



The GAVEL

Welcome to the first issue of The GAVEL, a Unifor Local 2002 newsletter dedicated to bringing you information about grievances that have been filed and fought on your behalf—and the arbitrator's orders to resolve them.

The scoop on scope work

Recently, there have been several grievances filed at Air Canada regarding managers performing members' *scope work* (duties assigned to workers as agreed upon and outlined in their respective collective agreements).

As per the Air Canada collective agreement, the company must ensure they do not permit any person who is not covered under the agreement to do any task/duties covered under the agreement. This is very important because it helps to stop the company from trying to outsource your job or eliminate your work function.

A grievance was filed in Winnipeg regarding STOC managers re-opening and closing flights. The matter was brought before Arbitrator Brian Keller on September 18, 2013.

Highlights of the award are as follows;

“The collective agreement recognizes the union as the exclusive bargaining agent for those employed in positions covered by the collective agreement. It further provides that the company will not permit any

***It's your right to grieve;
taking control of your working
life***

When an employee grieves a violation of their collective agreement they take control of their working lives and protect their rights as workers

In our democratic society, challenging decisions is a healthy and normal action, especially if we feel that an employer is ignoring or violating our rights.

A grievance is how we, as workers, protect our rights under the collective agreement; it is a complaint in writing protesting the employer's actions (or lack thereof) and a demand for corrective action.

In the grievance process decisions are based on facts not personalities.

persons not covered by the agreement to do any tasks or duties covered by the agreement unless specifically provided for.

A manager is a person not covered by the collective agreement. Therefore, a manager is not permitted to do bargaining unit work unless the agreement provides otherwise.

The employer is to immediately cease and desist from the practice of allowing managers to perform the transactions of re-opening and closing flights as well as the transactions normally and customarily performed by bargaining unit members once the flight has been re-opened.”

Similarly, another grievance was filed regarding scope work being performed by management at Vancouver airport who have been calling passengers prior to the scheduled departure time in order to determine where they are. This matter was brought before Arbitrator Brian Keller on January 10, 2014.

Highlights of the award are as follows:

“The employer is to immediately cease calling passengers as it did in the instant case. Managers are to be reminded that work within the scope of the bargaining unit cannot be done by them and can only be done by members of the bargaining unit. Managers are also to be reminded that continued violations of the scope clause of the collective agreement can result in significant penalties.”

Both grievances were upheld.

What can a member do when they see managers performing their work?

Managers do not have the right to do your work under the pretence that there is no one else around to do the respective work. That constitutes a scope violation. If you see a manager doing your work you have the right to tell them to stop. If the manager does not, write down the facts that your union representative will need order to file a grievance

- ⇒ Date, time and location of occurrence
- ⇒ What job the manager is performing
- ⇒ Any witness statements

Please note: Collective agreements are not all the same. Please read your collective agreement to see if you have scope language. If you are unsure contact your district chairperson.

If you have any questions regarding scope work and your right to grieve or any other queries, please send an email to lucy@unifor2002.org with your comments or concerns.

In solidarity,

Lucy Alessio, Grievance Coordinator
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