



your voice at work

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

March 25, 2020

VIA EMAIL: CRuttle@wowfactordesserts.com

Colin Ruttle, VP General Manager
WOW! Factor Desserts
152 Cree Road
Sherwood Park, AB T8A 3X8

Dear Mr. Ruttle,

RE: Response to COVID-19

Our union is formally requesting updates and additional information on COVID-19 policies and emergency preparedness plans for WOW! Factor Desserts employees in Sherwood Park. We are aware of some precautions you have taken; however, we would still like to see a more fulsome policy on all items related to COVID-19 as it pertains to the entire property, including compensation protocols and the maintaining of benefits.

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.

We are concerned about the safety and well-being of your employees and customers, we see this as the utmost priority for all. The facility has recently seen layoffs take place, and our members have raised concerns about the process and their future employment status.

There had been confusion over when you might be providing Records of Employment to Service Canada, and while through the efforts of our union, this information has been corrected, this caused further anxiety to our members.

The present situation necessitates a number of key things we are asking from employers. 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 find ways to meet them. It is our view that we simply must work through this evolving situation together. Further it is our understanding that during this time most employees are laid off. The below requests speak to when WOW! Factor re-opens as well as if you run on a "skeleton crew." Our blew suggestions also reflect a scenario where you are running with full capacity, however the COVID-19 threat is still lingering.

Supports for Your Employees

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

Respect our members

Our members are workers and heroes. Please be kind to our members and take all necessary measures to ensure a **culture of respect** in your workplace. Every subsequent request contained in this letter is an elaboration on what we mean by “respect.”

We ask for your **commitment to zero tolerance policies for abuse** of employees and that you demonstrate that commitment by placing additional signage where WOW! Factor Desserts personnel or customers interact with employees and where it can be seen by any guests.

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.

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 until the threat of COVID-19 is concluded.

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 until the threat of COVID-19 has resolved.

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**.

We ask that, you immediately implement a **proactive health and safety approach commensurate with the unique situation** we are facing, which must include:

- The immediate provision of **Personal Protective Equipment (PPE)** to all employees who may be at risk. PPE may include things like disposable gloves for staff, disinfectant spray, wipes, hand sanitizers, and in some higher-risk settings, masks and/or face shields.
- **Increased sanitizing** of all surfaces, particularly door handles, rest rooms, railings, tables, counters, lunchroom surfaces, etc.
- **Immediate accommodations for elderly and immune-compromised staff**
- **Emergency Health and Safety meetings in all departments** to ensure all employees are fully apprised of COVID-19 policies and safety protocols.

- **Clear communication to guests on safety protocols and that abusive behaviour will not be tolerated.**
- 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.**

Put another way, no employee should be forced to come to work because they cannot afford to stay home, nor should they not come to work when they should because their pay is not commensurate with the risks they face.

We request the immediate implementation of the following financial supports for all employees for the duration of the COVID-19 crisis, 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, layoff, 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 (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 and/or the public, 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.**

We understand that you are currently implementing part of the above for your non-union staff but have yet to do so for your union employees. Why not? Should your employees support the business through this pandemic, they should receive a premium.

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 any of the below that may apply:

- waive all waiting periods applicable to access to benefits,
- suspend all disqualification rules relating to time worked, and
- waive all eligibility requirements applicable to short-term and/or long-term disability benefits for all employees.

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.

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 that require flexibility on the part of the union, it will only be granted through the expressed written consent of our President, Secretary-Treasurer, or their designate.

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.

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 timeframe may continue to exist well into the future. We are requesting that in addition to all the disclosure we have requested in bargaining, you also share all COVID-19 and related policies or operational change 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 when necessary

Consistent with the advice of health authorities and government orders, union representatives will be scaling back their physical presence in many workplaces. However, should circumstances emerge that require the presence of a union representative, our staff will attend upon the workplace to continue to provide the support our members need. Please be advised that we intend to continue to be there for our members. We are exploring ways in which we can do that in a way that is safe, sensible, and consistent with the advice of the authorities.

Recall of employees

As per the Collective Agreement, employees have the right to be recalled as is stated in Article 12-Seniority- Of course, the employer will have to call back the most senior person on layoff in each classification for a period of up to 6 months. If not called back at that stage the employer is to pay out termination pay.

We are requesting that you **extend recall periods to no less than 12 months** or whatever period is deemed necessary to cover the duration of the COVID-19 threat and also to suspend Article 12.4 (c), and 12.5 during this 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?**
2. **During the shutdown of operations** will you provide supports to employees as noted above?
3. **Will you join us in our efforts to lobby governments** to provide supports for workers through this period?
4. **Does WOW! Factor Deserts foresee the full closure of its workplace?**

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 – one that includes the cooperation and functioning of all component parts (governments, employers, and unions) working in solidarity for the public good.

We expect that COVID-19 will remain a concern, and so we put forward the above positions to ensure that, as employees do resume their work, they can do so in a workplace that respects the elevated risk of transmission inherent in the service industry, where employees are required to interact with the public, and provides compensation commensurate with that elevated level of risk.

We await your reply to these urgent requests.

Sincerely,



Thomas Hesse
President



Richelle Stewart
Secretary-Treasurer

cc. Charmaine St. Germain