

April 24, 2022 General Membership Meeting

The General Membership Meeting of CUPE Local 218 was held online via conference call on Sunday, April 24, 2022.

Roll Call of Officers: Brother Gibbs
Brother Hebert
Sister Wilkinson
Sister McDonald
CUPE National Staff Rep Brother Scheibli

New Members: None.

(If yes, members to be sworn in by repeating the Oath of Membership).

Moved by Sister McDonald, seconded by Sister Petty - that the minutes of the March 20, 2022 General Membership meeting be adopted as presented. **...VOTE CARRIED**

Matters Arising:

Moved by Sister Judy Griffiths, seconded by Sister Boisvert - that SCT-3084-21C be allowed to proceed to arbitration. Discussion. **...VOTE DENIED**

Moved by Sister Dembeley Daramie, seconded by Sister White - that Con. Ed. 043-22P be allowed to proceed to arbitration. Discussion. **...VOTE DENIED**

Brother Scheibli read the decision without reason in its entirety, for Complaint No. 218-2021-01, as presented by Mediator/Adjudicator Carol Wall (attached to the minutes).
Brother Scheibli read a statement from KG to the Executive and Membership (attached to the minutes).

Treasurer's Report:

Moved by Sister Wilkinson, seconded by Brother Slater - that the Treasurer's Report for the month of March 2022 be adopted as presented. **...VOTE CARRIED**

Correspondence:

1. Moved by Sister McDonald, seconded by Sister Cope - that CUPE 218 correspondence numbered 1-9 be received and filed. **...VOTE CARRIED**

Reports of Committees & Delegates

Sister Cope reported for Educational Assistants, Catholic Board

- I hope everyone had a good Easter and a relaxing time.
- We had Labour Management on April 22nd and discussed a lot of items missed in February.
 - Issue with 0.5 LTO not being kept when there are staff shortages at the school.
 - Instead of 22 equal pays, we want to be paid for hours worked - at the discussion stage.
 - Lunchrooms covering for EAs – Board didn't know how many times they covered and their qualifications.
 - Questioned how the Board advertises for new hires (social media, LinkedIn, etc.).

April 24, 2022 General Membership Meeting

- Centralized EAs dispatched to schools for shortages and schools not aware they are coming.
- PST going above their position and telling EAs to share Chromebooks with students. They are not your supervisor.
- If you are being harassed or bullied by PSTs or Admin., there are policies and procedures, please contact the union, we can help.
- Some EAs not aware they work a 7-hour day, not to work bell to bell.
- Records of Employment have not been given out at Christmas and March Break – getting clarification.
- EAs hired at other than Step 1 (i.e. at Step 2 or 3), please contact the union.
- End of year appraisals are going ahead and we are asking the Board not to include sick leave as COVID has affected time off sick.
- Chromebooks are being delivered, but it is slow as it is being taken care of by one staff member. Please know that they cannot deliver your Chromebook if you are not at work as there is a set-up process.
- All LTOs are getting a Chromebook. If you are a recent hire, or didn't get one, have your Principal put in an IT Help Ticket.
- Thank you everyone for working under extreme conditions being short staffed and with COVID.
- Ad Hoc meeting May 11/22
- Grievance going to Step 3 as the Board is picking and choosing EAs with accommodations who are working at virtual school who can work from home and refusing an EA with health accommodations to work from home and forcing her to come into the virtual school to work.
- Step 2 grievance finished and now in discussions around a possible agreement.
- Job Evaluation meet with National Rep and Helen re: the process and I know it's been long, but we need to do it right.

Sister Richards reported for Educational Assistants, Public Board

- I hope everyone had an enjoyable Easter long weekend.
- Many EAs are off with COVID and symptoms.
- Special Education students are coming to school sick, some schools are choosing if they call the parents or not.
- EAs are to go to their Admin if there are issues. If no results, contact the union. Don't be afraid to talk with your Admin.
- Labour Management on April 7th, Board has started planning for next year, waiting for timelines for next year and postings.
- I have been informed that as of April 5th, there have been 5,100 in-person EA positions left unfilled this year (Sept – April) and part of this time was during shutdown.
- There have been 113 Lunchroom staff being used as emergency EAs, if the union takes action, the Board could hire more unqualified people, concerns re: training, H&S, etc. and affects the safety of all staff/students. Board stated they'd rather have unqualified person in the classroom than not to have anyone. We need to push for language in our Collective Agreement.
- Three new CAS investigations, waiting on dates for meetings.
- EAs should be hands-off with students unless directed and you have a person as a witness.
- Any questions/problems, go to your union rep. Information is listed in the newsletter, print it out and post it on the school's CUPE Board.

April 24, 2022 General Membership Meeting

- Sister May asked about the Violence survey. An LTO wants a hardcopy to write down her comments and send it back to the union office (doesn't have a computer), or can she do it at work? Sister Richards stated it must be completed on your own time as it is union business. She asked the member to reach out to her at the union office. Brother Gibbs indicated that the survey is specifically for EAs and only want results from EAs, not other units.

Sister Aaron reported for LINC/ESL, Catholic Board

- Labour Management on April 22nd – Sister Sanchez, Brother Gibbs and Sister Wilkinson were present. Had three points to discuss:
 - Still no seniority list for Night School Instructors.
 - PD funds – Board and union to discuss. Unusual situation as our unit is funded by the Federal and Provincial government and as of today, we do not know where the funding goes – we need to sit down before the CA expires to find out where the funds are allocated.
 - Emergency or sickness leave – as of today, we find our own supplies and are to have lesson plans, etc., ready. Further discussions will be held on this topic. Next contract looking into Terms of Contract – when it's a scheduled day off the Board arranges coverage, but they don't arrange coverage when an emergency absence arises.
 - Brother Gibbs indicated through L/M clear if member is off sick (not scheduled appt. like a dentist, doctor, etc.), if you call in sick due to not being well, you shouldn't have to schedule your own supply. You are union members. Sister Aaron stated the board only schedules if it is a pre-planned absence.

Sister White reported for Continuing Education, Public Board

- Step 2 grievance on March 25th and the request to go to arbitration was denied. Thank you for listening to the Sister's situation.
- The March 31st Seniority list is not out – Board given an extension due to irregularities. Gave a three-week extension that is up on Friday, will email if no response.
- Labour Management on April 7th – Management caught us up to speed on the ESL Funding and we will know by July 2022.
- Committee met on April 19th
- Looking forward to all the Con. Ed. Staff moving to virtual learning as of May 30th, as no one can be in the Oshawa building due to construction, plan now for what you need to take home with you. All Admin will be going to the Pickering site.

Brother Morris reported for Secretarial, Clerical, Technical, Catholic Board

- Labour Management and discussed the following:
 - Training during work hours and constant interruptions for staff - was acknowledged by the Board. Also discussed limits with technology, as members need to be in the office and desktops don't have microphones/cameras. Board is looking at putting microphones and cameras on desktops until the next funding allows more discussions. If you need a mobile device, you can obtain it from school stock, on an as-needed basis.
 - Discussed many staff leaving and the difficulty getting applicants, especially in IT. Board is working on a plan and hope to be ready for September.
 - DSTS Public Route Analyst had JE and preliminarily rated significantly higher, Catholic Board matched the preliminary rate and now not certain how to go about the final rate, which is higher again – this is a job evaluation process.
- Car allowance has been addressed and was given with retro on the last pay date.

April 24, 2022 General Membership Meeting

- Grievance at Step 3 was discussed tonight and denied going to arbitration.
- Filing another grievance for a member moved to another position.
- Job eliminated in AT for the EA unit and also affects SCT members, once job was eliminated asking the SCT unit to do the job – in discussion with the Board.
- Several jobs currently unfilled as recruitment is difficult for some IT jobs, but they are posted.

Sister Petty reported for Office, Clerical, Technical, Public Board

- Labour Management on April 11/22
- Board is looking to reallocate casual hours in elementary school – may create some part-time permanent jobs. Also looking at secondary schools and current needs/consistency for jobs from high school to high school.
- Secondary school secretaries asked to cover elementary vacancies, it is voluntary, but if Admin. tells you to go, cover but grieve it.
- Admin told a member to train a four-hour lunchroom supervisor on jobs that clerical staff do. Do not do this and let the union know. We are not to have other members do our jobs.
- If there have been significant changes to your job, complete a job evaluation – for more information, reach out to me, or to any OCT committee member.
- Monitor your CUPE emails on a regular basis, as we are in a negotiation year and we need your support.

Brother Slater reported for Facilities Services, Catholic Board

- Still have critical shortages, staff are getting overtime, no floaters and many members burnt out. Board is only offering half of the overtime needed to complete the job. Ask your SQS for help and copy the union, so we can track how many times these requests are being filled.
- Board has improved in getting postings out, with a few reminders. Some postings have remained unfilled after multiple rounds of postings.
- Step 3 grievance had timelines disregarded and the response at Step 2 only dealt with half of the issue (changing summer hours). This has been ongoing since 2020.
- Step 3 grievance disregarded timelines for floater custodian at home with no calls to come back. Contacted supervisor repeatedly, meanwhile the Board was hiring other people.
- Chief Custodian or designate, please ensure your PPE is at the proper levels and email your supervisor and Principal/Vice-Principal so that they are aware.
- Labour Management cancelled and waiting on new date, especially with many issues with Maintenance department.
- Collective Agreement is now on the CUPE website.
- Please think about the people of the Ukraine and keep them in your hearts, with everything that is happening over there.
- Thank you to the custodial/maintenance staff for keeping our schools and staff/students safe.
- Brother Gibbs also mentioned that today is the Ukrainian Easter.

Brother Montgomery reported for Custodial/Maintenance, Public Board

- We are still waiting for the arbitrator's decision re: grievance for custodial overtime loss. More grievances filed for the Easter long weekend – to go into abeyance until the decision from the arbitrator is received. Once the decision is known, members affected will be informed.
- Vacation request form is denying vacation for the last week of August due to “operational needs” with start of the new school year. If it is extremely important to have that time off, talk

April 24, 2022 General Membership Meeting

with your supervisor, as a blanket denial is unfair. If you need to, contact the union. With so many casuals, there is no reason to deny vacation.

- Vacation denial grievance from last year, the member was allowed to pick another day, so we withdrew the grievance.
- An arbitration meeting on May 30th re: disciplinary matter.
- Waiting on meeting dates for two more grievances for arbitration.

Brother Hill reported for Educational Assistants, Public Board, Political Action

- Thank you, Brother Gibbs and the Executive, for your vision in seeing political action as a an opportunity for growth for our union. The Provincial Election is June 2nd and there has been a survey sent out to all candidates within the DDSB geographical area and we will compile how they respond. It will be sent out to inform members, not to endorse any specific candidate or party.
- May 1st the Durham Region Labour Council and Federation of Labour are holding a day-wide rally/family friendly event at Memorial Park from 1 pm to 3 pm. A CUPE email will be sent out and we are calling for stronger public services and encourage everyone to attend. If you have any questions, please contact Brendan.hill@cupe218.ca.
- Brother Gibbs thanked Brother Hill and all the Lead Mobilizers for their hard work.

Unfinished Business:

None.

New Business:

Sister Wilkinson stated that as of May 24th, the CUPE Office will be closed for repairs due to the flood damage and will remain closed for approximately 5-6 weeks.

Good of the Union:

Sister Pollock indicated that she had difficulty logging onto the meeting tonight. Asked if the report was read and the results of it? What are the Executive and the Board doing to ensure that it doesn't happen to anyone else?

Brother Gibbs indicated that the mediator's decision was read out to the local to deal with that topic. The local had new by-laws proposed that dealt with some of these issues, but it was turned down. We are trying to re-introduce those into a new by-laws meeting and make any wording changes that are needed to ensure that the by-laws are successfully adopted.

ADJOURNMENT:

Motion made by Sister Finlay, seconded by Sister Cope - that the meeting adjourn. The meeting adjourned at 8:55 pm.

President

Recording Secretary

April 24, 2022 General Membership Meeting

April 24, 2022 General Membership Meeting

TO BE SENT TO RAMONA MCDONALD, RECORDING SECRETARY, CUPE LOCAL 218

At the General Membership Meeting, the Recording Secretary will ask the National Servicing Representative to read this decision out loud and it will be included in the minutes verbatim.

Decision: Complaint No. 218-2021-01 under CUPE's Constitution

Carol Wall, Mediator/Adjudicator

March 21, 2021

A complaint was filed with the CUPE Local 218 Recording Secretary on October 16, 2021. On January 31, 2022, the Investigator appointed by the National President issued their report, determining that sufficient evidence existed for the complaint to proceed. In the complaint the Complainant under Appendix F- Trial Procedure alleged the following violations:

- *F.1 (e) "produces or distributes any false report about a member of the Union, about any matter related to the National Union or any chartered organization, verbally or in any other manner."*
- *F.1 (k) "sends out information designed or intended to harm or weaken the Union"*
- *F.1 (m) "acts in a way that is harassment or discrimination on the basis of sex, sexual orientation, gender identity, gender expression, language, age, race, ethnicity, ancestry, colour, place of origin, creed, disability, family status, marital status or record of offences."*

I was appointed by the National President to act as Mediator/Adjudicator on February 22, 2022, under the alternate process for resolving disputes and complaints in accordance with the CUPE Constitution.

Decision

This complaint is concerning and disturbing because at the core is divisive action that was taken to cause more harm for the Complainant and a disregard for CUPE's constitution, statements, policies, specifically the Equality Statement and Anti-Harassment that guides the membership. In addition, the action negatively impacts the integrity and credibility of the Trial Process. A process that is authorized by the CUPE National President's appointment of a Mediator/Adjudicator's mandated, after a thorough process to issue decisions, that are not subject to appeal.

In this complaint the actions of the Respondent, Cindy Ellis was contrary to the authority exercised by Adjudicator Blackadder's in his decision. If not addressed, this would set a dangerous precedent, as trauma informed processes were thoughtfully constructed and decisions are made based on the facts with corrective measures such as education, revisiting an election

April 24, 2022 General Membership Meeting

process, etc. before turning to penalties that are required to address serious breaches as a deterrent.

In addition, the Facebook page administered by Cindy Ellis goes beyond CUPE Local 218 members and includes members outside of the bargaining unit, Durham Board Management and Community members. CUPE has done extension work honouring trade union principles of equity, justice, fairness for its' members, and for the wider community, therefore this type of behaviour cannot be tolerated.

As pointed out by the Investigator:

“The posting of this statement/opinion seemingly disputing the final finding of fact and adjudicator's decision - which had been read out at the direction of the adjudicator at a meeting- a day before - on a personal social media page by a union member threatens to undermine the legitimacy – or integrity of the Union's adjudicative complaint resolution/settlement process as established by the National Constitution. This behaviour may establish an unfortunate precedent whereby people who disagree with an adjudicator's conclusions simply continue to argue it out on social media. While people are entitled to have and express a personal opinion on matters, it undermines the process in a context that appears to throw doubt on the adjudicator's finding of fact and report. The alternate process outlined in the Trial procedure is final and binding and it should close the matter. In effect, the respondent posting what seems to be authoritative information contrary to the adjudicators findings is spreading disinformation - false news - even though she was not a party par se to the original conflict to a readership that included many union and community members.”

I am ordering the following remedies to address the findings in this complaint:

Technology can be our friend or our enemy, depending upon how we use technology or how we let technology dictate our actions, with algorithms pointing us towards an echo chamber of our own views. Facebook has been used as a tool to malign someone's character, to spread misinformation and bully people as everyone piles on. CUPE's own Social Media Guidelines point out:

Social media is a great tool for communicating with members about bargaining, campaigns, grievances or upcoming workshops. You can also mobilize public support for your initiatives. Your online presence is a fast, efficient method to reach a large audience in a short period of time through such tools as an email blast or a Facebook group.

However, you must also consider the risks of misusing social media:

- **Information posted is immediate. It cannot be taken back.**

April 24, 2022 General Membership Meeting

- **Your post is forever. It is very difficult to erase or retract your social media posts.** Others can easily forward, copy or reuse your material. If you wouldn't post the information in the office or verbally announce it, do not put it online.
 - Confidential information about pending human rights claims, grievances, constitutional trials and settlement offers should not be posted.
 - **Careless social media use can damage the union's reputation and its ability to represent members effectively. Careless posts can damage the reliability of executives and cause members to lose confidence in them. This mistrust can undermine solidarity and reduce the local's clout with the employer.**
 - Your local's positions vis-a-vis management may be compromised if members post about strike or ratification votes or matters that arise during bargaining and other negotiations. Employers can file complaints at the labour board that the duty to bargain in good faith has been violated.
 - **If members use social media to criticize or harass each other, posts can become the basis for internal union trials. Even if a message is only to one person, it is likely others will become aware of it. Trials take time and resources away from bargaining, mobilizing members and grieving violations of your collective agreement.**
1. I find that the Respondent, Cindy Ellis did violate the CUPE Constitution in the areas of F.I (e), F.I (k) and F.1 (m) and substantiate the Complainant Kelly Gainer's complaint with both FB posts. Cindy Ellis can't undo the harm; however, she has voluntarily agreed to repair the harm by putting the following post on her FB page.

"I would like to sincerely apologize to Kelly Gainer for my previous posts of October 25 & 26, 2021. The reading of the decision at the October 24, 2021, GMM and having Kelly speak was part of her healing process and my post took that away from her. It exasperated her trauma, even after she spoke about our Local not being divided and being kind to others. I am very sorry and I hope she accepts my apology. I also apologize for questioning the adjudicator's decision after Kelly was exonerated by the adjudicator. I truly wish Kelly a happy, peaceful retirement and thank her for her hard work over the years.

This is now a closed subject and commenting is turned off. "

As Administrator if the FB page Cindy Ellis will ensure there is no ability to start a further conversation by way of replies or additional posts. If by chance a member of the Durham Educational Workers FB page finds a way of posting, an indirect or direct comment on this matter, CE as the FB Administrator will delete it immediately and advise the member to refrain from any further posts or risk being blocked. Kelly Gainer was harassed and was exonerated from any claims of misconduct and as Kelly wished this is now a closed matter. The Local

April 24, 2022 General Membership Meeting

should be thanking her for her years of activism and service as a Health and Safety Representative for CUPE.

1. This decision should be a lesson for the Local and a reminder of members oath of membership and the Equality Statement.

Oath of Membership

“I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.”

CUPE Equality Statement:

“Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

CUPE’s policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all persons deserve dignity, equality and respect.”

2. This is the decision without reasons to be read out at the next general membership meeting. The decision in its entirety is not confidential.

I remain seized and retain jurisdiction over this complaint for the purpose of ensuring compliance with the remedies or for modifying them should I consider that warranted by a change of circumstance or breach.

April 24, 2022 General Membership Meeting

Carol Wall

Mediator/Adjudicator

Date issued: March 21, 2022

To the Executive and membership of CUPE 218

I have asked that this be read out in hopes that I can finally have some closure from the trauma I have faced over the past 22 months. Also, in hopes that it will finally stop and this local can begin the healing process.

I have accepted what has happened to me, this does not mean it was right or that I have to associate with those who have harmed me, but that it happened and now I need to move forward to heal.

As I stated in October 2021 that I recognize that this has affected the members in different ways. I am hopeful that this local will begin the healing process. Work together, devise a plan to move forward and do better, to have “0” tolerance for harassment. Members need to advocate for what they believe in and most of all support one another and be kind. Carol Wall put in my “Adjudication with reason” - The Union Family believes in and practices “an injury for one, is an injury for all.” I believe this is “Unionism - Solidarity”.

I know I have a long road ahead of me to heal but I am strong and will find my peace. I hope that the members affected by this can also heal and find their peace. As I move forward to heal, I ask that the members of CUPE 218 allow me this time.

Kelly Gainer