<b>INVESTIGATION REPORT</b> (very important)	
FORM 803 (MARCH 2002)				
Unit no. :		Date :		
EMPLOYER :				
Union Representative				
Date of the meeting				
Name of the plaintiff				
Address				
Telephone				
Job title and description of plaintiffs' functions				
Seniority of the plaintiff				
Immediate Superior				
Nature of the incident				
Version of the plaintiff (Add another sheet if there is insufficient space and have it signed by the plaintiff)				
Signature of the plaintiff				

(Cont'd on verso)



Name of the witnesses to the event (if any)		
1	Name	
	Address	
	Telephone	
2	Name	
	Address	
	Telephone	
3	Name	
	Address	
	Telephone	
Documents obtained,		
Documents to be obtained		
Pertinent clauses of the collective agreement		
Grievance number (if deposited)		Date
Signature of the union representative		
Plaintiffs' version (cont'd)		<i>Use another page if necessary</i>



## Industrial Accident

**Temporary assignment – Letter to the treating Physician**

Subject: Temporary assignment in accordance to the Act regarding Industrial accidents and occupational diseases

Your patient has provided you with a form that he must have you complete. The employer may temporary assign a victim of an accident to light duties; this even if the injury is not yet consolidated. Your role is to determine if the tasks being proposed by the employer may be accomplished in a secure manner, that they do not pose a risk to your patient and especially that the fact of returning the worker on temporary assignment is believed to be a means that favours his or hers rehabilitation.

As much as we agree with the principle of temporary assignment in the perspective of a means of rehabilitation, we believe that this measure becomes in the long term a means of returning to work, without distinction, all those who have had the misfortune to have suffered an industrial accident and that on the other hand, have our workplaces are becoming infirmaries.

Whatever your decision may be, we will respect it. However we wish to inform you that if you deem the worker to be unable to return to work in accordance to the law, your decision cannot be contested by the employers. Physicians of those Physicians of the CSST.

Thank you for your attention.



