COVID-19
UPDATE FOR UFCW LOCAL 401 MEMBERS

UFCW local 401
A VOICE FOR WORKING ALBERTA

March 19, 2020

Dear Mr. Graf:

Re: Supporting our Members through 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 and which we have already applauded through conversations with your representatives. We hope that you will consider this letter and its suggestions in good faith and with a view to making more positive changes for workers in the immediate future in order to ensure that they are fully protected and feeling comfortable with coming to work. However, we are really hoping that you can go further in your efforts.

We have had dialogue with you and your company, and 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, and of course, we would insist that you apprise your employees. 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:

- Toll-free: 1.800.252.7975
- Edmonton 780.452.0362
- Calgary 403.291.1047
- Red Deer 403.342.0150
- Brooks 403.501.8486
- Lethbridge 403.328.4245
- Fort McMurray 780.743.4190

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Respect our members

Our members are frontline workers and heroes. Please be kind to our members and take all necessary measures to ensure a **culture of respect** in your workplace, especially from front line 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 store managers, district managers, and other operation leaders be held to account with regard to everything they say and do in the present environment, where employees look for leadership, comfort, and kindness.

We ask for your reinforced **commitment to zero tolerance policies for customer abuse and impropriety** towards employees and that you demonstrate that commitment by placing additional signage, over and above what is required by the collective agreement, where customers interact with employees and where it can be seen by customers clearly when they enter the store. Obviously, though, this isn't just about signage. Management must follow through in every way necessary to ensure that workers are treated with respect. This may involve everything from difficult conversations with customers to evicting abusive individuals from the store. We call on the company to have the courage to do the right thing.

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 Doctors' offices can be seen as an epicentre for community infection.
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 carries through for everyone.

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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.**

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 surely includes things like disposable gloves for staff, disinfectant spray, wipes, hand sanitizers, and in some higher-risk settings, masks and/or face shields. Further, we have visited your stores, and we have serious concerns about the proximity between customers and cashiers. Your check stands could easily accommodate plexi-glass shields, and these should immediately be considered. With respect to social distancing, we must ask what you are doing to ensure that occurs in your lunchrooms. Have you considered only operating every second check stand? Might you also be looking at the option of some type of floor signage or stickers to encourage some kind of social distancing? We believe that Save On Foods has instituted a policy banning reusable bags. Is this a target that you might be reaching for in the near future?
- **Increased sanitizing** of all surfaces, particularly door handles, tables, counters, rest rooms, etc. While obvious we must insist that this be emphasize and become part of a culture that sets this out as a frequent and absolute priority.
- **Immediate accommodations for elderly and immune-compromised staff.** Again, this may seem obvious, but we cannot over emphasize this. Also, we raise the circumstance of employees who might be responsible for the care of these individuals. Sensitivity to these kinds of circumstances, in our view, must be absolute.
- **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 should be clearly communicated to all staff in the store.

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- **Clear communication to customers on safety protocols and that abusive behaviour will not be tolerated.** We have already emphasized this, but we need to heed warnings that this situation could become worse.
- 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**.

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.

When speaking with employees in the stores, their sense of fair play and justice is very clear. Most have told us that they are loyal to the company and that they are ready and willing to perform a service to the public. But they have also told us that, especially in light of increased sales and the fact that the company is a financial beneficiary of this crisis, they feel that their enhanced productivity, combined with the hazard that they confront, necessitate both financial assistance and additional reasonable compensation.

We are looking for the immediate implementation of financial supports for all employees over an appropriate duration of time that should be no less than the full duration of the COVID-19 threat. We propose appending the following language to the collective agreements:

> *Public Health Crisis Relief*
> *For the duration of the public health threat, employees who cannot work due to self-isolation, quarantine, personal illness or illness of a loved one, or childcare requirements caused by school closures or other circumstances related to the public health threat 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 threat, 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 highest rate of pay available in the collective agreement; and/or*
> - *A flat rate premium of five (5) dollars per hour for all hours worked.*

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Health benefits

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

- waive all waiting periods applicable to access to all 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;
- extend coverage to all employee who might not otherwise be eligible for coverage; and
- create a new type of coverage that provides benefit 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.
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 rationale. Employers are asking their workers to be cooperative and put the public first. Frankly, we cannot imagine why you would object to this request.

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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.

Mr. Graf, we have specifically asked you and company officials about your position on issues related to availability, seniority, and other collective agreement issues that might relate to staffing requirements in the stores. We would like to hear back from you on these issues.

With respect to the company's request on the matter of availability, where you are requesting to allow members to submit new availability for hours during this crisis, we repeat here what I indicated to you on our phone call: this is not objectionable to the extent to which it enhances our members' rights, but we reserve our right to file grievances for any individuals who might feel that their rights have been prejudiced, relying on the strict terms of the collective agreement. Further, our opinion about this remains qualified by the fact that issues around seniority have not yet been resolved. We hope you will advise us how these sorts of changes will be implemented, when, and how they might affect individual departments.

Finally, please provide us with particulars in writing regarding exactly what you are doing and intend to do with respect to inter-department movement. Also, you have suggested that departments might close. We are wondering what implications all of this would have for our members in terms of their pay rates, seniority, and so on.

Obviously, we want to keep our members working, and we will show flexibility to achieve this goal. Employees obviously don't want to be forced to move around, and such movement should be voluntary. Again, we cannot agree to these types of things in an absolute way, as these issues are governed by important, negotiated collective agreement language, and we reserve our right to grieve individual cases.

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We will visit and represent

We have already visited your store 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 are not 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 time and unique challenges.

Collective bargaining

During the COVID-19 crisis, the obligation to bargain in good faith continues. It is not somehow suspended or lifted at this time. We have made arrangements for collective bargaining, but we are looking at accelerating that process.

We are not asking to amend scheduled dates or arrangements today, but we reserve our right to come to the table earlier. Part of that decision-making will be linked to the company's willingness to adopt some of our recommendations and accept some of our requests as set out above. For example, additional premium pay, if implemented, would send your employees and our union members a message that they are truly valued.

Without such a message, we anticipate that their anxiety will soon translate into a heightened desire to negotiate through the processes available under the Labour Relations Code. Also, please be reminded that there is a statutory freeze, which necessitates our consent with respect to workplace changes.

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 have plans to close operations?** If so, will you provide the supports to employees as noted above.

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3. In recognition of the current recommendations from Alberta Health, **do you plan on limiting customer access to the stores to a certain amount of people at a time?** Furthermore, **do you plan on restricting access to the store to certain groups at certain times**, (i.e. for the elderly or those with immune deficiencies)? Also, our members have expressed concerns about extremely high volumes on Saturdays, and we are wondering if you have any plans with respect to coping with that issue.
4. **Will you join us in our efforts to lobby governments** to provide supports for workers through this period?
5. **What is your action plan in the event of the appearance of COVID-19 in the store?** 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? Finally, will you continue to pay employees for the time that they are unable to work?

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