

**MANITOBA REGIONAL OFFICE**

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**SENT VIA E-MAIL: wmaharaj@wcb.mb.ca**

March 23, 2020

Mr. Winston Maharaj  
President/CEO  
Workers Compensation Board of Manitoba  
6th floor, 333 Broadway  
Winnipeg, Manitoba  
R3C 4W3

Dear Mr. Maharaj:

**RE: CUPE LOCAL 1063/WORKERS COMPENSATION BOARD OF MANITOBA  
COVID-19 PLANNING**

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The COVID-19 virus has been a matter for concern since the outbreak began earlier this year. Many Employers have been developing protocols to deal with how COVID-19 affects staff and the services they provide. CUPE intends to work closely with Employers to ensure our members' health and safety, job security, and income are protected.

It is imperative that Employers work with Unions to take a proactive approach to preparing for and dealing with this virus. There are a number of questions that must be addressed, and the Union wants to be certain that we are taking a proactive and cooperative approach to deal with the many scenarios that could occur.

**CUPE 1063 and CUPE Manitoba's positions**

CUPE has taken several positions with how the virus should be dealt with and is looking to ensure the employer has plans in place in a number of areas.

1. Retirees and employees of the WCB in out of scope positions will not be assigned any work of the bargaining unit without consultation with and the written agreement of the bargaining unit.

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**MARK HANCOCK**

National President/Président national

**CHARLES FLEURY**

National Secretary-Treasurer/Secrétaire-trésorier national

**DENIS BOLDUK, PAUL FAORO, FRED HAHN, JUDY HENLEY, SHERRY HILLIER**

General Vice-Presidents/Vice-présidences générales

2. The Union does not believe that a closure due to the virus should cause a draw down in sick time or a loss in pay. All forced absences should be paid with a one time only and without prejudice paid leave, including normal benefits, pensions and deductions.
3. The Union does not believe that doctors notes should be requested of any employees over the outbreak period.
4. The Union does not believe that absences due to self quarantine, closure, or infection should be counted for attendance management or disciplinary purposes.

To map our workplaces and ensure the protection of our members, we are asking you to answer the following questions:

### **Health and Safety**

1. Is the Employer fully aware of its legal obligations to provide a safe workplace?
2. Is the Employer providing education for its employees regarding protocols such as hand washing, social distancing, clean/sterile equipment and PPE where applicable?
3. When is it reasonable for an Employee to invoke their “Right to Refuse” unsafe working conditions?
4. Is there a plan in place for dealing with our members who may come in contact with the virus as part of their regular duties?
5. Is there a plan to reduce the risk for employees as well?
6. Is there a designated person in charge of coordinating a COVID-19 plan for your organization?
7. Is the CUPE Local President or alternate part of a pandemic planning team?
8. Is your CUPE Local President or designate being apprised of any developments as they unfold?

### **Labour Relations**

1. Is the employer prepared to reassign employees should circumstances warrant such a move?
2. Under what conditions does the Employer invoke a mandatory overtime policy? What does the Employer consider extraordinary circumstances/work?
3. If a staffing shortage becomes severe, how would the Employer handle this situation?
4. Would the employer engage in discussion with the union prior to bringing in non-bargaining unit members?

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5. The Union asks that you confirm, in writing, your understanding that the terms and conditions of the Collective Agreement continue to apply.
6. **If an employee is sent home, will the Employer pay for their time off separate from sick leave?**
7. CUPE's position is that a COVID-19 pandemic is an extenuating circumstance and should not be counted against an employee's record when it comes to an Attendance Management Program. Is this position consistent with the Employer's?

Since containment is the key to minimizing the risk of a pandemic, it is the Union's position that the Employer has a social responsibility not to send each and every member to their doctor to get medical notes to satisfy attendance management programs. There is a strong sentiment from medical practitioners that Employers telling ill people who may have COVID-19 symptoms to go to doctors' offices or walk-in clinics will do nothing more than fuel a pandemic.

CUPE intends to be a strong partner in ensuring our members are safe, as well as the members of the community our members serve. The key will be to resolve what we can reasonably expect prior to their occurrences, as opposed to the Employer imposing policies after the fact.

Should you have any questions regarding the above noted matter, please contact the writer at your convenience. As usual, the Union is willing to meet to discuss further if need be.

Yours truly,



**TRISTAN DREILICH**  
**NATIONAL REPRESENTATIVE**

cc: Local 1063 President & Recording Secretary,  
Rick Rennie  
Bob Sawchyn  
Sandra Oakley  
CUPE Regional Director  
CUPE Health & Safety Representative