

Raising the Profile and the Identity of MAHCP's Members

We are pleased to announce the upcoming release of our new television ads. We have two different ads that promote our Technical, Professional and Paramedical members and the critical nature of our work. These ads are an important part of increasing public awareness of who we are and what we do as Health Care Professionals. You can view the ads on our website at www.mahcp.ca starting Tuesday, August 21st. We have included a schedule of air times for the ads on CTV Winnipeg.

We would like to extend a big thank-you to the members who agreed to participate in the filming of the ads and help to put faces to our professions. Please take a look at the ads, and see how many members you can identify!



We're Here for You!



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Enclosed with this Newsletter:

- AGM Pre-Registration Form Central Bargaining Table Nomination Form
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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 Develoment Fund.

Meeting Calendar

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

September 3, 2012

• Labour Day Stat Holiday MAHCP Office Closed

September 4, 2012

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• Gamma-Dynacare Staff Rep Meeting 101-1500 Notre Dame 1800 hours

September 4, 2012

· Gamma-Dynacare General Meeting Site TBA 1930 hours

September 5, 2012

 CCMB Staff Rep Meeting CCMB - Rm TBD. 1200 hours

September 5, 2012

• SBH Radiology Meeting Room TBD 1615 hours

September 11, 2012

· Seven Oaks Staff Rep Mtg Seven Oaks Cafeteria 1200 hours

September 12, 2012

• Executive Council Meeting 101-1500 Notre Dame 0845 to 1700 hours

September 12, 2012

· General Staff Rep Meeting 101-1500 Notre Dame 1830 hours

September 13, 2012

• DSM HSC Staff Rep Mtg NA001, Isabel Stewart Bld 1130 to 1300 hours

September 17, 2012

· AHWC Staff Rep Meeting Golden Terrace Restaurant 1200 hours

September 19, 2012

• HSC Staff Rep Meeting NA001, Isabel Stewart Bld 1130 to 1300 hours

September 20, 2012

• SEH Staff Rep Meeting Smitty's, Steinbach 1200 hours

October 3, 2012

• CCMB Staff Rep Meeting CCMB - Rm TBD. 1200 hours

October 3, 2012

· SBH Radiology Meeting Room TBD. 1615 hours

October 8, 2012

· Thanksgiving Day Stat Holiday MAHCP Office Closed

October 9, 2012

· Seven Oaks Staff Rep Mtg Seven Oaks Cafeteria 1200 hours

October 10, 2012

· Executive Council Meeting 101-1500 Notre Dame 0845 to 1700 hours

October 10, 2012

· General Staff Rep Meeting Cancelled, please attend the AGM

October 11, 2012

· Annual General Meeting see back page for information

October 15, 2012

· AHWC Staff Rep Meeting Golden Terrace Restaurant 1200 hours

October 18, 2012

· HSC Staff Rep Meeting NA001, Isabel Stewart Bld 1130 to 1300 hours

October 18, 2012

· SEH Staff Rep Meeting Smitty's, Steinbach 1200 hours

October 25-26, 2012

• Staff Rep Level I Training 101-1500 Notre Dame 0830 to 1630 hours

October 29-30, 2012

• Staff Rep Level II Training 101-1500 Notre Dame 0830 to 1630 hours

November 7, 2012

• CCMB Staff Rep Meeting CCMB - Rm TBD. 1200 hours

November 7, 2012

· SBH Radiology Meeting Room TBD 1615 hours

November 12, 2012

 Remembrance Day Stat Holiday MAHCP Office Closed

November 13, 2012

 Seven Oaks Staff Rep Mtg Seven Oaks Cafeteria 1200 hours

November 14, 2012

· Executive Council Meeting 101-1500 Notre Dame 0845 to 1700 hours

November 14, 2012

· General Staff Rep Meeting 101-1500 Notre Dame 1830 hours

November 15, 2012

• SEH Staff Rep Meeting Smitty's, Steinbach 1200 hours

November 19, 2012

· AHWC Staff Rep Meeting Golden Terrace Restaurant 1200 hours

November 21, 2012

· HSC Staff Rep Meeting NA001, Isabel Stewart Bld 1130 to 1300 hours

December 4, 2012

· Gamma-Dynacare Staff Rep Meeting 101-1500 Notre Dame 1800 hours

December 4, 2012

· Gamma-Dynacare General Meeting Site TBA 1930 hours

December 5, 2012

 CCMB Staff Rep Meeting CCMB - Rm TBD. 1200 hours

December 5, 2012

• SBH Radiology Meeting Room TBD 1615 hours

Bring your collective agreement to all member meetings.



President's Message by Wendy Despins

When I look back at the articles that I have written for the newsletter and the AGM reports a few of the titles include, "Union vs Non-union", "What You've Done for the Union", "Bargaining Unit Appropriateness", "Grievances Friend or Foe?", "Labour Day", "Just Another Tea Party", "Diversified Yes! Focused Absolutely!", "Bargaining What do You Want?", "Solidarity What does it Mean", and "CETA". Looking at the articles on their own and the content of the newsletter as a whole, a common thread may not be clearly evident, but a review of them will show consistent and reoccurring themes. But . . . as I wrote I could see that common thread. And that is . . . you the membership! Whether it is showcasing an award that you as a member have won, or one of your children have won, whether it is academic, professional or athletic there have been many reports on your achievements throughout the years. Another avenue has been my desire to showcase your occupations. Each of these were with the intention of raising awareness and a path of discovery, of learning about and getting to know our fellow members within MAHCP. The more we understand our respective roles and backgrounds the stronger we become together. "The Power of One the Strength of Many" was the theme for the 2008 and 2009 AGM's. Solidarity is the underpinning of any collection of individuals and certainly being a foundational value of the union movement. The more we understand each other and the more we can relate to each other the more we can embrace our solidarity.

Many of the ideas for articles and themes have arisen from questions, comments and ideas submitted by you. In the December of 2004 I looked at a questions posed to me by a fellow member "what has the union ever done for me." The following is the opening paragraph to that article and throughout the research of it I interview several different people to cover many different points of view.

About a year or so ago a comment made to me by a fellow union member gave me pause. This individual was frustrated and was questioning, "What has the Union ever done for me?" I was taken aback, realized that it was rhetorical and we moved on to other things. However, since that time I have given it much thought, as I was curious by the differences in our point of view. I began to look at our different life experiences, and realized that I have worked in both unionized and non-



unionized

environments.

has spanned a

period of time

many changes

(changes in our

society, changes

laws, changes

in labour

in working

conditions,

changes in

social funding

and changes in

that has seen

My work life

Wendy Despins

expectancies). Whereas the individual who has worked in only one environment, an environment with an already longstanding union and with a negotiated collective agreement, where processes and systems are in place that appear to have no comprehensible relevance to someone beginning their career and where they do not perceive to have any input, would have an entirely different point of view. So I can understand how without something to compare to, or without some historical information someone might not appreciate the impact and the importance of unions. They might not understand the significant contribution that unions have made to work life in Canada, nor the impact the unions have had on social reform. Unions are an integral part of our culture and have helped to shape the society that we live in today. It has been shown that countries that are highly unionized have a higher standard of living.

There is a concept that unions are no longer relevant today and yet... the following is an excerpt from an article "Union vs Non-Union" September 2005.

"I have spoken to a number of individuals in the private sector who work in non-unionized environments. Some very key points began to emerge as we discussed salaries, benefits, pensions, overtime rates, compassionate leave and a number of other items we enjoy as unionized employees.

It soon became apparent to me that there are no standards of practice between employers or even within the same employer. I was often told that salaries and benefits are not discussed between co-workers. That type of information is between the employer and the employee. This of course varied from organization to organization; some had very clearly defined salaries and basic terms and conditions of employment, while others did not. Vacation packages range anywhere from 2 weeks increasing to 3 weeks after a varied number of years. Some are capped at three weeks, some at four weeks after 20 years.

One individual I spoke with, after nineteen years with the same employer was required to use a vacation day to attend her Grandmother's funeral.

Salary increases again varied and are often linked to performance appraisals. Income protection ranged from 10

days per year to 12 days per year and some employers have a cap of 90 days. Many employers only have unpaid sick time and no provisions for medical leave, such as doctor's or dentist appointments.

Many non-unionized employers are not paid either shift or weekend premiums and have forced overtime.

Most employers do not have preretirement leave or sick time pay out."

I believe these examples are as true today as they were in 2005 and are the very reason that unions continue to be relevant.

Unions in the modern era may look differently and may undertake different activities to further the union movement and to raise the profile of its members. The announcements of initiatives on behalf of the membership such as a marketing plan begun in 2006 to highlight and raise awareness of MAHCP, the members and our occupations. That initiative has included TV ads in 2006, 2008, and 2012, bus ads, billboard ads and an on-going radio campaign. In conjunction with some of these there have been radio and tv interviews, press conferences, press releases, and public forums. Many of you are aware that we contracted with Strategic Communications in March to assist us in further developing our marketing. At this point they have conducted focus group meetings of both members and the general public. They have also conducted an extensive on-line member and public surveys. And we are looking forward to their findings and what direction this may take us as we go forward.

So, all in all, it is always about you the membership. Every action, decision and thought is with improving your working conditions, raising your visibility and building a stronger informed membership.

In solidarity

Wendy Despins MLT President MAHCP

11th annual Mel Myers labour conference

Every year MAHCP staff, executive council members and a small number of staff reps are selected to attend the Mel Meyers Labour Conference. This conference is an opportunity for members of unions, labour relations officers and labour lawyers, to learn about pertinent labour issues confronting Canadian workers today. This year staff reps that attended were Bob Moroz, Janet Fairbairn, Michael Kleiman, Lynn Lambert and Taja Lonstrup. The following are excerpts from the submitted reports.

Submitted by Janet Fairbairn MLT Lab Director for MAHCP

The Mel Meyers Labour Conference is a conference put on the MYERS WEINBERG LLP LABOUR GROUP. The lawyers of the firm donate their time and expertise to answer the questions of labour union representatives and give advice. Proceeds from this year's conference held March 15 and 16th were donated to the SAFEWORKERS of Tomorrow, to enhance their workplace safety and health information programming for young workers of Manitoba.

I came away with a lot of interesting information, but the two things that stood out in my mind were the importance of social media for a union and importance of paying attention to what is in the news and aligning a union politically.

The first is the importance of social media to a union. It allows unions to have intimate, personal conversations with hundreds, if not thousands of members, potential members and supporters. Unions can now campaign globally, raise awareness of issues locally or build support from non-traditional regions or geographic areas. Unions can utilise very powerful and flexible networking tools, but like any organizing and campaign tool, they must be used properly.

To use social media well, groups ought to:

- Engage in conversations: People who visit websites these days expect to be able to interact with you on that website. The content you put on your website is no longer one way. Even if you don't have a web site that allows comments, readers will be able to comment on their own using Facebook or Twitter. Unions need to pay attention to these other forms of communication because it is a source of feedback from the member whether it is good or bad.
- 2. Be active and involved in online communities: You must keep the Twitter account or Facebook account active. One or two tweets, or information from media releases or links to the news section is not really engaging and no one will read it. Social media is on and active 24 hours a day, seven days a week. Twitter and Facebook operate on real time. Members, non-members and supporters quickly stop checking campaign sites that are not updated in a week. It is important to respond to comments and while most unions do not have the resources to have someone on social media it is important someone checks the unions Twitter and Facebook account regularly. Social media tools can't be used sporadically.
- 3. Choose your social media networks carefully- It can be very tempting for a union new to social networking to jump on as many as possible as there are hundreds of sites out there.

4. Set up a Social Media Policy, and set guidelines for union officials.

In summary, it is necessary to keep up with the new advances in social media and use it to our advantage. It can be used to focus our message, and for bargaining updates, as well as an organising tool. This can save time and money in the long run. You can contact a lot of people who are on their personal information devices many, many times a day. Also, you can find out



Janet Fairbairn

about what others unions are doing, pick up new ideas from across North America, and use it to promote your issues. However, it should never really be substituted for real communication.

Another plenary session was entitled Challenges Unions Are Facing and was presented by Paul Moist, National President of CUPE. He spoke about how union density has been declining due, in part, to public sector austerity. In China, India, and Asia the GDP (gross domestic product) is on the rise, yet the people that work there have few or no labour rights. Hundreds of millions of labourers can't get more than two dollars per day.

We are facing public sector recessions, loss of manufacturing jobs, high unemployment, skills shortages and no labour force strategy.

He felt that Canada maybe entering into what he described as the perfect storm. We are facing public sector recessions, loss of manufacturing jobs, high unemployment, skills shortages and no labour force strategy. A million new immigrants are brought to this country and wait for employment. That is the current government's workforce strategy. He felt privatization is a threat to public services and public sector workers but public ownership of industry is the best strategy to fight against the loss of industrial jobs in Canada.

Moist urged unions to pay attention politically to what is happening in Canada. They also need to align themselves politically and pay attention to provincial government mandates, the federal budget and how it affects all of us. Catepillar's job loss of 460 skilled workers was another example, according to Moist. There were no strike-breakers wielding clubs at Electro-Motive Canada, because there was no strike to breakthe union was locked out on New Year's Day and the Canadian

From Pregnancy to Birth and Beyond

By Armand Roy

Although small in numbers, the Midwives we represent are some of the most dedicated and committed health care professionals in Manitoba. Unlike physicians who are committed to many different specialties besides obstetric care, Midwives prepare and assist new mothers with intensive and high quality on-going care throughout their pregnancy and often follow up well after the birth of the child.

Midwives do all this without the benefits of overtime, call-back, and are generally called upon to be on duty twentyfour hours, seven days a week. Obstetric physicians are paid more than double the average income of a midwife. Physicians can limit and dictate their hours of work while midwives are not given this basic right. Nurses are provided with overtime and call back and their salaries are much higher than a midwife. Their lack of normal rights covered under Manitoba Employment Standards dates back to a time when Midwives were simply attempting to establish themselves as true health care providers.

The MAHCP has attempted to change these working conditions in every contract since the original language was imposed into our collective agreements. Unfortunately the Employers have not agreed and continue to threaten cancellation of the midwifery program.

Midwives' dedication to their work and their constituents is unparalleled. The demand for midwifery services has increased constantly. There is a shortage of midwives in Manitoba and they are frustrated with the lack of support from the Provincial Government. The demand for midwives in rural Manitoba is beyond what the midwifery profession can provide. This puts an undue strain on the midwives we have. Many of them work tirelessly sacrificing any semblance of home or family life.



Positions are unfilled and programs are even abandoned in some areas as current midwives relocate to better programs, with few if any applicants to replace them. This has made it difficult to attract midwives to Manitoba.

The government certainly seems to support the concept of midwifery. However, many of their initiatives have fallen short of expectations or even failed. The joint initiative in Northern Manitoba between the provincial and federal governments, University College of the North, and local Aboriginal communities, to develop trained Aboriginal midwives did not achieve its intended goals and forced a midwife educator to leave the province permanently to maintain her skills. Not a single midwife has graduated from the program, which no longer exists.

The MAHCP believes it is time for the Province to develop a plan to ensure a vibrant and sustainable midwifery program for all residents of Manitoba.

The MAHCP will continue to work hard towards getting our highly skilled and dedicated midwives the recognition and working conditions they deserve.

Letter to the Editor that ran in the Winnipeg Sun on July 22, 2012, in response to their article "A Colossal Failure", July 16, 2012

Dear Editor

The Manitoba Association of Health Care Professionals (MAHCP) represents many of the rural midwives in Manitoba. We see the frustrations of Midwives as highlighted in your article of July 16 titled Winnipeg's new birthing centre 'a colossal failure'.

MAHCP strives to improve midwives conditions of work and their delivery of services to Manitobans. Demand for midwives in Manitoba is beyond what the midwifery profession can provide. As current midwives relocate to better programs, positions go unfilled and in some regions programs have been abandoned.

Midwives provide phenomenal delivery of care in a cost effective manner. MAHCP has fought to achieve competitive remuneration for our midwives. Employers tell us they won't get funding if basic rights such as overtime have to be provided.

MAHCP believes with proper staffing and fair working conditions the Winnipeg Birthing Centre will thrive. Its success will depend on the resources and support for midwives and their recognition as professional health care providers. We believe Manitoba can lead the way to a vibrant and sustainable midwifery program for Manitobans.

Wendy Despins MLT President, MAHCP

MAHCP Career Profile

CYTOTECHNOLOGIST St. Boniface Hospital Site

Submitted by: Ruth-Ellen Wallace, Cytotechnologist

Being a cytotechnologist is as rewarding as it is misunderstood by the general public. Even our lab discipline of cytology is often misconstrued as having to do with psychology, because they sound so alike. In truth, we get the name 'cyto' because it means 'cell'.

Our training and daily work revolves around observing human cells and the way they change when undergoing both benign and malignant processes. These microscopic changes can be very subtle, so we rely on a complex staining procedure named after the founder of cytology, Dr. Papanicolau.

His ground-breaking work in the 1950s lead to the introduction of the pap smear, which has had tremendous success in reducing cervical cancer mortality.

Even today, cytology is still focused around routine and highrisk pap smear screening. Our complex pap stain uses three different cytoplasmic stains, and one very important nuclear stain.

To us, the most important part of each cell is its nucleus. A cell's nucleus tells us if the cell is normal, reactive, or potentially cancerous. In general, the darker a nucleus stains the greater the chance the cell is abnormal. When such a cell is found, the cytotech will place an ink dot directly above the cell for the pathologist to review. All pap smears that are currently or have recently been called abnormal by a cytotech are then sent to a pathologist for review and final diagnosis.

Outside of the pap smear, we also receive cellular samples that have been taken from other parts of the body. Cells that exfoliate into urine or a body cavity fluid, or cells that are directly aspirated by a fine needle, are processed and microscopically examined. It is often part of our job to be present as the needle aspirations are being performed.

After screening the slides for malignant cells, we then enter our diagnosis into the computer, and a pathologist will review the case afterwards. Often a pathologist will ask for special ancillary studies or additional stains to be completed on the case before signing it out with their final diagnosis. is currently offered through Red River College, with the practical component done in the cytology lab at Health Sciences Centre. This arrangement is due to change, however, with applicants soon requiring to go through Michener.

Just as our work is rewarding, it is also very crucial to patient care, with diagnostic decisions literally a matter of life and death. Consequently, we are also trained to pay very close attention to detail within our policies and procedures. Our Quality Control measures



St. Boníface Cytology

As cytotechnologists, we spend a great deal of time at the light microscope, so liking microscopes is definitely a prerequisite to our training. Being from Ontario, I completed the 2-year Diagnostic Cytology diploma program at the Michener Institute for Applied Health Sciences in Toronto. In Manitoba, the course include in-depth documentation of our Standard Operation Procedures (SOPs), safety requirements, turnaround times, staff proficiency testing and professional development opportunities. The expectations and challenges in the field of cytology are great, but there is nothing like being on the front lines in the battle against cancer.

Mel Myers Labour Conference

(cont'd from page 4)

government allowed this to happen. There were no replacement workers to bust the union, because the union was merely invited to slit its own wrists — by halving most wages from \$34 to \$16.50 an hour. Basically the workers were told to pack up and leave town. This should have set off alarm bells as to how we allowed Caterpillar the legal right to do as it pleased when they purchased the old locomotive plant. There has been much hand-wringing that foreign investment safeguards weren't triggered, failing to ensure a net benefit to Canada with explicit job guarantees after the takeover. This company had a net profit last year of 80 billion and yet they claimed hardship.

The government is more intent on attacking workers' rights than on working to strengthen the important institution of collective bargaining.

Moist also referred to Bill C5 and C6 which "provide for the resumption and continuation of services", in the case of Air Canada and Canada Post. These moves send a clear signal that the government is more intent on attacking workers' rights than on working to strengthen the important institution of collective bargaining. It is taking the union's rights away by imposing a compulsory final offer selection arbitration.

In closing, I found the 2 days to be very enjoyable. It was an opportunity for our own Labour Relations Officers to network with their peers. Also, union representatives, including members of MAHCP, and representatives from various unions' locals shared their own past experience of labour related matters. As you looked around the room you knew we all have one thing in common: SOLIDARITY.

Submitted By Bob Moroz, Treasurer and Radiation Therapy Director for MAHCP

I had the privilege of attending the 11th annual Mel Meyers Labour Conference on March 15 and 16, 2011. This is the third time I have been offered this opportunity, and each time there is more to learn, more people to meet, and more issues to become aware of.



Bob Moroz

The conference opened with a plenary session entitled Social Media. One of the more interesting aspects of this session was the request at the beginning by the presenters to please turn on all cell phones, as this was to be an interactive and hands on experience with social media. The presenters instructed the audience about how to use hash tags to follow conversations on Twitter. As the session progressed, it was interesting to note how many of the audience were actually tweeting as we went along.

It has become a common refrain that in order for unions to truly connect with members, they must have a presence in the social media world. There are some unions who are using twitter to provide things like bargaining updates in real time to membership. There were few details provided as to the content or complexity of these updates, but it is being used out there. Another inescapable fact that unions need to take advantage of is that the huge majority of reporters are avid Twitter users. Using this knowledge, it is entirely possible to get the union's views on a story before it is published in the newspaper (when it may be too late.)

Interestingly, however, a survey was conducted recently by CUPE which indicated that the bulletin board and worksite visits still outrank social media as the preferred method of obtaining information from the Union.

There was a discussion on the difference between using social media as a tool for getting your message out and comment sections on online news sites. I was introduced to the term "slacktivism" which describes all those people with solutions to every problem sitting at home commenting on the internet. The presenters pointed out that these people and their "contributions" are best taken for what they really are.

I was introduced to the term "slacktivism" which describes all those people with solutions to every problem sitting at home commenting on the internet.

Another session I attended was entitled "Promotion and Reclassification Grievances." There were a couple of situations discussed. The first situation - a member was asking why he or she was not the successful candidate for a job posting. The other situation dealt with a member asking whether he or she is classified in the correct position and whether he or she is being paid appropriately.

Often, a Collective Bargaining Agreement (CA) will spell out procedures for filling vacancies. These may relate to the rights that employees have to apply for the position. For example, the employer may not transfer a member of management into a position without posting the vacancy. There are other procedural requirements that sometimes exist to ensure fairness among the members of the bargaining unit. It was also interesting to hear that arbitrators have held that employers must accommodate applicants that are unable to apply because they were away from the workplace. It is also noteworthy, and a cause for great concern among my own members, that an employer is not generally required to fill a vacancy as part of their management rights, unless there is clear CA language requiring it.

Assuming a job has been posted in accordance with the CA, the next step is evaluating and selecting the successful candidate. One issue to be considered is the job posting itself. Arbitrators have ruled that criteria outside those detailed in the job posting

cannot be considered as factors (one person who has a higher level of education not required in the posting cannot be awarded the position based on that criteria.) This however does not mean the "normal, obvious, or reasonably expected requirement of a job need be spelled out."

Gestational diabetes is a temporary condition that occurs during pregnancy?

Did you know

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Mel Myers Labour Conference

(cont'd from page 7)

There are three basic types of promotion/selection clauses; threshold, competitive, and hybrid. Unions normally wish to protect the seniority rights of its members whereas an employer usually wants to maximize its discretion in the process. These competing interests are key to the type of clause in a CA. Which one is contained in the CA has a has a significant impact on the rights of the members vs. the employer.

The Threshold clause simply stated is that the most senior qualified person gets the position. This clause is not very common in modern CAs.

The Competitive clause states that seniority is the deciding factor where the more senior employee has equal or relatively equal abilities as the junior employee. An issue that may arise out of this type of clause is that the union may find itself grieving on behalf of the more junior employee who feels he or she is more qualified than the more senior employee. Another issue that arises is that arbitrators have ruled that a significant difference in seniority has a greater weight in the selection process. In this case, there is a heavier onus on the employee were not relative equal to the junior employee.

The Hybrid Clause allows employers to consider all of the criteria without stipulating which (seniority/ qualifications) takes precedence.

In the event of a grievance, the union has the right to request appropriate disclosure. This may include information such as: all applications for the position, list of expected answers and weighting, list of interview questions, notes of panel members, managers recommendations, any other documents the employer may have relied on to justify it's decision. Of course, the employer will invariably claim confidentiality, but arbitrators have ordered such disclosure, usually with strict limitations on the use of the information.

Where there is a chance that an employee may be displaced by the grievance process or arbitrator's decision, that person should be given notice. He or she may then decide whether or not to participate.

There was a lesser emphasis in this session on reclassification issues. An important concept is that it is the job that is to be reclassified, not the worker doing the job. Another concept that needs to be understood is that the central core of the job has to have significantly changed in order to consider a reclassification. Arbitrators have ruled that some overlap in job duties does not constitute a reclassification. This decision states that simply because an employee has performed some increased duties, he or she is not necessarily entitled to be paid at higher rate. It always goes back to the core functions of the job. "More work does not equal different work."

The third session I attended was "Family Life and Human Rights." This session dealt primarily with Legislation relevant to family life. The Human Rights Code deals with provincial employment and the Canadian Human Rights Act refers to federal employment. It is interesting and very important to note that unions are bound by this legislation as well as employers. Unions are barred from negotiating CBAs that are discriminatory and from depriving or limiting employment based on a protected ground.

Arbitrators have ruled that some overlap in job duties does not constitute a reclassification just because an employee has performed some increased duties, he or she is not necessarily entitled to be paid at higher rate.

In a discrimination case, the initial onus is on the employee to prove discrimination based on a protected ground (sex/pregnancy, family status.) If the employee does establish discrimination the onus shifts to the employer to defend the discrimination. They must show that a discriminatory rule or practice is a bona fide occupational requirement in that modifying it would amount to undue hardship (financial cost, disruption to the CBA, employee morale, safety, etc.)

A number of cases were presented to highlight some of the issues related to family life related grievances. The biggest problem we face is that family status is not defined under either the Human Rights Code or the Canadian Human Rights Act. The Manitoba Human Rights Commission does have a policy defining marital and family status, but it remains somewhat vague in its scope.

During the lunch break of day two, Provincial Labour Minister Jennifer Howard addressed the conference. She began by discussing the need to maintain defined benefit pensions. Some of the changes the government has made are mandatory early contributions, pension committees, tools to ensure employer compliance with rules/laws, and have made it easier for plans to prove their solvency during the economic downturn. Ms. Howard then went on to discuss the Harper government's plan to increase the Old Age Security eligibility age from 65 to 67. This will result in a download of costs to the provinces which could cost Manitoba up to \$10 million. Howard then went on to discuss workplace health and safety. She claimed that the accident rate has dropped 40%, and Manitoba is about to undergo a review of the workplace health and safety plan.

Manitoba has been doing some work at improving the Employment Standards Code enforcement. They have created a new unit of proactive inspectors to deal with areas where there is a high likelihood of non-compliance. Their primary goal is to educate employers first.

In terms of collective bargaining, Howard said Manitoba has a 60 day limit for strikes or lockouts, after which the matter is automatically referred to the Labour Board. This is unique in Canada and is being looked at by other jurisdictions.

In closing, I wish to express my gratitude to the MAHCP for allowing me the invaluable experience of attending the Mel Meyers Labour Conference. I believe that it is an outstanding learning and networking opportunity.

Our 2012 Scholarship Award Recipients

Each year, MAHCP awards scholarships to children of members who are entering their first year of post-secondary education. As part of the application process, the student writes an essay: "The Benefits of Being a Union Member" for the MAHCP scholarships, and "Why Enter into a Health Care Profession" for the Monique Wally scholarship. Each year we publish a selection of the applicants essays; the following are two of the excellent essays we

received this year. At this time, we'd like to remind all members to encourage university or college-bound children to apply for our scholarships next June.

> The Benefits of Being a Union Member by Diane Bosc, Recipient of 2012 MAHCP Scholarship Award

I have belonged to a union for a little over a year so I have firsthand knowledge about the benefits associated with being a union member. I have also discussed this essay topic with my mother, who is a member of the MAHCP union, which provided me with a greater understanding and appreciation for what a union can do for its members.

Through my experience as a union member, I have had the pleasure to discover many of its benefits. For example, the union ensures that all employees are treated fairly and with respect. Being a union member gives me the assurance that I will be paid appropriately, be able to go on breaks, receive shifts and that my seniority will be respected.

One of the major benefits which my mother explained to me is the benefit of having a group of employees versus a single employee when it comes to negotiation with management and/or government. The union representatives listen to comments, requests and suggestions from its members and present them to the management to advocate for the members at contract renewal time or as individual issues arise. This creates a comfort for the members because they know that they are not alone against management but rather they present a united front with a big voice to be heard. Members know that there is strength in numbers and they can influence outcomes of issues such as health and safety regulations being met and job security. They also know that they do not need to be intimidated by the process if there is a grievance as they have representatives to advocate on their behalf and support them through the process of resolving issues that may arise from time to time.

Another benefit that my mother spoke about was the binding contract. This gives its members security for the duration of their contract and it provides a very detailed description of various terms and conditions of employment between the employees in a union and their employer. It outlines things such as salary schedules so you know when to expect raises and what they will be. It discusses benefits that an employee is entitled to such as health benefits, pensions, sick leave, vacation leave and education funding.

Another benefit that we discussed was how unions are able to negotiate fair wages and benefits that are appropriate for the skills and responsibilities required for the positions. This is another example of how strength in numbers can help the employee and provide them fair compensation for what they do. After years of education and/or experience and training on the job, it is reassuring for employees to know that what they do is valued and that they are reasonably compensated for their efforts.

Many advancements in workplace health and safety regulations have come about through the efforts of unions in bringing forth employee issues and concerns to management and government. Working together with management and government, policies have been created to create a safer workplace and to train employees on how to make safety a part of their everyday work.

To summarize, unions allow employees to do what they do best – the job they were hired to do and give comfort and satisfaction to the employees to know that their best interests regarding compensation and safety are being advocated for by their union representatives.

2012 Scholarship Award Recipients

MAHCP awards five (5) four hundred (\$400.00) dollar scholarships to graduating high school students.

The 2012 recipients are:

- **Diane Bosc,** daughter of Lois Bosc, Dietitian, Misericordia Health Centre
- Aaron Chanas-Larue, son of Darcene Chanas-Larue, Cardiac Sonographer, HSC
- Nicole Cote, daughter of Diane Cote, Radiology Technologist, VGH
- Denee Dawson, daughter of Brenda Dawson, Laboratory Technologist, DSM Concordia
- Aaron Mooi, son of Odette Morin, Occupational Therapist, Community Therapy Services.

The 2012 recipient of the **Monique Wally Memorial Scholarship Fund** is **Nicole Cote**, daughter of Diane Cote, Radiology Technologist, VGH.

Congratulations! We wish all applicants good luck in their future endeavours.

Scholarship Essays

The Benefits of Unions

by Aaron Mooi, Recipient of 2012 MAHCP Scholarship Award

On May 15th, 1919, thirty thousand people marched off their jobs and onto the streets of Winnipeg. This event became known as the Winnipeg General Strike – the largest labour walkout in North American history and a critical step towards obtaining worker's rights. Unions have been fighting ever since for labour reforms and improved working conditions.

Despite this, unions are not always popular among employees, especially newer workers who have not had to struggle for the benefits they take for granted. College graduates enter the job market believing they are owed something for obtaining their degree, and often do not recognize that the high wages they can demand and reasonable working conditions they expect are a direct result of unionization. Unions have challenged and negotiated with employers for decades to provide fair compensation and conditions for their workers.

One of the great benefits of unionization is a fair wage. According to a report conducted by Lawrence Mishel and Matthew Walters, a high school graduate who works in a non-unionized workplace in an even partially unionized industry can expect to receive a 5% higher wage than a graduate who works in a non-unionized industry. According to the same report, workers that belong to a union receive on average 20% more pay than non-unionized counterparts.

People often say money isn't everything, and they're right. It is just as important to feel comfortable and safe at work and at home. Before the General Strike, a working day could be as long as sixteen hours and the wage would not be enough to put food on the table unless even the children worked. Unions fought for the eight hours day and the forty hour work week. Health benefits were introduced and safety became a priority. Even though sick days and holidays are common throughout the workplace today, unionized employees receive 26% more vacation and 14% more paid leave (Mishel and Walters).

Perhaps the most frightening aspect of employment is unplanned termination, or, simply put, getting fired. Non-unionized corporations have been known to release employees on very little or seningly no justification. Today, "down-sizing" or "reorganization" with job loss seems to be the trend in non-unionized work places. The employer can bring in younger staff that can be paid less. Unions help to prevent both the laying off of older workers and firing of employees. First, many unions have introduced procedures that require justification and evidence, forcing employers to make reasoned decisions. Second, unions frequently work on a seniority basis. This means that older workers that have been promoted cannot simply be laid off and replaced; those with the most experience and most loyalty to the employer are rewarded.

Since 1919, Winnipeg and its unions have been working to make life better for the employee, and they have largely succeeded. Unionized workers have more job security, better hours, more benefits and increased wages; consequently, lives away from work have also improved. For this, we can thank the tireless work of unions and their members.

LABOUR PRIDE ON LABOUR DAY By Shelley Kowalchuk

Labour Day is here – and most Winnipeggers are celebrating the last long weekend of summer. But do you know that Labour Day has its Canadian roots as far back as 1872? It was in March of that year, that the Toronto Typographers Union was in the midst of a strike, asking for a 54-hour work week, better known as the "Nine-Hour Movement". A parade in support was organised in April, bringing in thousands of supporters. However, the owner of the Toronto Globe, George Brown, was so incensed that he convinced the police to arrest the union organisers, based on antiquated anti-union laws. On September 3, 1872 members of seven unions marched in Ottawa to protest these archaic laws. Prime Minister Sir John A. McDonald agreed with the protesters. The anti-union laws were repealed by Parliament, and the Trade Union Act was passed in June of that year, legalizing trade unions. For many years after, parades were held annually to honour the fight and the union's victory. In 1894, the holiday was officially recognised as a national holiday.

So as you put another burger on the barbecue, remember our union brothers and sisters in the past, who worked tirelessly in the labour movement, took risks and passed on those gains to us.



Medical Notes

By Ken Swan, Labour Relations Officer

Employers are asking for medical notes from members more frequently. There are several points for members to remember, in order for them to protect their privacy.

- 1) Your medical information is yours. You own it, and have every right to protect it.
- 2) Except in the cases of a request for a medical accommodation, the employers are limited to requesting the following medical information:
 - a prognosis (NOT A DIAGNOSIS);
 - whether a course of treatment has been recommended;
 - an estimated date of return to work;
 - medical restrictions, if any (e.g. maximum weight to be lifted; and
 - whether the restrictions are temporary or permanent.
- For a member requesting a medical accommodation, additional information may be required, but only such information that relates specifically to the accommodation requested.
- 4) Your Collective Agreement (CA) prevails over any employer policy where there is a conflict. Most MAHCP CAs, although not all, contain a provision, under the Income Protection article, that permits the employer to request a medical certificate or report.

The provision states that the medical note can be requested for 2 reasons:

- 1. to determine an employee's fitness to perform her normal duties; or
- 2. to determine eligibility for income protection benefits. (This is a polite way of saying that they don't believe that you were ill.)

It is imperative that members ask for which of the reasons the note is being requested, as the form and content of the note may be different depending on the reason.

Also, it's important to remember that the same provision that allows an employer to request the medical note requires cause for absences of less than 3 days. If a member is asked for a note under reason #2 above, the member needs to ask the employer why the employer thinks (s)he would not be eligible. This should be done regardless of whether the absence has been more than 3 days. 5) In the CAs where no such clause exists, the employer may tell you that it is an

unrestricted management right. In these cases, the same questions need to be asked to narrow the employer's request to as great a degree as possible. They don't get to fish without a fishing license.

To limit the employer access, we encourage members to use the forms on the web site. Go to

http://www.mahcp.ca MEMBER SERVICES Forms and Brochures

for the MAHCP medical form. If you are unsure of how much information to disclose, call your LRO for advice.

Introducing MAHCP'S Newest Staff Member!

Rachiel Langit, our new Secretary/ Receptionist/Clerk, comes to us with a background in the legal system.

Rachiel has proven to be a personable, competent resource to the membership and the Association.

Please join us in welcoming Rachiel in her new role with the MAHCP.



Rachiel Langit

* iPad Email Contest *



The Communications Committee wishes to thank everyone who has sent in their email addresses to MAHCP in response to our iPad contest.

There is still time to enter. Cutoff is midnight on 30 September 2012. The result of the draw will be announced at the AGM.

Use Caution When You Login - Someone May Be Watching



Jacob Giesbrecht LLP

In some ways use of electronic messaging systems has brought us all closer together because it makes communication with friends, family and coworkers so much easier and faster. However, when conducting informal electronic correspondence from our place of employment or publically we need to be careful to discriminate between personal and professional communications and also what sort of information we are putting out there for the world to see.

It is important to note that when sending electronic messages from work, the tools of communication, the computer, the software and the server belongs or is paid for by the employer. If the employer has a policy that email or the use of the internet is strictly for business use, it is important that employees conduct their communications according to that expectation.

Facebook is amassing billions of dollars because of its prolific use. Along with its great success, stories abound regarding employers who have accessed some of their employees' Facebook pages.

Facebook is great but be aware that it may be more "public" than you think.

In some cases employees have been disciplined for documenting inappropriate activities at work and for documenting inappropriate activities while they should be at work. Facebook is great but be aware that it may be more "public" than you think.

Employees should also be aware that their communications conducted on employerowned equipment may be monitored in certain cases. Every employer maintains a personnel file on every employee. Usually the contents of a personnel file are quite innocuous. They include things like original job postings, certification documents, performance appraisals, etcetera. The file is used to keep a continuous record so that applicable benefits can be provided as the employment relationship matures.

In some instances, the employer's attention to an employee's personnel file takes on a more sinister aspect. If the employment relationship becomes strained and the employer begins to question the employee's work performance or any other issue that might strain the relationship comes up, an employee should be aware of the types of communications they have put out there into the electronic universe.



A collective agreement provides only so much protection from the misuse of an employee's information. Under a collective agreement an employee has the right to inspect the contents of their personnel file any time they wish. If the employer includes a document on the personnel file that is derogatory of the employee, the employer must make the employee aware of that document or it will not be allowed to use it at a hearing later if disciplinary action is taken. The employee, on being made aware of any derogatory report on their personnel file, has the right to grieve that report if it is not true.

What the collective agreement can't protect employees from is documentation in the ordinary course of business that amounts to an admission. An admission is an acknowledgement by a person that they have committed an act they are accused of. There is an age old principle of civil law that if a person admits that they did something wrong, that admission can be used against them later.

That is where the electronic communications come in. Because electronic communications are so quick and easy, more and more issues are dealt with in this manner. They create a written record of everything that we reduce to email.

A collective agreement provides only so much protection from the misuse of an employee's information.

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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.

- Jean Grant, Dental Assistant, HSC
- Edith Simpson, Physiotherapist, Concordia Hospital
- Agnes Kirkness, Addiction Clinician, Nor-Man RHA

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

Associate Membership Status Available for Retirees

Article 5 of our MACHP Constitution provides for our retired members to hold an associate membership and to continue to be part of MAHCP. A nominal annual fee of \$10.00 has been established by the Executive Council.

Please be aware that this option is available to you or your co-workers who have already retired. This will keep you on the mailing list for the newsletter as well as affording you opportunity to participate in programs.

Use Caution When you Login

(continued from page 12)

These communications are just like sitting down and writing a letter. They become part of the employee's permanent record with the employer. Even if they are not added to the employee's file, the employer will raise them later at an arbitration hearing as proof for whatever it was the employee is being disciplined.

It is sometimes easy to try to solve any problem, no matter whose fault it may be, by apologizing. There is nothing wrong with apologizing if you are wrong; even if you are right, depending on the circumstances. The government has recognized this and created the *Apology Act* in October of 2008. The Act states "An apology made by or on behalf of a person in connection with any matter is not admissible in a court as evidence of the fault or liability of the person in connection with the matter." An employer will also not be able to raise an apology as proof of guilt in an arbitral hearing.

As communication becomes faster and easier we should all consider carefully what we are putting on our permanent record when we text, post, email or tweet on an employer owned or publically accessible electronic service. It might be a lot simpler just to pick up the phone or arrange a face to face meeting to hash out a difficult (or simple) issue rather than sending an email or text message. Just a word to the wise.

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 Shelley at 772-0425.

Gamma-Dynacare creating new state of the art facility in Winnipeg

This new lab is designed to achieve greater operational efficiencies and will consolidate all three current testing laboratories into one large state of the art facility. The new lab will have 30,000 square feet. The new design includes workstations designed with employee input and an ergonomic elements that will improve workflows and safety.

Located on King Edward Street near Wellington Avenue, this lab is planned to be operational early in September.

The Association is especially pleased to hear from the employer that there will be no negative impact to job security for our members.

We hope to be sharing with you more exciting news about this initiative in a feature article once the project is complete.

ATTENTION MAHCP MEMBERS

HEB Manitoba Open Enrolment Period October 1 to November 30, 2012

HEB Manitoba mailed a PlanTalk Special Edition newsletter to members in April, detailing a number of significant changes to the Life Insurance Plan.

From **October 1 to November 30, 2012**, HEB Manitoba will hold an open enrolment period providing all active, eligible members with a one-time opportunity to make new Life Insurance benefit elections based on upcoming benefit enhancements. Elections made during the open enrolment period will become effective April 1, 2013. Coverage under the current Plan will end on March 31, 2013, for all active, eligible employees.

Currently, members have at least one unit of employer paid coverage dating back to when they initially enrolled. Previously, members were only allowed to purchase three additional units, for a total of four. If a member chooses to purchase units now, that cost will be based on income. For instance for a member making \$65,000, each unit would cost \$5.37 plus PST per pay period.

An open enrolment package will be mailed to each active, eligible member's home approximately one week before October 1. Please contact your employer if you do not receive your enrolment package.

It is very important that you submit an enrolment form before November 30, 2012. If you miss the open enrolment window:

- You will have only one employer-paid unit of Basic Life Insurance coverage,
- Future requests to increase coverage will be subject to Evidence of Insurability requirements unless you experience a recognized significant life event.

For more information, updates and an online video presentation about the upcoming Life Insurance Plan enhancements and one-time open enrolment, please visit HEB Manitoba's website at www.hebmanitoba.ca.



How Well Do You Know Your Collective Agreement?

Question: I'm a casual employee and have worked as such for approximately 3 years. When do I get a general increment increase to my salary?

Answer: Casual employees who accumulate casual hours over a period of time to an equivalent of full time hours would get an increase to the next step on the wage scale.

For example, if during year one you work 700 hours and year two you work another 700 hours and on year three you work 615 hours, the total accumulated hours over these three years are equal to 1 year of full time hours.

If the normal annual hours for your classification is 2015 hours, then you would receive your next incremental increase on scale upon reaching 2015 annual full time total accumulated hours in the third year.

"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."

DRAFT Central Table Collective Agreements are now available to view online at www.mahcp.ca (click on Member Services)

Collective Agreement NO print copy, please!

In order to "save the trees" we are trying to keep our printing to a minimum. If you are interested in using the online version, please complete the form below:

I do <u>not</u> wish to receive a print copy of my collective agreement. I will view it online at the MAHCP website at http://www.mahcp.ca/htmlfiles/MEMBER_SERVICES/ collective_agreements.asp

Name (print): _____ Employer/Site: _____

Signature: _____

Date: ____

Return completed form to MAHCP by mail or email joan@mahcp.ca.

2011-12 Executive Council

Staff Assignments

| Officers | | Lee Manning Executive Director lee@mahcp.ca | Janet Beaudry Executive Assistant janet@mahcp.ca | |
|---|--|---|--|--|
| President Vice President | Wendy Despins, DSM - SBH, Laboratory Al Harlow DSM - Concordia Hospital Laboratory | Joan Ewonchuk Administrative Assistant joan@mahcp.ca | Cathy Langit Administrative Assistant cathy@mahcp.ca | |
| Treasurer | <i>Robert Moroz,</i> CCMB Radiation Therapist | Jacob Giesbrecht Legal Counsel jake@mahcp.ca | Rachiel Langit Secretary/Receptionist rachiel@mahcp.ca | |
| Secretary | <i>Bob Bulloch,</i> HSC Pharmacist | Jane C manoprov | J | |
| Directors Aboriginal Health & | Daphne Lafreniere | Michele Eger, LRO: michele@mahcp.ca | Health Sciences Centre (all other HSC Members not included under Ken's listIng), Concordia Hospital, Manitoba Clinic, WRHA Corporate Program | |
| Wellness Centre | Residential Health Support Worker | | | |
| Audiology | <i>Leanne Gardiner,</i> Brandon RHA, Audiologist | Marcya Ervick, LRO: marcya@mahcp.ca | St. Boniface Hospital (non-DSM), Misericordia Health Centre (non- DSM), Jocelyn House | |
| Cardiology | Colleen Bemister, Misericordia Health Centre | Walter McDowell, LRO: | DSM - St. Boniface Hospital, DSM - Misericordia Health Centre, Gamma- Dynacare Medical Labs | |
| Community Therapy Services | <i>Margrét Thomas,</i> Physiotherapist | walter@mahcp.ca | | |
| Dietitian | Vanessa Hamilton, Brandon RHA | Birgit Molinski, LRO: birgit@mahcp.caCurrently providing relief support for all portfolios. | | |
| Laboratory | Janet Fairbairn, CCMB | | | |
| Occupational Therapy | Ann Patton, HSC | Gary Nelson, LRO: gary@mahcp.ca | Victoria General Hospital, Brandon RHA, Brandon Clinic, Society for | |
| Orthopedic Technology | John Reith, HSC | gary@manep.ca | Manitobans with Disabilities, Actionmarguerite, Rehabilitation Centre for Children, CancerCare Manitoba | |
| Physiotherapy | Shelley Kowalchuk, HSC | | | |
| Radiology | Michael Kleiman, HSC | | | |
| Recreation | Zana Anderson, DLC | Armand Roy, LRO: armand@mahcp.ca | Seven Oaks General Hospital, Breast Health Centre, Aboriginal Health & Wellness Centre, Nor-Man RHA, Burntwood RHA, South Eastman | |
| Social Work | Sylvie Theriault, HSC | | | |
| Brandon RHA | <i>Gale Rowley,</i> Mental Health Clinician | | Health | |
| Burntwood RHA | Tanya Burnside, Pharmacy Technician | Ken Swan, LRO:Health Sciences Centre (Lab, Diagnostic Imaging, Pharmacy, | | |
| Winipeg Region | <i>Janelle Morissette,</i> DSM-HSC, Laboratory | | EEG, Sleep Lab), Deer Lodge Centre, Community Therapy Services, Winnipeg Clinic | |



included with this mail out.

AUTUMN WORD SEARCH

GNIVIGSKNAHT YKTTJOXSLIAP USTSORFDRYC BRAKENBTDRTFXRH Q N V E Z I S E V A E L I A X H R H A L L O W E E N L D M MAHC PUMWNXQ ZGEP HOVYSNIKPMUPNEE LEAVES **HALLOWEEN** LEAVES HAYRIDE PUMPKINS THANKSGIVING

SAVE THE TREES!!

If you would like to receive this newsletter by email only or in addition to your paper copy, please 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.

Are you missing out on an opportunity?

Have you overlooked the MAHCP Professional Development Fund?

Since its inception in 2007 the MAHCP Professional Development Fund has been well utilized by the membership. Over \$15,000.00 has been awarded to members to support them in their profession. This fund is available to qualifying members for professional development relevant to their work or to take courses related to union education.

The maximum frequency of eligibility is once every two years. Successful candidates are required to pay the full amount of registration, and will be reimbursed upon submission of receipt, along with information about the course and an explanation of the relevance of the course to their profession. Maximum award will be \$250.00.

The application form can be obtained either from the MAHCP website or the MAHCP office. Completed application forms and supporting information should be sent to: MAHCP 101-1500 Notre Dame Ave. Winnipeg MB R3E 0P9 or fax to 1-204-775-6829.



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