

# POSTAL WORKER



**TRICK OR  
TREAT?  
DISCOVER  
WHAT  
MOYA  
GREENE  
TOLD THE  
CANADIAN  
BAR  
ASSOCIATION  
ABOUT SICK  
LEAVE**

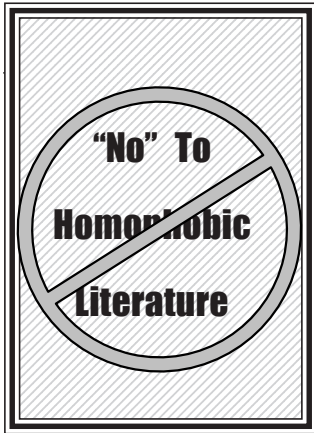
**GROWING THE BUSINESS WITH  
HATE LITERATURE**

# Growing the Business with Hate Literature?

*This item was deemed appropriate and acceptable for mailing - Canada Post spokesperson Colleen Frick*

*What I can tell you is that it is considered acceptable mail for delivery - Canada Post Communications Manager Lillian Au.*

On October 24, 2006, Canada Post officials announced that CPC expects to increase its unaddressed admail revenues by \$500,000,000.00 during the next five years. While the revenue from unaddressed admail is important to Canada Post's future, to what extent is Canada Post prepared to grow the admail business?



On October 25, 2006, the local Union office received reports that Canada Post had apparently entered into a contract for the delivery of a controversial mailing. The unaddressed pamphlets, which were not contained in envelopes, arrived in Station F as a bulk mailing. Later, it was confirmed that the publication, entitled *The Prophetic Word*, expressed subject matter that can only be described as hate literature. The cover of the pamphlet, "*The Plague of this 21<sup>st</sup> Century: The Consequences of the sin of Homosexuality (AIDS)*", drew attention because it is clearly distinguishable from the usual types of flyers that are received on a daily basis.

As it was later subsequently discovered the cover of this pamphlet offers only a glimpse of its contents. *The Prophetic Word* is a twenty-eight page diatribe against the gay community. The author of this pamphlet compares the gay community to fleas on a rat, describes AIDS as a homosexual plague, and alleges that homosexuality has led to an increase in rapes and has contributed to the death of a nation.

On Thursday, October 26, 2006, the controversy at Station F came to a head. After becoming aware that management had taken the position that the mailing would be delivered, employees abruptly decided to depart from the Station F facility onto Commercial Drive. After approximately fifteen minutes, they returned into the facility and management was asked whether it had reconsidered its position on the delivery of the pamphlets. After a brief discussion, management advised that no one would be forced to deliver the pamphlet. While that change in stance helped to diffuse the situation, the media coverage of this event went through the roof. This incident received widespread attention throughout Canada, through television, newspapers, radio shows and satellite radio.

Much of the ensuing discussion was centered on the issue of censorship. While the censorship of mail is a controversial subject, so is the dissemination of homophobic literature. Postal workers are not employed to censor the mail, but they should not be exposed to homophobic literature. Both the collective agreement and Canada Post's own Human Rights policy outline the prohibited grounds of discrimination, and commit to providing employees with a work environment free from discrimination and harassment on the grounds of sexual orientation.

*Canada Post will not tolerate harassment or other forms of discrimination based on race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbirth), sexual orientation, marital status, family status, disability or conviction for which a pardon has been issued.*

If a Human Rights policy is to have any meaning, it has to be put into effect. Given that these pamphlets were not enclosed in envelopes, how could Canada Post agree to expose its employees to this type of material?

Canada Post's representatives have stated on television that the mailing was acceptable by Canada Post's standards.

What are Canada Post's standards?

# Growing the Business with Hate Literature?

Would Canada Post's response have been different if the author had focused his sights on the members of an ethnic group? If the author had blamed members of an ethnic group for the death of a nation, would Canada Post still claim that *The Phophetic Word* is an acceptable mailing?

Unfortunately, it would appear that Canada Post chose to abandon its Human Rights policy for the sixteen dollars it received for the delivery of the pamphlets.

The distribution of this unaddressed material to the public also has ramifications, under both the BC Human Rights Code and the Canadian Human Rights Code:

## *Section 7 - BC Human Rights Code:*

- 7 (1) *A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that: (a) indicated discrimination or an intention to discriminate against a person or a group or class of persons, or; (b) is likely to expose a person or a group or class of persons to hatred or contempt, because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.*
- (2) *Subsection (1) does not apply to a private communication or to a communication intended to be private.*

## *Section 12 - Canadian Human Rights Act*

12. *It is discriminatory practice to publish or display before the public or to cause to be published or displayed before the public any notice, sign, symbol, emblem or other representation that: (a) expresses or implies discrimination or an intention to discriminate, or; (b) incites or is calculated to incite others to discriminate, if the discrimination expressed or implied, intended to be expressed or implied or incited or calculated to be incited would otherwise, if engaged in, be a discriminatory practice described in any of sections 5 to 11 or in section 14.*

At the time of this writing, it is clear that this matter is far from settled.

The Union has yet to receive a response to its request for a review of Canada Post's delivery policies.

At least one disciplinary interview has now been scheduled at Station F. Grievances and arbitration will follow should Canada Post attempt to punish the Station F employees for whom disciplinary interviews have now been scheduled.

The B.C. Hate Crimes team is currently investigating the pamphlet to determine whether it constitutes a hate crime.

This matter also came up in the House of Commons. On Friday, October 27, 2006, New Democrat MP Libby Davies raised this matter during the official Question Period and asked that Canada Post be instructed *to bring in rules that will ensure that this kind of hate literature is not distributed through our postal system.* In response, Jason Kenney, Parliamentary Secretary to the Prime Minister, stated that this matter would be reviewed.

A number of individuals and groups are also contemplating whether to pursue this matter through the Human Rights Commission.

Should Canada Post continue to enter into contracts for the delivery of these types of mailings? Surely our future should not depend on the revenues that are generated by these types of publications.

Ken Mooney

# Feedback

*We have not reproduced the authors of the letters out of respect for their privacy.*

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I am writing to express my full support for you and the mail carriers who are refusing to carry the viriolic flyer that I have heard about on CBC Radio One today.

I urge the carriers not to deliver these flyers under any circumstances.

Who can I contact at Canada Post to voice my outrage on this matter?

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Please convey this to your executive: Today I sent the following email to Canada Post, and a copy of it to Vic Toews as justiceminister. "Your government" has deliberately made it hard to find anything on its website, so I don't know which minister is responsible for Crown corporations, unfortunately...

The email: "I am outraged at the on-camera comments made by Canada Post spokespersons re this homophobic mailing your union members are courageously and ethically resisting. It's absolute nonsense to attempt to apply the term censorship to non-delivery of hate mail that is forbidden by law and by ordinary morality. You have an obligation to review content before you undertake to send this sort of material through our mail slots, so your pleading ignorance of the contents is pathetic and self-serving. I find your attitude and your business practices in this regard very, very offensive-and shocking, actually. You appall me. Would you let pedophiles send whatever they pleased through the mail? Drug dealers? Anti-Semites? I think not, but I see little difference between such groups and this stupid and ignorant Baptist church group that you are choosing to support. Major shame on you."

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Hey, hey! Ho, ho!  
Vancouver posties - way to go!!!!!!!!!!!!!!

**To Whom it may concern**

**BRAVO in not taking those  
Mail outs, I would NOT want something like  
that sent to my home.  
Hats off to the postal workers who refused to  
deliver them.  
In my opinion as well , it is "hate mail".**

**YOU DID RIGHT.**

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Way to go, folks. You have guts, and I think the majority of the public will find your actions today pretty cool and ethical.

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Thank you for standing up against discrimination regarding the very recent mail out from a religious group towards GLBT people.

Thank you!

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I just wanted to congratulate CUPW for respecting the diversity and values of this country for refusing to help distribute hate mail. In the form of a bulk mailing aimed against LGBT people. It seems unfortunate that this has only occurred in Vancouver. I would encourage the same information be rejected at CP outlets across the country. Thank you guys,

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I received this from someone in my email today, and all I can say is Thank You! from myself and many the hundreds of other concerned glbt I know everywhere.

Three cheers for these guys~

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Vancouver's postal workers have earned my respect for taking such a humanitarian stand.

# Feedback

Please pass on this message of thanks,

To the sixty-eight employees in the Commercial Drive area, who walked off the job on Wednesday rather than distribute a brochure they characterized as homophobic... Thank you!

I am reminded that this is the union that went on strike in the 1980s over the issue of daycare and the rights of women workers and working class families. Your sacrifice and courage in fighting discrimination and upholding equality is an inspiration to us all. Would it be that principled people like you were sitting in parliament today instead of the Conservative Party of Canada!

I am a professor at York University - and work in the area of documentary. Recently I completed two documentaries on same-sex marriage and same-sex parenting - entitled : The End of Second Class and Politics of the Heart. If your union local would like to have copies - let me know where to send them and I will gladly do so.

I'd also like to talk with some-one there to learn more about what happened and who was behind the 28 page booklet you refused to distribute - as part of the on-going research I am engaged in the history of lesbian, gay, transgender and bisexual rights in Canada.

Please send me contact information for a spokesperson,

Best regards - in solidarity and hope,

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Great stand by the Sisters and Brothers from Station F in Vancouver. Give our total support in their collective action. Even if they are forced to deliver, the fact that they pit in front of the public through the news is a victory already.  
Solidarity,

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Why is Canada Post handing out hate literature in the first place??? Of course Postal Workers should not decide what gets mailed and what doesn't. They shouldn't have to. It appears they were doing someone else's job because they couldn't. Good for them.

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Dear CUPW,

I was outraged to hear that Canada Post is asking its postal workers in Vancouver to deliver anti-gay hate mail "brochures". I fully support your decision to protest CP for its handling of the matter. Are profits more important to CP than human right? What's next, delivering literature that the holocaust was a hoax, or that women should no longer be able to vote? Colleen Frick from CP was quoted as saying on cbc.ca "[the material in the brochure was] deemed acceptable and appropriate for mailing under the Canada postal guide." Ms Frick and the CP executive may need reminding that we are living in 2006, not 1906. I am proud of CUPW workers for their refusal to deliver such garbage to Canadian homes, and commend Ken Mooney for standing up to an organization that seems vastly out of touch with average Canadians. PS: I am also writing CP to let them know my outrage.

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Hello, I'm not sure who this will reach, but I wanted to say that I was extremely touched by your actions in Vancouver when postal workers walked off the job to protest the delivery an anti-gay pamphlet created by a "church" in Ontario. I think that took a lot of guts and I know that if I was living in the Vancouver area and had something like that in my mail slot, I would be livid. As a gay man, I cannot tell you how upsetting it is to wake up nearly every day and hear yet another diatribe by some church group, hate group, or member of the current federal government (for that matter) stating that I, as a gay man, am a "disgrace", "perverted", ungodly, sinner, sick, etc.... the list goes on. I'll be honest when I say that after a while, it gets to you and makes you feel incredibly invalid. I know people make jokes about postal workers (i.e. "someone going postal", etc.) but I can promise you that after today, I will never make those kinds of jokes again. If you can stand up for other in the face adversity, I can certainly do the same for you. Thank-you very much; seeing a story like this in the news made my day. Regards,



# Feedback

Dear Canadian Union of Postal Workers, I am copying an e-mail I sent to Canada Post regarding the recent incident in East Vancouver related to the distribution of hateful mail about homosexuality. Please see my response below. Kudos to your Union Local, leadership, and local employees for taking a strong stance. I am proud of your actions and support you 100%. Keep up the good work. Sincerely,

*Dear Canada Post Customer Service Rep, Please re-direct this e-mail to the person responsible at Canada Post for inquiries of this nature. I am writing in regards to the recent actions and official comments of Canada Post in East Vancouver connected with the distribution of a brochure entitled "The plague of this 21st Century: the consequences of the sin of homosexuality (AIDS)" to local residents. I find the response of Canada Post's spokeswoman Colleen Frick completely deplorable. Ms. Frick is quoted in the CBC website as saying that this brochure is "acceptable and appropriate". Should Canada Post be making such judgments on the mail that it carries, especially mail that may be questionable under Canada's hate propaganda laws? I don't believe so. I urge Canada Post to investigate this incident and revise its postal delivery guidelines to ensure that it does not carry or accept materials that are hateful in nature. I support 100% the actions of the brave Canada Post employees for refusing to handle and deliver this mail. However, I am strongly against the philosophy and attitude of Canada Post as detailed by its representative Colleen Frick. Sincerely.*

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I just wanted to congratulate CUPW for respecting the diversity and values of this country for refusing to help distribute hate mail. In the form of a bulk mailing aimed against LGBT people. It seems unfortunate that this has only occurred in Vancouver. I would encourage the same information be rejected at CP outlets across the country. Thanks you guys,

---

Just wanted to pass on my personal support to the workers in the Lower Mainland for standing up against the hate literature from the Christian Right in Ontario. I lived through a Recall with my ex-boss and good friend Paul Ramsey who stood outside a convention centre with our gay community in Prince George, protesting just such remarks and thoughts by radical rightwing Christians and we both continue to fight for the rights of all who are subjected to social injustices like this. I am glad they won the right not to spew this filth around.

Good morning.

I am neither a postal worker, nor do I live in British Columbia. I'm a Communications Coordinator in Ottawa. But I read an article about your local and their refusal to deliver anti-homosexual brochures, and I had to write.

I'm writing to commend you and your workers for their actions. While I was disappointed in Canada Post's reaction at a corporate level, I was really warmed by the stance of your local. It's really wonderful when people take action against injustice, ignorance and hatred as you have done.

It is also heartening to know that we live in a country where anti-homosexual messaging will not be tolerated. I have been very concerned lately with the direction in which I see the federal government going when it comes to gay rights; the actions of your local have reminded me to keep faith in Canadian society.

Cheers,

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I was absolutely appalled that letter carriers in Vancouver are forced to deliver homophobic hate mail. Shame on Canada Post! The workers were courageous and should be congratulated. I stand in solidarity with them!

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God Bless the mail carriers in East Vancouver. I thought they were wrong at first for refusing to deliver the mail BUT this is hate mail and that would be illegal. It would be like delivering terrorist mail or something similar. Thanx for being good Canadians.

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Hi everyone; As a unionized worker (UFCW) and a gay, married man, I commend and applaud the decision of your workers in East Vancouver in their refusal to deliver what amounts to little more than hate mail. Thank You, Sincerely,

# Feedback

I hope that this is the correct forum. I would just like to be a voice in the wilderness and congratulate our comrades in Canada for taking a stand against delivering homophobic literature. As a gay man in South Africa (surviving Apartheid SA) we have constitutional rights, but as you may have heard, Mr Zuma made similar religious homophobic remarks a month back. The world over, there is this religious backlash, and without actions such as these by comrade workers, we would be without hope.

To whom it may concern: As a gay individual, I just wanted to offer my praise, thanks, and morale support to those Canada Post personnel in Vancouver who chose not to handle the Rev. Stirling's hate literature. It is greatly appreciated. Sincerely,

Writing to express my support of the Vancouver postal employee's refusal to deliver a pamphlet the union regards as "homophobic hate mail. For Canada Post to allow such hate-mongering misinformation is frightening to say the least. Though I am not a CUPW member, as a CUPE member, I support your union and it's members for such a stand! Yours in solidarity,

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Please deliver to your management:

I support the right of Canada Post Workers to refuse to package or deliver any literature encouraging hatred or blame toward any identifiable group. Although the content of a recent religious pamphlet does not fit the narrow sexual limitations to the definition of "obscenity", I am astounded that Canada Post management has so far refused to recognize the message in this pamphlet as inherently obscene. Workers should neither have to be exposed nor be required to disseminate any form of hatred/obscenity.

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I'm so glad that you posties chose not to deliver hate mail. It was Hate Mail! I'm with you one thousand percent. I hope none of it was delivered. Keep up the good work.

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Thank you and I support you guys for doing what you did with the pamphlets. I'm not union, I'm not gay, but I'm totally against anything that goes out that marginalises people. I'm all for free speech but I think you fell on the right side on this one. it would be no different if the pamphlet was anti-Semitic and attacked Jews. It's really hard to define freedom of speech and in some cases you have to make a stand. If I knew you were not going to deliver it, I would have come down there to support you myself. Well Done.

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I just heard the news report about the peice of homophobic trash.I wanted to call and lend my support. I think it is appalling that Canada Post expects this kind of trash to be delivered to mail folders. I support the members of your Union for taking a stand on this.

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Dear CUPW, I just read in the Globe and Mail that 60 of your members in Vancouver refused to deliver a homophobic mailing, and I just had to write to tell you I am bursting with pride and gratitude over this display of integrity and solidarity. I warmly congratulate everyone involved and I thank you for doing the right thing

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I am impressed by the stand of the Vancouver workers who refused to deliver hate mail. Good for them and good for you in supporting their stand

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I am very proud of our posties today. With your protest you have certainly proved what good citizens you are.

# 10,000 Employees Can't Be Wrong

This edition of the Postal Worker contains a verbatim transcript of Moya Greene's recent speech to the Canadian Bar Association. Please be assured that the transcript was not obtained by illicit means; it was provided to the local Union office on the condition of anonymity by a supervisor who was troubled by the disturbing ramifications of Ms Greene's speech. Aside from questioning the work ethic of postal employees, Ms Greene articulated a series of disturbing views regarding sick leave, accommodation, and opined that human rights legislation needs reform.

This is a side of Moya Greene that has been carefully hidden from CUPW members.

In fact, this speech confirms that Ms Greene was lobbying the members of the Canadian legal establishment to support the legislative reform of human rights law. It is clear now that one of Canada Post's goals is to diminish its obligations under human rights law. However, the problems cited by Ms Greene do not lay with the Corporation's obligations under human rights law. The problem, as stated by Ms Greene, is that 10,000 injured employees required accommodation in 2005.

Human rights laws exist to require employers to level the playing field for their injured and disabled employees by accommodating them to the point of undue hardship. When employees become injured, they must be accommodated within their physical limitations. Employees cannot be treated in an adverse manner because they have had the misfortune of becoming ill or injured. If not for human rights laws, employers would surely replace their disabled employees with newer, younger employees just as soon as their disabled employees could be brushed under the carpet.

The solution to the problem will require Canada Post to rethink its approach to an escalating rate of injury. With each letter carrier restructure, letter carrier positions have been decreased while workloads have increased. At the same time, injuries have escalated. Job rotation schedules have become non-existent in many

plants, yet employees continue to suffer injuries as a result of repetitive work. To find effective solutions, Canada Post must look at the root cause of this problem.

In her speech, Ms Greene stated that 7% of employees "*won't show up*" during any given week because they are "*off sick*". By focusing on the rate of absence attributed to sick leave, Ms Greene is not looking at the problem from the right perspective. Sick leave covers absences relating to illness, non-compensable injuries (injuries not covered by the WCB), and injuries for which a WCB decision is pending. If the rate of injury continues to increase, the number of employees who "*won't show up*" will only continue to increase. One can only speculate as to how Ms Greene could arrive at the conclusion that a 3% rate of absenteeism is manageable. If 10,000 employees required accommodation in 2005, a 3% rate of absenteeism is a completely unrealistic goal.

The ramifications of Ms Greene's speech should be a concern to everyone. While Ms Greene has questioned the work ethic of postal workers, most Canada Post employees work very hard and should not have to fear for their livelihood in the event of injury. The solution to injuries and accommodation is not to change the law. The solution is to address the problems that cause the injuries.

10,000 employees can't be wrong.

Ken Mooney



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Edited by: Ken Mooney, President  
Production Asst.: Debbie Beall, CUPE-3338  
The Committee: Andy Henderson, Cindy A. Lee .



# ABSENTEEISM, DISABILITY AND THE DUTY TO ACCOMMODATE:

## Reset the Dial with Some Real-World Experience

**REMARKS BY**  
**Moya Greene**  
**President and CEO**  
**Canada Post Corporation**  
**To the Canadian Bar Association Conference**  
**August 14, 2006**  
**St. John's, Newfoundland**

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It's always a pleasure to come home. Anyone raised here knows that you can leave Newfoundland, but it never leaves you!

There is much that I owe to my home province - a wonderful affordable education; an abiding sense of place; and the good grounding I received at the Law Offices of O'Dea Earle at the start of my career.

To members of the Bar, I thank you, as the CEO of Canada's 7th largest employer, for this opportunity to address very serious problems in employment law as it relates to disabilities.

I say law - we are really talking about 3 areas of the law: Human Rights; Workers Compensation; and Labour law.

Major changes have occurred in this field, culminating last year, with the Federal Court of Appeal decision in *Désormeaux vs. the Ottawa-Carleton Regional Transit Authority*. There is now an urgent need to understand the serious and growing problems that employers face.

With the best of intentions for building a caring and inclusive society, one in which Canadians with disabilities could participate in the civic and economic life of their communities, we enacted human rights, workers compensation, and other laws to prevent discrimination on the grounds of disability.

These laws properly imposed clear duties on employers to make room for the contribution of the disabled

in Canadian workplaces, and to pay compensation if the work itself causes a disability.

***Those goals remain worthwhile, legitimate, laudable. But those goals are getting lost in the current state of disability law, where we are creating a work culture in which coming to work is optional; and doing the whole job is not required.***

How has this happened?

First, almost anything can now be a disability. Tribunals, arbitrators and judges have said smoking is a disability that must be accommodated; so is unspecified pain; and drug addiction. Being overweight is too. Allergies constitute a disability. Repetitive strain is a disability. The latest in Quebec is stress. That too, is a disability

Not long ago, ' there was a fundamental principle in the employment contract: it was that people had to come to work in order to stay on the payroll. That, remarkably, is no longer clear cut.

As corporate counsel, particularly if you are the counsel to large industrial, manufacturing or service businesses, you already know what has happened. Maybe on the executive teams of your companies you have left all of this to your HR professionals and your front line to cope with as best they can. As CEO of Canada Post, we can no longer do that. Our problem is now so widespread, this it has become our biggest problem.

# **ABSENTEEISM, DISABILITY AND THE DUTY TO ACCOMMODATE:**

## **Reset the Dial with Some Real-World Experience**

With ever expanding definitions of disability, and with no real limits on the duty to accommodate, chronic absence gets justified, and the job you hired and still pay someone to do, may not be the one he or she actually does.

Let me explain. The job he or she does could well be a “rebundled” job made up of the easier tasks of several jobs; or tasks done only a few hours a day. That’s called modified duties.

At Canada Post, the number of people who seek modified duties each year on the basis of some disability is extraordinarily high.

In one bargaining unit, CUPW, which is comprised of our 48,000 operating employees, 10,000 employees worked modified duties in 2005. Canada Post is now accommodating more than 20% of the people who sort and deliver mail during a year.

At this juncture, I’m going to use a rhetorical device used by former Premier Joey Smallwood when he wanted you to remember something: he repeated it. I want to underline a point. No, I want to double underline the point. No, I want to treble underline it. Most claims for lighter duties and/or compensation are legitimate.

That’s not the problem. That’s not what this speech is about. What it is about is:

1. ever expanding definitions of disability;
2. increasing number of questionable claims, whatever the definitions; and
3. no clear way to test which claims are legitimate and which are not.

These are problems for all employers. They’re especially serious for Canada Post. Modified duties among

our CUPW employees are more than three times the industrial average. That’s another treble I want to underline.

Let me speak for a minute about Canada Post.

We are a large, national \$7 billion a year business. The Canada Post Group of Companies, which includes subsidiaries such as Purolator, has 71,000 employees.

It is the 7th largest employer in the country. Our people work in 22 sorting plants, 1,500 letter carrier depots, 4,000 corporate retail outlets, and hundreds of other sites across the country.

Our revenues last year thankfully were up 4.4%, because with costs climbing so uncomfortably, it is only increasing revenues that gave us our 11th straight year of profitability.

In 2005, Canada Post’s profit was \$199 million. \$160 million was paid out in dividends to our shareholder, the Government of Canada and we paid another \$80 million in tax.

Last year our people sorted and delivered 11 billion pieces of mail to 14 million mail boxes in all kinds of weather, in all kinds of geography.

The days of the postal monopoly are, in effect, past.

Our parcel business competes against some of the largest logistics players in the world. Our direct marketing mail business goes toe to toe everyday against large national companies like Bell telemarketing and all of Canada’s media industry.

The remaining lettermail monopoly is more illusion than reality. Direct substitutes such as fax, e-mail, electronic

# ABSENTEEISM, DISABILITY AND THE DUTY TO ACCOMMODATE:

## Reset the Dial with Some Real-World Experience

payments and bill presentment make the old exclusive privilege feel more like an exclusive obligation.

***“Too many of our people treat their sick leave as extra discretionary time that they can take, no questions asked.”***

We are like many of your companies - striving to stay competitive in the face of transformational challenges. One of the biggest challenges is to change attitudes in our workplace so that all of our people are engaged in the future success of the company.

I have spent a lot of my time since joining Canada Post out in the field. Our 3,000 front line leaders tell me the same story. In every plant, on every shift across the company, they struggle to manage the high levels of absenteeism, the undocumented illnesses and the need to find jobs for the growing numbers who say they cannot do the job they were hired to do.

Let me put you for a minute in the shoes of our supervisors.

In any given week, 7% of his or her people won't show up - they are off sick. 3% absenteeism is considered manageable. Our rate of absence is far higher than the industrial average.

***Too many of our people treat their sick leave as extra discretionary time that they can take, no questions asked.***

The reports and continuous documentation required to keep track of attendance is a legal requirement and a massive paper burden. It is very time consuming. Managing attendance is also a huge cost as relief workers must be found, and medical expertise hired to help us track down and get more precision from family doctors.

The law requires that we determine whether absence is the result of a disability of some sort.

At the top of every shift, every front line supervisor in Canada Post is now swamped in this paper work and the follow-up activity necessary to substantiate illness.

The next thing on the agenda for the shift supervisor- is to go through the contortions to find tasks for the (average) 20% of the shift entitled to work light duties.

If this is a problem for management, it's a greater burden for the people who come to work every day.

***This is partly the result of new developments in the law related to absenteeism. Not too long ago, failure to come to work was grounds for dismissal. The risk of losing one's job combined with a culture that supported a solid work ethic, made attendance management unnecessary.***

The law now says that you can dismiss someone only if absenteeism is excessive, and the prognosis for improvement in attendance is not great. It is only excessive if its - well - we're not sure anymore. Some arbitrators say if it is double the average. The average of what? The whole company? The plant? The attendance of the worst 25% of employees? If average absenteeism is already high, then what is excessive must be so by reference to that average! This must be flawed logic. It certainly leads to an impractical result.

How does one figure out if the prognosis for attendance in the future is poor enough to support a dismissal?

# ABSENTEEISM, DISABILITY AND THE DUTY TO ACCOMMODATE:

## Reset the Dial with Some Real-World Experience

Some arbitrators have paid more attention to the small improvements in attendance that occur in the lead-up to the hearing, than the chronic problematic record during the years before the employer took steps to dismiss.

If a human rights case can be made, that is to say, that the absence relates to some disability, it is virtually impossible to deal with a chronic absence. With the Meiorin and Désormeaux cases, one is tempted to ask whether an employee must come to work regularly to stay on the payroll.

Regular attendance at work, surprisingly, may not be a bona fide occupational requirement for some jobs. The recent case of Désormeaux concerned a bus driver who was absent for 70 weeks over a 9 year career. That's 365 working days. Only 57 of those days related to the serious headaches that were found to constitute a disability, protected under

Human Rights law, and requiring accommodation.

The Tribunal decided that while regular attendance was necessary for a bus driver, it was not as necessary for other jobs at OC Transpo. The employer was obliged to take the bus driver back and to put the driver in one of those jobs where frequent absence "did not have as much impact".

I suspect OC Transpo was surprised to learn that it had any jobs for which regular attendance was not essential.

Can we continue to accommodate in this way? If we can now, can we in the future when recent decisions will almost certainly lead to far greater numbers than we have today?

The ever-expanding definition of disability is a big problem, and it has arisen, not only under Human Rights law. The trend is the same under the various Workers Compensation laws. Here are a few examples:

In Nova Scotia, Canada Post's costs for disability pen-

sions went up by 263% in one year. Why? The Nova Scotia Workers Compensation Board decided to recognize "ongoing unattributed pain" as a disability.

This is difficult to prove or disprove. This decision was made with no consultation as far as we can determine.

In Ontario, the new trend is to accept a claim for workers compensation as a preventative measure. That is to say, that the Board has declared some of our people permanently partially disabled, not because of any injury or incident at work, but because repetitive motion could in the future aggravate a prior condition. We are appealing these preventive disability cases.

In Quebec, workers' Compensation is payable for stress, even if the stress is only partially attributable to work.

Our claims load is up significantly. Last year, we managed 5,200 workers compensation claims - a 10% increase over 2004. We are now challenging 28% of claims and winning about 40%.

In the CUPW bargaining unit, we have 3,500 people who have been declared permanently partially disabled. This is 7.2% of operating employees - compared to industrial average of 1.5%.

The duty to accommodate, under Human Rights laws, is becoming increasingly unmanageable.

At Canada Post and in many other workplaces, a note from the family doctor is often the only trigger needed to set in motion a search for "light duties". When the duty to accommodate disabled people was first proposed, it seemed reasonable and manageable. We thought it would be a requirement that would arise infrequently.

For us at Canada Post, with 10,000 people accommodated with light duties last year, it has become a huge managerial challenge. The law speaks about undue hardship but it seems that decision makers believe large employers have a limitless ability to accommodate. One case, or a few cases no prob-

lem; but 20% of operating employees, this gives rise to serious operational problems, growing inefficiencies and widespread malaise in the workplace. This is a hard way to have to run any business.

I have been on our shop floors in Winnipeg, as I watched an evening supervisor prepare a matrix on a giant white board with the names of 15 people on his shift who could work only lighter duties. He carefully listed the various restrictions that applied to each of them, then drew up the varied tasks and the schedule of minutes during which they could perform them. For some, tasks could only be done for, limited time; for others, certain tasks could not be done at all. This was about 22% of the shift complement.

The other people working on that same shift could not rotate between easier and harder tasks as is good practice, because of the 15 people occupied with only light duties. Now add the problem of people who did not show up at all. What you have is a small team of people getting the mail out at 72% of the shift complement.

We are now routinely going back to family physicians with detailed questionnaires. We are asking more and more specialists to enter this lamentable picture. We must do so in an effort to understand our duty to accommodate.

The array of disabilities, and the level of absence that is legally tolerable, and the duty to keep on accommodating - are not issues we can negotiate, even if unions were prepared to do so. These are matters of legal entitlement, as current jurisprudence has interpreted and applied Human Rights and Workers Compensation legislation.

Low changes through a series of cases each building on one another, so that over time the law... or at least its practical consequences ... can change quite dramatically.

Sometimes judges and others who adjudicate will sense the direction of change, understand that, however well intentioned, it is nonetheless unwise, and they will do a course correction. Another way to do this is through legislative reform. How we make a course correction, that is for others to decide. But it

is time now to do so.

My responsibility is to deal with consequences of such changes in the law and to point them out to others, including those who make the law. Dealing with those consequences is what our front line leaders do every day. Pointing out those consequences is what I have sought to do today.

Thank you for your attention.



*Moya Greene  
President and CEO  
Canada Post*





## The Price of Admission

Moya Greene's speech to the Canadian Bar Association is interesting in more ways than one.

*Purolator* is owned by Canada Post. *Purolator* was one of the sponsors of the Canadian Bar Association Conference. With the fact of that sponsorship in mind, is it a mere coincidence that Moya Greene was given the opportunity to address the delegation? Was sponsorship the price of admission?

Put another way, would Moya Greene have been allowed to address the Canadian Bar Association in the absence of that sponsorship?

*CanWest Global Communications Corp.* recently ran a very favorable story on Moya Greene in the Sunday, October 15, 2006 edition of *The Province*.

In an article entitled "*Canada Post knows how to treat its workers*", Ms Greene spoke of her program of "*employee engagement*", and was depicted as a CEO who walks the walk, who has "*pounded the pavement*" while delivering the mail. No mention was made of the Corporation's attendance management program, or of the 10,000 employees who required accommodation in 2005.

Several days later, *CanWest* announced that Canada Post had agreed to sponsor the *CanWest 2007 National Spelling Bee!* While few would criticize Canada Post for its sponsorship of that program, could there be a connection between the two events?

Is sponsorship the price of favorable news coverage?



## Local Website!

Check it out! <http://www.cupw-vancouver.org>  
Our new e-mail is [pubcom@cupw-vancouver.org](mailto:pubcom@cupw-vancouver.org).

## 89.98% Support National Program of Demands

During the months of September and October, 2006, a series of meetings were scheduled throughout Canada for the purpose of voting on the National Program of Demands. On October 3, 2006, several meetings were scheduled in Vancouver for that purpose.

The results of the nationwide vote have now been released.

89.98% of those who cast their vote support the Program of Demands. As a result, the CUPW Negotiations team has been given its mandate by the members. The Program of Demands, as endorsed by the membership, will form the basis for the Union's negotiations. Stay tuned for more details on the progress of negotiations. Once negotiations have commenced, information bulletins will be sent out on a frequent basis.

## 78.3% Support Change to Calculation of Seniority

CUPW members also voted on the question of Universal Seniority. The question that was put to those who cast their votes was whether seniority should be calculated on the basis of the first date of hire, rather than the first date of hire as an indeterminate employee. In simple terms, this referendum was held to determine whether the membership wishes to recognize temporary service in the calculation of seniority. Throughout Canada, there are thousands temporary employees have had to wait for years before being promoted to part-time or full-time status.

The results of that nationwide vote have also been released.

78.3% of those who cast their vote support Universal Seniority. As a result, the Union will make Universal Seniority a priority demand during this round of negotiations.



# MEMBERS



## **Rick Letendre Retires!**

On September 15, 2006, long-time Depot 74 letter carrier Rick Letendre officially bid his adieu to Canada Post. A unique personality, Rick's retirement speech was as colourful as the blushing cheeks of the management personnel who were in attendance during his oratory. The following passages are some excerpts from Rick's farewell speech:

First of all, I'd like to thank the Corporation for hiring me. I was heading in the wrong direction when the Corporation gave me a chance. It wasn't quite like the book *The Post Office* by Charles Bukowski, where he stated that it all began as a mistake. My career started by accident. Back then, in Edmonton, jobs were pretty easy to get. I had been drywalling with this guy for about a year. Come pay day I noticed that I'm short two bits an hour. He had promised me a raise and it wasn't on my cheque. We were making good money but he ripped me off so that was that.

I showed up at the post office employment office the next Monday. I had long hair and a jean jacket. I was told, "no jobs". I went back on Wednesday and I was again told, "no jobs". When I went back again on Friday and saw the same woman she said, "you again! You must really want a job". I said, "I sure do"... She said I could start on Monday. So I took a pay cut and started

my big adventure. I started in the basement folding bags. Then I worked inside for a few months. It was dirty work for less money. I was ready to go back to construction work when I got the call to be a letter carrier.

Earlier today, I was asked by management, "why not let this be a good day and don't be bitter". Well, I've got a lot of mixed feelings about this place and the people who run it. As our former manager said, "I've heard you've got opinions". I still have opinions and, yes, this is a good day for me but I was wondering where the good days were during the last couple of years... I've been suspended for 11 days. All of them it turns out with pay because the Corporation knew it was in the wrong. I'd like to thank all those involved for giving me that time off with pay. I see them as a bunch of liars but the Corporation sees them as team leaders. I had a one-week suspension during a strike where the Corporation spent millions of dollars hiring scabs to break up the union. I've never been counseled for my work habits but I've been called in to have my attitude adjusted a few times... The Corporation's idea of teamwork is a whole bunch of people doing what they say. As one supervisor said to me, "it's all a lie". One carrier who didn't want to be named (because he has to work here) said it best, "we're like a team the way the plantation owners and slaves were a team"... I know I've rubbed a lot of bosses the wrong way but it was because they weren't doing their jobs and didn't seem to care. I wouldn't have complained about these things but I care about this company and I see it going down the tubes. It doesn't help when you have lazy supervisors with zero people skills or others who are only here to further their own careers.

I'm going to miss most of you. For others, well, I'm sure that the feeling is mutual. In closing, I'd like to apologize to my late dad who told me not to hang around with liars and cheats and here I ended up working for them for over thirty years.

Thanks.

# What's Happening

## Upcoming Events

- Pension Course ... Nov .4
- Remembrance Day ... Nov. 11
- Basic Shop Steward's Course ... Nov 18-19
- General Membership Meeting ... Nov. 26
- 3-Day Regional Educational ... Nov 24-26
- Buy Nothing Day ... Nov. 29
- BC Fed. Convention ... Nov 29 - Dec. 1
- National Day of Mourning for Women ... Dec. 6
- Winter Solstice ... Dec. 22
- Christmas Day ... Dec. 25
- Boxing Day ... Dec 26
- New Years Day ... Jan. 1, 2007
- Contract Expires ... Jan. 31, 2007

## Sudoku Puzzle: Easy

8		4		6				3
			3	2				4
				9	4	1	8	
	2					9		7
	4						2	
5		9					1	
	5	1	4	7				
6				3	5			
4				8		5		1

## Quotable Quotes

“Many people know so little about what is beyond their short range of experience. They look within themselves and find nothing! Therefore they conclude that there is nothing outside themselves either.”

*Helen Keller*

“When in doubt, tell the truth.”

*Mark Twain*

“Patience is the companion of wisdom.”

*Anonymous*



## Trivia

1. Marble is a form of which type of rock?
2. Who was the Greek goddess of divine punishment?
3. What star sign are people born on 25 August?
4. Anosmia is the technical term for the loss of which sense?

Answers: 1. Limestone 2. Nemesis 3. Virgo 4. Smell