

# CSSEA NEWS

COMMUNITY SOCIAL SERVICES EMPLOYERS' ASSOCIATION

A member newsletter  
published six times a year

August 2009

Volume 16, Issue 04

## Wellness on a shoe-string budget

Loretta Mitchell, Specialized Labour Relations Projects

Most of us have heard about the benefits of healthy living and its impact on our lives and the workplace. Yet during tough economic times, wellness initiatives may often take a backseat to other, more immediate challenges. Now is the opportunity to change that. The summer is a great time to reassess personal and organizational wellness goals and kick-start workplace wellness initiatives that are fun, rewarding and budget-conscious.

Workplace wellness is a combination of health education, screening, intervention and organizational activities that aim to develop a healthy environment that is conducive to employees' health and wellness (Wikipedia, 2009). Wellness is a lifestyle perspective that can encompass physical activity, nutritious eating, stress management, safety and addictions prevention.

Fifteen million Canadians spend one-half of their waking hours at work. There is a direct link between employees' health and their contributions to the economy and organizations. A sedentary lifestyle, poor eating habits and drug and alcohol addictions put individuals at increased risk of obesity, high blood pressure, heart disease, stroke, Type 2 diabetes, colon and breast cancers and general early deterioration of health. In addition, ActNowBC

estimates that, from an economic perspective, the burden of physical inactivity costs the province about \$573 million annually. Workplace stress causes output losses of over \$30 billion annually according to Macleans magazine (October 15, 2007). Economic losses impact large and small organizations; however, it is often the organizations that do not have workplace wellness initiatives that are most concerned about a lack of resources and staffing (Healthy Alberta).



To retain the skills and knowledge of skilled employees, it is critical that organizations take a proactive approach to facilitate a healthy work environment. ActNowBC's Active Communities Workplace Workbook outlines the following benefits of healthy organizations:

- Improved productivity
- Reduced absenteeism and staff turnover
- Reduced healthcare benefit costs

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# From the CEO

Many of you have, in recent months, been vocal with your concerns about the financial performance of the Healthcare Benefit Trust (HBT). I am pleased to inform you that HBT has recently announced a major project regarding the group benefits plan that “will explore in detail, the financial and underwriting basis including termination arrangements.” The study is expected to be completed by this fall.

Concern has escalated to such an extent that many of you have begun looking into alternative healthcare carriers that are being offered in the marketplace. In commissioning a study to review its practices, HBT is acknowledging our sector’s concerns, and ultimately, that

can prove to be a stepping stone towards satisfactory resolution.

**HBT BENEFITS  
UNDER REVIEW**  
- Lorne Reider

In a separate but equally important benefit plan project we have engaged the National Institute of Disability Management and Research (NIDMAR) to undertake a review of the Community Social Services Early Intervention Program that has been in place

in our sector since 2004. While this program has had a number of significant success stories, many members are of the view that it can be made better. Consequently, we have asked NIDMAR to consult with a cross-section of members and recommend how the program can be made more effective for you.

Benefit plan costs and effectiveness are a concern for you and I am hopeful the above-noted projects will set in motion the wheels of change.



Last September, the B.C. Court of Appeal overturned an arbitrator’s decision to reinstate an alcoholic employee who stole alcohol from his employer. In *British Columbia (Public Service Agency) v. British Columbia Government and Service Employees’ Union, 2008 BCCA 357* (“Gooding Decision”), the employee, Mr. Gooding, admitted to stealing alcohol from his employer for over a year. The employer terminated Mr. Gooding for the thefts. At a second arbitration, the arbitrator analyzed the dismissal within a “hybrid framework,” in which misconduct was evaluated as a mix of addiction-driven conduct (i.e., non-culpable conduct), and voluntary conduct (i.e., culpable conduct). The arbitrator found the employee’s thefts were culpable, however, they were related to his alcohol dependency, which was non-culpable. In applying the hybrid test, the arbitrator found there

had been *prima facie* discrimination in terminating the employee based on his alcoholism.

**NO DUTY TO  
ACCOMMODATE  
EMPLOYEE IN THEFT  
CASE**  
by Anushé Rabbani, Legal Research Analyst

The BC Court of Appeal rejected this application of the hybrid analysis, stating that the employer had terminated Mr. Gooding for theft, not for his alcoholism. The majority concluded that Mr. Gooding’s alcoholism had not played a role in the employer’s decision to terminate him, and that its actions toward Mr. Gooding were no different than it

would have shown any other employee caught stealing.

The majority found that the employee had made sufficient admissions for the employer to have a criminal conviction laid against him, had the employer chosen to do so. The court noted that to reinstate the employee based on a *prima facie* case of discrimination would not help addicted employees, but rather, would serve to encourage employers to lay criminal charges against employees who commit criminal offences where dependency is not a defence.

This is a complex case that ultimately, offers some protection to employers. In circumstances where employers can show the illness played no part and had no impact on its decision to dismiss an employee, an Arbitrator will be in a better position to uphold the dismissal as a result of the Gooding Decision. ■

# In Profile: Kootenay Family Place Gearing up for Busy Season

by Doris Sun, Communications Coordinator

Call it the calm before the storm. A muted buzz of activity surrounds Kootenay Family Place, a multi-service child and youth-centred agency located in the heart of downtown Castlegar. But the energy running through the various buildings of the agency will likely pale in comparison to the huge flurry of activity that is expected when school re-opens.

That's because this fall, there will be more on the agency's lineup of offerings than existing speech, occupational therapy and infant development programs.

The agency, which services everyone from babies to expectant mothers in the West Kootenay Boundary region, will be launching a new, cutting-edge intervention program. It will be called Castlegar Neighbourhood House.



*Services also include those for new dads.* According to the agency, excitement about the program stems from the way it works. Based on the Community Hub Model for intervention, the centre will offer "soft services," such as yoga classes, baby massage programs, play groups etc. in the hopes that centre users will learn about and proactively enrol in other services.

"Once they're here and engaged with the staff they'll hear talks about some of the other programs and see posters about some things that are offered and often will clue in that their child might benefit from attending one of those other services," said Jim Fisher, executive director of Kootenay Family Place.

Those "other services" may include everything from employment services

to crisis intervention. The element of choice and self-referral in the delivery of services, said Fisher, is key.

"We are not surprised to see the research borne out. It's wildly successful...The stories that are coming out of it are just tremendous."



*Children are a focal point at the agency*

Fisher has seen those successes firsthand. He fondly remembers one instance when a distraught mother brought her pregnant 16-year-old daughter to the centre as a place of last resort. He recalls that the young adult was not only immediately registered in prenatal classes, but also subsequently signed up for other classes and eventually recommended the father of her child to use services as well. Fisher has little doubt the programs contributed to the young couple's renewed relationship.

Such storybook endings are the reason Fisher said he enjoys his job so much. Having previously worked in the delivery of involuntary social services, he sees a huge contrast in the attitudes of those who use his agency.

"Here we have people who want to receive service, who are looking for change in their lives and it just creates a very positive environment that is much less stressful. And it really is a happy place to work."

It also helps that Fisher works with a great staff. His 38 full-time employees serve 1,100 centre users, a sizeable portion of the community of roughly 7,000. Because staff are recognized as being so integral to the agency's

successful operation, they receive lots of recognition, including perks such as birthdays off with pay. And similar to patrons of Kootenay Family Place, who are able to choose the services they want to receive, staff are also allowed a great deal of leeway in shaping and molding the way in which the agency is run.

"Our strategic planning process is very grassroots, it's not done at a retreat with a board and the executive management," said Fisher. In fact, it is staff and board members who lead the charge in planning the direction of the agency. It's a move that not only gives them a sense of ownership of the agency's direction, but also produces many management-level ideas.



*Parents have the chance to bond with their children while attending services.*

"All the things that came out of the staff in terms of ideas around the strategic plan probably would have come out of my head but it's just so validating to see that they're involved in the direction of setting the plan for the agency."

Such validation and mutual respect for the ideas of all employees is instrumental in the continued smooth running of the agency, even after 37 years. And because employees have a stake in the evolution of the agency, there is little doubt it will continue to change and meet the varied needs of community in which it has become firmly a part of. ■

- Decreased workplace injuries
- Fewer insurance and worker compensation claims
- Improved employee morale and engagement
- Positive workplace culture adaptive to change
- Enhanced business reputation and customer service

Here at CSSEA, we are taking small steps to initiate workplace wellness, including a six-week walking program held in November 2008 using the 10,000 step a day model. Healthy competition was fostered among employees, as “water cooler” talk gradually shifted to debates about what should qualify as a step! We had enthusiastic feedback from staff and noted that sick day time

decreased by 30% compared to the previous year.

Cognoscente of organization’s budgets and employees’ interests, here are a few other low-cost wellness activities:

- Know Your Numbers – Contact your agency’s healthcare benefits provider to arrange onsite, confidential health assessments to help employees evaluate their current health.
- Healthy Competition – Arrange fun competitions such as walking or healthy eating challenges.
- Buddy Up – Encourage staff to partner up to provide each other with encouragement as they work towards their wellness goals.
- Group Fitness – Organize physical activities that all employees can

participate in such as walking, sports, yoga, workouts or a scavenger hunt.

- Lunch ‘n Learn – Host a healthy lunch and invite a guest speaker to present on nutrition, physical activity, stress management, addictions, etc.
- Remove Temptation – Offer healthy alternatives at meetings such as fruit and vegetable trays and water rather than sugary snacks and coffee.

With summer providing such a motivating backdrop for employers to launch wellness programs centred around the availability of fresh produce and the lure of outdoor activities, it’s hard to dispute that now is the best time to start on the long-term road to wellness. And because the effect on the workplace is undeniably positive, that road is sure to be full of fun, competitive energy and good health.■

### Sectoral Case Updates

**Article 13.1 and Article 26.7-** Hearing dates are being scheduled for a non-sectoral issue that arose.

**Pacific Coast Community Resources Inc.-** Schedules for written submissions and a hearing date (if needed) have been set.

**Use of sick leave by part-time employees-** Dates are being canvassed for early case management of this file.

**Article 24.3 policy grievance-** A decision has been issued and posted to CSSEA’s website.

**Job Evaluation-** Hearing dates have been set.

### 2009 AGM Reminder October 20-23, 2009

Workshops are filling up quickly so register soon!

Check our website for course availability and registration information.



### Hellos and Goodbyes

We welcome the following agencies as new CSSEA members: **Pamela’s Home Society** and **Chilliwack Opportunity Society** in the Community Living Services division and **Nechako Valley Community Services Society**, **OPTIONS Surrey Community Services Society**, **East Kootenay Infant Development Society** and **Active Support Against Poverty Housing Society** in the General Services division.

We also welcome back HRLR consultant, Vanessa Wong, who returns after giving birth to her second child. Everyone here at CSSEA is excited to have Vanessa back!

## Poor Work Performance: To Discipline or Not Discipline?

by Oliver Demuth, HRLR Consultant

What can an employer do when an employee is just not working out? He/she may show up to work on time, is diligent and cooperative, but “just doesn’t get it.”

Often employers respond to poor work performance with discipline. But when an employee’s poor work performance is involuntary, for example, due to limitations beyond their own control, a different approach may be advisable.

While an employer can discipline employees for wilful neglect of their duties, involuntary poor work performance can be addressed using a non-disciplinary approach. Employers must advise employees of the shortcomings in their work, outline their work performance expectations, and give employees a reasonable opportunity to rehabilitate themselves. If those measures don’t correct the

problem, then an employer can take further steps including discipline, retraining, temporary or permanent demotions, transfers and ultimately, termination.

When dealing with involuntary poor work performance, employers are cautioned to carefully document everything, because it will become evidence. Also, they need to be clear in communicating expectations and reasonable in giving employees one or more opportunities to improve their work. Employers should also be mindful of involuntary incompetence due to mental or physical disabilities that might also give rise to a duty to accommodate to the point of undue hardship.

Sometimes involuntary incompetence is intermingled with wilful or culpable neglect of work duties. In those cases an employer may be required to conduct two separate

processes to deal with the issues. It is perfectly permissible for an employer to simultaneously move an employee through progressive discipline and a non-culpable process and, ultimately, terminate an employee for poor work performance.

Distinguishing voluntary and involuntary poor work performance can be challenging. But the law requires that employers identify and treat problematic behaviour as either one or the other. Employers have to do their best to be fair and rational in assessing and distinguishing the underlying reasons for particular performance issues.

Distinguishing voluntary and involuntary work performance issues may be difficult, as it often requires legal expertise. If you ever find yourself in doubt, call your CSSEA consultant for assistance. ■



## Bargaining Update: Consolidated Certification and Essential Service Orders

By now, all members would have received and submitted the Bargaining 2010 Mandatory Information Request, which includes updating your agency’s unionized worksites.

We are currently in the midst of updating requirements for essential services for all agencies. It’s a proactive measure in preparation for bargaining and is a prudent way to ensure your agency is properly staffed in the event of a work stoppage. If your agency requires assistance in confirming essential services, please submit the Essential Service Forms and any supporting documents to CSSEA .

Completed forms can be emailed to [bargaining2010@cssea.bc.ca](mailto:bargaining2010@cssea.bc.ca) or faxed to **604.687.7266**

The next bargaining committee meeting will take place on August 18, 2009. We encourage you to stay in touch with your bargaining teams at:

**General services:** [gsbt@cssea.bc.ca](mailto:gsbt@cssea.bc.ca)

**Community living services:** [clsbt@cssea.bc.ca](mailto:clsbt@cssea.bc.ca)

**Aboriginal services:** [asbt@cssea.bc.ca](mailto:asbt@cssea.bc.ca)

# Reflections on a Career at CSSEA

Four CSSEA employees were recently honoured for their 10 and 15-year contributions. (Pictured below from L-R: Karen Yow, 15, Vanessa Wong, 10, Pauline Irving, 15, Doug Starr, 10) Here, we catch up with Senior Administrative Assistant, Pauline Irving, and Director of Corporate Services, Karen Yow, for their reflections on their CSSEA journey.

## What do you like most about working for CSSEA?

**Pauline:** My co-workers are the greatest!!

**Karen:** Our members, my spirited colleagues and of course, spreadsheets!

## What is the most important thing you learned about our sector?

**Pauline:** This sector is unique. Employers and employees are very dedicated and quite often, go above and beyond expectations to deliver social services to those who need them in our province.

**Karen:** Before coming to work at CSSEA, I was with a member agency. I learned then that our sector cares deeply about its clients and employees.

## What do members most commonly say to you when they meet you in person?

**Pauline:** Members often say to me it's a pleasure to meet the person behind that voice they have been

hearing on the other end of the phone for years!!! In fact one member joked, 'Could you come over and record your voice for us on our answering machine?' (at least I think she was joking)

**Karen:** Usually - how nice it is to put a face to a name.



## What has been the hardest aspect of your job?

**Pauline:** I would have to say multi-tasking, as I could be performing 2 or 3 urgent tasks whilst answering the phone or responding to questions from a visitor at the same time...but I'm not complaining.

**Karen:** Knowing that some members would rather do almost anything else in the world than complete another CSSEA survey!

## What is the next thing, personal or professional, that you'd like to accomplish?

**Pauline:** Surviving the teenage years with my two boys!

**Karen:** Creating amazing pivot tables (it's a spreadsheet thing!)

## Succession Management added to Shared-Cost Consulting

The services of an external consultant in the area of Succession Management have been added to the Shared-Cost Consulting Program. The program provides financial assistance to members to obtain services of external consultants in the areas of:

- Recruitment and retention initiatives
  - Salary/wage administration
  - Succession management
- Workplace health and wellness
  - WorkSafeBC initiatives

For information on how to access this program, visit our website, at [www.cssea.bc.ca](http://www.cssea.bc.ca).