

**Moving? Name Change?
Retiring?
New MAHCP Member?
Please let us know!!**



In order to keep our database current, please keep us informed of any information changes including addresses and names. Do not assume that your Employer will automatically pass this information on to MAHCP.

Is one of your co-workers **retiring** in the near future? Let us know so MAHCP can acknowledge them.

If you have not been receiving regular mail-outs or have a change of information, contact Joan at the MAHCP office by calling 772-0425, extension 201 or 1-800-315-3331 (press "0" to talk with someone during office hours of 8:30 am to 5:00 pm) or email joan@mahcp.ca. Thank you!

If you would you like to receive updates by email call Joan at 772-0425 or email joan@mahcp.ca. If you think you are supposed to be receiving email updates, but aren't, your email provider may be directing MAHCP email to your "junk" or "bulk" file folders. You may have to edit your settings.



Collective Agreements

Some members have indicated that they do not want a hard copy of the collective agreement as it is available on-line. If you do not wish to receive a hard copy, please return this in the enclosed postage paid envelope or email the information below to joan@mahcp.ca.

Do not wish to receive a hard copy

Name: _____

Signature: _____

Date: _____

MAHCP News is published quarterly in March, June, September and December. Advertising will be entertained. For more information, please contact the Editor at 772-0425. *Revenues from advertising will be used to supplement the MAHCP Professional Development Fund.*

Lauren's Puzzle Corner

I N R R A O P E U U B S N S Z
Y N C E Y Z M V P I E E O B W
Z T J C F Z K I R M E T I V E
U C I U B S N T G C J T T C D
X A O L R O N C N T Q L I O F
H R L R I Y T A V T U E S O F
I A A S P B M O R F M M O R V
D X N E O R A R P T X E P G S
D E V U O A T T I E K N E L A
P C C F C G L E R G H T R J L
D V R X I H K R D O Z P D H A
O E Y T I L I B O M P A O F R
P N C R C O N F E R E N C E Y
E H I M G K Z V P T D B F H V
M N R T S C A R E E R C O W K

CAREER MOBILITY PORTABILITY RETROACTIVE CONFERENCE PERFORMANCE POSITION SETTLEMENT INJURY PENSION SALARY TRANSFER

Contact: Lauren@mahcp.ca for the solution.

Mark Your Calendar

MAHCP 2008 ANNUAL GENERAL MEETING

**Thursday, October 16, 2008
Clarion Hotel, Manitoba Room
1445 Portage Avenue**

Teleconferencing will be arranged for Brandon, Burntwood and Nor-Man RHA's. To make a teleconferencing site request or for more information, please contact Wendy Despins, President at the MAHCP Office, 772-0425 or 1-800-315-3331, ext 213; or wendy@mahcp.ca. Sites will be announced once arrangements are confirmed.

101-1500 Notre Dame Avenue, Winnipeg, MB R3E 0P9
Phone: 1-204-772-0425; 1-800-315-3331; Fax: 1-204-775-6829
Email: info@mahcp.ca; Website: www.mahcp.ca

NEWS Manitoba Association of **HEALTHCARE** Professionals
June 2008

It Could be Worth \$100,000 to Call MAHCP

An MAHCP member recently received a retroactive salary adjustment of more than \$24,000.00.

In 2000, one of our members suffered a workplace injury. The extent of that injury was such that it was unlikely that our member would ever be able to return to the job or to continue to work in that profession. **The Workers Compensation Board of Manitoba gave our member the opportunity to return to school** and be trained into a profession that our member could perform within the physical limitations of the injury.

After graduating in the Spring of 2006 this member was unable to secure employment in the new profession with the employer. In June of 2006 our member secured a position with another facility in Winnipeg. **By virtue of the Mobility Agreement that the MAHCP had negotiated with the hospitals, the receiving hospital ported all seniority and benefits that the employee had accrued while employed with the former employer.** However, the hospital advised that the member would be placed at the start rate of the scale as this member did not have any experience in the new profession. That meant the member would now be earning more than \$11.00 per hour less than what the former classification paid, a 33% reduction in income.

The member accepted the position but also contacted MAHCP thinking that the employer's decision to place our member at the start rate of the salary grid was not reasonable. A clause in the MAHCP collective agreement stated the following:

An employee who through advancing years or disablement, is unable to perform her regular duties, shall be given preference for transfer to any suitable vacant position within the bargaining unit which requires the performance of lighter work of which she is capable. She will be paid at the same increment level in the new position as was paid her in her previous position.

The MAHCP filed a grievance on behalf of the member arguing the contract language above which entitled our member to be placed at the 7 year step of the salary grid which was the step the employee had been at in the previous position with the previous employer.

Through the grievance process, the employer and MAHCP were able to conclude a settlement of the member's issue. The salary was adjusted to the 7 year step of the salary grid retroactive to the date of being hired into the position in 2006. The employer further agreed to make the additional applicable pension contributions to the HEBP plan. This settlement had significant impact for our member; the 2006 start date salary increased by 31%, a retroactive salary adjustment of more than **\$24,000.00** was received, the salary going forward is close to what would have been earned had our member been able to continue in the previous profession and **most importantly, calculations for pension entitlement, upon retirement, increased by as much as 30%.**

Without representation from the MAHCP, none of the above would have been achieved.

It is very fortunate that this member contacted the Union when our member did not agree with a decision made by the employer. There is no cost for you to call the Union when you believe your collective agreement rights are not being provided. The cost for not calling can be significant. The financial benefit through this member's working career and retirement will be in excess of \$100,000; **make the call!**

Membership with MAHCP	1.25% of income
Cost to contact the Union about a workplace issue	Zero
Cost to file a grievance on your concern	Zero
Knowing you have the right to question decisions made by your employer	Priceless



The Manitoba Association of Health Care Professionals Union Membership Card; respected by health care employers throughout Manitoba.

Inside This Issue

Portability	5
Call for Nominations	6
Helpful Legal Information	8
Staff Representative Conference	9

Editor: Wendy Despins, President
wendy@mahcp.ca

Enclosed with this Newsletter:

- Executive Council and Staff Rep Nomination Forms
- Scholarship Fund Applications
- Call For Resolutions 2008 Form



Meeting Calendar

Visit the MAHCP Website Calendar for more meeting information
-- /www.mahcp.ca/forum/calendar.asp



- | | | |
|---|--|---|
| <p>June 10, 2008</p> <ul style="list-style-type: none"> Seven Oaks Staff Rep Mtg Sorrento's Restaurant 1200 hrs to 1300 hrs <p>June 11, 2008</p> <ul style="list-style-type: none"> Executive Council Meeting 101-1500 Notre Dame Ave 0845 hrs to 1700 hrs <p>June 11, 2008</p> <ul style="list-style-type: none"> General Staff Rep Meeting 101-1500 Notre Dame Ave. 1830 hours <p>June 16, 2008</p> <ul style="list-style-type: none"> AHWC Staff Rep Meeting Golden Terrace Restaurant 1200 hrs to 1300 hrs <p>June 19, 2008</p> <ul style="list-style-type: none"> SBGH Staff Rep Meeting L1304, Pathology Conf Rm 1200 hrs to 1300 hrs <p>June 26, 2008</p> <ul style="list-style-type: none"> SERHA Staff Rep Meeting Smitty's - Steinbach 1200 hrs to 1300 hrs <p>June 27, 2008</p> <ul style="list-style-type: none"> Deadline for Executive Council and Staff Rep Nominations; as well as Resolutions submissions. <p>July 1, 2008</p> <ul style="list-style-type: none"> Canada Day MAHCP Office Closed <p>July 9, 2008</p> <ul style="list-style-type: none"> Executive Council Meeting 101-1500 Notre Dame Ave 0845 hrs to 1700 hrs | <p>July 9, 2008</p> <ul style="list-style-type: none"> General Staff Rep Meeting 101-1500 Notre Dame Ave. 1830 hours <p>July 27, 2008</p> <ul style="list-style-type: none"> Deadline for MAHCP and Monique Wally Memorial Scholarship Fund Applications <p>August 4, 2008</p> <ul style="list-style-type: none"> Civic Holiday MAHCP Office Closed <p>August 12, 2008</p> <ul style="list-style-type: none"> Seven Oaks Staff Rep Mtg Sorrento's Restaurant 1200 hrs to 1300 hrs <p>August 13, 2008</p> <ul style="list-style-type: none"> Executive Council Meeting 101-1500 Notre Dame Ave 0845 hrs to 1700 hrs <p>August 13, 2008</p> <ul style="list-style-type: none"> General Staff Rep Meeting Canceled <p>August 18, 2008</p> <ul style="list-style-type: none"> AHWC Staff Rep Meeting Golden Terrace Restaurant 1200 hrs to 1300 hrs <p>August 28, 2008</p> <ul style="list-style-type: none"> SERHA Staff Rep Meeting Smitty's - Steinbach 1200 hrs to 1300 hrs <p>September 1, 2008</p> <ul style="list-style-type: none"> Labour Day MAHCP Office Closed | <p>September 9, 2008</p> <ul style="list-style-type: none"> Seven Oaks Staff Rep Mtg Sorrento's Restaurant 1200 hrs to 1300 hrs <p>September 10, 2008</p> <ul style="list-style-type: none"> Executive Council Meeting 101-1500 Notre Dame Ave 0845 hrs to 1700 hrs <p>September 10, 2008</p> <ul style="list-style-type: none"> General Staff Rep Meeting 101-1500 Notre Dame Ave. 1830 hours <p>September 15, 2008</p> <ul style="list-style-type: none"> AHWC Staff Rep Meeting Golden Terrace Restaurant 1200 hrs to 1300 hrs <p>September 25, 2008</p> <ul style="list-style-type: none"> SERHA Staff Rep Meeting Smitty's - Steinbach 1200 hrs to 1300 hrs <p>October 13, 2008</p> <ul style="list-style-type: none"> Thanksgiving Day MAHCP Office Closed <p>October 15, 2008</p> <ul style="list-style-type: none"> Executive Council Meeting 101-1500 Notre Dame Ave 0845 hrs to 1700 hrs <ul style="list-style-type: none"> General Staff Rep Meeting Canceled, please attend AGM <p>October 16, 2008</p> <ul style="list-style-type: none"> Staff Rep Conference Clarion Hotel 2008 Annual General Mtg Clarion Hotel, MB Room Time TBA |
|---|--|---|

Executive Council

Officers

President	Wendy Despina, SBGH Laboratory
Vice President	Allan Harlow Concordia Hospital Lab
Treasurer	Chad Harris, CCMB Machinist
Secretary	Bob Bulloch, HSC Pharmacist

Directors

Community Therapy Services	Margrét Thomas, Physiotherapist
Laboratory Mental Health	Tom Walus, DSM Kathy Yonda, Brandon RHA
Nuclear Medicine	Shelagh Parken, HSC
Occupational Therapy	Adele Spence, DLC
Orthopedic Technology	John Reith, HSC
Pharmacy Technician	Cindy Dziadek, Concordia
Physiotherapy	Shelley Kowalchuk, HSC
Radiology	Janice Smith, Concordia
Radiation Therapy	Jenn Moyer, CCMB
Recreation	Zana Anderson, DLC
Burntwood RHA	Tanya Burnside, Pharmacy Technician
Winnipeg RHA	Jason Linklater, HSC, Orthopedic Technology

Bring your collective agreement to all member meetings

Staff Assignments

Lee Manning
Executive Director
lee@mahcp.ca

Janet Beaudry
Executive Assistant
janet@mahcp.ca

Lauren Shier
Secretary/Receptionist/Clerk
lauren@mahcp.ca

Joan Ewonchuk
Administrative Assistant
joan@mahcp.ca

Walter McDowell, LRO: St. Boniface General Hospital, Central Medical Labs, Jocelyn House, Misericordia Health Centre, walter@mahcp.ca

Ken Swan, LRO: Health Sciences Centre (Lab, Diagnostic Imaging, Pharmacy, EEG, Sleep Lab), Deer Lodge Centre, Community Therapy Services, Winnipeg Clinic
ken@mahcp.ca

Michele Eger, LRO: Health Sciences Centre (all other HSC Members not included under Ken's listing), Concordia Hospital, Tissue Bank Manitoba, Manitoba Clinic, Critical Care Transport Team
michele@mahcp.ca

Gary Nelson, LRO: Victoria General Hospital, Brandon RHA, Brandon Clinic, Centre Taché Centre, Society for Manitobans with Disabilities, Rehabilitation Centre for Children, CancerCare Manitoba
gary@mahcp.ca

Armand Roy, LRO: Seven Oaks General Hospital, Breast Health Centre, Aboriginal Health & Wellness Centre, Nor-Man RHA, Burntwood RHA, South Eastman RHA
armand@mahcp.ca

Rotary Career Symposium

by Adele Spence, OT



Adele Spence

On April 9 and 10, Executive Council members spent many exciting and exhausting hours speaking to hundreds of high school students at the Rotary Career Symposium. We introduced them to the over one hundred allied health professions represented by MAHCP. We promoted the professions, offered the students advice, answered their questions, and then said once they were working we would be there to assist them with working conditions and salaries.

For those who wanted more details, we were able to direct them to the booths of the various professional bodies. By focusing our jobs under the three major areas of Diagnostic, Therapy/Rehabilitation, and Community Health, we were able to present the information more concisely and make it more easily understood to an audience that was eager to learn about the wide range of exciting opportunities available in health care.

Another great thing that happened was the liaisons we made with people who assist special groups with career choices; groups that hand out scholarships and bursaries while assisting with career planning; and teachers who were happy to give our information pamphlets and web site information to provide their students with guidance.

Our members were very impressed with the questions and interest of the students as they eagerly explored options for their futures. It was also an excellent opportunity for us to promote our union and highlight the important, and often under-appreciated, work of allied health care professionals. We are looking forward to returning to this forum next year.

In addition, attending the Rotary Symposium fits well with our marketing campaign which promotes our membership to the public, as well as advocating for improvements in our health care professions that are experiencing shortages. MAHCP is building for the future of Manitoba.



Bob Bulloch, Kathy Yonda

MAHCP Member Retirees

We are counting on you . . .

If you are retiring or know of someone who is retiring, we would like to hear from you. Neither the Employers nor HEPP provide us with that information so we are counting on you to let us know. You may contact us through email, phone, fax, through your staff representative, board member, on the web site or 1-800-315-3331.

MAHCP would like to congratulate all members who have recently retired. We wish each and every one of you all the best on your retirement.

- **Susan Dolinski,** Social Worker, HSC
- **Jolene Patterson,** Radiology Technologist, BRHA
- **Keith LaRue,** Lab Technologist, SBGH
- **Marlene Kondrat,** Radiology Technologist, SBGH
- **Alf Price,** Mental Health, Brandon RHA
- **Irene Lemoine,** Occupational Therapist, SERHA
- **Phyllis Hirota,** Lab Technologist, DSM - St. Amant Centre

Our sincere apologies for anyone that has not been included in this list, we know that there are many more retirees out there.



Communication Committee Survey



Bob Bulloch, Chair
Communication Committee

As some of you may remember, the Communications Committee distributed a survey in the Dec 07 newsletter. The goal of the survey was to evaluate the various communication tools used by MAHCP.

There were 139 responses. Many thanks to all of you who took the time to fill it out and send it back to us.

The survey has provided us with some important information.

- A lot of you use the newsletter! 62.6% of responders used this tool. Next in sequence was the Staff Representative, and the web site (46.8% and 35.3% respectively)
- In terms of the perceived value of the various tools, the newsletter was also the winner. Interestingly, the spread between the most valued and least valued tool was fairly small. This shows that despite the fact that people definitely have their favorites, they did not devalue the usefulness of the other tools. It would appear that the variety of tools is viewed as a positive thing, even

- if some of them are used infrequently.
- The web site is ignored by 38.1%, visited less than monthly by 32.4%, and visited monthly or more often by 28.8%. Put another way, roughly 60% use the web site, and 40% do not.
- 1.4% of responders thought the appearance, information, and ease of use of the web site was poor. 23% thought it was average, and 33.8% thought it was good or very good. (41.7% did not comment – this is roughly the same percentage reporting that they did not visit the web site)
- A lot of people saw the Eliminate the Wait campaign. 52.5% saw the TV ads. 69.1% saw the billboards. 31.7% saw other media. Only 12.2% did not see the ads.
- The next questions were about the Eliminate the Wait web site. Although it does not see the frequency of use that mahcp.ca gets, 56.8% had been to the site at least once. 2.2% of users reported the site to be poor, 16.5% said it was average, and 18% described it as good or very good. In this case, there were more non-responders (63.3%) than would be accounted for by the percentage who had not visited the site.
- The last question asked whether the Eliminate the Wait campaign was suc-

cessful in raising the visibility of the association. 29.5% said no. 14.4% said yes. 49.6% were undecided, and 6.5% did not respond.

At first glance, some may view this last item as disappointing. At the time the survey was published, the Eliminate the Wait campaign was approximately 8 months old, and the TV ads and billboards were probably a distant memory. If this campaign were a one-shot deal, we would have concurred with the disappointment. Since the survey's release, many of you will have noticed the next phase of the Eliminate the Wait campaign. These include new TV ads, radio spots, and transit bus ads. The campaign was not designed to be a one-shot deal. It is a difficult task to create an identity for such a diverse group of health care professionals, and doing so is envisioned as a multi-year task. The first phase was to introduce the identity and slogan. The next phase was to build on this identity and to expand on it by focusing more on the professionals comprising that identity. The task is far from finished. Indeed, it will never be finished. It is our hope that the 49.6% of you who were undecided (i.e. keeping an open mind) will find the evolution of the campaign to your approval.

How Well Do You Know Your Collective Agreement?

Question: Are we still covered by a collective agreement past the expiry date of the collective agreement?

Answer: YES, Article 3102 states: that the collective agreement shall be in force and effect until the expiry date and thereafter until a revised collective agreement is executed or the agreement is terminated by 2 weeks written notice by either party. Also, according to The Labour Relations Act, the terms and conditions contained in the collective agreement are still in effect for a period of 12 months unless there is agreement to change between the Union and Management, or the membership goes on strike or is locked out during that time period. The time period of 12 months may be extended.

“The information contained in this question is meant to be a general rule and should not be considered exhaustive in terms of contemplating every contingency in every work environment. Any questions that members may have regarding their particular situation should be directed to their Labour Relations Officer for clarification.”



Central Table Bargaining Update

All of the collective agreements have been signed by MAHCP and sent to the respective Employers.

We have received many of them back and are in the process of printing them, however we have not received the bulk of collective agreements sent to the WRHA as yet and this is causing further delay.

Cancer Care Manitoba, as well, may likely be delayed as we are in dispute regarding a classification issue which has presented itself out of bargaining.

The Laboratory, Radiology and related group's final wage adjustment for Central Table bargaining 2006-2010 occurs the day following the expiration of the collective agreement. They are therefore not included in the collective agreements, but the April 1, 2010 increases can be found on the MAHCP website under Member Services/Collective Agreements.

- Laboratory Technologists
- Radiology Technologists
- Cytogenetic Technologist; General Duty, Senior and

Charge

- Immunogenetics Technologist; General Duty, Senior and Charge
- HLA
- Certified - Stem Cell; General Duty, Senior and Charge Technologists
- Technical Instructor, Radiology
- MRI Technologist; General Duty and Charge
- Technical Instructor, Radiology/Ultrasound
- Pediatric Area Supervisor - Radiology
- Nuclear Medicine Technologist; General Duty, Senior and Charge/Technical Instructor
- Sonographer; General Duty, Senior and Charge
- Echocardiographic Sonographer
- Education Coordinator
- Pediatric Cardiovascular Pulmonary; Technician, Technologist, Supervisor
- Radiation Protection Officer; General Duty, Senior, Charge
- Assistant Radiation Safety Coordinator
- Pathology Assistant
- Quality Assurance Coordinator

Non-Central Table Bargaining Update

Aboriginal Health & Wellness Centre: The MAHCP and Aboriginal Health and Wellness Centre bargaining committees met on May 14 and 15, 2008. Significant progress was made on a number of important non-monetary issues. Negotiations will resume on May 22 and 23rd.

Brandon Clinic: The collective agreement is in effect until July 31, 2010.

Central Medical Labs: Bargaining will commence on May 28th with initial proposals exchanged and bargaining dates will be determined.

Community Therapy Services: Discussing wages and term of agreement, all other issues are resolved. Next meeting date is June 13, 2008.

A Labour Minute



Collective bargaining in 1799

In early August 1799 the voyageurs who worked for the Hudson Bay Company at Cumberland House, in what is now northeastern Saskatchewan, went out on strike.

They were the canoe men who moved tonnes of trade goods and furs over the rivers and portages of the Canadian wilderness.

The fur trade voyageurs were often ordered to paddle all day long in all kinds of weather, eat rations that were scarcely fit for livestock and accept a wage that, once deductions had been made, barely amounted to anything.

So when the aristocrats who managed the Hudson Bay Company commanded the men to take heavily loaded freight canoes to Beaver River, near the present-day site of Meadow Lake Saskatchewan, the Indian, Metis, Scottish and French Canadian voyageurs refused, unless they got a raise.

On August 30 the Bay Company fired the strikers, and withheld their back pay.

In a spirit of solidarity the strikers went en masse across the river to the rival North West Company, and worked for the competition.

And they took the Bay's canoes with them.

Labour Minutes recount the history of working people and take just a minute to read.

-Dishaw-Roy

Jocelyn House: The employer and the Association have met several times. There has been agreement on several non-monetary items. Further meetings have been scheduled for July and August.

Manitoba Clinic: The collective agreement is in effect until December 31, 2008.

Society for Manitobans with Disabilities: Bargaining dates are set for Tuesday, May 20; Wednesday, June 11; and Tuesday, June 24.

President's Report Exciting Progress

In preparation for the June Newsletter, I've taken an opportunity to look back at the preceding 8 months to consider what your Executive Council and I have done collectively on your behalf. I am astounded and proud at what has been accomplished, what has been initiated and what is on going.

A new series of TV ads kicked off Phase 2 of the multi-faceted MAHCP Marketing Campaign. Beginning in February, the TV ads ran through March. Timed a third of the way through they were joined with Radio ads, which continued until the end of May. Two thirds through the TV ads, the bus ads began and are still circulating on transit buses. This phase of the campaign is focusing on our members and our occupational groups. **We grouped our occupations into three categories: Diagnostic, Therapy/Rehabilitation and Community Health.** In addition, Gerry Barrett of NCI Radio interviewed me. The interview focused on our membership, our occupational groups and our contribution to health care.

Our participation in The Rotary Career Symposium held at the Winnipeg



Wendy Despina, President

Convention Centre in April linked the imagery and the message of our campaign while providing the students with information on alternative career choices (please see Career Symposium report on page 11). To view the TV ads or to hear the NCI interview go to the MAHCP website and click on the "Manitobans Depend on Us" graphic.

An issue that affects all of us, both as health care providers and as citizens, is the issue of shortages and that topic is part of what I bring forward at every event that I attend. Along with the Executive Council, we continuously work towards raising public awareness on that front. Advocating towards improving and enhancing our public health care system, supported by

improved funding, and in conjunction with a national human resource health care strategy, is an on-going activity. We have heard from many of our members how the shortages are taking a toll. We have heard how tired you are becoming. We believe it can be linked to a direct lack of a cohesive human resource strategy since the late 1980's. I will continue to address these issues at public forums, in meetings with government, and with media.

MAHCP just recently returned from Ottawa where we participated in the Canadian Health Professionals Secretariat (CHPS) meeting. While in Ottawa, we had pre-arranged a meeting with Judy Wasylycia-Leis MP, the NDP Health Critic. We were fortunate to have Bill Blaikie MP and Deputy Speaker for the House of Commons join our party. It was an excellent opportunity for us to identify our membership to them and the issues facing us, and our role and impact in health care. We will continue to lobby government at both the federal and provincial level.

In our report to CHPS we took the opportunity to show **the Grievance Tracker Timeline that we have developed.** This mechanism provides us with no end of information on the status

continued on page 9



continued from page 4

of grievances. We can track the age of a grievance, what stage it is at, whether or not it is pending arbitration, and if it is closed or open or in abeyance. We can look at grievances by site, region, issue, occupational group and so much more. This tool will be a tremendous benefit to us as an organization and will provide us with a wealth of information. The creation of this tool has been in response to member questions and has been in development for the past couple of years. Kudos and appreciation to Bob Bulloch for making it happen. Bob has put in countless hours to develop this tool for us and it is our intention to show it at the AGM in October.

Strategic planning in January was again a very focused and intense few days. One of the primary focuses for the staff and the Executive Council was the role and function of the Staff Representative. A very comprehensive list of activities and plans resulted from the meeting. A Staff Representative Project Committee was established, comprised of members from both staff and Executive Council.

The committee has to date developed:

1. terms of reference,
2. proofed and revised a Staff Representative Manual,
3. undertaken the planning and organizing of a one day Staff Representative Conference which will precede the AGM on October 16, 2008
4. work has also begun on a contract interpretation manual

There are two streams of activities occurring relating to the role and function of the Staff Representative. The first is in relation to workplace activities and the second is in relation to collective bargaining. Both roles are crucial and distinctly different. **In order to support our Staff Representatives, increased training opportunities are in the works, focus group meetings are planned, and material supports are being developed.** It is anticipated that the work that has been undertaken will take the better part of two years, culminating with the commencement of 2010 bargaining.

Maureen Ayres (Past-President, MAHCP) and myself were honoured and privileged with the invitation to be two of thirty people selected in the province to participate in 2 ½ days of public dialogues. The dialogues were

focused on Canada's future and our role in the world at large. Canada's World is a three-year national "citizens" dialogue initiative focused on advancing a new vision for Canada's role in the world. In addition to defining a vision for Canada's international policy, the eight sessions will collectively explore nine issues that relate to specific international policy themes of importance to Canada and the world. Maureen and I continue to be active and involved with the discussions.

I have just touched on a few highlights of what we have undertaken in the past 8 months. If you have any questions regarding this report or have suggestions for future newsletter topics please do not hesitate to contact me. We also welcome ideas from our membership to assist in the exciting work of moving our Union forward. I wish you all a healthy and happy summer and I look forward to seeing you at the AGM.

In Solidarity

Wendy

Staff Representative Conference

MAHCP is planning an exciting new event!

On October 16, 2008, MAHCP will be hosting a Staff Representative Conference. The Annual General Meeting will follow this full day event.

There will be a wide range of topics discussed, ranging from Collective Bargaining to Respectful Workplaces.

The Conference will have limited seating capacity and in addition to early registration, preferences will be given to those who have taken MAHCP Level 1 and Level 2 training. One of the expectations will be attendance of the AGM. The Staff Representative Conference will be an opportunity



for members to supplement their knowledge beyond MAHCP'S Level 1 and Level 2 Training programs, and the monthly Staff Representative meetings. The conference will also be an opportunity to network with fellow Staff Representatives and to become

more involved. We welcome and invite your feedback. Please contact the office if you are interested in attending.

Deadline for registration is July 18, at 16:00.

How to register:

Contact MAHCP Reception. Apply by mail, phone (772-0425 or 1-800-315-3331), fax (775-6829), or email (info@mahcp.ca). Provide your name, work and home phone number where you can be reached, employer name, and area that you represent. Indicate whether you are scheduled to work on that day.

Helpful Legal Information for MAHCP Members

When is an Employer Stopped from Changing an Employment Practice?

by Jacob Giesbrecht
of Inkster Christie Hughes, LLP



A common complaint for employees is that employers apply rules and practices differently depending on who is enforcing them. Some managers will bend over backwards to accommodate an employee's need. Need, time to take your kids to the doctor? "No problem." Others aren't so accommodating. What can you do if you have enjoyed a benefit in your employment relationship and all of a sudden it's gone? Do employees have any rights when the employer unilaterally changes their policies and that change denies the employee a benefit that they may have enjoyed for years? The answer to that question is "sometimes".

Employers have the ability to terminate a practice not supported by the terms of the collective agreement. They are, however, restrained in this activity by the principle of "estoppel". Estoppel is where one person has promised another person something that he is not strictly entitled to and the beneficiary of that promise then takes the benefit offered and is then prejudiced when the first person later tries to strictly enforce the terms of the agreement to take back the benefit.

In order for estoppel to apply, the practice that forms the benefit must be clearly demonstrated. The employee must demonstrate that the practice was intended to induce reliance and that the employee relied on the practice to his or her detriment.

Where estoppel arises in the context of a collective agreement, the practice interprets the appropriate provision of the

collective agreement. The logic there is, why would the employer have agreed to a certain practice unless they interpreted the collective agreement in such a way as to impose that form of practice. The provision of the collective agreement on the issue at hand must be ambiguous so as to support the meaning that the employer has given it.

Where the provision of the collective agreement on the issue is clear and unambiguous, the employer may have the right to change the practice so as to accord with the terms of the agreement. The employer can, in this circumstance, be said to have been "forbearing" on its rights and can end that forbearance at any time.

One example of where the issue of estoppel might arise is vacation accrual. It may be that an employer allowed accrued vacation time in excess of that allowed by the collective agreement. Where an employee has relied on the practice to be able to accrue vacation beyond that allowed under the agreement, the employer is not suddenly allowed to eliminate the days beyond the accrual period. But where the employer provides reasonable notice to the union and employees that vacation accrual beyond that allowed under the collective agreement will no longer be allowed, the practice can be changed.

The employer must be reasonable and fair in providing such notice of the termination of the practice. Where the notice is discrete and clearly spells out the practice that is to be altered, that is arguably reasonable in the circumstances.

Where that notice is to something broad and vague, or, in the words of the arbitral jurisprudence, "ambiguous" and able to support more than one meaning, the notice may not be appropriate.

Estoppel is defined as "a legal doctrine that prevents a person who made a promise from renegeing when someone else has reasonably relied on the promise and will suffer a loss if the promise is broken."

This paper is intended as an introduction to the topic and not as legal advice. If you require specific advice with respect to your situation, you should contact a lawyer.

This series of articles will continue in future editions of the MAHCP News. If there is a topic that you would be interested in, please contact Wendy at 772-0425.

MAHCP LEGAL ASSISTANCE PLAN

Membership does have its privileges

MAHCP members receive reduced legal fees on house purchases, sales and mortgages as well as Wills, Powers of Attorney and Health Care Directives under the MAHCP Legal Assistance Plan.

Discounts also apply to family law matters and members benefit from a 20% reduction in other legal fees.

For more information, please contact:

**SHARON TOD at Inkster
Christie Hughes LLP at
947-6801**

Portability

This is the second in a series of articles to provide some background and insight into topics such as Transfer Agreements, Mobility Agreements and Portability.

Portability gives members of MAHCP the ability to take benefits with them ("port them") from one MAHCP employer to another employer as long as they both participate in Central Table Bargaining. The type of benefits that MAHCP members are entitled to "port" are:

1. Income protection
2. Length of employment for the purpose of accruing vacation
3. Length of employment for the purpose of accruing pre-retirement leave
4. Length of employment for qualification for the "Magic 80" pension provision
5. Length of employment applicable to the next increment date
6. Continuation of all Benefits Plans, and
7. Seniority credit in accordance with the new employer or "receiving facilities" collective agreement

In order to be entitled to Portability, one must leave

an MAHCP employer and within six weeks of severing their employment, commence employment with a new employer also with MAHCP as the union representing the professional technical employees' at that facility. This memo applies to members who quit one job voluntarily to go and work at another job as per the qualifications stated previously.

The intent is to have no loss of benefits or seniority to the member in such a move. If one goes from a facility that is represented by another union i.e. UFCW to a facility represented by MAHCP they may in some cases be eligible to move their benefits and seniority, however, this type of movement would be covered under the Memorandum of Agreement regarding Staff Mobility between the nine(9) facilities of the former WRA (WRHA) system.

Mobility is more complex than Portability and if Mobility is applicable then Portability is not.

The next Newsletter will explain Mobility in more detail.

**Lee Manning
Executive Director**

DSM Update

DSM is implementing a new payroll system that will be active for the urban sites of DSM for the June 6, 2008 payroll run.

Following that implementation it is our understanding that regions represented by MAHCP (Burntwood, NorMan, and Southeastman) will be on this payroll system sometime in the fall of 2008.

Once these regions are on this payroll system they will be completely transitioned and DSM Employees.

We anticipate that DSM representatives will work in conjunction with local HR people in the regions to transition the members from the regions to DSM. It will be a requirement of this transfer of employment to sever each member's employment with the region or facility prior to accepting a letter of offer of employment with DSM.

This is the same process that all of the members at urban sites went through prior to the transfer of employment to DSM.

Member Comment

As a new retiree but still a casual worker and paying member of MAHCP, I very much enjoy the newsletter. In terms of a communication tool it is outstanding. I remember back to times when we had complaints about communication. There isn't a member who could complain about such an informative, comprehensive and professionally compiled newsletter. Congratulations to you, the editor, and to the team that is able to put it together to keep us informed.
Alf Price, Brandon RHA

Call for Resolutions

The Manitoba Association of Health Care Professionals is accepting proposals for change(s) and/or additions to:

- Constitution and Bylaws
- Standing Rules
- Policy Papers

Resolutions must be specific and must be typed or in legible handwriting and must be moved and seconded by a Member of the Association. The mover of the proposal should attend the Annual General Meeting on October 16, 2008, to speak to

the proposal as written. A telephone number should be included should clarification be required. A copy of the resolution form will be available in the newsletter, or may be obtained by calling the office (772-0425), or by downloading from the website (www.mahcp.ca).

Please forward all proposals to the MAHCP office, to the attention of Al Harlow, Vice-President.
Resolutions are due at the MAHCP office prior to 1600 hours June 27, 2008.

In solidarity,
Al Harlow BSc MLT
Vice-President

Call for Nominations MAHCP Executive Council 2008-09

Nominations for the 2008-09 Executive Council are due at the MAHCP Office, 101-1500 Notre Dame Ave., Winnipeg, MB. R3E 0P9 on or before 1600 hours June 27, 2008. Please send to the attention of the Nominating Committee.

In order to be valid, a nomination must be signed by two eligible members of the Association (i.e. same occupational group, same geographical health region), and must include signature of acceptance of the eligible nominee.

The Executive Council of MAHCP monitors the business affairs of the Association, plans policy, and sets direction for the Executive Director to follow. The Constitution permits representation from each geographical health region, each occupational group with ten or more members, and each special interest group.

The following represents the current Executive Council positions, which have **one year** remaining in the existing term of office:

Officers:

Vice-President

Regional Directors:

Burntwood RHA

Occupational Group Directors:

Laboratory

Medical Physics

Orthopedics

Pharmacy Technician

Physiotherapy

Radiation Therapy

Recreation

Nominations will be accepted for the following vacancies on the Executive Council for a full **two year** term of office:

Officers:

President

Regional Directors:

Brandon RHA

Nor-Man RHA

South Eastman RHA

Winnipeg RHA

Employee Interest Group Directors:

Aboriginal Health & Wellness Centre Clinics

Community Therapy Services

Jocelyn House

Society for MBs with Disabilities

Occupational Group Directors:

Audiology

Cardiology

Child Life Specialist

Dietitian

Electroencephalography

EEG

EMS

Food Service Supervisor

Home Care Coordinator

Mental Health

Midwife

MRI

Nuclear Medicine

Occupational Therapy

Pastoral/Spiritual Care/Chaplain

Pharmacist

Psychologist

Radiology

Resource/Utilization Coordinator

Respiratory Therapy

Social Work

Sonographer

Speech Language Pathology

(N.B. Should any members believe that a particular occupational group constitutes ten or more members, but is not listed herein, please forward a duly completed nomination for consideration by the Executive Council).

Any inquiries regarding the nomination/election process can be directed to the MAHCP office via mail, phone 1-204-772-0425, e-mail info@mahcp.ca, Fax 1-204-775-6829, or by our toll free number 1-800-315-3331.

A nomination form has been included in this newsletter and can also be obtained by calling the MAHCP office or downloading from our website, www.mahcp.ca.

In Solidarity,
Al Harlow BSc MLT
Vice-President



Al Harlow, Vice-President

Call for Staff Representative Nominations

Due to the Constitutional changes passed at the Annual General Meeting in October 2007 all Staff Representatives will have to be re-nominated this year.

All terms for Staff Representatives are two (2) years beginning at the end of the Annual General Meeting in October 2008. (When required, if a vacancy occurs during a term, an appointment may be made by the Executive Council.)

If elections are required they will be held in accordance with the Constitution.

For a comprehensive list of the areas eligible to have a Staff Representative please go to the website (www.mahcp.ca). If you do not have access to a computer a list can be sent to you.

Your nomination must be received at the Association office by 1600 hours on Friday June 27 2008.

In Solidarity,

Allan Harlow, Chair
Nomination Committee

MAHCP Scholarship Fund

MAHCP Executive will award up to five (5) - \$400, scholarships annually. Scholarships are open to children of MAHCP members entering their first years of full-time post-secondary education. E.g.: University or Community College, etc.



Eligibility:

Consideration will be given to candidates (students) who must submit the following information:

1. A copy of their final High School transcript of marks.
2. A letter of recommendation from one of the following (teacher, employer, counselor, or supervisor).
3. A brief letter or resume outlining activities such as volunteer work, community work, or extracurricular activities.
4. A 500 word essay on the benefits of being a union member.
5. Their intended course of study and their letter of acceptance to a Post Secondary program must also be included.
6. Candidates should include their parent(s)/guardian(s) full name and place of employment.
7. Applications must be complete in full, otherwise they will not be considered.

Process:

Deadline submission of application (available on-line or through MAHCP Office) no later than 1600 hours on July 25th to:

Chairperson
MAHCP Scholarship Fund
101-1500 Notre Dame Avenue
Winnipeg, MB R3E 0P9

MAHCP Executive will notify all candidates by mail by end of August.

MAHCP Monique Wally Memorial Scholarship Fund

The criteria for the Monique Wally Memorial Scholarship Fund is the same as the MAHCP Scholarship Fund, except for the following: one (1) - \$400 scholarship will be awarded annually to a resident of Manitoba entering their first year of full-time post-secondary education in an Allied Health Profession; and the topic of the 500 word essay is "why enter into an allied health profession?"

Call for Honour Roll Nominations

Eligibility:

The intent to publicly acknowledge the contribution of a Manitoba Association of Health Care Professionals member who has enabled the Association to grow and prosper.

This includes individuals who have given a generous amount of time serving as an elected officer on the Executive or one of many committees such as EAP, HEPP, Workplace Health and Safety.

It also includes individuals who have helped organize or were instrumental in organizing groups to join the Association.

Normally, individuals who have retired or are close to retirement and who have the general support of their colleagues would be considered.

Process:

Deadline for submissions will be no later than the end of July.

To: Chairperson
MAHCP Honour Roll
101-1500 Notre Dame Avenue
Winnipeg, MB R3E 0P9

Criteria:

A member in good standing:

- Who has served in an elected position on the Executive for at least two terms; and/or
- Who has served as a representative of the Association on Committees such as collective bargaining, EAP, Workplace Health and Safety; and/or
- Who has in a major way assisted in organizing new units for the Association; and/or
- Who has actively promoted the Association to others; and/or
- A member who has retired or is close to retirement; and/or
- A member who is generally recognized as a positive influence on behalf of the Association by their peers.