

# THE COLLECTIVE

THE CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 116

July, 2007

## The University of British Columbia President's Service Award for Excellence, 2007

### Samson Cheung

Has been employed at UBC for 26 years in the Custodial division of Plant Operations. He has been a bargaining unit supervisor for the last 4 years.

When asked how he might spend his award?

He donated \$1,000 of it to the Children's Hospital at 37th and Oak; he also donates \$250.00 every year.

Samson, his wife and two daughters will be going to Mexico for two weeks in October.

*"He always does as asked, willing to help anyone, anywhere, anytime, always willing to please.*

*Very well deserved."*

*Jackie*

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UBC Works because **We DO!**

### New Members to Cupe BC Division

In May our Local delegates attended the Cupe BC convention. We were welcomed onto the floor with a standing ovation. This is the first time in many years that we have attended as members of the Cupe BC division. Your delegates brought to the convention floor issues that are having an impact on our membership, such as Workers Compensation appeals, and Privatization and Corporatization that threatens our public University.

One of the resolutions that was passed, is to organize a western university workers conference in 2008. Cupe BC has been lobbying against many important issues that negatively affect British Columbians. One of the issues is Public-Private Partnerships (P3s) that have been shown to degrade public services in all regions where they have been adopted.

Becoming members of Cupe BC will now give us full access to the experience, expertise and resources that can only help in making our membership stronger!

### Campus 2020 Thinking Ahead: The Report

In July 2006, the B.C. government announced Campus 2020 - Thinking Ahead, a review of post-secondary education in B.C. As part of the review, more than 200 written submissions were received, including one from Cupe BC.

The final report, Access & Excellence. The Campus 2020 Plan for British Columbia's Post-Secondary Education System was submitted to the provincial government in April 2007. Government officials are currently reviewing the report, as is Cupe.

The report is virtually silent on the important issues of adequate funding and infrastructure support. On student costs, it recommends a continued de-regulation of regular tuition fees, but also recommends the elimination of fees for Adult Basic Education. Also recommended is a review of the Industry Training Authority and apprenticeship training and changes to the governing body and legislation in the area of private career training.

Cupe is preparing an analysis of the report and will be meeting with government officials concerning next steps over the summer.

The full report is available at [www.aved.gov.bc.ca/campus2020](http://www.aved.gov.bc.ca/campus2020) and Cupe BC's submission is available at [www.cupe.bc.ca](http://www.cupe.bc.ca)

Cupe BC's Universities committee, of which I am a member, is currently looking at the suggestion of putting a resolution forward to the Cupe National convention in October to establish a National University Sector Task force.

The federal and provincial funding and the governance issues for universities are complex, increasingly so, with the proliferation of corporate partnerships and the universities' ability to establish their own corporate entities exacerbating the public's inability to hold them accountable. The universities have set up structures to coordinate amongst themselves on labour relations and human resources issues.

The Cupe University locals need to develop a national strategy to coordinate actions to popularize Cupe's plan, to protect jobs and to ensure a future for public, accessible, quality universities.

### Legislation that Eliminates Mandatory Retirement

British Columbia has eliminated mandatory retirement by revising the provincial Human Rights Code. Bill 31 amends the code, which currently prohibits discrimination on the basis of age for people age 19 to 64, this will take effect Jan.1, 2008. The change will extend protection from age discrimination to those 65 and over.

The University has invited the local to a meeting to discuss the elimination of Mandatory Retirement and we are currently waiting for the University to provide the local with a written proposal prior to us meeting with them.

You have the right to continue to keep working past the age of 65 and if you wish to do so prior to the implementation of the legislation (Jan/08) please put a written request into your employer with a copy to the Union. If you are turned down please contact the Union to advise and we will grieve the denial. We will keep you updated as information comes to us.

### Ruling on Bill 29 - the most decisive ruling made in Canadian Labour History!!!

In a stunning reversal of 20 years of its own jurisprudence, the Supreme Court of Canada has ruled (6-1) that the guarantee of freedom of

association in section 2(d) of the Charter of Rights protects the right of Canadian workers to bargain collectively. Collective bargaining is a

fundamental aspect of Canadian society, the Court declared, and recognition of that right reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the charter.

Our Cupe legal Department is currently looking at this decision to determine if other challenges can go forward because of this wonderful victory!

In light of this decision, Education, as a sector needs to examine the impact of similar unilateral legislation – and the effects past, present and future. The Public Sector Employers Council (PSEC) now must also be examined with respect to its future role in Collective Bargaining.

We need to look at all different actions that took away our right to bargain - remember 2003! We will also have to look at how the government declares essential services. Their actions here could also be seen as an impediment to Collective Bargaining.

The BC government acted inappropriately because they never consulted. Gordon Campbell got caught for not consulting and could not justify the government's actions.

As a result, the Labour law landscape of this Country has been changed forever!! If this government tries with their bullying tactics in future rounds of Collective Bargaining we will have the right to take them on.....

As always yours in Solidarity,

Colleen



### UBC 'O' Update

The long awaited UBC Okanagan jurisdictional dispute decision has finally been received. As I have indicated previously, this decision will determine the appropriate Union representation for the employees at the UBC Campus in Kelowna. Unfortunately, the decision was not in our favour. The Labour Relations Vice-Chair decided that she would not overturn the agreement made between the University and the BCGEU (who will now continue to represent the unionized UBC Okanagan employees). This decision of course is very disappointing. Our lawyers have thoroughly reviewed the ruling and have determined that the likelihood of success upon appeal would be extremely slim.

### Grievance Update

As always we work through our grievances. As I wrote about in my last newsletter article, the most significant grievance we are dealing with at the moment concerns the University's 'Attendance Management Program'. There are significant problems with this program and numerous violations of the Collective Agreement – particularly Article 17. We have not received the assurances and commitments necessary from the University. As such we now consider the grievance procedure exhausted and are contemplating our next steps.

There are a number of grievance meetings slated over the summer at both step 2 and step 3 of the grievance procedure. The issues involved vary from pay disputes, to classification errors, to problematic Departmental policies.

The local is also waiting for grievance responses from a number of step 3 meetings held recently. We are hopeful these matters can be settled short of having to refer the disputes to arbitration.

### Municipal Workers Conference

In early June Colleen and I were fortunate to be able to attend the 'Western Canadian Municipal Workers Conference'. This is an annual conference where CUPE Municipal workers meet to discuss common issues and strategies, and to provide collective bargaining updates. We found the conference to be very informative and we were able to establish a number of new contacts. Gaining a greater understanding of the municipal sectors operation will be vital should the University's governance structure be altered to reflect the University as a municipality with the necessary accountability and transparency that the local has been advocating for.

I hope everyone has the opportunity to enjoy some well deserved time off over the summer.

In Solidarity,

Dave

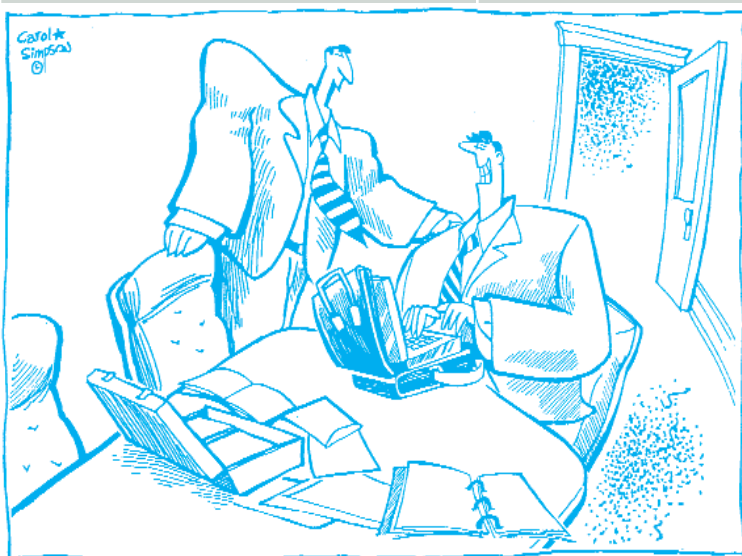
### Labour History © Clarke/CALM



#### Stanley Knowles

In 1935, Stanley Knowles, a United Church minister, joined the Cooperative Commonwealth Federation. In 1942, he became Member of Parliament for Winnipeg North Centre. When the CCF was all but wiped out in 1958, Knowles lost his seat. In 1961, he joined David Lewis and Tommy Douglas in creating the New Democratic Party. In 1962, he regained his Winnipeg North Centre seat and held it until 1984.

Knowles was renowned for his skill as a parliamentarian and played an important role in the NDP's use of the balance of power during the minority government to secure progressive legislation. He was a champion of causes such as the elimination of means tests for Old Age Security and indexing the Canadian Pension Plan. In 1979, Knowles became a member of the Queen's Privy Council for Canada. Knowles was held in such high esteem by all political parties that in 1984—the same year he became an Officer of the Order of Canada—he was made an honorary table officer of the House of Commons. He continued to attend Parliament, sitting at that table, until he died in 1997.



"This is so devious it will take them years to pass a law against it."

**Well, Well... Wellness**

**Aahhh, summer is upon us...or is it? Mother Nature is not really co-operating is she?**

But look at it this way, so far we haven't had to worry too much about UV Rays and West Nile has been bumped back a few weeks, the floods are not as big of a worry as they were a few weeks ago and the Okanagan hasn't burnt up yet. So, all in all, it's a great summer so far. So with all this stuff NOT Happening, it really adds to my wellness.

Speaking of wellness, is it just me or is this word being used more and more in the workplace. A few years back it was nothing but Ergonomics and Sustainability, but now the buzz word seems to be Wellness. Usually when new buzz words enter the workplace it is because there is a problem of some sort and the Employer feels obligated to correct it, or at least to make it look that way and industry wide there is a trend that alerts worksafebc (WCB) to bang off some new posters, and all safety conferences seem to have the wellness mode to them.

But in our workplace the wellness trend seems to be a rising concern. The Universities Wellness Conference, although only one day, kicks off in the fall and Land and Building Services now has a Wellness Committee and so does Food Service so why all this concern over our well being?

Is it because our injury rates are sky high? Or, could it be our attendance is so bad that the Employer has had to create the Attendance Management Program. (I thought we address all these issues in our CA with Return to work, sick days and Attendance review committee, which is joint by the way!)

I can't explain why all the guffuffle around wellness but I can lend a few ideas as to why the employer seems to believe we need it.

We are denied vacations, bereavement and an opportunity to work a modified work week. We are over looked for promotions and excluded in an opportunity to be trained for specific tasks. We see our work fly out the door only to be done by a contractor that we only later have to go back in to repair it anyway.

We are treated differently from Department to Department even University Policies seem to have a different slant to them depending on where you work.

We even have to threaten with a grievance just to get a seniority list from the employer. Workloads are building up in some areas due to not replacing sick leave that it has to have an effect on our injury status, and we also sit through so many attendance meetings that it makes our heads spin. Only because each Department has different criteria in order to call you in. They even include your WCB claim as "unplanned" days off.

Geezz, you give this University 20 years of service and because of an injury you surpass the Departments average and then they want to know "what are you going to do to improve your attendance?"

Well duhh! Hopefully I won't step in a pot hole again. But I really enjoyed those 10 days off in pain, thank you for asking.

If this University really has a concern for our wellness then they have to wake up and realize the root of what disgruntles us as employees.

Simple, create a fair and transparent work place and make people feel wanted and respected is a good start, or do you think the odds are better getting sun burnt in your flooding backyard while mosquitoes infect you as you watch the news highlight of the Kelowna inferno.

**Just some of my thoughts.**

Yours in safety.. er, uh Wellness

Barry



*"The job involves some travel...mostly trips to the hospital."*



The Tim Horton Children's Foundation was established in 1974 by Ron Joyce, Co-Founder of the Tim Hortons chain, to honour Tim Horton's love for children and his desire to help those less fortunate.

The Children's Foundation is a non-profit, charitable organization committed to providing a fun-filled camp environment for children from economically disadvantaged homes. Every year, local children are selected from each of the communities in which a Tim Hortons store operates, giving thousands of children the opportunity to attend one of our camps. The camp experience is designed to give children confidence in their abilities, pride in their accomplishments, and the chance to gain a positive view of this world and their future in it.



*"Our members making a difference"*

"The Tim Horton Children's Foundation is dedicated to fostering within our children the quest for a brighter future."

June 13, 2007

Honourable Stephen Owen  
2111 West 38th Avenue  
Vancouver, BC  
V6M 1R8

'Dear Sir;

We write to you asking for your support on Bill C-269, an Act to amend the Employment Insurance Act. We also ask that you encourage all other MP's to do so.

Bill C-269 proposed by Bloc MP Johanne Deschamps reduces the minimum hours to qualify for Employment Insurance to 360 (currently between 420 and 700 depending on the rate of unemployment in the region). This Bill if approved will eliminate the two week waiting period and increase the benefit period from 45 weeks to 50 weeks. It will increase the maximum yearly insurable earnings to \$41,500 from \$39,000 and indexes. The weekly benefits would increase to 60% of insurable earnings from 55%. There would be an elimination of the distinction between new entrants and re-entrants to the labour force.

Employment Insurance is an important support program that protects workers during periods of unemployment. We understand that the EI program has accumulated a \$46 billion surplus which should be used to fund benefits and not taken into general revenue by the government. EI helps to reduce poverty as well as employment insecurity, and helps to stabilize local economies. EI is not keeping pace with changes to the current job market and should support more training and retraining of workers.

We need to improve the Employment Insurance Program and this will only happen if you vote yes to Bill C-269.

Sincerely,

Gregg and Colleen Garbe

May 7, 2007

Dean Allison  
The House of Commons  
Chair of HUMA

Fax: (613) 995-2772

**RE: Standing Committee considering Bill C303**

I am writing to let you know of our strong support for **Bill C-303**, which you will soon be reviewing as a member of the House of Commons HUMA Standing Committee.

This **Act**, if passed will go a long way towards creating true accountability in an area where it is sorely needed - childcare funding.

**Bill C-303, the Early Learning and Child Care Act**, is designed to ensure that any federal money allocated for childcare actually gets spent on childcare. This is not currently how things work. In the last two years, the federal government has transferred almost \$2 billion for early learning and childcare to the provinces; this year, the transfers will be \$600-million. While this is not enough money to build the childcare system Canada needs, it is nevertheless a considerable amount of public funds. But at this time, there are no strings attached at all. The provinces are free to spend it on anything but childcare. Contrary to the inter-governmental agreements signed beginning with the Multilateral Agreement on Early Learning and Childcare in 2003, most provinces are not publicly accounting for federal funds.

From both the public accountability and the child development perspective, this is not an acceptable situation. Early learning and childcare are simply too important to leave to chance.

The proposed **Act** also sets some standards for program delivery, ensuring that the federal funds are directed only to childcare providers that meet a set of criteria referred to as the QUAD principles:

Quality, Universality, Accessibility, and Development oriented.

These are minimum benchmarks to help ensure that children are protected and in nurturing, stimulating environments. They are well based on the best available evidence.

On behalf of the executive of CUPE Local 116, I encourage you to support **Bill C-303**. It's the accountable thing to do.

Sincerely,

Colleen Garbe

May 30, 2007

Tom W. Patch  
Associate Vice-President, Equity  
UBC Equity Office  
2306 – 1874 East Mall  
Vancouver, BC  
V6T 1Z1

Dear Mr. Patch,

Thank you for requesting CUPE Local 116's input into the equity and race project of the Equity Office. We applaud the Equity Office for such an undertaking.

Many visible minorities and Aboriginal people enter the workforce in an environment that is often exclusionary and plagued with misunderstanding and fear. We are concerned that this will escalate with the depersonalization of the university orientation. The employer orientations are now done electronically, which we believe is a barrier that can simply be removed with the Human Resources Department returning to in-person orientations. Electronic orientations send the wrong message about the value of individuals' contributions to the workplace.

Following are our comments in response to the three points in your May 7, 2007 letter.

1. "Effective strategies and initiatives that can assist UBC to be a racism-free workplace." The university needs to prepare the workplace through anti-racism and cultural sensitivity training.
  - a. The university should immediately commence anti-racism and cultural sensitivity training for the Board of Governors

and all current employees (faculty, deans, vice-presidents, associate vice-presidents, academic and non-academic support staff, management, and supervisors) setting a target date to complete the training no later than December 31, 2008.

- b. The university should ensure all new employees complete this training within three months of being hired.
- c. The university should ensure the Board of Governors, Deans, Vice-Presidents, Associate Vice-Presidents, management and supervisory staff are trained to deal effectively with racism complaints.

d. The university should hold annual anti-harassment workshops to promote understanding and inclusion on an ongoing basis.

2. "Ways to raise the discussion of race and equity issues on campus to promote understanding and inclusion." The university must know the status of its current workforce, examine representational statistics, create awareness and dispel myths in the workforce.

- a. The university should commence a series of in-house information sessions with speakers from the aboriginal population, aboriginal organizations and persons of colour organizations to inform and discuss issues regarding race & equity in our worksites, communities and province.
- b. The university should commence an audit of current staff to identify, the presence of different equity seeking groups in its worksites and whether they are fairly represented at all levels in the organization. Only with this basic database can the university hope to make sound policy decisions.

3. "Barriers to more equitable recruitment, employment and retention of visible minority and aboriginal staff on campus, and how might these barriers be strategically addressed." The university must actively reach out to visible minority and Aboriginal groups in the community.

- a. The university should immediately contact the Capilano, Musqueam, Katzie and other bands located in the lower mainland to seek advice on how best to inform their communities of employment opportunities at UBC.
- b. The university should seek out other ethnic organizations to determine how best to advise their communities of employment opportunities at UBC.
- c. The university should advertise employment opportunities in aboriginal and ethnic media.
- d. The university should consult with its visible minority and aboriginal advocates for their advice on removing barriers to recruitment and retention of Aboriginal and visible minorities.
- e. The university should examine partnership agreements between employers and unions who are committed to relevant strategies and initiatives for a

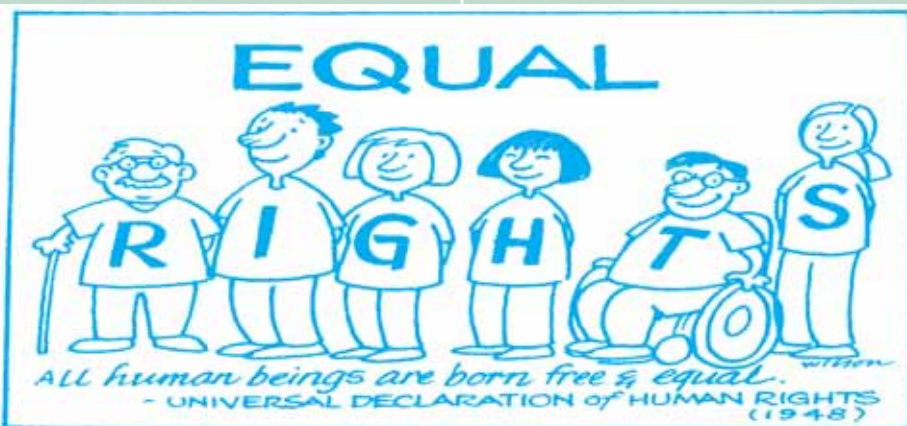
representative workforce ensuring a welcoming workplace for all peoples.

Should Hayne Wai and Wendy Liew like to discuss any of the above in more detail, please contact our office and we will arrange a meeting with Conni Kilfoil, our Equality Representative.

While we applaud the UBC Equity Office on this project, this is a significant undertaking especially during the current hiring "chill" and budget constraints the Local is told will be part of UBC's fiscal life into the year 2010. We are hopeful the Equity Office's equity and race project will not become a paper for future discussion.

Sincerely,

Colleen Garbe  
President  
CUPE Local 116





<http://www.supportyourcivic-workers.ca/>

## 97% strike vote means Vancouver Public Library could also be closed

Vancouver Mayor Sullivan holds key to avert possible escalating strikes by civic workers throughout Lower Mainland, says CUPE VANCOUVER – Today's record 97 percent vote in favour of strike action by Vancouver's library workers, represented by the Canadian Union of Public Employees (CUPE) 391, means that residents can now add library services at Vancouver Public Library to the extensive list of city services that could be lost in the coming days if Vancouver's 5,500 city workers are forced to strike. These services also include garbage collection, parks and recreation programs, building inspection, building permit issuance and city hall services. [June 24, 2007 10:14 PM]

## Vancouver outside workers vote 96 per cent in favour of strike action

VANCOUVER – Garbage collected in Surrey, Richmond, Delta, Vancouver and the North Shore may have no where to go if Vancouver's outside workers decide to act on their 96 per cent vote in favour of strike to get a fair contract. Vancouver residents will also lose services from garbage collection and street cleaning to recreation programs, including access to public pools. [June 22, 2007 09:47 AM] the Lower Mainland to register exceptionally high strike votes in response to proposed take-aways and stalled negotiations with GVRD Labour Relations Bureau, which bargains on behalf of most municipalities in the Lower Mainland. The city workers voted 93 per cent in favour of strike. [June 12, 2007 09:32 PM]

## TILMA newest vehicle in drive to privatize

June 11, 2007 01:59 PM

A recent trade deal signed by British Columbia and Alberta undermines municipal decision-making and increases the push to privatize, according to a new legal analysis done by trade lawyer Steven Shrybman for CUPE.

National President Paul Moist and Alberta Division President D'Arcy Lanovaz joined Shrybman in unveiling the analysis at the Federation of Canadian Municipalities' annual conference in Calgary.

Shrybman's analysis shows that the Trade, Investment and Labour Mobility Agreement (TILMA) has wide-reaching rules backed by powerful enforcement tools. April 1 was the first day of a two-year transition to TILMA taking full effect in 2009.

"Soon we'll find TILMA rules being invoked to challenge the regulations, programs and funding arrangements upon which public and social services depend. Citizens will begin to hear that the regulations, programs and funding arrangements put in place to encourage public services now restrict or discriminate against private sector providers," says Moist.

"Because TILMA provides unprecedented grounds for asserting the interests of private companies that sell services, it is likely to become the preferred venue for those seeking to privatize public services," he added.

Perhaps not coincidentally, facilitating more P3s was on the agenda at a recent annual meeting of the Alberta and B.C. cabinets. Stretching the financial reality of these schemes, Alberta's intergovernmental affairs minister told the media the discussion was about "how do we stretch a dollar."

Read all the TILMA analysis, including a Qs & As document and an overview of the legal opinion, at [cupe.ca/tilma](http://cupe.ca/tilma).

With files from the Edmonton Journal

## Toughen laws to protect late-night workers, says B.C. Federation of Labour

June 13, 2007

Vancouver-It's time to toughen WCB safety regulations to protect late-night workers, says Jim Sinclair, President of the B.C. Federation of Labour.

"Late-night retail workers, whether in gas stations or convenience stores, deserve better protection," Sinclair said. "Consumers can't expect a 24-7 society without 24-7 safety protections for the workers who serve them."

Today is the first of five WCB hearings scheduled around the province to review proposed changes to safety regulations. These changes include proposed improvement to working alone regulations that would ensure that at least two workers are on shift between 10:00 pm and 6:00 am, or in the case of a lone worker, that the worker must be protected by locked doors or security barriers that prevent physical contact.

In a recent Federation survey of forty late-night workers, fifty-five percent supported the new regulations while fifty-three percent of those surveyed revealed that they had experienced some form of workplace violence in the past year.

Sixty percent of those surveyed worked alone late at night. Twenty-nine percent of these workers had not received training on workplace violence and only half of those surveyed had a check-in procedure.

In response to the Federation's Campaign to improve health and safety for late-night retail workers, last year WorkSafeBC conducted an enforcement blitz of gas stations; that according to the agency, "resulted in virtually every inspection documenting violations and issuing orders."

"Employer self-policing hasn't worked, only fair laws and enforcement will make these workplaces safer," Sinclair said.

For more information contact: Jessie Uppal 604-430-1421 or 604-220-0739.

**Canadian Union of Public Employees**  
**Local 116**  
**"On the front line"**

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**UNION ORIENTATION**



Will be held the 3rd Wednesday of every month at the Union Office from 10:00-11:00am. Please contact the Union office to make an appointment.

CANADIAN ASSOCIATION OF CALM OF LABOUR MEDIA



**UNION MEETING**

**When: September 19, 2007**

**Where: Barn Coffee Shop at 4:00PM**



**Bulletin Board**

**Society News**

Reminder the Society Annual Picnic will be held at Ryall Park in Queensborough on August AUGUST 4, 2007 at the Picnic Shelter (920 Ewen Avenue). Starting at 11:00am.

Family fun all day!

**Cupe Local 116 Update**

Reminder there are no Union meetings for July and August as per our by-laws. Have a great summer!

New by-laws in print, available now at the Union Office.

New Collective Agreements are anticipated to be here in early August.

**Retirement**

Congratulations to:

Ty Johnson & Jim Dooley on their retirement!  
Best Wishes!!!

**Bill 29 Victory!**

This morning's ruling by the Supreme Court of Canada, which affirms a challenge to Bill 29 brought by the Hospital Employees' Union, the BC Nurses Union and the BCGEU, is a major victory for the labour movement that will restrict government's future ability to strip away collective bargaining rights, says CUPE BC.

Bill 29, the Health and Social Services Delivery Improvement Act, is the controversial 2002 law that removed or rewrote contracting out, seniority and other provisions of health care and community social services collective agreements. The legislation restricts free collective bargaining on many of these issues. Bill 29 also excluded health care and community social services workers from BC Labour Code successorship provisions.

In a 6-1 decision, the Court held that freedom of association as guaranteed by Section 2(d) of the Charter of Rights and Freedoms includes a procedural right to collective bargaining. In doing so, the Court has overturned previous decisions that rejected any protection for collective bargaining.

"This decision has historic implications, and for more than just the health unions," said CUPE BC president Barry O'Neill, speaking in Winnipeg from CUPE National's Western Municipal Conference.

"The right to collective bargaining in the workplace is now protected under the Charter. This decision overturns 20 years of legal decisions that, as far as labour was concerned, gave no meaning to the Charter's protection of freedom of association. For a good news day, it doesn't get much better than this."

**CEP Local 464**

The support staff for the BCTF were locked out for more than 7 weeks. In an act of solidarity our Local joined their lines in support bringing a donation and memories that hopefully won't be forgotten. We're pleased to say that they have reached a settlement.



**DISCLAIMER:** The opinions expressed or the articles published in the Union Newsletter are not necessarily those of the Editor or Executives. If you have any questions, comments, or letters, please contact the editor Roger De Pieri at the Union Office 604-222-0116 or Fax at 604-222-0113 or E-mail at [newsletters@cupe116.com](mailto:newsletters@cupe116.com)



Please visit our Website for more information at: <http://www.116.cupe.ca/>