



# Stewards' Action Bulletin

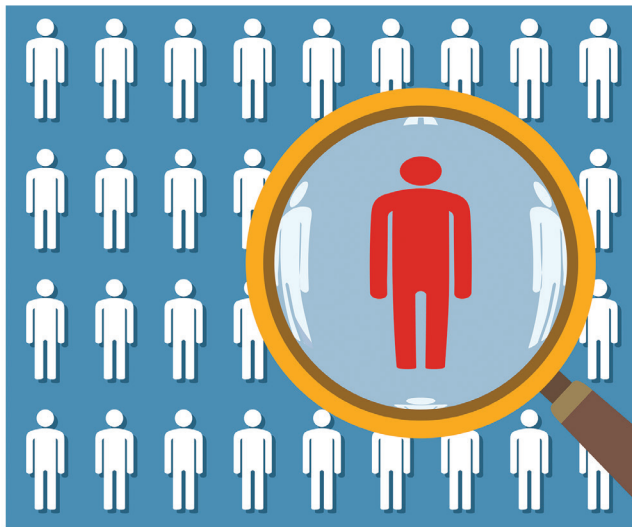
Canadian Union of Postal Workers

Series 3, Volume 11, Issue 2 • December 2014

## Mandatory Security Screening Policy for the Urban and RSMC Bargaining Units

On December 7, 2012 Canada Post announced its intent to implement mandatory security screening for all employees, as set out in a “Practice Regarding Security Screening of Personnel.” Under this process, the employer would subject employees to criminal record checks and, in some instances, fingerprinting and credit and solvency checks.

Refusing to cooperate with the screening process or non-compliance with the practice would lead to discipline, including discharge.



The “Practice” would also allow the employer to update the employee’s *security clearance* every 10 years, or more often, depending on changes in duties, contract agreements, legislation and *other obligations* (i.e. at the employer’s whim).

After a series of consultation meetings, CUPW informed the employer that it was opposed to this new policy, slated for implementation on

April 29, 2013, and that it would be exploring all available avenues. In a letter dated April 11, 2013, the Union informed Canada Post that it was filing a national grievance under clauses 9.17 and 9.88 of the collective agreement with a national arbitrator, along with an application for a cease and desist order against the policy’s implementation (similar in nature to an interlocutory injunction).

On April 22 and 23, 2013, the parties put forth their respective positions regarding the granting of the Union’s application for a cease and desist order. On April 26, 2013, arbitrator Swan granted the Union’s cease and desist order. As a result, the employer was required to suspend the mandatory security screening process it intended to implement on April 29, 2013.

Subsequently, an initial hearing on the merits of the grievance was held in Ottawa on October 9, 2013, before arbitrator Lauzon.

Ten more days of hearings took place, the last of which occurred on September 10, 2014. The cease and desist order remained in effect through continuation orders until a decision was received on November 19, 2014. That decision permanently maintains the order given to the

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## MANDATORY SECURITY SCREENING

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Corporation to end its mandatory security screening process.

The arbitrator sided with the Union, basing his decision on the *Canadian Charter of Rights and Freedoms*, the *Personal Information Protection and Electronic Documents Act*, and arbitrator Bird's formal decision dated May 3, 1988 (730-85-00037).

Arbitrator Bird's decision states: "... *The right of privacy, including the right of an employee to refuse to permit an employer to take fingerprints, is fundamental to any free society and should not be infringed upon by an employer in the absence of clear and unequivocal statutory authority, clear*

*and unequivocal contractual language or by a clear and compelling inference to be drawn from contractual language. None of these is present in the grievance before me.*"

Arbitrator Lauzon, for his part, effectively captures the Corporation's intent when he states: "[Translation] ... *In the case at hand, what we have is merely a corporate requirement that is not supported by any legislative provision, and that is predicated solely on business considerations.*"

It was then ordered that the Corporation cease requiring employees to consent to criminal background and credit checks and

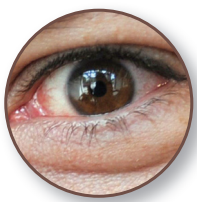
the verification of other personal information, and to providing fingerprints to the Corporation or its officials.

In addition, the arbitrator ordered that the Corporation cease imposing forms of reprisal on employees who refuse to consent to the verification of their personal information.

For further information on the security screening policy, please read the bulletin entitled *Mandatory Security Screening Policy for Urban and RSMC*, dated March 27, 2013, which can be found on the National CUPW website (Bulletin #2011-2015/151).

## Surveillance - 41.02

*Canada Post's watch and observation systems cannot be used to evaluate employee performance and gather evidence for discipline, unless the discipline stems from a criminal act.*



On May 12, 2014, the Corporation informed the Union of the Global Positioning System (GPS) function on the CN50 Personal Data Terminal (PDT). Letter carriers are to carry this device throughout the work day.

When Canada Post activated the GPS on the PDT, it brought in surveillance with the intention of monitoring and assessing letter carriers' work performance.

The GPS is being used in St-Hubert (QC) and Newmarket (ON), to conduct "proof of concept" testing in relation to admail delivery frequency. The GPS is used to create a breadcrumb trail on route pinpointing areas where delivery issues can be identified. A daily report is created, according to Canada Post, to "encourage the right behaviour through the monitoring of delivery trends and positive reinforcement. On-street delivery verification observation by the supervisors may continue to be used to ensure delivery expectations

are met." Since testing began, the "positive reinforcement" has been discipline, including interviews and letters on file.

It is clear that the intent of the GPS is not to protect the mail from criminal acts but rather to create a surveillance system that the employer can use to gather evidence for evaluating the work performance of letter carriers. As a result, National Office submitted a grievance (N00-12-00012) on May 28, 2014 to address this violation of the collective agreement.



# Joint Independent Ergonomic Study of the MLOCR

In response to arbitrator Keller's decision on the adverse effects of postal transformation on Group 1, the Union and Canada Post agreed, at the National Joint Health and Safety Committee (NJHSC), to conduct studies and develop recommendations to improve the health and safety of workers.

The Union and Canada Post agreed on a joint independent study of the Multiline Optical Character Reader (MLOCR). The study was conducted by the ergonomics firm Human Factors North (HFN) last spring at the Winnipeg, Montreal (Léo-Blanchette) and Toronto (South Central) mechanized plants. At the time of writing this bulletin, HFN is finalizing the interim



report, which will be submitted to the National Joint Health & Safety Committee (NJHSC) by the end of November.

## Joint IDC Cart Study

After more than 952 surveys were reviewed and workplace observations conducted, a report was submitted to the NJHSC. This report outlines a number of problems with the cart. The Union and Canada Post have agreed to conduct a joint study of the IDC



cart at the Winnipeg, Edmonton and Ottawa mechanized plants. *(For more details, see 2011-2015 / Bulletin no. 325.)*

## Joint Study on the Use of Wearable Scanners

Over 204 employee surveys were reviewed and workplace observations conducted to prepare a report for the NJHSC. This report outlines a number of problems, such as functionality of the Motorola TSL scanner, ergonomic posture problems and the lack of



a scanner maintenance program. The parties agreed to eliminate the Motorola TSL scanner, and to replace it with RS 507 scanners, which are much more user-friendly. They also agreed to a review of best ergonomic practices.

*(For more information, see 2011-2015 / Bulletin no. 325.)*

## Joint Study of ErgoMates Soles

Instead of ordering the employer to install anti-fatigue matting, the arbitrator proposed that the parties consider providing employees with



anti-fatigue soles. After reviewing over 55 member surveys, and in light of many participants' very positive response to the survey, the parties have agreed that ErgoMates-type soles will be provided to employees working at the MLOCR who request them.

*(For more information, see 2011-2015 / Bulletin no. 325)*

# Adverse Effects on Group 2 from PT Technological Changes — before arbitrator Brian Keller

In the spring of 2013, CUPW started working on the Group 2 part of a grievance dealing with the adverse effects of PT technological changes.



Early this year, the National Executive Board (NEB) listed the related adverse effects. So far, letter carriers from Montreal, Ottawa, Winnipeg and Edmonton have testified on the following problems:

- **Problems related to the second wave:**
  - Schedules that are incompatible with family life, child care needs and social life
  - Breaches of seniority rights for relief staff and distribution of overtime portions under clauses 17.04 and 15.14
  - Frequent delivery work after dark
- **Problems related to the sharing of sortation cases:**
  - Unnecessary use of the second wave
  - Inability to prepare flyers in the sortation case
  - Inability to get a head start on the next one-third portion of addresses receiving mail only
  - Nowhere to prepare flyers
- **Vehicle-related problems or problems linked to increased rate of motorization:**
  - Letter carriers without a vehicle operator permit (VOP)
  - Vehicles not big enough to carry out the work
- **Significant increase in overtime worked under clause 15.08**
- **Greatly deteriorated work climate**
- **Problems caused by excessively long loops**
- **Personal Data Terminal (PDT) issues**

The coming arbitration hearings will deal with route assessment problems relating to the use of the A-62 sortation case by more than one letter carrier, sortation values for oversized (O/S) items, and the rate of improperly assessed sequenced mail.

We will also deal with health and safety issues arising from the two-bundle delivery method. Since the rollout of Modern Post, many letter carriers have suffered and been punished as a result of back and arm pain that is directly caused by the new work method.

Unfortunately, arbitration is a lengthy process. We realize this may be frustrating for those who are suffering from adverse effects on a daily basis. That is why we will be asking the arbitrator to order the Corporation to compensate employees who have been adversely affected throughout this time.

## CUPW - Stewards' Action Bulletin

Published in English and in French by the Canadian Union of Postal Workers  
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 Web site: [www.cupw-sttp.org](http://www.cupw-sttp.org)  
 ISSN 1703-3160



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