

Laurie Coates

LC: Hello, my name's Laurie Coates. I'm a Labour Relations Officer with United Nurses of Alberta. I graduated as a registered nurse in 1972 and practiced nursing for 17 years, 15 years I guess, and in 1988 took a job as Labour Relations Officer.

Q: What does a Labour Relations Officer do?

LC: A Labour Relations Officer is somebody who helps police collective agreements, service the membership, decide and interpret the collective agreement, administer the collective agreement I guess is the best way to put it, for the organization and for its members. We're heavily involved on an individual or local level in education, in contract interp, and any of the processes that flow from the collective agreement.

Q: Which locals do you work with, and which local did Susan Parcels' case come out of?

LC: At the time the Parcels grievance was filed, I was, my assignment was sort of everything south of Wetaskiwin to Calgary. I think there was about 18 locals involved in the rural _____?, Red Deer being the hub.

Q: How did you become aware of the issue that Susan Parcels was bringing forward?

LC: Susan Parcels called the UNA office, and as their Labour Relations Officer, I answered her call. She was asking the question, why weren't her benefits paid during her maternity leave, because she was the only one who could have children, wasn't that discriminatory? I said, I initially said, well the collective agreement doesn't provide for that. But I had recently read the Brooks decision and went, but wait a minute, maybe we can do something here. Maybe we need to look at filing a grievance and a human rights complaint on the basis of discrimination. So the two of us were talking on the same level. We both clicked into the discrimination aspect of it. So I filed the grievance and I believe

at the time there was no, I don't believe there was an executive officer at UNA, or an executive director. Therefore, I just filed it and we proceeded. Because I was the new guy on the block, I took a lot of razzing from my colleagues who'd been around for a while about filing that kind of a grievance and how likely it was that we were going to succeed. Not that they were discouraging me at all, just that they were giving me a razzing, telling me I'd find out how difficult it was, 'cuz I was just new.

Q: What did the collective agreement provide at the time?

LC: The second you went on maternity leave there was no, you paid the full, it was like a LOA way. The individual paid the full cost for all benefits.

Q: What is LOA?

LC: Leave of absence. As soon as you went on a leave of absence you paid the full costs.

Q: What happened to people on sick leave?

LC: At the time in the collective agreement, maternity leave, particularly the health related portion, was not treated in the same way as sick leave. It was treated as a leave of absence like if you decided that you wanted to take a year off. That's how maternity leave was also treated. You took a year, if you took that maternity year off, you pre-paid your benefits and you were 100% responsible for them. If you were on sick leave, then you were responsible for 25%, because the employer paid 75% of the benefits. That's what Susan was look for, was that she wanted to have that cost share throughout the maternity leave.

Q: What was the employer's reaction?

LC: The employer's reaction was typical for the time -- it isn't in the collective agreement, it doesn't exist, and we're not dealing with it. That was sort of their response

as well to human rights, initially. Once they discovered that neither the union, the grievance, Sue, or the human rights complaint was going to be withdrawn, that wasn't going to happen, they went into full battle mode.

Q: So there was both a grievance filed and a human rights complaint. What happened to the grievance?

LC: The grievance was just set aside until many years later we got a decision, and then she was... I think it probably was withdrawn, because the compensation came through the decision.

Q: What was UNA's role in the human rights complaint?

LC: I can't go very far on that. The human rights complaint was filed, and it named not only the employer but also the union as being party to the discrimination, because of the clauses in the collective agreement where it's discriminatory. That was the basis of what we were saying. It wasn't very long afterwards that it was given to our lawyers and it was essentially taken out of my hands. My participation was at the beginning, talking to the human rights intake worker and explaining to her, because initially everybody kind of didn't take it very seriously. But through discussion with this individual, and I talked to her several times, as did Susan. Through that discussion it was forwarded as a complaint.

Q: Were you interviewed as a representative of UNA in the human rights investigation process?

LC: No, I wasn't. Because most human rights, in fact every human rights complaint I've ever participated in getting going, they are not interested in discussing with the union at the initial stages. That's been my experience.

Q: What was UNA's feeling in relation to being named as a respondent?

LC: There was no debate that I was aware of about UNA being named as a respondent. As a new employee, I was a little concerned about putting forward this complaint when UNA was named. However, that isn't the nature of the organization. We do represent primarily women. It was treated, from my perspective anyway, as if it was the next step.

Q: Were you aware at the early stages of the potential significance of this case?

LC: Oh yah I was, and several of us discussed it, frequently actually. It was in a time where you could actually discuss the various arguments that were going to happen and how you might be able to counter them, and the potential. I never imagined that we would get as much as we got. I figured that there would be a cutoff at some point. In fact, I thought what we would probably end up with at most would be the benefits paid. The health related portion, well I knew it was out there but I didn't think it would fly.

Q: How did the benefits issue grow to become a larger issue?

LC: I'm trying to think exactly how we ended up there. The issue initially was the benefits. Susan wanted her benefits paid. We agreed in our discussions, she and I, that there was a period of time in any normal pregnancy when you are physically not able to do the work. That isn't how we got there, sorry. I have to think about it. There were so many of us who talked about it at all different levels. Initially she just wanted her benefits.

Q: Did the Brooks case trigger the thinking about the bigger issue?

LC: Just give me a sec here. ... The small issue was benefits, but you had to figure out how you got, made the distinction, that the individual was entitled to benefits. I had recently read the Brooks decision before Susan's phone call. My discussion with Susan, I just figured it was the next argument. Then many of us got together and talked about how we might successfully argue it. Through those discussions, with my colleagues primarily, it was clear that we needed to tie it to sick leave eventually. How was it comparable to

sick leave? Certainly when you are pregnant and when you deliver you cannot do the work for a period of time. So we ended up using the health-related references in saying that the health related portion at the very least. We were looking, I was looking for the benefits all the way through maternity leave, because that's part of the whole obligation of society when it's important to make sure that children in this society have a good grounding. That's where I was going. But I was pretty surprised, at the same time, that we ended up with acknowledgement of the health-related portion and the ability for people to use sick leave top up and have their benefits, certification accrual, their sick time, those kinds of things.

Q: What did people become entitled to as a result of the decision?

LC: As a result of the decisions and the many court cases, people were entitled to benefits during the health-related portion. They were entitled to all the accruals in the collective agreement that they would've gotten had they been on sick leave. So in our collective agreement they were entitled to accrue vacation entitlement through the health-related portion. They were entitled to pension contributions, they were entitled to healthcare benefits and short and long term disability.

Q: Were you at the hearing?

LC: No.

Q: So you didn't get a chance to see it unfold?

LC: No. I had several conversations as it was unfolding with our legal firm, can I say that? With the representatives who were representing UNA and Parcels. Many, many, many conversations, actually. We would, again, as the case evolved, there are different aspects that you didn't even think about that were going to have to be argued. So we'd go back to the drawing board. It was an exciting process. I was very pleased to be part of that. But no, I didn't go to the hearings.

Q: Who was UNA's counsel?

LC: Sheila Greckol was UNA's counsel, and David Harrigan, UNA's Executive Director was present at those hearings.

Q: Were you a part of the discussion for who would be retained to be part of the hearing?

LC: Peripherally I was involved. Primarily, . . . what it felt like was. . . Primarily when throughout the case when there were new arguments to be reviewed or a review of the old arguments or where we might go, I was frequently called. The arguments were run by me. But I just had input, I wasn't formulating the arguments at the end. That was far more technical than my skill would allow me doing.

Q: It was quite a long process, wasn't it?

LC: It was a very long process. I believe that Susan's child was in grade 1 or 2 before it was actually implemented. I think it was 1 or 2.

Q: Do you remember when the decisions came out?

LC: Once the decision came, once the decisions, because there was many of them, came out, we would discuss them as a staff and discuss how to advise our members on the implementation of the award, so that they could get what they were now entitled to. That was kind of an exciting time, again because it was so new and we had to figure out how to get, well our job was to maximize the benefit that we'd fought to get, and how do we advise our members to be able to do that.

Q: What was your involvement at the appeals stage?

LC: At the appeal stage we certainly, as a staff again, discussed the issue of top-up and sort of put our heads together and tried to come up with what we thought would be a reasonable response. From that, David, I assume, discussed it with our legal counsel.

Q: Could you describe the issue that went to appeals?

LC: Oh my goodness.

Q: What did top-up mean?

LC: My understanding was the appeal was not about top-up, it was about whether or not the employer could contract a SUB-plan to provide the individuals on maternity leave with an extension of what they would be entitled to with regards to salary. By that what I'm talking about is, if an individual was off on sick leave they'd be entitled to 100% of their salary. If they had used all their sick leave and went into short-term or long-term disability, they would be entitled to 60% of their salary. So when an individual was on their health related leave, they would be entitled to either the 100% if they had sick leave in their bank, or the 60% of they were on short term or long term disability. So the appeal was whether or not the employer had to pay 100% of whatever the individual was entitled to, or whether it was a narrow, whether a top-up could be close enough. I think the number was 99 and 2/3rds percent. Was it close enough if they got to 99 and 2/3rds percent, and the court found that it was. It wasn't an equivalent, it didn't have to be an absolute match, it had to be close. And that was close enough.

Q: And the top-up was to unemployment insurance benefits?

LC: Yes. When we talk about top-up, what we're discussing is people were entitled to EI benefits for maternity leave, and for the health related portion they were entitled to a top-up to what their salary would've been on either sick leave, short-term, or long-term disability.

Q: Was the collective agreement amended after the decisions?

LC: After the decisions came out, initially there was a letter of understanding that provided for what the benefits were for the health-related portion of maternity leave. Eventually that letter of understanding became part of the main body of the collective agreement. I believe that was because there were still appeals going on when the letter of understanding went into the collective agreement. We wanted to see it in its implementation so that we would not be under another charge of discrimination. It was a very complicated process. The benefits person at the Alberta Hospital Association at the time spent five years setting up and implanting the Parcels award. So she tells me.

Q: What was your experience with the human rights intake officer?

LC: That's an interesting question. My initial discussions and subsequent discussions with the human rights intake worker were, she was genuinely trying to understand exactly the complexity of the complaint that we had filed so that she could get it right so that it reflected exactly what it was that we were saying. We had a couple of conversations about that. Part of that may have been simply because I was so new and I wanted to make sure that she understood exactly what it was we were saying. Because she was the one who was going to, in my understanding, present it to the individual who was going to assess whether it was going to proceed or not.

Q: Did UNA get feedback from the members after the decisions were issued? Did members realize the huge significance of the case?

LC: I'm sure UNA did get feedback from the membership. It's interesting now to talk to the membership about what this case was about and what they've achieved because of it, because the history gets lost. If you stick around long enough it becomes an automatic right and people don't understand the union's involvement in it. But at the time, we had so many irons in the fire that I don't recall. The executive officers may have, they would be more likely to get those kinds of discussions and feedback from the membership, than I.

Q: The decision had an impact province-wide, right?

LC: Yes. Once the decision, no I gotta start lower than that. At the time that the grievance was filed, each local was its own bargaining unit in UNA. While we bargained provincially and had one provincial collective agreement, that agreement applied individually at each local. While we filed the grievance and the human rights at Red Deer Regional Hospital, it did not automatically apply provincially. However, once the decision came out, it became very clear that both parties were going to be held to doing something, fixing the problem so that it was non-discriminatory. There was a meeting of the minds that the collective agreement would be changed to reflect the changes that they were required to make.

Q: What about impact beyond UNA?

LC: It's my understanding that this is standard practice across Canada and that there is now a health-related portion of maternity leave in all work environments, dependent on what the benefits are in those work environments.

Q: Is there anything else you'd like to talk about?

LC: I think that this case shows the kind of work that unions should be doing. I think that it was really fortunate that this organization took on proceeding all the way through to get the conclusion that it got. We didn't cut the agreements off and resolve issues. Let me try that again. I can't explain how wonderful it was to work for an organization that would support the cost, the manpower, the effort that it took to be able to proceed with this, the Parcels case. It made me very proud to be an employee of this organization.

Q: What work was involved?

LC: I really don't have the details. Once it looked like it was, I just fostered it at the bottom. It was the right thing to do. I was busy doing my everyday work by the time they needed experts and stuff like that. However, we put, as a staff we put a lot of time and energy in discussing the various aspects of Parcels. We had regular staff meetings and it frequently was a topic. It was also frequently a topic when we met socially to see how far we could go.

Q: What parts of the Brooks case did you want to bring into the Parcels case?

LC: Ok, give me a little rundown. ... And your question again?

Q: What aspects of the Brooks decision connected to the Parcels case?

LC: Here's how it really happened. When I answered Susan's call I had recently read the Brooks decision. What I took out of the Brooks decisions, and it kind of coalesced as I was talking to Susan, was that maternity leave has a health-related portion, but more importantly, discrimination can happen on the basis of maternity leave. I did not articulate in any way, shape or form, the formal arguments that ended up happening. But it was more at a gut level, I went, you know what, this is part of it. This is part of what Brooks is talking about. Maternity people, there's only one gender that can have children in this society, and they have to be treated the same as everybody else. I can remember sitting in my office going, it's here. I don't know exactly how, but I know it's here.

Q: Say a bit about the workplace, Red Deer Regional Hospital.

LC: From a labor relations point? Essentially, Susan Parcels was employed by the Red Deer Regional Hospital. She was a UNA member at the local, Local 2 at the Red Deer Regional Hospital. Those were the two participants in the grievance.

Q: You referred earlier to "full battle mode."

LC: In those days, frequently the response to employers to the filing of any grievance, and Red Deer Regional was particularly hard at that time, was to deny the grievance. Frequently they would do that without even having a meeting to talk about what the issues were, at that point in time. But that's a reflection of the relationship that was going on. UNA had had many struggles. Can I give you some history?

Q: Please do – this is a history project.

LC: Alright. The relationship was reflective of the struggles that we had had over our history. At the point when I filed the Parcels grievance... I'll try it another way. UNA's relationship with the employers start out tumultuously. UNA was formed in 1979. Before it came out of the professional body, for various reasons, but primarily because there needed to be distance between the managers who were running the professional body and the employer, who were making decisions about the compensation for staff nurses. In 1980 we were on strike, I believe before we had an annual meeting. In 1982 we were on strike and were ordered back to work and didn't go back to work, and eventually got a negotiated settlement. In 1988 we were on an illegal strike, because of course through this whole history, what the government was doing was developing legislation to make collective bargaining for us ineffective. Essentially nurses said, no, we will have a negotiated settlement. In 1980 we went back to work. They ordered us back to work and told us that they would have public hearings, which they did, but we didn't get anything. So in 1982 when they ordered us back to work we said no, we're not going until we've got a negotiated settlement. In 1988 they told us that we couldn't vote, that it was illegal for us to vote because of the legislation. You don't tell women that they can't vote. As much as anything, I think that was a primary force in taking us out in '88. We had always had a fairly adversarial relationship. Up until the point of Parcels, they did not recognize that we had a seat at the table and that we were equals. It's evolved a fair amount since then, but we really did have to establish, I think primarily because we were a nursing union and because we were women, and because of the history of nursing. We had to establish that we actually did have an equal right to be at the table. Once that's established, then you can start being collaborative. But until then, if they think that you're just misbehaving,

then they're not going to recognize you. That was the attitude at the time. Yah, that's fine. They spent billions of dollars on grievances that should never have gone, simply because they would not sit at the table and collaborate and resolve. It may have been part of how the stars aligned for us to be able to proceed the way we did with Parcels, because that was one of the major issues.

Q: Is the decision still referred to today in your work as a Labour Relations Officer?

LC: In the beginning when Parcels came out and became part of the collective agreement, actually we spent a fair bit of time counseling individuals on what their rights were and what they were entitled to. Interestingly enough, it has become so commonplace now that I get very few calls as a Labour Relations Officer, maybe two or three a year, on what they're entitled to through this period of time. It's become accepted as it's just part of the compensation now.

Q: We can't let the fight get lost in history.

LC: I absolutely believe that those of us who were involved in the fight don't take enough time to celebrate it and don't take any time to remember it before we're onto the next fight. I think that it's really important for upcoming generations to absolutely understand what the difference is. When I started nursing, which is primarily women, there was no maternity leave. When you'd had enough and you couldn't do your job anymore, you quit. When you were ready to come back, you came back. You lost everything. You lost, the pay scale, they didn't recognize your previous experience, they didn't recognize any of your benefits that you had previously. You started as a brand new employee, with a whole lot of experience. Especially in the rural areas, while people were on maternity leave they used to call the nurse if they needed her to come in for a shift. But she was never really an employee. So I think we need to consciously take time to recognize our history. I think it's something that we need to, the first, and I've always felt this way, the first lesson that people who come into a trade union need to learn, is where you came from. I can remember way, way back when, when I first got involved in the

union, going to a labour school. There was an old trade unionist there who was doing labour history. It strengthens my resolve to be an active member of the union, because I was appalled at what I didn't know. I had just come out of high school and nursing school. I didn't know that southern Alberta was a hotbed of unionism. I didn't know about the Winnipeg strike, nothing. I thought, no, this is where we should start with every new member.

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