UFCW local401
A VOICE FOR WORKING ALBERTA

your voice at work

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United Food and Commercial Workers Canada Union, Local No. 401

March 24, 2020

VIA EMAIL: Gary.tomasta@richardson.ca

Gary Tomasta
Richardson Oilseed Ltd.
Manager of Human Resources
2415 2A Avenue North
Lethbridge, AB
T1H 6P5

Dear Mr. Tomasta:

RE: Response to COVID-19

The COVID-19 pandemic clearly demonstrates the **critical and important role our members play** in our communities. This is something we have always known and expressed at every opportunity for as long as we have existed as an organization.

In bringing food to the tables of Albertans, our members provide a key and important service that, especially in times like these, must be respected, valued, and protected.

We understand the evolving nature of the COVID-19 situation and its unique challenges, but **we would like to see all employers be proactive instead of reactive** in dealing with it. The consequences of not acting boldly, decisively, and immediately are too grave to imagine.

Not all employers are reacting to this crisis in the same way, but we would be remiss if we did not acknowledge the positive steps you have already taken. We hope that you will consider this letter and its suggestions with a view towards making even more positive changes for our members in the immediate future in order to ensure that they are fully protected and feeling comfortable about coming to work.

In our ongoing dialogue, we have vigorously advocated for our members; however, we write to put some of our requests in writing and to make additional requests for immediate supports for our members. We also request a sensible approach to labour relations during this unique time and a dialogue regarding what the future might look like as we head down this most uncertain road.

If you are already implementing elements of what we outline below, we would like to know so that we can acknowledge and celebrate those measures. If there are gaps in your approach, we sincerely want to work with you to find ways to

meet them. It is our view that we simply must work through this evolving situation together.

Supports for Your Employees

Given the extraordinary circumstances our members are facing both at work and at home, we are asking all employers to provide the following immediate supports to all employees:

Respect our members

Please be kind to our members and take all necessary measures to ensure a culture of respect in your workplace, especially from managers and department supervisors. Every subsequent request contained in this letter is an elaboration on what we mean by “respect.”

Please advise us of all steps you have taken to ensure that all managers are being held to the highest standards when it comes to treating employees with dignity and respect.

We must insist that individuals, like supervisors, be held to account with everything they say and do in the present environment where employees look for leadership, comfort and kindness.

We ask for your **commitment to zero tolerance policies for abuse** of employees and that you demonstrate that commitment by reviewing your harassment policies with all management personnel.

Right to stay home and suspension of punitive disciplinary measures

Employees have lives outside of their work. We are in a unique circumstance, and employees are under unprecedented pressure to balance attendance at work with social distancing, staying home when sick, and fulfilling the role of the caregiver and all of the unique circumstances that would arrive out of this very unique time.

Please respect **employees’ right to stay home** for reasons emerging out of COVID-19, be they for health reasons, feelings of anxiety caused by the pandemic, or the need to care for a loved one.

We call on all employers to provide **immediate accommodation for employees impacted by school and daycare closures**. Furthermore, we assert that, irrespective of collective agreement provisions, **all overtime should be voluntary for employees**.

We also call for the immediate **waiving of all sick note requirements** for employees. During this crisis, waiting rooms for Doctor’s offices can be seen as an epicentre for community infection and clinics are actively advising people not to attend except in the gravest of circumstances.

Clearly it is hard especially at this point to imagine all circumstances under which an employee may want or need to stay away from work. If ANY employee wants to stay home at this time and their circumstances are unique and cannot be contemplated by any existing policy or procedures, please contact our Union immediately to have a dialogue about these individuals to ensure that the culture of respect for which we advocate so strongly cares through for everyone.

At the risk of redundancy, we cannot help but hover around the importance of sensitivity. **It is no one’s place to judge the unique emotions that any individual might have during this very stressful**

time, and each individual should and must be accommodated by putting the principles of humanity and decency first.

Proactive Health and Safety approach

We remind you that, even during this unique time, employers have legal and statutory obligations to ensure the health and safety of their employees, which includes **ensuring all employees are informed of all workplace rights, obligations, policies, and rules.**

Our members work exclusively with product that is entering the food chain, and we want to be able to provide enhanced protections not only for our members but also for the consumer. As such, we ask that you immediately implement a **proactive health and safety approach commensurate with the unique situation** we are facing, which must include:

- **Increased sanitizing** of all surfaces, particularly door handles, lunchroom tables, counters, rest rooms, microwaves, etc. While it may seem obvious, we must insist that this be emphasized and become part of a culture that sets this out as a frequent and absolute priority.
- **Immediate accommodations for elderly and immune-compromised members.**
- **Emergency Health and Safety meetings** to ensure all employees are fully apprised of COVID-19 policies and safety protocols. These meetings should be frequent, and the information presented at those meetings should be clearly communicated to all members.
- **Proactive social distancing practices**, including without limitation:
    - **Increased space between each employee's workstation**,
    - **The spreading of work over a longer period of time**, even if that results in overtime;
    - The **reconfiguration of work schedules** to minimize the number of people in close proximity to each other;
    - **Staggered breaks and lunch periods** to lower the number of employees gathered in a single space such that our lunchrooms do not contravene the current recommendations of health authorities
- Finally, we re-affirm that all employees have the **right to refuse unsafe work**, consistent with occupational health and safety laws.

Financial Assistance for employees

Employers are uniquely positioned to play a critical role in our societal response to this pandemic. As a matter of social responsibility, employers have an obligation to ensure that **no employee should have to choose between paying their bills and putting their coworkers or the public at risk**.

To put it another way, no employee should be forced to come to work because they cannot afford to stay home, nor should they <u>not</u> come to work when they should because their pay is not commensurate with the risks they face.

When speaking with employees in the plant, their sense of fair play and justice is very clear. Many say they are ready and willing to perform a service to the community. They feel that their enhanced productivity combined with the hazard that they must confront necessitates both financial assistance and additional reasonable compensation.

We are looking for the immediate implementation of the following financial supports for all employees an appropriate duration, and certainly of a period no less then the full duration of the COVID-19 threat, appending the following language to the collective agreement:

> *Public Health Crisis Relief*
>
> *For the duration of the public health crisis, employees who cannot work due to self-isolation, quarantine, personal illness or illness of a loved one, or childcare requirements caused by school closures shall continue to receive pay as if they continued to work (either directly or through whatever combination of STD or EI benefits and employer top up is necessary to accomplish this objective).*
>
> *For the duration of the public health crisis, in recognition of the increased risk associated with interacting with coworkers, employees who work shall receive the greater of the following applicable rates as a premium:*
>
> - *The top rate of pay in the collective agreement; and/or*
> - *A flat rate premium of five (5) dollars per hour for all hours worked.*

Health benefits

Access to health benefits has never been so important to so many. We are calling on all employers, including employer or union trustees, to instruct all benefit plan providers to immediately implement all that apply:

- waive all waiting periods applicable to access to benefits;
- suspend all disqualification rules relating to time worked;
- waive all eligibility requirements applicable to short-term and/or long-term disability benefits for all employees; and
- extend coverage to all employee who might not otherwise be eligible for coverage.
- create a new type of coverage that provides benefits for anxiety or stress related to COVID-19 matters.

We are calling on all employers who do not already provide short-term disability benefits to all of their employees to immediately extend such eligibility to all employees, regardless of the hours they work or their classification.

We are reminding all employers that it is not enough to just acknowledge the heroism of their employees at this time through words. There must be real meaningful dollars available and committed to employees to ensure that words are backed up with actions.

Sensible Approach to Labour Relations

We have a collective agreement

Our collective agreement is as important as any law currently impacting your business. We are sure you would agree that respect for the rule of law should be upheld during this unique time.

We remind you that our existing collective agreement remains in full force and effect and that we are closely monitoring adherence to it. Where there are circumstances where we might consider some

flexibility, that would only be considered by us through full consultation with the union members who we represent.

Suspension of all grievance time limits

This circumstance is disruptive in many ways. We are hereby requesting the **immediate suspension of all grievance time limits** and their application to both parties in the collective agreement. In fact, we are going to treat time limits as having been waived by the employer unless you expressly object in writing providing a full rational. Employers are asking their workers to be cooperative and put the public first. Frankly, we cannot imagine why you would object to this request.

Furthermore, we are requesting a Letter of Understanding outlining an **expedited dispute resolution process** for all issues, both those that have arisen out of this unique time and any that were established previously. We are happy to discuss this with you.

Transparency around the sharing of information

People are currently under a lot of pressure, and we all have a job to do. Issues arising during this time frame may continue to exist well into the future. We are requesting that you share all information that may be relevant to us, pursuant to our collective bargaining relationship, so that these issues don't become on-going concerns.

We will visit and represent

We have already visited some of our processing plants with a view of staying connected to our members who are facing the enormous challenges related to COVID-19.

We should advise that our offices will not be closing, and our union is going to continue to represent our members. In fact, we are looking for ways to enhance our representation for UFCW Local 401 members during this difficult time.

Whether it is through visits to your workplaces, conference calls, or whatever other means might be necessary, we appreciate your full cooperation in respecting our union's desire to be there any way we can for our members who are confronting such a unique and challenging time.

Questions

At this time, we have the following questions that we hope will commence a dialogue that will be helpful for everyone:

1. **Can you please identify any of the above requests that you would be prepared to implement immediately**, and which will require further discussion? Please advise when you will be available to discuss these items.
2. **Do you plan to increase production or operations?** If so, please provide details.
3. **Do you have plans to close operations?** If so, will you provide the supports to employees as noted above?
4. **What is your action plan in the event of the appearance of COVID-19 in the plant?** Do you have contingency plans in place, so that union members are not forced to continue working in

an environment that has been declared a site of possible infection? Will you continue to pay employees for the time that they are unable to work?

5. We are concerned about sanitation of the plant facilities in the current environment. **Can you please outline your sanitation policies and procedures as they relate to COVID-19** and advise if any special measures are being taken to safeguard our members and the public? The company, over the years, has used a third-party contractor for sanitation. What is the status of this? Please provide us with their policies and procedures.
6. We understand that some in the industry are talking about erecting barriers between workstations. Are you going to adopt this approach?
7. **Will you join us in our efforts to lobby governments** to provide supports for workers through this period?

We understand the evolving nature of this situation and the unique challenges it has created. It is our view that the only way to confront the pandemic is as a social system – that includes the cooperation and functioning of all component parts (governments, employers, and unions) working in solidarity for the public good.

We await your reply to these urgent requests.

Sincerely,

Thomas Hesse
President

Richelle Stewart
Secretary-Treasurer

cc. Ricardo de Menezes
Devin Yeager
Bill Bennett