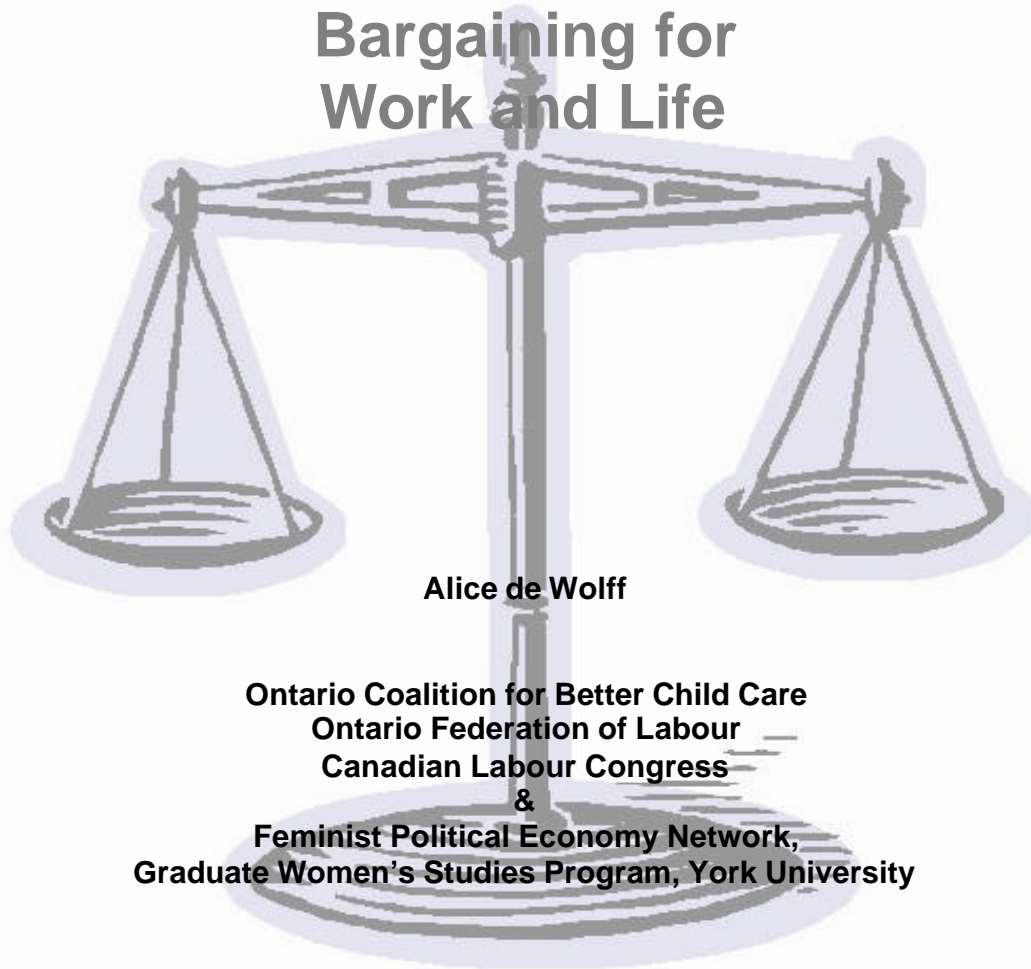


Bargaining for Work and Life



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November 2003

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In 1994 we compiled *Strategies For Working Families* and it served as a valuable resource for unions & activists during the 1990s. While many of the issues have not changed, the information it contained about union achievements, workers' lives, government programs and workplaces was getting very dated, and so we have brought that information up to date in *Bargaining for Work and Life*.

It has been exciting to have the opportunity to take a look at the issues ten years later. Union activists have been able to make significant improvements through the 1990s. At the same time, stresses on workers have become more intense and the tensions between work and having a life have grown. There has been a general erosion of public services that support working parents, and many workers are sandwiched between the needs of children and elder family members.

Solutions for stresses of work and life can be addressed in collective bargaining, but they can not be completely resolved in the workplace. We clearly need public policy and programs that will assist workers & their households in balancing the demands of work & life.

We think this review of the issues is timely. It brings together the experience unions have gained over the decade with a new sense of urgency.

Meg Luxton, York University
Ethel Birkett-LaValley, Ontario Federation of Labour
Cheryl DeGras, Ontario Coalition for Better Child Care
Marie Clarke Walker, Canadian Labour Congress

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Introduction

This manual is intended to provide union and community activists with a review of the strategies Canadian unions have used in bargaining and campaigning for conditions that make it easier for workers to manage their life and caring responsibilities.

Bargaining for Work and Life is an updated version of the 1994 *Strategies for Working Families*. That manual was widely used, but its information became increasingly outdated. Its success encouraged us to compile an update that would :

- Collect some of the experience that unions, particularly women's committees, have had bargaining for work-life balance agreements and programs
- examine significant changes that have taken place in Canadian government policy
- examine policies and programs in other countries that support work and life balance
- sift through the growing evidence that balancing work and life is not getting easier for Canadian workers.

In this update we are no longer using the term “family” as a short way of referring to workers’ significant caring responsibilities. In the past decade many activists have recognized that the term family can be limiting, and that it does not easily describe all workers’ caring relationships and responsibilities. So we are using “work-life”, and “caring responsibilities” as a way of including the wide range of concerns that may cause Canadian workers stress.

The Manual is designed to be a resource that will equip activists with background information, ideas and resources.

The ***Workplace Checklist for Creating Work-Life Balance*** is the first resource in the manual, and is a summary of the bargaining strategies and policy observations that are described in the manual. It presents a range of possible workplace initiatives that could support workers through major life events, phases and crises.

Chapter 1 begins with a summary of the gains made by unions in the last decade. It goes on to describe the current concerns of workers and takes on a number of persistent myths about work-life issues.

Chapter 2 looks at unions’ strategies taking more control over time at work. It includes a campaign checklist and resources.

Chapter 3 first compares Canada’s legislation around life-related leaves with that of other countries, and then looks at union’s experience with parental, caring and other leaves. It includes a campaign checklist and resources.

Chapter 4 reviews Canada’s child care and health care policies, and compares our child care programs with those of other countries. It then looks at unions’ successes introducing workplace programs like child care,

eldercare and employee assistance programs. It includes a campaign checklist and resources.

Chapter 5 is a checklist for union activist, with a list of general resources about life-work issues.

A Workplace Checklist for Creating Work-Life Balance

LIFE / WORK EVENT	FINANCIAL SUPPORT & INSURANCE	PROGRAMS & SERVICES	CONTROL OVER TIME	SUPPORTIVE PUBLIC POLICY
New job/ All Workers	<ul style="list-style-type: none"> ? Benefits cover all workers, including part-time and contract ? Health, dental & vision insurance ? Short and long term disability insurance ? Pension or contribution to retirement fund ? Life insurance for worker, spouse & dependents. ? Non-profit employee assistance plan operated by union, for employees in small workplaces. 	<ul style="list-style-type: none"> ? Joint work-life balance program ? Fitness Center ? Healthy cafeteria ? Non-profit medical and dental clinics, run by union ? Health risk appraisals ? HIV programs ? Smoke cessation program ? Broad definition of worker's caring responsibilities: including same sex partners, household members, etc. ? Work structuring so that workload is reasonable, and workers are able to concentrate on their specific tasks 	<ul style="list-style-type: none"> ? Paid statutory holidays & vacations ? Paid sick time ? Short and long-term disability leave ? Compassionate leave ? Personal leaves of absence (ie. volunteer work, friend's illness, etc). ? Limited mandatory overtime ? Limited on-call days ? Job sharing ? Paid leave for volunteer work ? Donated leave bank (from co-workers, and those leaving the workplace). ? Paid union and education leave for workers to develop their skills to fight for these measures. 	<ul style="list-style-type: none"> ? Quality, accessible public health care ? Quality, affordable public home care ? Pharmacare program for all Canadians ? Minimum Employment / Labour Standards that ensure that caring is part of legislated protections for all workers. Key changes are higher minimum wages, paid sick days, reduced hours, longer vacations.
Relocation	<ul style="list-style-type: none"> ? Household moving costs ? Travel with partner to new location re. housing, schools, etc. ? Any loss in sale of house, and coverage of real estate, lawyers' fees. 	<ul style="list-style-type: none"> ? Spouse and dependents relocation ? Spouse job search assistance ? Limitations on distance of any re-location 	<ul style="list-style-type: none"> ? Paid relocation leave, including house search, school search, packing & move, for member and spouse of member. 	
Lay-off	<ul style="list-style-type: none"> ? Maintain benefits for specified period 		<ul style="list-style-type: none"> ? No overtime in situations where members are laid off 	<ul style="list-style-type: none"> ? Increase EI eligibility and benefits ? Increase EI benefits for workers with dependents
Spousal Union	<ul style="list-style-type: none"> ? Inclusive spousal benefits ? Spouse named in health, pension, and life insurance ? Spouse takes out own life insurance 	<ul style="list-style-type: none"> ? Partner relocation ? Partner job search assistance ? Household relocation ? Long distance calls to partner when worker travels or is temporarily reassigned. 	<ul style="list-style-type: none"> ? Paid spousal union leave 	<ul style="list-style-type: none"> ? Recognition of same sex marriage ? Human rights protection

LIFE / WORK EVENT	FINANCIAL SUPPORT & INSURANCE	PROGRAMS & SERVICES	CONTROL OVER TIME	SUPPORTIVE PUBLIC POLICY
New Parenting: Pregnancy, Birth & Adoption	<ul style="list-style-type: none"> ? Top-up pay during maternity, parental and adoption leave ? Pay for parents who are not eligible for EI funded maternity, parental and adoption leave ? Insurance coverage for <ul style="list-style-type: none"> i) reproductive procedures ii) pre- & post-natal care, extra hospital costs iii) long-term care, home care and assistive devices 	<ul style="list-style-type: none"> ? Prenatal courses ? Information from HR or Benefits manager ? Reallocation of work during leaves for pregnancy, parental, adoption leave ? During pregnancy: preferential shifts and re-assignment to avoid hazardous work 	<ul style="list-style-type: none"> ? Leave / schedule accommodation for reproductive procedures ? Paid maternity leave ? Paid parental & adoption leave ? Reduced work week during and after pregnancy ? Extended maternity, parental, and adoption leave in cases where there are medical complications ? Negotiated home working ? Voluntary reduced time after maternity/parental leave 	<ul style="list-style-type: none"> ? Increase EI benefits to 100% of wage. ? Extend parental leave for single parents. ? Establish childrearing leave. Extend this leave for parents of child with disability.
Child care and Education	<ul style="list-style-type: none"> ? Child care subsidies ? Tuition subsidies ? Subsidies for children with special needs ? Long term care insurance - home care for dependents, paid leave from work ? Child care during training, overtime and travel 	<ul style="list-style-type: none"> ? Inclusive recognition of all adults who are caring for a child ? Joint, union or employer operated on-site early childhood education and care ? Employer and union partnership with public programs ? After school child care programs ? Emergency child referral service ? Take home meals ? Breast feeding room ? Phones near work station. 	<ul style="list-style-type: none"> ? Paid caring responsibility leave ? Preferential schedule and holiday scheduling for parents, and particularly for parents with children with special needs ? Paid compassionate leave ? Shift swapping ? Flexible work hours ? Compressed work week ? Shorter work week ? Reduced hours for nursing mothers 	<ul style="list-style-type: none"> ? National early child education and care program ? Subsidies for all children in registered ECEC programs ? High quality public schools ? After school programs ? Lower post-secondary education tuition ? Six week compassionate leave in all provinces/territories
Adult and Elder Care	<ul style="list-style-type: none"> ? Long term care insurance for elders and dependent adults ? Elder care subsidies for home caregivers, respite care, palliative care and emergency care. 	<ul style="list-style-type: none"> ? Joint, union or employer adult day programs ? Employer and union partnership re. public programs ? Referrals to programs and facilities ? Support groups / workplace seminars ? Preferential shift scheduling 	<ul style="list-style-type: none"> ? Paid caring responsibility leave that requires little or no notice ? Paid compassionate leave ? Shorter work week ? Flexible work hours ? Compressed work week ? Negotiated job sharing or home-working 	<ul style="list-style-type: none"> ? Quality, accessible health care ? Quality, affordable home care ? Adequate public pension ? Adequate CPP, EI and provincial disability programs

LIFE / WORK EVENT	FINANCIAL SUPPORT & INSURANCE	PROGRAMS & SERVICES	CONTROL OVER TIME	SUPPORTIVE PUBLIC POLICY
Adult and Elder Care, (continued)		? Phones near work station. ? Coordination with union-based retirees program	? Voluntary reduced time	? Six week compassionate leave in all provinces/territories
Separation or Divorce	? Legal fees ? Insurance coverage for divorced spouse and dependents to a maximum period ? Garnishee wages for non-paying spousal support	? Counselling services	? Personal leave of absence	
Violence at Home	? Legal fees	? Period of no discipline against a worker who is a victim ? Support groups ? Emergency housing referral ? Women's Advocate in the workplace, confidential office and phones ? Counselling services ? Workplace accommodation re. job station, schedule	? Personal leave of absence	? Full funding for emergency housing ? Women escaping violence able to use EI.
Retirement	? Pension or RRSP contributions ? medical and life insurance (including long term care) covers retiree, partner and dependents after retirement	? Pre-retirement counseling ? Newsletters, hot-lines for retirees	? Reduced work hours before age 65 ? Part time employment after age 65	? Protected, adequate public pension ? CPP allows for older workers to reduce hours of work without reducing pension
Death of a Family Member		? grief counselling and referrals	? Inclusive bereavement leave ? Personal leave of absence ? Additional leave if the family member lived outside of the immediate region	
Death of a Worker	? Beneficiaries receive life insurance ? Spouse receives pension ? Partner and dependents continue to receive medical and disability insurance coverage	? Grief counselling and referrals for partner and dependents		

Chapter 1 Working and Having A Life in Canada, A Ten Year Review

Introduction

Over the past ten years unions have been actively involved in significant changes that affect how Canadian workers manage the tensions between their lives and their responsibilities at work. Unions across the country have held internal education sessions, mobilized campaigns, worked out bargaining priorities and gone on strike over work and quality of life issues. Their efforts have created a much broader public understanding of the importance of addressing work and life tensions, and have had a direct impact at bargaining tables and in changing public policy. Most dramatically:

In the early 1990s very few collective agreements included parental leave: now a 35-week job protected parental leave is legislated across the country and a partial wage subsidy is provided through Employment Insurance (EI).

Unions have won recognition of inclusive definitions of “family” and same sex spouses in many collective agreements. They have also worked with broad coalitions to initiate court challenges that in turn have resulted in the acceptance of same sex spousal benefits and marriage.

Ground-breaking child and family care funds have been established by unions in large workplaces. These have begun to address the complex needs of workers on irregular shifts and with children who have special needs.

Many workers in Québec have children in regulated child care that costs them only five dollars a day. As with many of these victories, changes in government (or management) jeopardize their future, and the new Québec Liberal government is undermining this program. Activists are working hard to protect what they have won – child care in Québec remains a crucial victory.

More workers have collective agreements that recognize their responsibilities for caring for other adults and elders.

Some workplaces have adopted a culture of no overtime and more are recognizing that workers’ control over time both creates jobs and reduces work-life stresses.

Unions have been key members of coalitions and campaigns to create a national child care program through the decade. They have central to campaigns to preserve and improve public services, from hydro to health care. The leadership on many of these issues continues to come from public sector unions and their large numbers of women members. Even though they have been under attack for most of the decade, the large unions have continued to set precedents by controlling workload, lengthening leaves, tightening controls over time at work,

broadening definitions of family and expanding legitimate reasons for time away from work.

Since the early 1990s, union activists have identified several major challenges that they face in moving the work-life agenda forward. It is significant for all unions that, in its master agreement with the Federal government, PSAC has negotiated a top up to full wages for the new parental and compassionate leaves. Very few other employers, however, have yet agreed to top up for these new leaves. This may be particularly difficult to win in small workplaces, in the non-profit sector and in low-waged sectors. Activists recognize that they are not likely to break through this impasse without a broader labour movement strategy. Further, provincial and territorial employment standards need to establish sick leave and increase vacation, job protected family leave and match the new federal compassionate leave. The work and life issues of transgendered people need to be included in agreements. And in sectors where there has been little progress on work-life balance and stress, the barriers need to be identified and worked on.

Perhaps the biggest challenge for union activists is to continue to work on these issues in an economic and political climate that is hostile to recognition of workers' responsibilities beyond the workplace. We have not found a lot of sympathy for efforts to establish public responsibility for caring in the past ten years. We have learned that corporate and government economic policies have restructured more than our jobs. Globalization and competitiveness agendas have also reorganized our lives, undermined our sense of community, eroded the care our elderly parents receive and threatened the education and care of our young children.

While there have been significant union victories, recent Canadian studies make it clear that most workers, and women workers in particular, find it even more difficult to manage both their employment and their caring responsibilities than they did ten years ago. Paid jobs have become more demanding and less secure; paid caring work is under constant pressure to remain exploitive, low paid and precarious; and unpaid caring work is increasing. When these are added together, "you've got a white-knuckled, teeth-clenching population" (Campbell, J., 2002).

Government debt reduction and privatization of public services is a central part of this story. Cuts to health care, education and other social programs are transferring relatively well-paid public sector work to the non-profit sector, the private sector and to unpaid work at home. However, our economy is now completely dependent on the wage work of most adult women, and most adult women welcome opportunities to be fully contributing members of society. Women's free labour is no longer available to provide care giving. This means that individuals find the unpaid caring work that used to be done in households very difficult to handle on their own. Some European societies are figuring out

how to take collective responsibility for work that women previously did for free and are developing strong education and care programs to support workers. Canada, however, has chosen a path that is likely to erode our public social programs and gradually harmonize them with the private market approach of our largest trading partner, the United States. The trade agreements of the 1990s committed us to this direction, although we could choose to change it.

For many women, this is adding a third burden to the double load of paid and domestic work that most already carry. Our review found that paid employees in the non-profit sector are working long, often unpaid, hours as their agencies attempt to pick up the downloaded work. The jobs being created in private sector caring “markets” are poorly paid and precarious, which in turn is creating a whole new set of social inequalities. Health care, child care, home care, domestic workers, laundry and fast food workers are disproportionately ethno-racial minority and recent immigrant women. Daily, they have to negotiate exploitive employee/service provider relationships between themselves and other working families. Because of low wages and uncertain schedules, this group of workers faces the biggest challenges in finding public or “market” support for the care of their children and elders.

Activists recognize that making a difference in the lives of most workers is still a tremendous challenge. Unions that have won battles for caring-friendly working conditions in the last decade have generally been in large private and public sector workplaces. The ability to care for dependents should not be a privilege available only to some. It is in everyone’s interest to “raise the floor”, to increase minimum wages, expand minimum labour standards and increase access to EI benefits so that everyone in the workforce is earning at least a basic “caring” wage, and all work is “caring-friendly”.

The tensions described in the next section of this Chapter are not going to be resolved in any one workplace, or even by any one union – it will take a range of strategies. In smaller workplaces, employers can be encouraged to see that it is in their interest to support public child care and elder care programs. Unions need to ensure that flexible time arrangements are available to those workers who need it most and that more flexible work does not come at the expense of wages, benefits, seniority and promotions. Larger unions who already have strong work-life balance programs could be creating more care programs that are explicitly designed as models for public services. Workers who provide caring services need to be organized and supported. The large breaks will take place when larger and smaller unions agree to work together in strategic coalitions.

Trade unionists are central to creating a social environment where collective solutions are strengthened. Union members are used to looking for collective solutions, particularly when we can see that many workers are affected by the same set of issues and when the cause of much of the stress is the organization of the workplace. Good collective agreements are a critical part of the process of

creating a social environment where the benefits won by some become available to everyone.

The Realities of Work-Life Stress in Canada



From
www.uswa.ca

This Chapter takes on some stubborn myths about what work-life stresses are and who is responsible for relieving the tension. In the process it provides a picture of how work-life stresses have escalated in the lives of most working people. Our lives have been restructured in the last decade, along with our work.

This collection of observations about work-life stress is intended as a resource for any activists who need to present the bigger picture. Because there is no single source for this kind of information, the following section is a patchwork of observations from recent Canadian studies. But the overall picture of the bigger trends still emerges.

Two major studies of work-life conflict in Canada have been the source of many of the snapshots that follow. They both found that work-life stress increased over the 1990s. In one study, 58% of workers reported high levels of work-family “overload” in 2000, compared to 47% in 1991 (Higgins and Duxbury 2001). In the second study, 46% of workers reported moderate to high work-life stress, up from 27% in 1988 (McBride-King et al. 1999).

1.1 Changed Workforce, Changed Life Responsibilities

The Canadian workforce is changing and has changing life responsibilities. The proportion of employed women with young children continues to increase, and there are more older workers and more recent immigrants. More middle-aged workers are caring for both children and aging parents.

Myth:

“Most women stay at home when their children are young.”

The Details:

Figure 1.1 shows us that the proportion of women who are employed continues to grow. Women were 45% of the workforce in 1991 and 46.1% in 2002 (Statistics Canada 2003e).

The Reality:

Our economy has welcomed and profited from women's entry into the workforce, and it is now organized so that it relies on most adult women to work for pay.

FIGURE 1.1 Canadian women in paid work, 1976 – 2002

	1976	1992	2002
Women age 15 – 64 in the workforce	45%	58%	60.7%

Source: 1976 and 1992 figures from Status of Women Canada (1994); 2002 figures from Statistics Canada (2003e).

The proportion of employed mothers with young children continued to increase over the previous decade. The largest growth was among employed mothers with children from ages 3 – 5. The vast majority of women with children are in paid work full-time: 71% of employed women with at least one child under age 16 were employed full-time; 68% of women with at least one child under age 3 were employed full-time (Statistics Canada 2000a).

FIGURE 1.2 Canadian mothers in the paid workforce by age of youngest child

	1991	2001
Mothers in workforce, Youngest child less than 3 years	62%	65.8%
Mothers in workforce, Youngest child 3 – 5 years	68%	73.4%
Mothers in workforce, Youngest child 6 – 15 years	80.7%

Sources: Advisory Council on the Status of Women (1994), and Friendly, Beach & Turano (2003)

Myth

“There are always relatives at home to help out.”

More men are continuing to work after age 65. In 1986 29% of men aged 60 – 64 were likely to stay employed after age 65; in 1998 the likelihood had increased to 41% (Johnson et al. 2001).

The Reality

Most adult Canadians are in the workforce. Even if family members have remained in the same region, grandmothers and aunts are employed, and working longer. Many workers live a significant distance from their extended family.

The immigrant population increased by 15.5% in that same period (Johnson et al. 2001). Between 1991 and 1996 new immigrants to Canada accounted for 71% of the growth in the labour market. Many immigrants have caring responsibilities with people who live in different time zones, across borders and at great distance - as do many workers who have lived here all their lives.

There continue to be significant barriers, which keep people with disabilities out of the workforce: only 38% of women with disabilities and 49% of men are in the labour force (Johnson et al. 2001). Some of the barriers to employment are the same as those facing those who have caring

responsibilities: workers need support to handle their own care, as well support that makes it possible to care for other household members.

Because the workforce and the general population is aging, more workers are experiencing fatigue and have particular family responsibilities. In 1996 for every one person who was within ten years of retiring there were 1.6 people aged 15 – 24 in the workforce. In 2001 there were 1.4 younger workers to every person close to retirement. By 2011 the two groups will probably be equal (Statistics Canada 2003d). The proportion of workers who have both elder family members to care for and young children at home increased to 15% in 1999 from 9.5% in the early 1990s (McBride-King et al. 1999).

1.2 Changed Demands At Work

In the last decade most jobs have become more demanding and less secure. Canadians are working longer hours, many of which are “donations” to their employers. More people are in temporary and contract work

The Details:

Two thirds of employees in a Canada-wide study in 1996 had been in a workplace that had either downsized or re-engineered its work process in the previous three years. 60% of these employees reported that the technological complexity of their work had increased in the previous year (Statistics Canada and HRDC 1998a).

Myth:

“Canadians are working more flexible schedules.”

The Reality:

It is true that the growth in employment has been in temporary and contract jobs. However, most Canadians, including precarious workers, work longer hours when they have work

responsibilities and less security.

A 2001 study found that 52% of public sector workers and 27% of private sector workers described their workload as heavy. Four of every ten workers (43%) said that their workload had increased between 1999 and 2001. When public sector workers were asked what created their heavy workloads, 72% said that they had increased responsibilities; 61% were working with new technologies; 60% experienced greater demand for their services/production; and 54% were in departments that had experienced staff cuts (EKOS 2001).

Another study indicated that 55% of workers felt stressed because there was too little time to complete their work; 46% found “simply keeping up to date” was their biggest challenge; and 20% were concerned about losing their jobs

(Johnson et al. 2001).

Myth:

“Part-time workers have more time for family responsibilities”.

The Reality:

Many part-time workers hold two or more jobs, and have fewer, or less predictable, hours in the day than full-time workers.

20% of Canadians worked regular weeks that were longer than 40 hours in 2000. Half of Canadians live in provinces or territories that do not have a legislated 40 hour work week. And 19.8% of employees worked an average of 9 hours overtime per week. Just under half (46%) of those working overtime hours are paid. The others are “donations” to employers – 1.17 million workers “donated” an average of 9.2 hours a week to their employers in 2000 (White 2002).

Women are working long hours: in 1998 71.2% of women were working full-time, full-year; in 2002 this increased to 72.3% (Statistics Canada 2003e).

Flextime arrangements make it possible for some workers to have fewer hours/week. However, more women professionals, managers, technical, trades and sales workers who have flextime arrangements are working 40–50+ hours per week than their counterparts with regular hours (Comfort et al. 2003).

Myth:

“Part-time, temp and contract workers don’t need benefits because they are usually covered by their partner’s benefits”.

The Reality:

This is the “pin money” argument that suggests each household has one “real” salary, and the second earner is providing for non-essential items. Most precarious workers do not have access to another household member’s benefits.

Higgins and Duxbury (2001) observed that new “global” enterprises require people to work across time zones, and that their “regular” work days are longer. Men had heavier employment demands: more hours/week; paid and unpaid overtime; work at home; weeknight and weekend travel requirements. In this study, the heaviest demand for unpaid overtime among both men & women was in the not-for-profit sector.

The number of people working in temporary and contract jobs is increasing. Studies are beginning to show that precarious employment is connected to stress related health problems (Lewchuk et al. 2003).

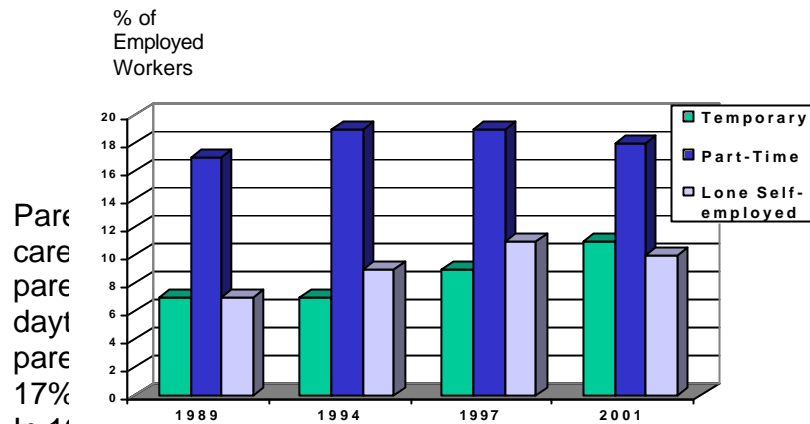
Myth:

“When children start public school their care becomes easier for working parents.”

The Reality:

School hours are rarely the same as work hours. Many workers cannot predict their schedules. And, funding cuts to schools means that parents are expected to do more education work.

Figure 1.3 Precarious Work in Canada 1989 – 2001



In 1997, 17% of employed workers included at least one partner who worked a non-day shift (Johnson, 1997).

In 1997, 31% of employed women and 28% of employed men took on the additional responsibility, time and often, costs of job related training (Johnson et al. 2001).

Working conditions did not get substantially better for domestic workers, child care workers or home care workers, and food and other service workers. Nine of every ten part-time workers were employed in service industries in 1997 (Johnson et al. 2001). Paid personal caring continues to be “women’s work”: 98% of child care teaching staff were women in 1998; 87% of nurses, therapists and other health related occupations were women in 1999 (Johnson et al. 2001).

1.3 Employment Is Not A “Life-style Option”

Women are employed for a variety of reasons. Economic independence is essential to many women’s identity and is the basis from which they form healthy relationships with other adults. Paid work can provide a way to develop skills, and to be recognized and paid for one’s abilities. But increasingly workers who are in household partnerships are also realizing that they cannot manage on most single salaries, and that there is a strong financial compulsion for all adults to be in paid employment.

The Myth:

“Canadian adults can choose to stay home to care for their children and elders.”

The Reality:

It is very difficult for most Canadian households to survive without two incomes.

The Myth:

“Households usually include a married couple - a working man and a woman - and their children.”

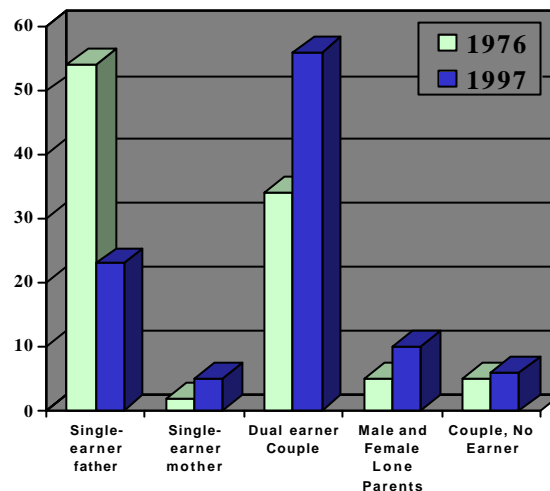
The Reality:

Canadian households are increasingly diverse. They include couples who are married or living common law, single parents, blended families, multi-generational families, same sex or transgendered partners, people with

The details:

Household earners

FIGURE 1.4 Earning Characteristics of Families, Canada, 1976, 1997
% of families



Source: (Statistics Canada 1998c)

Figure 1.4 shows us that only one in five Canadian families in 1997 was supported by a single male wage. Both partners are earning in more than half of two-partner families.

In 1995 only half of female lone parents with children under 16 were employed; by 1999 that figure had risen to 61% (Statistics Canada 2000a). Because many women who are lone parents exist on very low incomes, this increase may reflect the cuts to social assistance in many provinces and the introduction of work for welfare programs that took place in the mid-1990s.

joint custody arrangements for children and single persons with extended caring networks, to name a few.

In 1996 stay-at-home dads had different work-life experience than stay-at-home mothers. Stay-at-home dads were older (average age 42); 40% had a preschool aged child; and only 18% had been in management positions. Stay-at-home mothers were younger (average age 35); 59% had a preschool aged child; and 25% had been in management positions (Marshall 1998).

Single wages do not readily support a household. Between 1989 and 1998 the average income of dual-earner families with children increased by 6% to \$52,900. In the same period the average income of single earner families fell 5% to \$36,100 (Statistics Canada 2000b). The proportion of lone parent families living in poverty has remained about the same since 1980: more than half (56%) of families headed by lone mothers had incomes that fell below the low-income cut off in 1997 (Statistics Canada 2000a).

Women's earnings contribute substantially to household survival strategies. In 1996, women's earnings contributed at least 50% of income in 25% of households; women contribute 25% - 49% of income in almost half of households. In 1992 Statistics Canada estimated that without working women's income the number of two-parent families living below the poverty line would increase by 78%. The same estimate in 1996 was that the number of two-parent families living below the poverty line would increase by over 300% without working women's income (Statistics Canada, 1998c).

Because almost all of us are in the workforce, workers no longer have stay-at-home relatives (mothers, sisters, aunts) who can look after children and dependent adults.

1.4 More Life Demands, and Women Are Still Doing Most of the "Unpaid" Work

The demands on household "caring are increasing – children are staying at home longer, and find it harder to get into the workforce, more seniors are living longer and needing care from their working children. Workers are stressed because they are concerned that relationships are not getting their "best". Here we see why these issues are particularly stressful for women: men are still not equal partners in housework, child care or elder care. That said, even if all partners shared household caring equally, there would still not be enough time for full-

time employment and all the caring work. These are issues that affect all workers.

Myth:

“Men are taking more responsibility for family matters, so it’s not an issue any more.”

The reality:

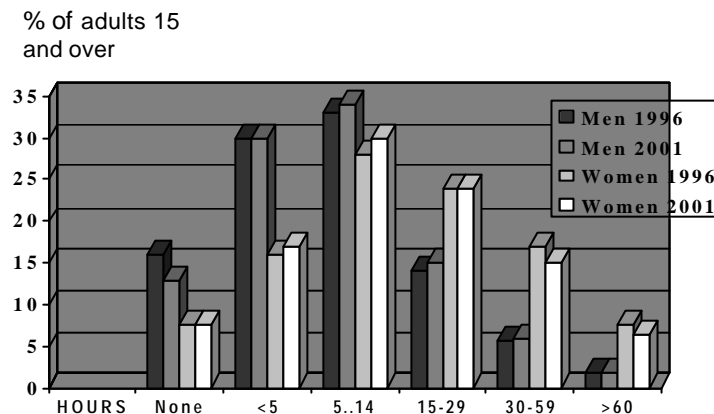
It is true that more men are taking more responsibility. However, when we look at the broad picture, we see that women still carry the bulk of caring responsibilities.

i) Housework

Women still carry the primary responsibility for household chores.

Compared to 1996, fewer men did no housework in 2001, but women continue to spend a disproportionate number of hours doing unpaid housework. More men put in 5–14 hours/week, and just slightly fewer women put in long hours; more women put in 0–15 hours/week.

Figure 1.5 Unpaid hours/week doing housework, Canada, 1996 (Statistics Canada 2003c)



Women continue to take the most responsibility for children’s care and spend the longest hours/week looking after children.

But even if men did half the work at home, two full-time employees would still not have enough time for their caring responsibilities. This is an issue for both men and women.

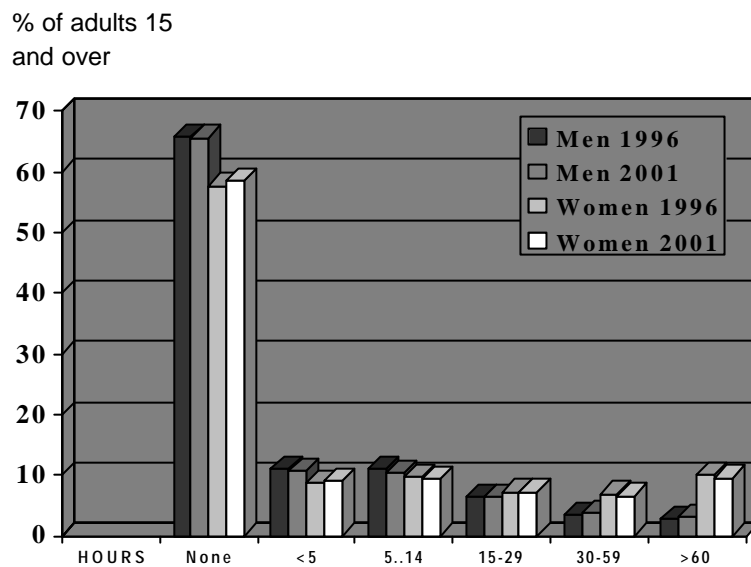
One of the signs of work – life tensions is that women are delaying childbirth and having fewer children. Women’s average age at the birth of their first child was 24.6 years in 1980 and 26.8 years in 1993. (OECD 2001). Later childbirth means that more women are likely to be looking after children & aging relatives at the same time. Women are also having fewer children, which means that each household member has more demands, particularly for looking after elders.

The 2001 *National Work – Life Conflict Study* found that employed mothers spent 11.1 hours/week in child care while fathers spent 10.5 hours. Both men and women in this study still understood that men were “helping” women

with child care (Higgins and Duxbury, 2001). A 1998 study found that while fathers spent 47 minutes each day, employed mothers in dual-earner families with children under age 5 spent an average of 91 minutes each in child care (Silver 2000).

Figure 1.6 shows that there was only a small increase in men spending 0 – 15 hours a week looking after children between 1996 and 2001.

Figure 1.6 Unpaid hours looking after children, Canada, 1996 and 2001 (Statistics Canada 2003b)



Many households with children have very few resources. In 1997 19% of children were living in poverty, an increase from 15% in 1981 (Johnson et al. 2001).

Myth:

“Children leave home at about age 18.”

The Reality:

Just under half of young people aged 20 – 29 lived with their parents. Finding work is much harder: it takes children an average of 8 years after age 16 to find work that can fully

ii) Older children

It is taking older children longer to make the transition from public school to work that can fully support them. In 1985 the transition took approximately 6 years; in 1998 it took from age 16 to age 23, an average of 8 years. Young people are staying in post-secondary school longer, and working at part time jobs longer (Bowlby 2000).

41% of people aged 20 - 29 lived with their parents in 2001, up from 27% in 1981 (Statistics Canada 2002).

In 1996, 71% of young women full time students and 76% of young men full time students lived at home. And 52% of

support them.

young women in the labour force and 62% of young men in the labour force lived at home. For most this represents an economic strategy of reducing the costs for the young person, mostly while they complete their schooling. For some working young people, this may represent an economic strategy for the household where the young person's salary contributes to the whole: 27% of young women who earned \$40,000 + a year and 33% of young men with the same income lived at home (Boyd et al. 1999).

iii) Care for Adults with Disabilities

Many people with disabilities want to and are able to live more independently, if they have adequate income and social supports, including home care. For many, the ideal situation is to live close to friends and family without placing an undue burden on those relationships. With the right types of support, many are able to be employed and socially active. Existing public financial support and programs do not come close to making these conditions possible for all.

13% of employees in the *National Work – Life Conflict Study* were responsible for the unpaid care of a relative with a disability; 3% of these looked after a relative in their own home.

A Status of Women Canada study reported that almost three million Canadians provided informal care to someone with a chronic illness or disability in 1996. Two thirds of these were caregivers working outside the home; 20% reported some impact on their own health; and 40% incurred expenses (Morris et al. 1999).

iv) Care for Seniors

The 2002 *Commission on the Future of Health Care in Canada* (page 184) reports that 85% to 90% of home care is provided by family and friends, and observes that informal caregivers provide a critically important role in providing on-going care, support, and advocacy for people with physical disabilities.

The 2001 Census reports that 15.3% of all men and 20.9% of all women provided some unpaid care to seniors in 2001:

429,610 women and 220,910 men spend 10 hours or more each week caring for seniors (Statistics Canada 2003a). This is an increase from 1996 of 1.7% for men and .9% for women. Care involved is transportation, assistance with shopping and personal care.

The *National Work – Life Conflict Study* reported much higher levels of responsibility: 61% of the employees in this study had elder care responsibilities (Higgins and Duxbury 2001). Only 5% had elders living at home, but 30% had parents who lived nearby. Women with elder care responsibilities spent 5.2 hours/week, while men spent 4.6 hours/week. Men tend to report that they take more responsibility in this area but women disagreed, saying that men did less.

Workers are caught between paying for care in an institution like a nursing home, paying for home care or losing income because giving care at home competes with their job.

Senior women are more likely to need financial assistance from their families than men. In 1997 women over aged 65 had an average income of \$16,000, while men over age 65 had average incomes of more than \$26,000 (Statistics Canada 2000a).

In 1994 – 1995, 34,180 seniors received home care during the year (Statistics Canada and HRDC 1998). The increased reliance on home care by health care services suggests that this figure will be much higher in 2003. The reduction of subsidized home care suggests that the financial impact on households will be substantial.

1.5 Impact On the Job: Workers

Workers are experiencing higher stress levels, more absence from work, less job satisfaction and reduced ability to take on challenges at work.

The “Business Case” for life-friendly HR practices is:

... if employers assist employees to reduce their work-life stresses it will improve productivity.

The details:

i) Less job satisfaction

Higgins and Duxbury (2001) found that only 34% of employees with high levels of work-life overload were satisfied with their jobs, compared with 66% of those with low overload. And, fewer employees with high overload were highly committed to their employers: 46% compared

Employees will be more satisfied with their job; have fewer absences; stay in their job longer; be readier to participate in training and will have increased output.

with 60% of workers with low overload.

ii) More absences from work

In 1997 work-life conflict cost Canadian organizations an estimated \$2.7 billion in lost time due to work absences, a figure that does not include estimates of replacement, overtime, reduced productivity, or insurance costs (Higgins and Duxbury 2001).

Among workers with pre-school children, women were absent from work because of family responsibilities an average of 4 working days a year, while men took 2.1 in 2000 (Akyeampong 2001).

Women experience more significant breaks in employment than men: 62% of employed women have experienced a work interruption of 6 months or more, compared to 27% of men (Fast and DaPont 1997).

iii) Not able to take on more at work

Employees with high work-life stress are likely to say no to additional work responsibilities and transfers, and are even likely to leave their jobs. In 1999 the Conference Board of Canada found that work-life stress was a factor in the workplace. Respondents had:

- turned down or did not apply for a promotion (37%)
 - turned down or chosen not to apply for a transfer (24%)
 - difficulty attending meetings after business hours (17%)
 - not been available for training after hours (16%)
 - seriously considered leaving their current job (16%)
 - already left a job due to work-life problems (14%)
- (McBride-King and Bachmann 1999 a & b).

1.6 Impact On the Job: Employers

Employers experience higher rates of absenteeism, decreased loyalty and some reduced productivity because of employees' work-life stress. In response some employers have increased the numbers of flextime arrangements and family care programs. The largest increase, however, is in flextime arrangements, which tend to reflect the needs of employers rather than employees. Managers and professionals are the most likely to be offered services like child and elder care.

Myth:

The details:

The Conference Board of Canada reports that the number

“These days it doesn’t hurt your career to have children.”

The Reality

Women no longer lose their jobs because they have children. But there still tend to be negative wage, benefits and promotional consequences for workers who take parental leaves, who can’t make meetings or put in long hours, or who take part-time and flextime arrangements.

Myth:

“Flextime or working at home makes it possible to look after children or elders at the same time as being employed”.

The Reality

Work for pay and child or elder care are two separate jobs that are rarely successfully combined.

of employers in their survey who offered flexible work arrangements increased between 1989 and 1999. However, employers do not make these arrangements available to all workers. This study reports that between 1991 and 1995 the number of employees in a flextime arrangement had grown from 17% to 24%; and that employees working at home had grown from 6% to 9% (Johnson et al. 2001).

A recent Statistics Canada survey examined part-time work and family friendly practices (Comfort et al. 2003). It showed that for the most part, flexible work arrangements relate to the needs of the employer and the nature of an occupation rather than the needs of employees’ personal and family relations. Managers and professionals have more access to child care and eldercare services, flextime and telework, while younger, lower paid workers have more access to telework. Child care and elder care are more available in workplaces with 1000 or more employees, while telework and flextime are most available in workplaces with 10 or fewer employees.

There is some evidence to support the perception that women move into part-time work to integrate their work-life responsibilities. However, “whatever flexibility women gain through part-time work may bear costs in terms of job quality”. (Comfort et al. 2003, p. 22) In spite of experience, education and tenure, part-time women are unlikely to receive promotions or supervise others, and they have low wages and little access to benefits.

Figure 1.7 illustrates the extent to which four types of work-life arrangements were available to Canadian workers in 1999. They are generally more available to men than to women. Flextime and telework arrangements were most accessible to part-time workers. Child and elder care services are available to only a small proportion of workers. The group with the highest access to child care services were part-time men.

Figure 1.7 Employees’ participation and access to family-friendly work arrangements by full-time/part-time status and family characteristics, 1998 – 1999.

Family Characteristics	Percent of Employees With:				Percent of Employees Reporting Availability of:			
	Flextime Arrangement		Telework Arrangement		Child care Services		Eldercare Services	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time

WOMEN	34.7	40.8	4.8	5.5	6.1	4.6	3.5	2.1
With spouses	34.0	42.9	5.0	7.1	6.7	4.6	4.4	2.4
With children under 16 years	34.6	41.1	6.7	8.9	7.7	4.8	4.3	2.2
Lone parents	34.8	29.1	5.4	3.4	6.1	5.0	6.7	-
No spouse, no children under 16 years	36.5	39.0	5.5	2.6	5.9	4.	3.0	-
MEN	43.6	42.4	5.5	3.0	6.6	5.3	4.1	2.7
With spouse	43.0	44.9	6.5	4.6	6.5	9.0	3.4	4.1
With children under 16 years	41.6	45.5	6/2	4/2	7.0	11.9	2.7	-
Lone parent	42.1	60.2	4.3	-	7.3	-	1.7	-
No spouse, no children under 16 years	46.2	39.3	3.0	1.5	4.3	1.5	4.2	1.3

Source: Comfort et al. 2003 p. 50

1.7 Government Contributions

Government policies and programs are major contributors to changes in how our whole society arranges our caring responsibilities.

Myth:

“ Governments have no influence over how we take care of our loved ones.”

Most Canadian social policy assumes that adults are or should be in the workforce. In the last decade, two government initiatives have provided improved support for employed parents: the federal EI benefits for extended parental leave and Québec’s universal child care program.

The reality:

Government policies are very influential in our decisions.

However, other policies have created increased strain: many Canadian provinces have eroded registered child care spaces, public education and public health care.

The broad context of many work-life tensions is created by regulations and services outside of the workplace that affect workers and their households, families, communities and friends.

Cuts to health care, education and other social programs are transferring relatively well paid public sector work to the non-profit sector, the private sector and to unpaid work at home. For many women this is adding a third burden of care to the double load of paid and domestic work that most women carry. Paid workers in the non-profit sector (who are mostly women) are working long, often unpaid hours as their agencies attempt to pick up the downloaded work. The jobs created in private sector caring “markets” are poorly paid and precarious. Budget cuts and privatization have created the new stress of insecure and overloaded caring jobs.

“Market” solutions to caring create new class, race and gender inequalities in our society.

Governments are increasingly promoting “market solutions” to social caring and education. Health care services like catering and laundry are increasingly contracted to private, often non-unionized companies. These services are creating a whole new set of social inequalities.

Health care, child care and home care workers, laundry and

fast food workers are disproportionately ethno-racial minority women and recent immigrant women. Daily they have to negotiate the exploitive employee/service provider relationships between themselves and other working families. These service employee-employer relationships are often new for the employer (worker), and are often a cause of stress for both parties. And at the same time service workers have some of the biggest difficulties controlling their schedules. They face the biggest challenges in finding people and programs to help with the care of their children and elders.

“But we have to compete.”

Canadian companies and governments can still choose which economies to be linked with. These choices can be guided by principles that are not simply about profit. We could be competing over which society provides the best climate for business by looking at the social supports it provides for workers, their households and communities.

Competitive and Progressive Social Policy

Workers are all too familiar with limits to corporate and government spending, and have lived through several big changes that have been called “what we need to do to compete”, and/or “globalization”. The private sector restructured during the early 1990s, and public deficit reduction, severe reduction of public spending and cuts to public sector jobs took place throughout the 1990s.

Canada trades heavily with the U.S. and Mexico through the mechanisms of the North America Free Trade Agreement. For most Canadians “staying competitive” usually means harmonizing with U.S. levels of profit, wages, levels of taxation and social programs. But the U.S. puts even more strain on adult care givers, and provides fewer caring supports for children (although some states are expanding their child care programs), people with disabilities and elders. The trade agreements neither prohibit us from trading with other partners, nor do they completely restrict our choices about the kind of society we want to develop.

There are different kinds of economic and social policy operating globally:

One is the individualist “lean and mean” competition that tends to operate in English speaking industrialized countries, where governments and corporations invest as little as possible of the costs of creating an efficient and educated workforce. In this model, competitive advantage is thought to be won with lower wages and benefits, and provision of social caring is left to unregulated personal service “markets”.

A second is the European and Japanese approach to “social economy” development. In these countries

governments invest in high-productivity workers and their children (future workers), and that attracts more corporate investment and jobs. This approach leads to less stress between caring and employment responsibilities, healthier children, less child and senior poverty, stronger education systems, women's equality, more stable caring systems and a highly trained and productive workforce.

Some countries, mostly those in the European Union (EU), have adopted coherent policies about how employment and caring can both be a part of all adults' lives. The center pieces of "earning/caring" policies are public health care; paid vacations, sick leave and personal leaves; paid maternity, parental and family leaves; child tax credits and early childhood education and care.

We will describe more specifics about government policy in chapters 2, 3 and 4. They include a review of Canadian policies and compare Canada's leaves and child care programs with those in other countries. The comparisons are intended to help us see what might be possible in this country, and to shape our vision of what we want both at the workplace and in our public campaigns.

Chapter 2 Control Over Time At Work

In this chapter we look at the reality for most Canadian workers – we spend long hours at our jobs. Then we introduce a number of union strategies for taking more control over time at work. We have included some stories of union victories and samples of collective agreement language. The language samples do not necessarily represent ideal agreements, because at the end of a bargaining process, agreements often look very different than original demands. They are samples from the “real world” of bargaining over the past decade. Campaign strategies and resources related to reduced work time are discussed at the conclusion of the chapter.

2.1 Canadians Work Long Hours

Control over work hours is key to gaining some control over work-life stresses. Many unions have recognized that addressing work and life issues for their members starts with negotiating reasonable workloads, limited overtime and enough flexibility in hours of work for workers to handle regular but unpredictable caring obligations.

Flextime can work in several different ways. Some are better for workers than others.

One study found that full-time workers who have some flextime arrangements had 15% fewer hours absent from work than workers without those arrangements in 1997 (Lipsett and Reesor 1997).

That said, Canadians work long hours. As we noted in chapter 1, 20% of Canadians worked regular weeks that were longer than 40 hours in 2000. Half of Canadians live in provinces or territories that do not have a legislated 40 hour work week. And 19.8% of employees worked an average of 9 hours overtime per week (White 2002).

Just under half (46%) of those working overtime hours are paid. The others are “donations” to employers – 1.17 million workers “donated” an average of 9.2 hours a week to their employers in 2000 (White 2002). One study found that the highest hours were going to non-profit employers. (Higgins and Duxbury 2001). Employers are pushing to return to a system of pay based on work done rather than hours worked – “piece work,” or, in more contemporary management language, “project based pay”. Unanticipated paid overtime is a particular problem for workers with caring responsibilities. Unpaid overtime is a problem for all workers.

Federal and Ontario policy is taking a disturbing new direction towards lengthening rather than shortening working hours. The federal government has proposed to increase the number of hours a week for truck drivers to 84, allowing 14 hour shifts. In 2001 the Ontario government changed the Employment

A large Statistics Canada study found that more managers, professionals, technical and sales workers who have access to flextime worked over 50 hours a week than those without access to flextime in 1999. More men worked over 50 hours/week than women (Comfort et al. 2003).

Standards Act to make it possible for employers to ask workers to work 60 hours a week without paying overtime rates.

The current pace of production in Canada is unnecessarily stressful and could be redistributed. Shorter working hours could give those currently in jobs more personal time, and if it was done properly, it could create more decent jobs.

Unfortunately, the opposite appears to be happening. At the same time as more people are working longer, a growing number are working in temporary and contract jobs – jobs that are often described as “flexible”. Some of these jobs are stable and well enough paid to support the caring needs of the workers involved. But most jobs in this type of employment are increasingly precarious, creating insecurities for workers both in their work and in their households (Vosko et.al 2003 and Lewchuk et al. 2003).

FLEXIBILITY FOR WORKERS is key to developing the kind of control over hours that reduces work-life stress. It means, first, organizing workplace schedules around the number of hours it actually takes to accomplish the work. And then it means organizing schedules around the needs of workers and their caring responsibilities, which can, at different moments, require consistency and, at others, flexibility.

In the last ten years, unions have been creatively working on agreements that limit overtime and on-call work, shorten the work week, control shift schedules, make schedules accommodating and arrange for job sharing.

The Communications Energy and Paperworkers Union (CEP) has particularly focused on shortening working hours over the last ten years, and has won some important struggles that provide models for other workers. It has shown employers that it is either less expensive or the same expense to add workers rather than pay overtime. It also showed that its members prefer time to extra overtime pay. Even though attempts to shorten overtime can be legally interpreted as an illegal strike, the union has managed victories across the country (White 2002).

2.2 Union Responses

Reduce workloads

.....

Union story: Activists with the Canadian Union of Public Employees (CUPE) have found that reducing workload is an excellent place to start to reduce work-life stress. Longer hours at work usually reflect a work design that is based on jobs that are not possible to complete in regular work hours. Unions have taken on this problem by insisting on job evaluations that result in do-able jobs, by insisting that overtime is paid, and by limiting overtime.

Include part-time and term workers in agreements

.....

Union story: The Public Service Alliance of Canada (PSAC) has explicitly recognized that many workers handle their work-life stress by taking part-time jobs. They also recognize that many temporary and contract workers are not in these positions by choice, and that traditionally they have had little access to family friendly provisions. The union increasingly recognizes that all workers have equal rights, and should have access to equal benefits, leaves and services, and have organized a number of units of part-time workers during the last decade.

Limits to overtime and on-call

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Union story: Communications, Energy and Paperworkers Union (CEP) members at LaFarge in Bath, Ontario went on strike for six months over excessive overtime. They had been averaging 300 – 400 hours of overtime a year, and recognized it was taking a huge toll on their health and the health of their families. They won a 17% increase in the workforce (11 new jobs), and pushed back the employer's demand for mandatory overtime and beepers that would call people in for overtime (CEP Journal, *Worksites*, www.scep.ca).

a) Overtime should be voluntary, not mandatory

Sample Language: " Management agrees that overtime work shall be kept to a minimum. It is further agreed that overtime work shall be voluntary and that no employee shall be compelled to work overtime or shall be discriminated against for refusal to work overtime." (UFCW Local 175 and Mitchell's Gourmet Foods, 1998 – 2003)

b) No overtime when members are on lay-off

Sample Language: "In the event that there are employees on layoff status, the Company shall first call laid off employees capable of performing the work for any available work that would otherwise be worked as overtime, unless other arrangements are agreed to." (CEP Local 63-0 and AvestaPolarit)

- c) Time off in lieu of overtime, but be certain that there is a ceiling, and an agreement about how to schedule the time to be taken.

Sample Language: "The company may, at the request of the employee, grant compensatory time and one half (1½) off in lieu of overtime payment provided that at no time can an employee accrue more than a maximum of 40 hours of lieu time off. This time off will be taken at times agreed upon between supervisor and employee." (USWA Local 6000 and Inco Ltd., 1998 – 2001)

Define the work week

.....

Weekend and evening work can be particularly hard on workers' ability to have time with their children, spouses and parents or to participate in community and social events. Agreements can make it clear that working certain shifts is voluntary, and that it will be paid extra.

Sample Language: a) "Tout travail le dimanche et/ou de l'équipe de nuit debutant le samedi soir, est volontaire. b) Le travail le dimanche et/ou de l'équipe de nuit debutant le samedi soir ne fait pas partie de la semaine normale de travail pour un salarié... e) Le travail le dimanche est rénuméré au taux de salaire régulier majoré d'une prime de un dollar soixante cents (1,60\$) l'heure ..." (Loblaws Québec and UFCW)

Shorter work week at full pay

.....

The norm for hours of work differs across sectors and regions of the country.

Example: CEP members who are clerical workers and technicians at SaskTel have every second Friday off work, for a total of 26 days a year. A rumour that management was planning to cut back these days put the issue of time off to number one during bargaining in 2001. (CEP Journal, *Worksites*, www.scep.ca)

Example: Local 76 paperworkers in Powell River, British Columbia negotiated a 37 1/3 hour week in 2000, the lowest in the industry in B.C. Derek Southcott, a shift worker for 22 years, is the father of two young boys. He says: "When I have five days off, I'll be able to be Mr. Mum a lot more, which I appreciate. Family life will definitely be improved." (CEP Journal, *Worksites*, www.scep.ca)

Control over shift schedules

.....

- a) Limit split shifts. Split shifts require workers to return to work more than once during a specified period of time. They require twice the commuting time and are most often disruptive to household caring. Only occasionally are they useful to workers, when they can attend to their household business and caring in the hours between the shifts. Some unions have agreed to them under limited circumstances, and when the worker is paid for the hours between shifts.

Sample Language: “The Company may assign split [shifts] but only after having discussed the assignment with the union. A split [shift] shall be interpreted as one covering more than nine consecutive hours. For each one hour between work periods on a split [shift], one half (1/2) hours wages shall be paid.” (International Brotherhood of Electrical Workers Local 435 and MTS Communications, 1999 – 2002)

- b) Long notice of shift changes. Short notice of changes to a workers’ schedule are disruptive to household caring schedules and appointments. Note that the language in this agreement speaks about workers as “he”. The language in all agreements should be gender inclusive.

Sample Language: “The Employer shall use its best efforts consistent with the proper management of its employees that once an employee is assigned to a specific rotation and set of days off he [she] will be left in that rotation and set.” (British Columbia Nurses Union, Union of Psychiatric Nurses and Province of British Columbia 1996 – 1998)

- c) Shift swapping allows workers to voluntarily exchange work schedules so that they can attend to caring needs like school events, medical appointments, etc.

Sample Language: “Provided sufficient advance notice is given and with the approval of the Employer, employees may exchange shifts if there is no increase in cost to the Employer.” (Nova Scotia Government Employees Union and Province of Nova Scotia, 1997 – 2000)

**Schedule
accommodation**

.....

- a) Shift and schedules can be arranged so that they are better suited to workers who are undergoing reproductive procedures, who are pregnant, returning from pregnancy, nursing or who need to match their schedule with education and care institutions. Anyone with caring responsibilities should be able to ask for the shift that works the best for them.

Sample Language: “An employee returning from maternity leave may be exempt from standby and callback until the child is one year old provided that other qualified employees in her area are available.” (Newfoundland Association of Public Employees and Government of Newfoundland, 1998 – 2001).

- b) Refusal to make shift accommodation for pregnant workers is seen by the Canadian Human Rights Tribunal as being discrimination on the basis of family status (Lancaster’s Women Pay Equity Employment Law News 1993). Unions can remind employers of this ruling.

Pregnant workers should be excused from hazardous working conditions. Develop a list of work that is hazardous to pregnant women and demand that they be given other work or leave with guarantees for their return.

Captive time and travel status leave

.....

Captive time is an issue that relates to members who travel for work. It refers to the unpaid hours that workers spend on work assignments when it is impossible to return to their homes, and has come to be defined as the “theft of personal time.” Workers who travel regularly miss family and community activities find it hard to commit to social activities and find that their spouses take more household responsibility.

Sample Language: “An employee who is required to travel outside his/her area on government business... and is away from his/her permanent residence for forty nights during a fiscal year shall be granted one day off with pay”. (Parks Canada and PSAC, 2001)

Flexible hours

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Flexible hours arrangements allow employees to start and end work during a range of hours. These arrangements can be particularly useful for nursing mothers, or for any worker with consistent caring demands at the beginning or end of the work day. There are concerns about how these arrangements work out in “real life”. Management can develop punitive monitoring for those workers who do not work the standard day. And co-workers can become resentful if the workload is not distributed evenly across the extended flexible day.

Sample Language: “Subject to operational requirements as determined from time to time by the Employer, an employee shall have the right to select and request flexible hours between 7:00 a.m. and 6:00 p.m. and such request shall not be unreasonably denied.” (Professional Institute of the Public Service of Canada and Government of Canada, 1999 – 2000)

Compressed work weeks, salary deferral and sabbaticals

.....

- a) Compressed work weeks allow for longer breaks from work, which can greatly assist with caring responsibilities. However, they are most often introduced by employers to handle flexible production, and unions usually put in place safeguards for members. Again, note the use of “he” when “she/he” would be preferable in the following language.

Sample Language: “... an employee may complete his weekly hours of employment in a period other than five full days provided that over a period of fourteen, twenty-one or twenty-eight calendar days the employee works an average of thirty-seven and one-half hours per week. [...]In every fourteen, twenty-one or twenty-eight day period such an employee shall be granted days of rest on such days as are not scheduled as a normal work day for him.” (Professional Institute of the Public Service of Canada and Government of Canada, 1999 – 2000)

- b) Reduced work week leave, where workers have the option of taking additional days off or receiving pay in lieu.

Sample Language: “The hours of work shall be the equivalent of thirty-five hours per week. This will be done by working a normal week of five days at seven and one half hours, and allowing seventeen days a year Reduced Work Week Leave in lieu of the thirty-five hour week. [...] employees may elect by 1 December of each year to take a cash payment in lieu of time off for any of the seventeen RWWL days to be earned in the following calendar year.” (Office and Professional Employees Union Local 378 and BC Hydro and Power Authority, 1997 – 2002)

- c) Paid sabbaticals and long leaves funded by salary deferrals are being considered by a range of unions. While they are usually designed as professional development time, these longer leaves can be arranged to coincide with major life events, and can enable other household members to shift their regular responsibilities.

Example: University sabbaticals are traditionally one year in seven, and involve the worker leaving her/his regular responsibilities to take on a special project.

Sample Language: “The Prepaid Leave Plan is plan developed ... to afford all employees the opportunity to take a six month or one year leave of absence and to finance the leave through deferral of salary in an appropriate amount from the previous years ... The following shall constitute the deferral make-up of the plan. i) two years of one-quarter of annual salary in each year followed by six months leave; ii) four years of one fifth of annual salary in each year followed by one year of leave.”

This agreement maintains employees’ seniority and benefit levels at regular salary level while in the plan and ensures that employees can return to the same job. (Office and Professional Employees International Union, Local 343, and Ontario Federation of Labour, 2002-2004)

Voluntary time reduction

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Voluntary reduced time allows an employee to work fewer hours in a week, often for a specific period of time. This arrangement can work well for parents returning from parental leave, or if a child, partner, or elder is going through a particularly difficult period.

Sample Language: “... employees can also obtain partial leave without pay in order to reduce their work week temporarily, to a minimum of fourteen hours [...] The maximum duration of such leave shall be two years” (Association professionnelle des ingenieurs du gouvernement et Gouvernement du Québec, 1995-1998)

**Teleworking/
working at home**

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Working at home can sound like a great option for time-stressed working people. It certainly eliminates time spent commuting and often looks like a way to manage schedules and costs of caring for others. Some workers see it as a way of handling workloads that are too big so that they are not completely separated from their family and community.

But it is an option that has a number of difficulties, and should be approached with concern and safeguards by unions. PSAC (1993) has outlined these issues in "Go Home..... And Stay There?" Workers who have experienced working at home recognize that it is not a substitute for dependent care. Paid work, and unpaid caring work are two separate jobs and cannot be done by one person at the same time. At the very least, telework should be supported by quality child and elder care outside of the home workplace.

If the employer proposes telework as a solution to caring responsibilities, bargain instead for manageable workloads, limited overtime, increased family leaves, and flexible or compressed work time.

If the union agrees to telework, then bargain carefully for the following:

- | | |
|--|---|
| Voluntary agreement to telework, with the right to return to the central workplace | Definition of regular work day and paid overtime; common workday for both office and home workers |
| Union workshops on telework | Computer training and on-going technical support, resource materials provided by the employer |
| Same pay, benefits, sick leave, status and productivity expectations as other workers | |
| No electronic monitoring | Space in a central workplace to meet and interact with colleagues |
| Home office equipment, ergonomic furniture, maintenance, telephone, internet service provider, rent and liability insurance paid for by the employer | Union access to contact information for members working at home |
| | Family support services equivalent to those for central office workers. |

Sample Language: See *Work and Family Provisions in Canadian Collective Agreements 2001*, page 41 – 45, for a range of language related to teleworking. http://labour.hrdc-drhc.gc.ca/worklife/collective_agreement1/intro-en.html#6.

.....

Job sharing

Job sharing arrangements are where two people work part-time in one position. Federal employment insurance (EI) has a job sharing program that allows EI funds to be used to offset the lost income of workers who agree to share an available job. The number of beneficiaries increased from 2,561 in 1998 to 7,858 in 2002 (Statistics Canada 2003f).

CUPE has developed a *Policy Statement on Work Time* that states its concerns about job sharing. *“In the absence of long-term solutions for child and elder care, any job-sharing programs must happen on workers’ terms on a voluntary basis with no resulting reduction in full-time positions within the bargaining unit, at least pro-rated benefits and pension coverage for job-sharers and established procedures to create and terminate any such time-limited agreements.”*

Unions can protect job sharers by:

ensuring that both sharers receive full benefits, or benefits pro-rated to the hours worked and that they accumulate seniority

getting the employer to make up the difference between a total of the job share salary and EI in situations where EI is used to supplement reduced wages

ensuring that the sharer who initiates is part of the selection process for the partner sharer

maintaining the total work load and hours of the original single position


negotiating the terms of performance appraisals

ensuring that at the end of the agreement the initiator returns to the original full-time position and the partner sharer accumulates seniority and is offered a full-time position.

2.3 Campaign Strategies: Control Hours At Work

Lobbying for legislated change is a “macro” bargaining strategy. Without legislation and social programs, many of the bargaining goals outlined in this manual will not be achieved in more than a small number of workplaces. And workers’ diverse needs for child care, home care and health care cannot be met even by the very largest employers. As participants in the 1993 “Bargaining for Working Families” symposium noted, the social ground rules needed to change for bargaining on these issues to work. Campaigns must focus on the responsibility of governments to use our collective wealth (taxes) to provide a social infrastructure that fits our 2003 society, where most adults work for pay, and where children, dependent adults and seniors need a publicly provided system of care.


Raise employment standards

 The Ontario Federation of Labour’s *A People’s Charter* includes demands for improved employment standards and labour relations that:
provide protection for all workers, regardless of the number of hours they work, or the location of their work

legislate a 35-hour work week with no loss in pay

legislate overtime pay after 40 hours in one week.

set the minimum wage at \$12.60 an hour and index it to 70% of the provincial average.

 Work with coalitions like *Justice for Workers*, which is conducting public education and organizing demonstrations in support of raising the minimum wage. Justice for Workers is a coalition of low wage, immigrant, young and women workers, community groups and union members in Toronto. Toronto Organizing for Fair Employment (TOFFE) is also organizing campaigns to ensure all workers receive paid public holidays and reducing hours of work. Find information at www.toffeonline.org.

2.4 Resources: Reduced Work Time

Resource	What is it? How do I find it?
<i>A People's Charter</i>	Ontario Federation of Labour. Available from www.off-fo.on.ca
<i>It's About Time</i>	Video. The video tells the stories of Communications, Energy and Paperworkers members who have negotiated no overtime when members are on lay-off, shorter regular hours of work, 3 day weekends, more jobs instead of overtime. Available from www.scep.ca/campaigns/swtime/swtvideo_e.html .
"A new look at shorter hours of work in the Communications, Energy and Paperworkers Union."	This article by Julie White is a great overview of CEP's campaign on shorter hours of work: their studies, resolutions, and stories about bargaining advances. Available from www.justlabour.yorku.ca look for Volume 1 of Just Labour.



Chapter 3 Paid and Unpaid Leaves: Time for the Caring Work

In this chapter we look at leaves that make it more possible for workers to step away from their jobs for significant periods in order to handle their caring responsibilities. The first section compares the relatively new Canadian parental and compassionate leaves to the programs and policies of other countries. The section on union strategies includes stories of union victories and samples of collective agreement language. The language samples do not necessarily represent ideal agreements: rather, they are samples from the “real world” of bargaining over the past decade. Campaign strategies related to paid and unpaid leaves are discussed at the conclusion of the chapter.

3.1 Changes in Canadian Policies

Vacations and public holidays

Canadians work more days each year than European workers: our vacation leaves are shorter and public holidays fewer. (Figure 3.1, Appendix)

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Vacations and public holidays are the traditional leaves that allow workers to spend extended time with those they care about. In this respect, Canadians start at a distinct disadvantage in relation to most other industrialized countries except the United States.

Figure 3.1 (see Appendix) details annual leaves and public holidays in Canada, the United States, Japan, Australia and countries in the European Union (EU). It shows that the legislated annual (vacation) leave in Europe is between 20 and 30 days, and that in practice most workers in the EU take an average of 25.7 days. Canadian workers have the right to a minimum of 10 – 15 days paid vacation (15 in Saskatchewan). We also have fewer public holidays, which means that many of us are working between 9 to 18 more days each year than workers in the EU. Among this group of countries, Canada is second only to the United States in its reluctance to give workers holidays.

Because most Canadian workers do not have access to adequate leave for caring responsibilities, many use their vacation throughout the year to handle emergencies and illness, and do not get the break they need for themselves.

**Family leaves:
parental leave**

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Legislated leaves for caring work are key to the backbone of most countries' "family policy". These have changed significantly across Canada in the last ten years.

In 1999 the federal government added 35 weeks of Employment Insurance (EI) benefits for parental and adoption leave to the existing 17 weeks of maternity benefits. Employment standards and labour relations in each province have since been changed to ensure that job protected leaves are at least as long as the EI benefits.

Figure 3.2, Length of Family Related Leave in Employment Standards Legislation (unpaid), Canadian Provinces lists provincial and territorial maternity, parental and adoption leaves (see Appendix).

The new parental leave is not available to all parents. EI covers only 33% of unemployed women, and only 60% of new mothers are eligible.

The legislation and extension of benefits does not provide all workers with the ability to take these leaves. A recent study shows that since changes to eligibility criteria were put in place in 1996, unemployment benefits have been cut in half. In 2001 only 33% of unemployed women and 44% of unemployed men received EI, compared to 39% for women and 45% for men in 1996. The widening gender gap is mostly due to the number of women in part-time, temporary, seasonal and contract work and the EI rules that exclude those who do not work over a certain number of hours (Canadian Labour Congress 2003).

Workers who are eligible for EI are using the new EI parental leave benefits (Marshall 2003). Figure 3.3 shows its dramatic increase, and suggests that this is a much needed support

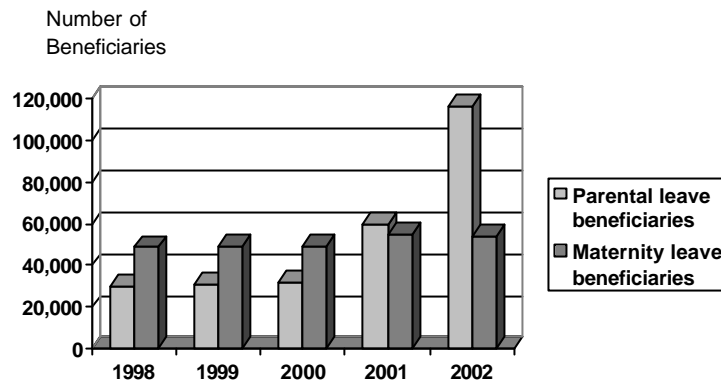
90% of workers receiving parental leave benefits were women in 2001. The average number of mothers collecting benefits tripled between 2000 and 2002, from 30,100 per month to 108,700. The number of fathers taking parental leave has increased by almost 80%, but they are still only 10% of claimants (Marshall 2003).

Parents are using an average of 86.2% of the full year available to them.

Only 61% of new mothers were eligible for maternal or parental benefits in 2002: 23% were not in the labour force; 12% were employed but did not work enough hours to qualify; and 5% were self-employed. In some provinces, workers need to have been employed with the same employer for a qualifying period. To be eligible for EI

benefits, workers must have been employed for 420 – 700 hours, and sometimes as much as 910 insurable hours in the previous year, depending on the economic region of the country.

Figure 3.3 Employment Insurance Beneficiaries by Type of Benefit (Statistics Canada 2003f)



**Family leaves:
Compassionate
Family Care
Leave Benefit**

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In 2003 the federal government introduced a new six-week compassionate family care leave benefit. It is intended to allow workers to care for a gravely ill or dying child, parent or spouse. Family members will be able to share the benefit. Provincial standards do not yet provide six week job protected leave for these purposes, and the circumstances in which the leave will apply have not yet been defined. Activists in each province need to lobby for the inclusion of the new leave in employment standards so that workers do not lose their jobs while taking compassionate leave, and for the broadest possible interpretation of “gravely ill” and family relationships.

This new compassionate leave will not likely cover the less catastrophic events that require workers’ caring attention. Workers are less stressed if they know they will not lose pay if they need time off work to manage events such as disruptions in regular child care and seniors care, domestic emergencies, household illness, accidents, medical and education appointments, and incidents of violence. Canadian workers still need the between 10 and 20 days paid leave each year for caring responsibilities, as recommended by the Canadian Labour Congress.

In comparison with other countries, Canada has just started in the right direction.

.....

Canada's family related leaves and benefits have significantly improved, but workers could use much more assistance with and protection of their caring responsibilities. Figure 3.4 provides details about *Parental Leaves in the Organization for Economic Cooperation and Development Countries 1998-2002* (see Appendix). It suggests that programs available to workers in this country should include:

Higher benefit rates.

Longer benefit periods, or supplemental benefits for workers with heavier responsibilities (single parents and workers with a child or dependent relative with a disability).

Long childrearing leaves (separate from early parental leave) that can be taken before children reach a certain age. These leaves can be extended for parents of children with special needs.

Broad definition of "family"

"For the purposes of Employee Benefits [..], dependent coverage is available to the [employee], to cover his or her same sex partner and their dependents [..]" (Professional Association of Interns and Residents of Ontario and Ontario Council of Teaching Hospitals, 1998 – 2000)

..... A particularly dramatic change in the last decade has been the inclusion of lesbian, gay, bisexual, and transgendered partners in family related leaves and benefits. The labour movement has been out in front during legal and workplace struggles to confront discrimination against gay, lesbian, bisexual and transgendered workers, and to honour their caring responsibilities. These struggles are by no means over, but significant victories have been won.

Legal decisions and changes in legislation across the country have included the following:

2000. Ottawa. The federal government recognized the principle of equal treatment for all common-law relationships in legislation related to benefits and obligations. It ensured that same-sex partners are included in the definition of common-law partners and they will be granted the same benefits and obligations. This was after the Supreme Court of Canada ruled that governments cannot limit benefits or obligations to opposite-sex common-law relationships

2002, April. Newfoundland made it possible for same-sex couples to adopt children

2002, May. Alberta amended laws extending same-sex pension benefits to partners of deceased workers

2002. Nova Scotia, Québec and Manitoba passed legislation enabling same-sex partners to register their relationships as legally binding "Registered Domestic Partnerships"

2001, July. Saskatchewan legislation amended the definition of “spouse” in 24 statutes relating to adoption, support, inheritance, pensions, and matrimonial property

2002, July. The Ontario Divisional Court ruled in favour of same-sex marriages

2002, September. The Québec Superior Court ruled that it is discriminatory to limit marriage to heterosexual couples, and gave the province two years to change the law.

Several issues still need to be worked through in collective agreements. One includes protection for workers who claim same-sex benefits in workplaces where it is still not safe to be “out”. The second includes focusing on the issues of transgendered workers. The first step is adding “gender identity” to anti-discrimination clauses.



3.2 Union Responses: Caring Leaves

Paid maternity leave

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Maternity leave should be paid for all women workers, including those who do not qualify for EI benefits. Maternity leave agreements usually include details about when the leave can begin and about how much notice is needed; provisions for premature birth, still birth and extensions for illness of the mother or child; provisions for return to work; and benefits and seniority protection.

Many unions have negotiated with their employers to top up employment insurance benefits for maternity leave. The struggle for the right to top-up pay was taken to the Human Rights Commission by the United Nurses of Alberta (UNA) in 1992, where they argued that pay during maternity leave should be equivalent to pay during sick leave. The Commission agreed with the UNA, which means that any employer whose health insurance provider allows for paid sick leave must also provide paid maternity leave at the same rate. For most employers this means paying for the two week EI waiting period and paying the difference between the EI

benefit and the level of pay for sick leave, or as close to 100% as can be negotiated.

Sample Language: “(a)for the first two weeks an employee shall receive her weekly rate of pay; (b) for up to a maximum of fifteen additional weeks, payment equivalent to the difference between the EI benefits the employee is eligible to receive and her weekly rate of pay...” (Saskatchewan Government and General Employees Union and Saskatchewan Institute of Applied Science and Technology, 1997 – 2000)

Example: CUPE, other unions and Québec health and social services employers have agreements that state, or are similar to: “for a woman who is not entitled to EI, the employer pays an allowance for 12 weeks at the rate of 93% of her wages.” (CUPE 2000)

Paid parental and adoption leave

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Parental leaves in each province generally make it possible for women to extend their maternity leave for a total of a year, or for the parent who did not give birth to spend 35 weeks with their new child, and for adoptive parents to take 35 weeks with their new child. This new support makes it possible for parents to make different decisions about early care for children. For instance, in some households it may make more financial sense for the partner with the higher benefit coverage to take the longer parental leave, and this may be the male partner.

The Public Service Alliance of Canada (PSAC) is the first major union to negotiate top up to 95% of pay for 35 week parental leave.

- a) Language about who is eligible for parental leave needs to be inclusive. It should assume that the non-birthing parent could be male or female, and that the person taking a parental leave may not be a married or common-law partner.

Sample Language: “A parent /partner shall be defined as a person who is in a relationship with a parent of the child and who intends to treat the child as his or her own.” (CUPE 1992)

- b) The current challenge for unions is to negotiate top-up pay for 35 week leaves rather than the 10 weeks in the following agreement.

Sample Language: “Parental Leave With Supplement Benefits: a) for the first two weeks the members shall receive 100% of her/his nominal salary if the member has not taken Pregnancy Leave; and b) for the next ten weeks of the Parental Leave, or such portion thereof as the member applies to take pursuant to the relevant government regulations, the member shall receive an amount equal to the

difference between the EI benefits received and 95% of the member's nominal salary." (Concordia University Faculty Association and Concordia University, 1998 – 2002)

- c) Parental leave should be accessible to parents whose child has been stillborn. Some unions in Québec have extended parental leave to cover the partner of a mother whose child is stillborn.

Sample Language: "Parental leave is granted to an employee whose child is stillborn if the birth occurred after the beginning of the 20th week of the pregnancy." (CUPE 2000)

**Caring/family
responsibility
leaves**

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- a) There has been some growth in paid leaves that makes it possible for workers to manage caring responsibilities that are other than the arrival of a child. These leaves have a variety of titles in collective agreements: some of the more common are child care leave (Québec Employment Standards), family responsibility leave (British Columbia Employment Standards), nurturing leave, primary care leave, domestic emergency leave, family illness and accident leave, family appointment leave, medical donor leave, family violence and elder care leave. The possible range of specific, shorter leaves suggests that a better approach is an umbrella "caring responsibility leave" that includes a broad definition of its possible uses.

Sample Language: "Employees with children and dependent relatives (defined as a relative of the Employee or her/his spouse or spouse equivalent who is financially dependent on the Employee by virtue of physical or mental disability or old age) are entitled to time off with pay when the children or dependent relatives are sick. Such time off is to total no more than ten (10) working days per year." (CUPE 2722 and OXFAM Canada)

Example: Elders and grandparents have been included in definitions of family, in keeping with First Nations culture, and have been included in leave for Care/Nurturing of Pre-School Aged Children. (Weeneebayko General Hospital and PSAC, 2002)

- b) Paid compassionate leave is intended for situations where someone close to the worker is gravely ill. Canada has just announced six-week EI benefits for this purpose. The challenge for unions at the bargaining table will be to keep the definition of the situations where the leave can be used as broad as possible, and to negotiate employer top-ups so that members taking these leaves do not experience loss of pay.
- c) Personal leaves of absence or long unpaid leaves are useful in situations where the caring responsibility is

longer than that provided for in caring or compassionate leave. They make it possible for the worker to attend to the child or partner or parent, with the knowledge that the worker has a job to return to.

Sample Language: "Leave of absence may be granted for personal reasons such as illness in the employee's family, provided that the maximum period for which such leave may be extended shall be limited to three years." (Winnipeg Teachers' Association No 1 of the Manitoba Teachers' Society and Winnipeg School Division No. 1, 1996 – 1999)

Sample Language: "Upon receipt of two weeks' advance notice and supporting documentation, the employer shall grant leave without pay or partial leave without pay for a maximum period of one year to an employee whose minor child has socio-affective problems, is disabled or suffers from a prolonged illness, where the child's condition requires the employee's presence." (Le Syndicat canadien de la fonction publique (FTQ), et Comité patronal de négociation du secteur de la santé et des services sociaux, le Sous-comité patronal de négociation des centres hospitaliers publics. (1996-1998)

- d) The use of sick days for caring responsibilities is a more problematic type of agreement, and should be negotiated only if caring responsibility leaves are completely out of the question. The use of sick days does not directly acknowledge workers' caring responsibilities outside of the workplace, and can easily put workers in a position of having to trade off taking care of their own health with taking care of someone else.

Sample Language: "For the purpose of dealing with medical emergencies as well as unforeseen child care responsibilities the parties have agreed to provide permanent employees with up to three days of Primary Care Leave in a calendar year. In order to make use of the Primary Care Days, the employee must have the equivalent number of days in his or her sick bank." (Canadian Union of Public Employees and Air Canada, 1998 – 2001)

Paid, short, life-related leaves

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Collective agreements can include a series of paid leaves for life events. They can include days for:

spousal union	pressing necessities
reproductive procedures	work related relocation
attending a birth	court appearances
graduation	bereavement.

There has been a tendency for some of these leaves to define a hierarchy of family importance. They should be available to all spouses, regardless of sexual orientation, faith

or tradition, and not be limited to kin relations in claiming the importance of an event.

Spousal union

.....

PSAC has introduced “Spousal Union Leave” in the collective agreements of the National Gallery of Canada, the Canadian Museum of Nature, the National Museum of Science and Technology and with six regional airport authorities. In the next round the union will bargain similar changes in agreements that cover approximately 90,000 federal public sector workers.

Sample Language: “After the completion of one year’s continuous employment and providing an employee gives the employer at least five days’ notice the Employee shall be granted five days’ leave with pay for the purpose of declaring spousal union with another person in a public ceremony. This ceremony may be civil, secular or religious.” (Regina Airport Authority and PSAC 2003)

The following agreement is innovative in that it provides for leave for the marriage of the son/daughter of a member:

Sample Language: “Un salarié a droit à un conge chômé, payé d’un (1) jour lors du mariage de son enfant.” (Loblaws Québec and UFCW)

Bereavement leave

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Bereavement leaves continue to be heart-breakingly short. People rarely recover sufficiently from the death of a child or a partner to be able to return to work in the space of a week. Many use sick leave and unpaid leave to get themselves through the actual period of bereavement. The leaves should actually reflect the period of time it takes for a worker to return productively.

The following agreements are of interest: the first recognizes that family members may not live in the same community as the worker; and the second recognizes that cultural and religious traditions can include grieving ceremonies over the year after a death.

Sample Language: “A member is entitled to five consecutive working days of paid leave in the event of the death: of a spouse, of a child, of the child of a spouse, of a father, of a mother, of a sister, of a brother. In exceptional circumstances or in the event of an out-of-country death of any aforementioned family members, a member is entitled to ten consecutive working days of paid leave.” (Concordia University Part-time Faculty Association and Concordia University, 1997 – 2002)

Example: PSAC’s agreement on bereavement leave with Wequedong Lodge includes aunts and uncles in keeping with the First Nations cultural practices (2003).

Example: Bereavement leave includes the ability to take the leave up to 13 months after the death to attend religious/traditional ceremonies. (Casino Regina and PSAC 2003)

Paid vacation

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Unions have supported members by negotiating longer vacations, along with several related arrangements. Some agreements give priority in vacation scheduling to those who have caring responsibilities so that they can coordinate with school or elder care schedules. The CAW has negotiated a \$500 vacation payment to assist families with the cost of a vacation.

Example: PSAC and the Amethyst Women's Addiction Centre have agreed to add two designated paid holidays: December 6th and International Women's Day. (2002) PSAC and the Burnt Church First Nation government have agreed to two other designated paid holidays: Treaty Day and National Aboriginal Day. (2003)

Paid Union Leave


.....

If union members are stretched handling their work and caring responsibilities, it is quite likely that union activities simply cannot be added to their regular commitments. Members are more likely to become involved if they see that union activities are not an "addition". This would work if the union is active and effective in reducing work and life stress and if union activity fits into a regular workload. This second component can be handled by paid union leaves for union training, conventions, local meetings, representation of the union outside of the workplace and negotiations to name a few.

3.3 Campaign Demands: Caring Leaves

Unions should continue organizing and mobilizing to:

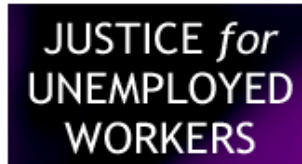
Raise employment standards

-  Work with coalitions to extend EI benefits, and to improve employment standards and labour relations in each province and territory. In particular we need:
 - Longer vacations
 - Minimum legislated sick leave for all workers
 - Full salary replacement for parental leave
 - Job protected compassionate leave for a minimum of six week, and a broad definition of the circumstances under which compassionate leave can be used
 - Job protected leave for caring responsibilities.



Extend EI coverage for all unemployed workers

📖 Work with coalitions to extend EI benefits to all unemployed workers, regardless of whether their work is part-time, seasonal, temporary or contractual. Join the OFL campaign “Justice for Unemployed Workers”. See www.unemployed.ca and www.ofl-fto.on.ca for posters, leaflets and campaign information.



Recognize, affirm and support gay, lesbian, bisexual and transgendered households

📖 Launch a public education campaign about human rights, focusing on anti-harassment, anti-violence and anti-discrimination.

📖 Fight for employment equity legislation that includes lesbian, gay, bisexual, and transgendered people.

📖 Gay, lesbian, bisexual and transgendered people should have the same family rights as heterosexuals. Demands include:

- “spousal union” to signify equal importance of marriage and commitment ceremonies
- Adoption rights for people in gay and lesbian relationships
- Same sex partners ability to co-register as parents on their child's birth certificate
- Recognition of gay and lesbian common-law partnerships in estate and succession laws
- Recognition of the needs of the children of gay, lesbian, bisexual, and transgendered parents in schools and the community.

Chapter 4 Workplace and Public Care Programs

This Chapter begins with a look at the family care policy context in Canada, mostly as it relates to child care and elder care. It introduces programs and policies across Canada, and looks at policy directions in other countries. In the section on union strategies we look at agreements that have been won by unions related to starting up workplace accommodations and to establishing early childhood education and care, and elder care programs. We have included some stories of union victories in small and large locals, and samples of collective agreement language. Ideas for child care and health care campaign strategies and resources are outlined at the end of the Chapter.

Workplace accommodations and programs can range from small changes in routine to referrals to and purchase of services outside of the workplace, to full on-site programs for workers and household members. While unions in larger workplaces may be more likely to consider bargaining for on-site programs, unions in workplaces of all sizes can act as catalysts to bring employers, workers, experts, non-profit programs and even governments together to figure out how best to meet the needs of members.

Some unions have won victories by getting their employers to agree to a needs assessment of members' caring responsibilities, or to make a public statement supporting the need for public services. Other unions have been able to bargain for substantial accommodations from their employers and are opening doors for others to follow. Each workplace is different, and each union is working to find what members' needs are and what their employers will agree to. The accommodations and programs in the "Workplace Checklist" are not a recipe for every workplace. The "Checklist" includes measures that have been won by a variety of different unions, and is intended to stimulate ideas about what might work in your workplace. The Checklist includes:

Joint work-life balance program and committee	After school child care programs
Fitness Center	Emergency child referral service
Healthy cafeteria	Take home meals
Non-profit medical and dental clinics run by union	Breastfeeding room
Health risk appraisals	Phones near workstation
HIV programs	Joint, union or employer adult day programs
Smoke cessation program	Employer and union advocacy for public programs
Broad definition of workers' caring responsibilities: including same sex partners, household members, etc.	Referrals to programs and facilities
Work structuring so that workload	Support groups / workplace seminars
	Preferential shift scheduling

is reasonable and workers are able to concentrate on their specific tasks
 Partner and dependents relocation
 Partner job search assistance
 Limitations on distance of any relocation
 Household relocation
 Long distance calls to partner when worker travels or is temporarily reassigned
 Inclusive recognition of all adults who are caring for a child
 Joint, union or employer operated on-site early childhood education and care
 Joint or union operated employee assistance programs

Coordination with union-based retirees program
 Counselling services
 Period of no discipline against a worker who is a victim of family violence
 Support groups
 Emergency housing referral
 Accommodation to change job station
 Pre-retirement counselling
 Newsletters, hot lines for retirees
 Grief counselling and referrals for workers, partners and dependents.

4.1 Early Childhood Education and Care: The Policy Context

All countries party to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, including Canada, have agreed:

To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities. (1979, Article 11-2(c)).

How Does Canada Compare With Other Countries?

The rate of poverty among Canadian children of lone mothers was second highest among 25 industrialized countries in 1994. (Figure 4.1, see Appendix)

A key indicator of how well a country's earning-caring policies are working is how well the children are doing. The most vulnerable of these – children of lone mothers – still do not do well in Canada.

Figure 4.1 "Child Poverty Rate By Type of Family" is a comparison of twenty-five industrialized countries (see Appendix). It shows that Canada's rate of poverty among children of lone mothers was second highest, with only the United States being higher – 45.3% of children of lone mothers lived in poverty in Canada in the mid-1990s. The poverty rate was a bit better among children in two parent households, but still 12.3% of these children lived in poverty in Canada. Six other countries, including the U.S. had higher rates – the highest child poverty among children with two parents was in Russia.

Canadian provinces except Québec are not following new international

Canada, with the exception of Québec, is not keeping pace with the many countries that are recognizing the need for quality education and care for children under age six. Ten years ago France, Italy and Denmark had education and care

initiatives to provide universal education and care for children over age 3.

programs for most children between age 3 and 6. In the past ten years most children age 3 to 6 in Belgium and Iceland, and at least half the children in this age group in Germany, the Czech Republic and the United Kingdom are in public programs. The Blair government has promised a pre-school space for every three and four year old by October 2004, as have six U.S. states. Québec is the only Canadian province to move in this policy direction, although its progress is being undermined by the Liberal government that was elected in 2002. In 1997 the province committed to providing spaces for children over age 3, and in 2000 established a fee of \$5 a day for services. The province has opened 120,000 subsidized spaces since 1997, and plans another 200,000 new spaces by 2005 (Tougas, 2002).

Figure 4.2 Need for Regulated Child Care Spaces in Canada

	1994		2001	
	Ontario	Canada	Ontario	Canada
Children aged 12 and under with mothers in labour force	1,095,000	2,835,000	1,325,000	3,309,000
Regulated Child Care Spaces	145,545	371,573	173,135	593,430
% of children with working mothers who are in regulated child care	13.3%	13.1%	13.1%	17.9%
Shortfall in Regulated Child Care Spaces	949,455	2,463,427	1,151,865	2,715,570

Source: Friendly et al. 2002

Except in Québec, provincial subsidies are available only to those with very low incomes. In 1998 most provinces cut off full subsidy for single parents who earned over \$20,520. Lone parents are now eligible for a partial subsidy if they earn between \$20,000 and \$28,000 (Childcare Resource and Research Unit, 2000). In Québec all parents are eligible for a \$5 a day subsidy for child care.

Figure 4.3, *Main Institutional Arrangements for Early Childhood Education and Care, Selected OECD Countries, 2001* compares policies in thirteen industrialized countries. Figure 4.4, *Main Institutional Arrangements for Early Childhood Education and Care, Selected Canadian Provinces* provides a similar comparison among three Canadian provinces, and shows that Canada is falling behind other countries. See Appendix for both Figure 4.3 and 4.4.

Canadian unions, have been key in this decade's

Do We Have A National Child Care Program?

campaigns for a national child care program.

After promises of a national child care program during the 1993 election, the federal Liberal government made no move to follow through. Unions were key to strong campaigns that took place over the decade to get politicians to keep their promise. The government finally announced funds for a child care program in the 2003 federal budget.

Provincial ministers have agreed that they will accept the targeting of funds for this purpose, but this is only the very first step in establishing programs. The \$935 million committed to the provinces over the next five years is hugely inadequate even to begin to meet the needs of all Canadian children. By way of comparison, Québec spent just over \$1 billion in one year (2001) to start up its program, and still reached only 21% of children. In the EUROPEAN UNION, countries spend approximately 1% of gross domestic product on child care, which in Canada would be \$10 billion. The public pressure to establish a public system of quality, licensed education and care centres needs to be kept up.

Policy Implications: from the Child Care Resource and Research Unit, U of Toronto, www.child_care.org



"It is clear that the early years from

Why Should We Have A National Early Childhood Education and Care Program?

conception to age 6 have the most important influence of any time in the life cycle on brain development and subsequent learning, behavior and health.”
(McCain and Mustard 1999)

“Canada’s future success in generating economic growth, and sustaining a healthy population, depends on the quality of care and education our children receive early in life”. –
(Coffey & Hargrove, 2003)

“Business and unions can do our part, but it is not our job to ensure that the next generation is equipped to participate in the new work force. Child care, like health care and education, is an essential public service that only senior governments can deliver.” (Coffey & Hargrove, 2003)

For years governments have known the advantages of early childhood education, and how such programs enable a female workforce to meet government’s economic and political objectives. There was little question or debate, for instance, when Canada needed women to work in 1943 and emergency legislation was passed to establish child care for women working in war related industries.

Working parents know that good education and care are essential supports to their parenting responsibilities while they are at work. When parents are satisfied with their children’s education and care, they experience less work-life conflict and are likely to miss fewer days at work (Geoff et al., 1990). When satisfactory care is not available, parents are stressed, and looking desperately for solutions.

A wide range of studies have shown us that early education has an effect on children’s development, and can create a positive foundation for their future as workers and citizens. Child care must be more than child minding. A long-term study in South Carolina has demonstrated that the economic and social benefits of quality care and education are high, including higher earnings for both parents and children, less demand on remedial education and health care savings (Campbell et al. 2002).

While employer-based children’s programs can assist some employees, they rarely address the education and care needs of all employees. Most employers large enough to have a program have employees in a number of different work sites. Shift workers and contract workers are not easily accommodated in a single program. Union members, and some employers have recognized that



workplace programs can address some very local needs, but that they cannot address the needs of all workers and their

children. Consequently the labour movement has been very involved in campaigns to establish a national child care program.

Workplace Early Childhood and Education

“The Parties recognize that the availability of and access to quality child care is an integral component in balancing family and career for working parents.” (Office and Professional Employees International Union Local 378 and BC Hydro and Power Authority, 1997 – 2002)

Workplace solutions always have a relationship to the resources that are available in communities. Even the largest unions and employers cannot meet the child and elder care needs of all their employees, and find that they must build on and support existing programs and solutions.

There were 338 employer based child care centers in Canada in 2000, up from 176 in 1991. Public sector workplaces were slightly more likely to have these services – 55 per cent were sponsored by public sector employers. Almost all (80 per cent) were sponsored by large employers of over than 500 employees (HRDC 2002).

Another study estimated that only 15% of employers were prepared to offer benefits that directly support the care of children in 1999. Thirty five percent were prepared to offer information and referral services regarding child care, up from 8% in 1989 (Bachmann 2000).

4.2 Adult and Elder Care: The Policy Context



Across the country public health cuts and spending restraints have made it more difficult for older people to live independently and with dignity. The 2002 Commission on the Future of Health Care in Canada observed the increased need for home and palliative care, and recommended that the health care system improve by:

“Expanding insured health services beyond hospital and physician services to immediately include targeted home care services followed by prescription drugs in the longer term” (Recommendation 5).

The Commission also made strong observations about the impact on workers. Recommendations 35 states:

“Human Resources Development Canada, in conjunction with Health Canada should be directed to develop proposals to provide direct support to informal caregivers to allow them to spend time away from work to provide necessary home care assistance at critical times.” (Commission on the Future of Health Care in Canada 2002)

Government cuts to long-term care and the lack of community services make it increasingly difficult for families to provide care to their elder members. Unions of health care workers have been very actively campaigning for a quality public system of emergency and critical care, as well as long-term care, home care and palliative care. Their concern is both about the conditions of their work and the quality of care they are able to provide to patients and by extension, to their families. As with child care, unions are beginning to recognize that employer-based programs can be handled so that they contribute to the development of a stronger health care system.



4.3 Union Response: Starting Up

Needs assessment

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Finding out what members' needs are is the best and strongest starting point. Negotiating a work-life balance needs assessment puts the employer on notice that the membership is concerned about these issues. Studies can require contributions of time from the employer, but they do not need to be costly. Needs assessments are very often educational for members, who may discover that many are dealing with issues that are not usually talked about. They are also essential to the process of developing accommodations and programs that accurately meet the needs of each union local.

Women in PSAC developed "Women and the Alliance: From the Margins to the Mainstream" and ensured that it was adopted at the 1994 PSAC Triennial Convention. One of the paper's recommendations was to conduct a family care needs survey to help develop solutions to the family care problems of members. The Family Care Needs Survey was distributed in 1996 – 1997. Members were asked what they least liked about their current family care arrangements: 33.8% reported lack of subsidies as an issue. This was followed closely by the lack of available emergency care (23.7%) and overall rate of fees (21.5%). Members wanted the union to pursue the issue of family

care by ensuring that there are improvements to family care provisions, more workplace daycare, access to emergency care, and subsidies. Since then, PSAC members have won provisions for short-term and long-term elder care.

Union time

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Workers who are already stressed can have real difficulties getting involved in making workplace changes. Change will happen if the union is addressing issues that are disruptive in members' lives, and if union activities are accessible. Involving workers with caring responsibilities usually means arranging meetings and events during, or very close to working hours. This means bargaining paid time release and additional care expenses from the employer for union education, joint committees and bargaining.

Political letters

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There may be situations, particularly in small workplaces, where the employer truly recognizes the need for a service but does not have the capacity to address it. These situations are openings for negotiating letters and other forms of support from the employer supporting public child care or dependent care or home care.

Sample: See letter "Our future rides on this budget" at the end of this chapter.

**Alliances with
program workers**

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Build relationships with workers in programs outside of the workplace. Support their workplace campaigns and strikes. Support the organizing of care and education workers. Establish agreements with care programs about arrangements for your members' children or elders during education and health care job action.

4.4 Union Response: Employee Assistance Programs

Employee Assistance Programs (EAPs) can be an intermediate step to establishing specific funds or workplace programs. EAPs are a collection of services that are provided by the union, or by other providers approved by the union or a joint committee. They are intended to provide a range of support to workers and their households.

At their most basic, EAPs offer referrals to agencies in members' communities. They can be more substantial, and provide fee subsidies or fully subsidized access to members and others in their households. The types of

programs can include:

- Counselling (individual, family, youth, violence, grief)
- Child care
- Disaster response and relief
- Financial counselling
- Homecare
- Legal assistance
- Medical & dental clinics
- Smoke cessation program
- Substance abuse programs.

Sample Language: "The company and the union agree to cooperate in encouraging employees with mental illness, alcohol, drug or personal problems to avail themselves of the assistance of (counseling). The company agrees to contribute one dollar and twenty-five cents per employee per month to this program." (USWA)

4.5 Union Response: Early Childhood Education and Care

Workplace solutions always have a relationship to the resources that are available in communities. Even the largest unions and employers cannot meet the child and eldercare needs of all their employees, and find that they must build on and support existing programs and solutions.

Establish a joint child care committee

.....
Joint committees ensure that a group of people in the workplace is responsible for taking agreements forward. Their membership, terms of reference and meeting schedule should be defined in the agreement. Note the CUPW lesson below:

If joint efforts are going nowhere, mobilize the union to take it over.

Sample Language: The Joint Committee shall be composed of four Union representatives and four Employer representatives. The designates of each party shall be gender balanced. Employees representing the Union on this Joint Committee shall be on leave of absence without loss of pay for time on this Committee. (BCGSEU and Government of BC, 1998 – 2001)

Conduct needs assessment studies

.....
Studies are an important way to consult the membership at the start up of a program, and to keep an existing program relevant. They should have a defined budget, timeline, accountability, and scope.

Sample Language: The parties agree to a joint study of this issue. The employer will provide (specify \$). The study will be completely by (date). Recommendations must: support existing child care facilities; look at creative ways of enhancing child care; support the

development of the regional workforce; and support quality, affordable and accessible child care. (Adapted from agreement between PSAC and Government of the Northwest Territories, 1998 – 2000)

Establish a child care fund

.....

Funds help with the high cost of child care. They can reimburse members or be paid directly to licensed child care providers. Funds can specifically support members whose children have special needs, members working difficult shifts, and members whose children need emergency care. Most funds require staff that are able to assist members with their particular situation.

Sample Language: The corporation agrees to contribute to a child care fund and the Union agrees to administer this fund in accordance with the following provisions. The fund is used exclusively to conduct analyses and research to assess child care needs and the methods used to meet those needs; establish or assist in establishing child care facilities and oversee their operation; pay subsidies for child care services; reach agreements with child care facilities or other institutions to provide or facilitate child care; hire staff or reimburse the salary of bargaining unit employees on union leave for the above-mentioned purposes (Canadian Union of Postal Workers and Canada Post, 1997 – 2000).

There are a number of successful child care funds in Canada, but several stories stand out.

Canadian Union of Postal Workers



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In the early 1980's the CUPW Women's Committee began to push for child care to become a priority for the union. It took a number of years, but by 1987 the union had won a mediation/arbitration award that committed the employer to a joint child care study. The study found that members had problems arranging for back up care, providing for sick children, finding affordable care, and consistent care for evening and night shifts.

The union won a jointly administered fund in 1991, with the employer contributing \$200,000 every three months, to a limit of \$2 million. Over the next three years there were many meetings, but none of the money was going to child care. So the Women's Committee insisted that the union demand full administrative control of the fund.

The union won control of the fund in 1995. Since then it has developed 11 communities-based projects that provide high quality programs for postal worker families. The projects include:

- Services in existing non-profit centers to accommodate parents' irregular hours
- Supervised care in member's home, or licensed care in the home of a caregiver to accommodate early morning, evening or night shifts
- Short-term emergency care
- After school and summer care for school aged children
- Summer camps

- Child care information and referral
- A countrywide project for parents of children with special needs. It is based on the union's 1996 study about special needs children, and includes a national staff who put together a child-specific plan, assist in finding local education and resource materials, and provide access to financial help for child care and related services. Parents can be involved in a parents' network, if they wish.

**Public Service
Alliance of Canada**

UPCE members working for Canada Post were able to bargain \$250,000 for a child care facility in Fredericton, N.B. The agreement was reached after a strike.

**Canadian Auto
Workers**

The CAW negotiated the first Canadian private sector child care fund with American Motors in 1983. The employer agreed to pay two cents for every hour worked by every employee into a fund that was used to help employees pay fees in registered child care facilities. Since then, the CAW has expanded the fund, and operates its own child care centers. The 1999 agreement with Ford and Daimler/Chrysler includes a \$10/day fee subsidy for spaces in licensed non-profit care, and the creation of a \$150,000 a year fund to enhance existing licensed services by extending hours or adding infant care. Because the fund will contribute approximately \$15 million to licensed non-profit centers over the course of one agreement, employers as well as members have a significant interest in the creation of a national program. In the 1999 agreement Daimler/Chrysler agreed to write a joint letter to the Prime Minister supporting the formation of a national child care program.



**Establish a child
care facility and
program**

On-site facilities can provide regular day programs, shift-specific programs, and after-school and summer programs for school age children, breast-feeding facilities, and emergency and infant care. They can be the bases for summer camps. They can be run in partnership with local non-profit centers. Agreements can be quite detailed, or as straightforward as the following:

Sample Language: "The employer agrees to provide suitable space for child care within 12 months of the signing of the Agreement. The employer further agrees to facilitate the operating costs of the Child Care facility through the contribution of two cents per straight-time hour worked by bargaining unit employees. The money will be held in trust." (CAW Local 44 and Windsor Casino, 1999 – 2001)

4.6 Union Response: Adult and Elder Care

The needs of workers who are caring for elders are generally different from those of people with children. Most workers who have responsibilities for elders are not providing daily, live-in care – they are in regular touch by phone, they help with shopping and medical appointments, help with housework, and handle emergencies. A small percentage also handles daily intimate personal care.

It is important to recognize that workers may be caring for seniors who are not their biological parents: workers care for aunts, uncles, step-parents, foster parents and friends (to name a few) and collective agreements should support all these efforts.

Elder care tends to be more episodic than child care, and, consequently, absences from work are unpredictable. Workers/caregivers need to be able to step out of the workforce and back in again. As the proportion of the workforce who are recent immigrants grows, more workers are caring across borders, and need longer periods for emergency leave. The costs of elder care can be high, and many workers need financial assistance with home care, respite care, and emergency care.

The Conference Board of Canada's study suggests that employers are prepared to offer information services related to elder care – the number of these programs has increased substantially, from 6% in 1989 to 37% in 1999. Employers are less likely to support more substantial programs (Bachmann 2000)

Establish a joint elder care committee

.....

Joint committees ensure that a group of people in the workplace is responsible for taking agreements forward. Their membership, terms of reference and meeting schedule should be defined in the agreement. Remember the CUPW lesson: If joint efforts are going nowhere, mobilize the union to take it over.

Sample Language: The Joint Committee shall be composed of four Union representatives and four Employer representatives. The designates of each party shall be gender balanced. Employees representing the Union on this Joint Committee shall be on leave of absence without loss of pay for time on this Committee. (BCGSEU and Government of BC, 1998 – 2001).

Conduct a needs assessment study of members' needs for elder care

.....

Studies are an important way to consult the membership at the start up of a program, and to keep an existing program relevant. They should have a defined budget, timeline, accountability, and scope.

Sample Language: The parties agree to a joint study of this issue. The employer will provide (specify \$). The study will be completely

by (date). (Adapted from PSAC and Government of the Northwest Territories, 1998 – 2000).

Establish an elder care fund

.....

Funds can help with the high costs of emergency, extended care and home care. They can reimburse members or pay directly to care providers. The union can direct funds so that providers who are recipients of the funds are unionized and/or in the public sector. Most funds require staff who are able to assist members with their particular situation.

Language similar to child care fund agreements could be used. For instance: The Employer agrees to contribute to an elder care fund and the Union agrees to administer this fund in accordance with the following provisions. The fund is used exclusively to conduct analyses and research to assess elder care needs and the methods used to meet those needs; establish or assist in establishing elder program facilities and oversee their operation; pay subsidies for elder care services; reach agreements with elder care facilities or other institutions to provide or facilitate elder care; hire staff or reimburse the salary of bargaining unit employees on union leave for the above-mentioned purposes.

Workplace day programs for seniors

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Many elders thrive when they are involved in creative and useful projects. Programs run in conjunction with a union's retirees can develop interest networks, and find people interested in becoming campaign volunteers, researchers and activity coordinators. Elders can also be integrated as resource people into on-site child care programs.

Establish referral and counselling services

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When encountering new phases of dependency in their parents, many workers do not know exactly what to do or what services might be available. Unions, or unions in partnership with employers, can provide information, referrals and support that help members sort out what is best in their situations. Services can include counselling, referrals to local services, seminars, discussion groups and written and audio/visual resources.

Elder care during training, overtime and travel

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These agreements recognize that any disruption of a regular schedule can also disrupt arrangements for elder care and add to employees' costs. The company or union may make arrangements with a non-profit organization that provides outside-of-home or in-home services.

Raise wages and working conditions of health care and home care workers Insist that any workers hired by the workplace program, partner programs and programs paid by fee subsidies are well paid, and that they have appropriate professional development and training opportunities.

Encourage your union to support the organizing of home care workers Most home care workers do not belong to unions, and are among the lowest paid and most precarious in the labour market. Active unions have negotiated more secure hours, higher wages, training and paid travel time for home care workers, and made it more possible for them to focus on providing care.

4.7 Union Response: Other Programs

Women's advocate The CAW has established Women's Advocates for female members who are most likely to talk about their situation with another woman. The Women's Advocates are union members who are members of their Local's Employment Equity Committee, and who are trained by the union to particularly discuss issues and make referrals relating to family violence and harassment. The company provides a confidential phone line and a private office. The Advocate receives three days of training a year.

Sample Language: "...The parties agree to recognize that the role of Women's Advocate in the workplace will be served by the CAW female member of the Local Union Employment Equity Committees, in addition to her other duties relating to employment equity. The trained female Employment Equity Representative will meet with female members as required, discuss problems with them and refer them to the appropriate agency when necessary." (Daimler Chrysler Canada and CAW, 2002)

Violence against women Women who experience violence in their personal lives can find that it affects their work. Abusers and stalkers can follow women to their workplaces. Or the experience may affect women's attendance and performance at work. Some unions have agreements that protect women in these situations.

A union member was being stalked by her ex-husband, even while she was at work. Her union convinced the employer that the situation was serious and that her work station should be moved away from a window.

Sample Language: "The parties recognize that women sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. The parties agree that when there is adequate verification from a recognized professional (i.e. doctor, lawyer, professional counselor), a woman who is in an abusive or violent personal situation will not be subjected to discipline without giving full consideration to the facts in

the case of each individual and the circumstances surrounding the incident otherwise supportive of discipline". (Daimler Chrysler Canada and CAW, 2002)

Sample Language: "During these negotiations the Union requested a minute of silence be observed in the plants covered by this Agreement in memory of women who have died due to acts of violence. The moment of silence will be observed each year on December 6 at 11:00 am or when local plant management determines the observance will have the least impact on plant operations. Flags will be flown at half staff to mark this occasion." (Daimler Chrysler Canada and CAW, 2002).

Raise wages and working conditions of program staff

.....

Insist that the early childhood educators and adult/elder care staff who are hired or contracted by your workplace program, partner programs and programs paid by fee subsidies are well paid, unionized, that they have appropriate professional development and training opportunities, and that child or elder/staff ratios are low.

Encourage your union to support the organizing of child care workers

.....

Few child care workers belong to unions. Those that do are mostly in the regulated child care sector. The unions and recent studies are demonstrating that the collective bargaining process is critical to establishing that caring labour is valuable, and that it is critical to the quality of care. A recent CUPE study found that a:

"...significantly higher proportion of unionized centres act in ways that predict or are associated with higher levels of quality. In comparison with non-unionized centres, unionized centres hire a lower proportion of untrained teaching staff and a higher proportion of staff with two years or more of ECCE education, pay higher salaries, are more likely to provide in-service education, expect workers to be responsible for a slightly lower number of children, and more often act as field training sites for ECCE students." (Doherty and Forer 2002)

Example: The Manitoba Government and General Employees' Union (MGEU) has developed an organizing strategy for child care. Its organizer comes from and knows the sector, and is working with boards of directors to get the government to agree to a common provincial bargaining table.

The issue of organizing family child care providers is more complex. They are generally excluded from labour laws because they are considered independent contractors or self-employed. A recent Labour Tribunal decision in Québec gave family child care providers the legal right to organize and bargain collectively. However, the new Québec government has introduced legislation to prevent this from happening.

Resource and referral services

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Resource and referral services can help match employees with local child care providers. The employer and union may handle referrals in-house or contract an outside referral service.

Child care during training, overtime and travel

.....

These agreements recognize that any disruption of a regular schedule can disrupt children and add to employees' costs.

Sample Language: "The Employer shall reimburse, upon presentation of a voucher signed by the employee, the amount of additional cost up to seven dollars (\$7) per hour for a permanent employee who incurs a cost for substitute child care when required to work outside the regular hours of work." (LU 2952-92 and University of Victoria Students' Society)

Sample Language: "Where an employee is required to perform unscheduled overtime work of an emergency nature and as a direct result incurs legitimate out-of-pocket expenses arising out of the care of the employee's dependents, the (employer) will reimburse the employee for such expenses providing they are reasonable and the employee obtains supervisory approval, in writing if required, within two working days following the date on which the expenses were incurred." (Office and Professional Employees International Union Local 378 and British Columbia Hydro and Power Authority, 1997 – 2002).

Back up care

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When children are sick, when normal arrangements fall through, on snow days, when teachers are taking job action, etc., parents need some back up support. Support can include employer subsidies for in-home care, on-going arrangements with programs that have some flexibility to handle emergency newcomers, and paid sick time for sick children.

4.8 Campaign Strategies: Early Childhood Education and Care

Keep the pressure on federal and provincial governments

.....

The National Child Care Program is not going to develop consistently across the country without strong participation from citizens.

- ? Collaborate with local and national child care advocates
- ? Meet with your federal, provincial and municipal representatives. Ask them whether they: i) are in favour of the Québec model (\$5 a day) of funding for child care; ii) support a publicly funded, regulated child care system that is seamless, coordinated and



inclusive for all women; and iii) recognize early childhood education and care as a core public service and regard it with the same status as health care and education (OFL Women Vote Kit 2003).

- ? A strong endorsement from employers will assist. Bargain or otherwise encourage them to participate in joint meetings with the union and political representatives.



Celebrate child care workers and their victories.

- ? October 30 has been designated an annual Child Care Worker Appreciation Day in Toronto. It has been honoured by CUPE and municipal officials.

4.9 Campaign Strategies: Elder Care

Keep the pressure on the federal and provincial governments for high quality, public health care, home care and a universal pharmacare program

The federal government and the provinces are struggling over control of our health care programs, and are not doing what is necessary to make the system work. Unions are among the leaders of the fight to improve our publicly funded, not for profit health care system.

- ✚ Collaborate with local and national public health care advocates
- ✚ Find common ground with employers. For instance, CEP is meeting with the 25 largest employers where CEP members work. Their message: public medicare is a competitive advantage that they now have, but which could be lost if medicare is cutback or privatized. "If we take advantage of the Romanow recommendations and expand the medicare system to include homecare and pharmacare, this will be an additional major benefit to Canadian business. It is in their interest to join with us in pressing the federal government to act decisively in implementing the Romanow recommendations." CEP President Brian Payne. ("*CEP takes health care message to employers, workplaces.*" On-line at www.scep.ca).

4.10 Resources: Early Childhood Education and Care

Child Care	What is it? How do I find it?
<i>Early Childhood Education and Care in Canada 2001</i>	Book. Childcare Resource and Research Unit, University of Toronto, 2002. www.child-carecanada.org .
<i>Moving Mountains. Work, Family and Children with Special Needs</i>	Book. Published by Canadian Union of Postal Workers, 2003. 377 rue Bank Street, Ottawa, Ontario K2P 1Y3, or www.cupw-sttp.org .
<i>Key To Caring</i>	Video. Published by Canadian Union of Postal Workers. 377 rue Bank Street, Ottawa, Ontario K2P 1Y3, or www.cupw-sttp.org .
<i>Juggling With Care</i>	Video. Published by Canadian Union of Postal Workers. 377 rue Bank Street, Ottawa, Ontario K2P 1Y3, or www.cupw-sttp.org .
<i>Starting Strong. Early Childhood Education and Care, 2001</i>	Report. Organization for Economic Development and Cooperation (OECD), France. On-line for browsing or order at www1.oecd.org/publications/e-book/9101011e.pdf .
Union Child Care Campaign Materials	? Canadian Labour Congress, at www.clc-ctc.ca under "campaigns" ? Canadian Union of Postal Workers, at www.cupw-sttp.org under "CUPW and Child Care" ? Canadian Union of Public Employees, at www.cupe.ca under "issues" ? Canadian Auto Workers, at www.caw.ca under "campaigns and issues".
CUPE Research	A series of recent studies on the importance of unionization to quality child care. Available at http://www.cupe.ca/www/ChildCare/5732 .
Child Care Human Resources Sector Council	The mandate of this new Sector Council is to ensure a skilled workforce that provides high quality early childhood care and education by analyzing and addressing workforce issues. Contact: Child Care Human Resources Round Table / Sector Council 3 rd Floor, 323 Chapel Street, Ottawa, Ontario K1N 7Z2. or www.cchrrt.ca (English); www.trsqe.ca (French).
Child Care Advocacy Association of Canada	Current information about campaigns, policy debates and changes. Available at http://child-careadvocacy.ca .
<i>Childcare Resource and Research Unit, University of Toronto</i>	Resource Centre and web site. Available at www.child-carecanada.org
<i>Ontario Coalition for Better Child Care</i>	Resource Centre and web site. http://www.child-careontario.org

“Our future rides on this budget”

Canada is a laggard when it comes to funding early child care. The budget must invest in our future, say banker CHARLES COFFEY and union boss BUZZ HARGROVE

By CHARLES COFFEY and BUZZ HARGROVE
Globe and Mail, Monday, February 17, 2003 - Page A15

Odds are, if you have children, you've discovered one of Canada's darkest secrets: In one of the world's richest countries, it's almost impossible to find a regulated child-care space. This is unacceptable.

In the 21st century, the single most important investment we can make to improve the quality of life is to invest in people. With a federal budget due this week, the priorities of governments must reflect that reality.

Canada's Innovation Strategy acknowledges that one of our greatest assets is our human resources. The success of our current work force depends on well-educated, high-achieving people and the conditions that support their work. This means addressing both the higher education and family needs of employees.

The innovation agenda also takes into account the work force of the future: our children. Their development and learning starts early. As the influential Early Years Study by Fraser Mustard and Margaret McCain states, "It is clear that the early years from conception to age 6 have the most important influence of any time in the life cycle on brain development and subsequent learning, behaviour and health." Thus Canada's future success in generating economic growth, and sustaining a healthy population, depends on the quality of care and education our children receive early in life.

Some Western nations have long understood the importance of early learning and child care. Others, such as the United Kingdom, have realized their deficiencies and are correcting them. The Blair government recently promised a preschool space for every three- and four-year-old by October, 2004.

Even some U.S. states, including Georgia, Connecticut, New York, Michigan, California and Oklahoma, are establishing universal preschool programs for three- and four-year-olds. Among OECD countries, Canada is

a laggard. In France, Belgium, Italy and Iceland, nearly all three-year-olds participate in preschool programs; in Germany, the Czech Republic and U.K., about 50 per cent participate. Only about 12 per cent of children in Canada have access to regulated child care.

Primary, secondary and tertiary education, adult training, and other programs cannot be fully effective if a proper foundation has not been laid in the early years. Well-documented evidence shows that participating in high-quality preschool programs has an effect on children that lasts into adulthood.

One such study was a cost-benefit analysis of the U.S. Abecedarian Project. This carefully controlled study initiated in the 1970s provided a group of infants with high-quality child care until they turned six, and found benefits for parents, the children and society. Projected lifetime earnings for both mothers and children were higher. The school system saved about \$11,000 per child in remedial education and there were health savings from the avoidance of behaviours such as smoking. Canadian economic analyses project a two-for-one cost benefit for quality child-care programs.

Despite the overwhelming cumulative evidence of early education's economic, social and health benefits, Canada has not kept up -- except in Québec, which has put in place a universal, publicly funded system that blends care and education within a comprehensive family policy aimed at children of all ages.

By providing unilateral funding (that is, not tied to provincial matching funds) in its budget, Ottawa can provide the leadership to jump-start a national strategy that commits to an educational child-care space for every child. An initial investment of \$200-million in the first year, rising to \$800-million in the third year, would be enough to bring provincial governments to the table.

Whatever the mechanisms we choose, there must be sufficient federal investment to address the unmet need for new child care spaces. Equally important, any intergovernmental agreement must contain enforceable mechanisms to ensure the quality of services and accountability for public funds. These conditions must be met if the provinces are to receive federal funding.

We speak from experience. One of us is an executive banker who has encouraged his colleagues to be aware of the economic cost of ignoring the family needs of their employees. One of us is a trade unionist who negotiated a fund to provide child care for auto workers' children (the fund is now larger than the child-care budgets of many provinces).

Ours is a process we thought governments would join. Instead, we've watched them back out of their commitments, leaving us to fill the void. Business and unions can do our part, but it is not our job to ensure that the next generation is equipped to participate in the new work force. Child care, like health care and education, is an essential public service that only senior governments can deliver. The federal budget is the place to start.












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Chapter 5 Resources for Creating Flexible Workplaces, Not Infinitely Flexible Workers

5.1 An Action Checklist

Many of the recommendations that were included in “Strategies for Working Families” continue to be appropriate and useful in 2003. Most unions who had representatives at the “Bargaining For Working Families” Symposium when we first presented this material in 1994 have put these recommendations into action. They may find this list useful use as a tool to evaluate their efforts over the past ten years and to re-new their efforts for the next ten. Unions or locals that have not been active around these issues can use it to get started.

Bargain Strategically - A Summary

-  Work in coalitions with other unions and community activists. It is difficult to take initiatives to the bargaining table without support in the community.
-  Discuss work-life issues at union meetings, hold education sessions, and ensure that members have paid union time to work on the issues.
-  If “caring friendly” measures are new to your workplace, bargain for a survey of members’ caring needs.
-  Increase eligibility for all benefits, time measures, leaves and programs so that they include part-time and contract workers.
-  Expand the definitions of families and spouses.
-  Bargain for reduced time at work.
-  Bargain for more paid caring related leaves, paid vacation, limits to overtime, control over scheduling, reduced work weeks, etc. (See the Workplace Checklist). Current challenges are top-up agreements for paid parental leave and including the new compassionate leave in legislation and agreements.
-  Link demands for increased caring related leaves with campaigns to increase EI benefits and expand basic employment standards.
-  Link demands for workplace services to the expansion of quality public programs: early childhood care and education, home care and pharmacare.
-  Continue working towards pay equity. Women will continue to carry the burden of caring as long as their wages are lower than men’s.
-  Take control of joint, or employer-based funds and programs.

**Raise these
ISSUES with
members and
employers:**

- 📖 Develop sectoral bargaining in hard to organize, low paid personal service sectors like child care and home care. The goals for sectoral bargaining are higher wages, insurance benefits, sick leave, training funds and caring friendly leaves.
- 📖 Connect the day to day personal responsibilities and worries of workers to their analysis of corporate and economic restructuring. Our lives have been restructured, along with our work.
- 📖 Challenge the idea of the “ideal, flexible worker”. Redefine the “ideal, flexible workplace” as one that recognizes and supports workers’ caring responsibilities.
- 📖 Create broad support for employment equity, and address any backlash. Systematic discrimination continues to exist. And we must treat people differently in order to achieve equality.
- 📖 Address any misgivings members may have about these “new” leaves and benefits. For instance, women who raised their children and worked without these measures may not understand why younger parents should have more assistance. Encourage members to see what has changed: e.g., wages are lower, hours are longer and extended family networks are no longer available.
- 📖 Address any ways that measures such as flexible work weeks, job sharing or homeworking can be used against workers, or set workers up in competition with each other.
- 📖 Resist any temptation to simplify the issues or reduce campaigns to a single issue: the solutions will be interconnected measures which touch a number of different parts of our caring lives.

**Create Union-life
Balance**

*“The Ways that
Unions Work
It's a balancing act.
They say they want
her to get active,*

A checklist for caring unions:

- 📖 Create union guidelines and handbooks for bargaining for caring time/ reduced work time.
- 📖 Hold union meetings and courses, as much as possible, in locations and at times convenient for people with caring responsibilities. Provide child care.

*Take a course and run for office.
But will they help her to succeed
And adopt a child care policy to meet her needs?*

- USWA

www.uswa.ca

- 📖 Organize bargaining so that workers with caring responsibilities can take part.
- 📖 Conduct union surveys about members caring needs.
- 📖 Hold social or educational events in accessible locations for union members and their households.
- 📖 Organize a "discount committee" to identify outlets of inexpensive union made goods and services for workers and their households. (USWA)
- 📖 Organize a support network of retired members to create a seniors network, organize social and educational events or maintain an "on-line" computer bulletin board of union and community resources, events and contacts.
- 📖 Establish a union fund to assist members who may need help with child or dependent care costs.
- 📖 Establish union run, non-profit medical and dental clinics for members and their families.

5.2 Work-Life Balance Resources for Activists

Resource	What is it? How do I find it?
Canadian Union Resources	<p>A Steelworker Guide to Negotiating the Balance of Work and Family Responsibilities. Available at www.uswa.ca</p> <p>Public Service Alliance of Canada, Issues: Hot Topics for Collective Bargaining Available at: http://www.psac.com/news/publications/publications-e.shtml</p>
<i>Work and Family Provisions in Canadian Collective Agreements</i>	<p>Book, 2000. Produced by Human Resources Development Canada, this is a study of caring friendly provisions in major collective agreements that span the mid-1990s to early 2000s. It can be viewed at http://labour.hrdc-drhc.gc.ca/worklife/collective_agreement1/intro-en.html#6</p>
<i>The Labor Project for Working Families</i> (U.S.)	<p>Resource Centre and Web Site. While the U.S. legislative framework is very different than Canada's, the Labor Project for Working Families provides a collection of resources that can be useful for Canadians. It is an advocacy and policy center providing technical assistance, resources and education to unions and union members addressing family issues in the workplace including child care, elder care, flexible work schedules, family leave and quality of life issues. Find it at http://violet.berkeley.edu/~iir/workfam/home.html</p>
<i>Compendium 2001: 150 Canadian Statistics on Work, Family & Well-being</i>	<p>Report, 2001. Centre for Families, Work and Well-Being, The Center is based at the University of Guelph, and is "committed to using its research and teaching expertise to promote individual and family well-being, responsive and productive work environments, and strong, sustainable communities." The Compendium is available for download at http://www.worklifecanada.ca/.</p>
<i>National Work-life Conflict Study 2001</i>	<p>Report. 2001. By Linda Duxbury and Chris Higgins, conducted for Health Canada. Available for download at http://www.hc-sc.gc.ca/pphb-dgspsp/publicat/work-travail/</p>
<i>Voices of Canadians: Seeking Work-life Balance</i>	<p>Report, 2003. This is a compilation of the comments of Canadian workers regarding how they feel about the stress they are facing in their daily lives. It draws from Health Canada's 2001 <i>National Work-Life Conflict Study</i>. Available for download at http://labour-travail.hrdc-drhc.gc.ca/worklife/vcswlb-tcrctvp/pdf.cfm</p>
<i>Work-life Balance in Canadian Workplaces</i>	<p>Website. Created by Human Resources Development Canada's Labour Program "to help organizations design and implement supportive programs and policies facilitating work-life balance". http://labour-travail.hrdc-drhc.gc.ca/worklife/</p>

Work-life Balance in Canada: a report to ministers responsible for labour in Canada Report, 2002. Prepared by the Ad Hoc Committee on Work-Life Balance of the Canadian Association of Administrators of Labour Legislation (CAALL). The Report focuses on legislative framework and recommends “options for action” for jurisdictions across the country. Available for download at <http://labour-travail.hrdc-drhc.gc.ca/worklife/wlbc-ctvpc/tm.cfm>

The Clearinghouse on International Developments in Child, Youth and Family Policies Web site and resource centre. The Clearinghouse provides cross-national, comparative information about the policies, programs, benefits and services available in the advanced industrialized countries to address child, youth, and family needs. Coverage focuses on 23 advanced industrialized countries. At Columbia University. <http://www.childpolicyintl.org>

Work and Family Connection Web Site. This site provides a view of how Human Resource managers see these issues. It is a “Worldwide Information Clearinghouse for Work-Life Professionals”. Available at <http://www.workfamily.com/>
