



Stewards' Action Bulletin

Canadian Union of Postal Workers

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Massive changes are coming to Canada Post

In 2007, Canada Post announced a \$1.9 billion investment to modernize the post office through the purchase of new equipment and machines that will result in major changes to mail sortation and delivery.

These changes, the most important since the mechanization of the post office in the 1970s, will transform the work of postal workers for years to come. All job classifications will be affected in the urban operations bargaining unit. Rural and Suburban Mail Carriers (RSMC) will also be affected.

Canada Post believes it will eventually recover the costs of this massive investment through huge productivity improvements. That increased productivity could eliminate jobs in every community and in every local.

Changes were needed

At one point in time it could be said that Canada Post was at the leading edge in terms of postal technology, however, in the past two decades, other postal administrations such as the United States Postal Service (USPS) have managed to "leap frog" ahead. Canada Post chose to purchase discarded equipment from other postal administrations (such as the recent example of the problematic Bar Code Sorter from the USPS) rather than being proactive and investing in the future.

In the case of Winnipeg, the current building was woefully inadequate and deteriorating to the extent that workers there were seriously concerned about their health and safety.

In the recently published final report of the Strategic

**Winnipeg's
Old Plant
Design
1955**

**Winnipeg's
New Plant
Design
2009**



Winnipeg's Ultra-Modern Post Office

Now Being Erected by the Company



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Review Committee, the panel members concurred that infrastructure change was long overdue at Canada Post:

"Canada Post has significantly under-invested in its infrastructure, both in terms of dealing with obsolescence issues and keeping its plant and equipment current."

Stopping these programs is not the issue

The real issue is ensuring that workers get a share

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Modern Post and accommodation

We are all worried about the jobs we will be left with after the Modern Post is implemented, not just the number of jobs but the type of jobs. Our members who are being accommodated may be particularly worried. Will jobs be within their restrictions? Or will Canada Post say it has accommodated to the point of undue hardship? We, as shop stewards, need to discuss this issue with members who are being accommodated.

Changes with the Modern Post

We know letter carriers will be expected to be on the street longer and that their inside time will be reduced. We know that manual sort for clerks will be reduced along with keying jobs. These were some of the jobs workers who were being accommodated performed. What jobs will replace these ones?

During our consultation with Canada Post regarding the Modern Post, we continually raise the employer's obligation to employees who require accommodation when introducing new work methods or machines or constructing a new plant. Canada Post must look at how it can adapt the new work methods, machines and plants to employees' restrictions and abilities. This is not just the union's position but the courts and arbitrators as well.

The jurisprudence

In 1999, the Supreme Court of



Canada handed down a unanimous decision called *Meiorin*. In this decision, the court set a new three-step test for determining whether an employer is justified in establishing a particular work requirement which appears to be discriminatory. It must be shown:

- a. That the employer adopted the standard for a purpose rationally connected to the performance of the job;
- b. That the employer adopted the particular standard in an honest and good faith belief that it was necessary to the fulfillment of that legitimate work-related purpose;
- c. That the standard is reasonably necessary by demonstrating that

it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.

At paragraph 55, they go further to state:

"This approach is premised on the need to develop standards that accommodate the potential contributions of all employees in so far as this can be done without undue hardship to the employer."

The *Meiorin* decision and a regular decision by Arbitrator Norman (Bahrri) is on point with the employer's obligation when it comes to accommodation and the Modern Post.

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Modern Post and accommodation

The Court said when an employer considers a structural change to a standard, work process or job description, as is the case with the Modern Post, it must turn its mind to its duty to accommodate. Meiorin instructs the employer to think generally about all employees with physical disabilities, whether permanent or temporary. It is no longer permissible for an employer to postpone the question of accommodation until an individual employee seeks to perform the work in some modified form.

The employer is obligated to have a forward looking approach, not just a reactive one. They are not only

to look for machinery that is ergonomically safe, but the employer must envision how the work can be done by employees with disabilities when configuring the new work areas and machines. They also need to look at the maintenance of the machines and whether access panels or catwalks can be accessed by someone who may have a physical restriction. This holds true on the group 2 side as well. The employer's vision of group 2 work in the Modern Post has letter carriers working outside for most of the day with very little inside time. They are planning to cut the number of Mail Service Couriers because letter carriers will be doing most of the work. They will need to look at how this work can be performed by someone who requires accommodation. For example it may mean that a letter carrier will have more inside duties,



perhaps merging the mail at his or her case. We may have dedicated parcel runs for employees who cannot walk too long.

The employer is obligated to think about these things and we have to ensure they do.

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Technological change

in the benefits of this modernization project and that all adverse effects are eliminated.

We must also ensure that the public benefits through expanded and improved service.

For postal workers, this is not merely an issue of making profits and pleasing the top 200 commercial customers. This is about improved conditions for postal workers. This is about expanded postal services for everyone, no matter where they live.

Huge impact on jobs and work

These changes will inevitably have an enormous impact on the CUPW bargaining units at Canada Post. The extent of these impacts cannot be fully known until the corporation begins to issue 29.03(b) notices as they

finalize the details of their plans.

Based on ongoing discussions since 2007 under Article 29.03(a), we do know there will be significant changes to the where, how, who and what of postal work in the future such as:

- Significant elimination and deskilling of postal work,
- Increased workloads which will create health and safety problems,
- Disruptions to job classifications (i.e. Mail Service Couriers),
- Major changes to mail processing plants and depots,
- New machinery and equipment with unknown ergonomic standards.

Negotiations

The union has received the first three notices under

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Different visions of a Modern Post

Article 29.03(b) of the collective agreement for Montreal, Winnipeg and Toronto. These notices deal with specific technological changes such as Street Letter Boxes (SLBs) and mechanized equipment in the Toronto mail processing plant.

Over the next few months, the union will receive a number of new notices under Article 29.03(b).

Article 29 is a negotiation clause. It lays out a process where the union can push the employer to eliminate any negative effects of technological changes on workers. This is done through negotiations where the union:

- Analyzes the information contained in the notice,
- Identifies adverse effects (29.02),
- Proposes alternatives that would eliminate these adverse effects.

If an impasse should occur within 45 days of the 29.03(b) notice, the parties then utilize Article 29 to resolve the disagreement in front of an arbitrator

Different Visions

The union believes that, in the deployment of their modernization scheme, Canada Post has a duty that goes beyond strictly eliminating adverse effects.

The union believes this period of postal modernization offers a per-

Our vision of the post office

Our public post office is important. It helps people communicate. It allows communities to thrive and businesses to grow. Hence, it plays a social, cultural and economic role in society, for the good of society as a whole.

fect opportunity to create additional improvements that have not been identified by the corporation because they go beyond mere profit making and productivity gains.

CUPW has created a list of demands that will form part of future discussions. These demands speak to issues such as: having the sequencing of lettermail piloted in Winnipeg before being deployed elsewhere; expanding services for the public; improving working conditions such as increased day shift work; contracting in work; improving conditions for technical service workers to name a few.

The future

The Modern Post project is a huge undertaking with immeasurable consequences on postal work. This is certainly not the first experience CUPW has had with technological change and it will not be the last.

Over the next few years, our shop stewards and union activists will be on the front lines of these massive changes.

It is important that everyone understands all of the developments as they occur and what the union is doing to protect and advance the interests of the workers.

Our protection when it comes to techno-

logical change arises from strong contractual language in the urban operations collective agreement and the Canada Labour Code but more importantly from the collective force and action of the membership.

Together we can ensure that postal workers and the public benefit from Canada Post's modernization scheme.

What can you do?

- Stay informed,
- Communicate with members,
- Organize on your workflow, and
- Support the national union's work to eliminate adverse effects.

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