

Local 1 & 2 (Viterra) Bargaining FAQs

You will find this list of facts and questions on the VITERRA BARGAINING page located on GSU's web page under the Bargaining menu tab.

The information is current to the date above and it will be updated as other questions are asked and answered.

If you need additional assistance or would like to submit a question, don't hesitate to reach out to your bargaining committee members.

GSU bargaining committee members are Local 1 – Jim Brown (Balgonie), Wilfred Harris (Carnduff), Shannon Antonenko (Lloydminster), David Barrett (Gull Lake) and Travis Brewer (Saskatoon); Local 2 – Sheila Tran, Howard Wilson and Kaylee Kruger with assistance from GSU staff representative Mason Van Luven and GSU general secretary Steve Torgerson (GSU bargaining committee spokesperson).

Q: When did we serve notice to bargain?

A: On August 10, 2022 GSU served notice to bargain Local 1 and Local 2 at a common bargaining table with Viterra.

Q: Why is bargaining taking so long?

A: Agreeing to bargaining dates takes time coordinating schedules. While it may feel like bargaining has taken a long time, we are on a similar time schedule when compared to the last time we bargained with the employer in 2018/2019.

2018 We met the company in December for the first time and a several times after. Members voted to accept the company's final offer in April 2019.

2022 We met the company in November and twice more before the end of the year. Your bargaining committee is cautiously optimistic a negotiated settlement or offer may be reached in the next three sets of dates. That would mean we should have an offer for members to vote on by end of April or early in May.

Our plan going forward is to continue to press the company for the items you have identified as critical and to continue to negotiate with the strong support of members for their bargaining committee and their union. You can show your support by signing our STIP petition telling Viterra to pay the STIP and bargain at the table.

Q: Is what Viterra is offering a secret?

A: It isn't a secret, but while negotiation is taking place there is a mutual confidentiality. We undertake not to break that trust by releasing details of company proposals. Our updates to members focusses on what our committee has done or said regarding our proposals. We will release what the company offers once there is a final package for members to vote on.

What your GSU bargaining committee can say is the company's numbers (proposal) is not close enough to ours for the committee to consider taking it out to the members quite yet. We remain hopeful that with a few more bargaining sessions we will see the company move closer to where we need to be.

Q: Would we still get a bonus as well as a set salary increase?

A: There is no guarantee the STIP will be paid. It is the truth and an unfortunate answer.

The employer has 100% control over the STIP. If we get a guaranteed increase, the STIP for 2023 is likely gone. Your bargaining committee believes that if the company removes the STIP program they will struggle to retain and recruit people. We will ask them to commit to not doing that.

We continue to argue that the company must pay the 2022 STIP because they committed to it, their employees have worked hard to earn it, and it has no bearing on the current negotiations. The next time we meet with them we will raise the STIP in 2023 and do our best to protect it.

The company didn't bring it to us at the 2018 bargaining, but we will look to address it this time.

Q: What can we do to make Viterra pay our STIP?

A: GSU is working hard to hold Viterra accountable to their own STIP policy. So far this is taking two approaches: member actions and engagement, and legal action.

We have filed a unfair labour practice with the Canada Industrial Relations Board asserting that Viterra has violated the Code by changing the current compensation while collective bargaining is ongoing. Legal processes take time, but this is an important part of holding Viterra accountable.

The most effective way to change Viterra's mind is through member action. We collected and presented petitions signed by members of Local 1 and 2 to Viterra HR. We have been asking members to take action in their workplaces by no longer working more than 12 hours in a day or 48 hours in a week. Members are also talking to their managers stating that they want their STIP, and talking to their co-workers about the importance of the 2022 STIP being paid.

Let's keep the pressure on.

Q: Where can I see a list outlining the specifics of what we are asking for?

A: We are looking to move the needle on four broad categories.

1. Quality of life with a balance between home and work
2. Safe workplaces and healthy employees
3. Fair pay for a fair day's work
4. Respect in the workplace.

Members are telling us that they are fed up with how Viterra is pushing and pushing them to do more work outside their roles but they are not recognizing the time, effort, and the wear and tear that has on working people. This is a system-wide problem, from FSA doing more and more, Ops staff loading trains at all hours and days of the week, and sales personnel who are also being pressured to work all hours of the day. We understand that Viterra needs to look out for the business and ensure that grain gets to port, but they need to acknowledge how hard GSU members work to ensure that happens.

We are sharing your stories and telling Viterra that they need to look at the effect this is having on their workers. They can't retain staff, they struggle to hire new staff, and the employees who have stuck by them to do the work and fill the voids are becoming frustrated with the lack of support they are receiving from Viterra.

The bargaining proposals we presented to Viterra in November laid out how we aim to accomplish the issues addressed above.

- Guaranteed wage increases
- Better control of schedules and shifts
- Recommitting to Health and Safety
- Better Shift premiums
- Better sick leave and vacation
- Better family leave

- Move FSA to a higher salary grade
- Driving for work language
- Better protection for casuals and temps
- and more.

We know that we won't get everything we are asking for, but we have been very clear in telling the company exactly why members want these things and precisely what the problems are. We have taken away any ability for Viterro to claim they aren't aware of what their workers are saying and the problems they have identified.

Unfortunately, we can't share what the company presents at bargaining and can only do so when the company agrees to release it or there is an offer we can take to members to vote on a proposed deal. GSU is proudly democratic and transparent, and we tell members as much as we can. By comparison, Viterro is very cautious about what it shares and is not transparent.

Q: What were our first bargaining proposals?

A: The very first set of GSU bargaining proposals was emailed to all Local 1 and 2 members and posted on our bargaining page in mid-November.

You can find them on our web page or by following this link:

- <https://gsu.ca/bargaining/viterro-bargaining/> [GSU web page]
- <https://files.constantcontact.com/c9758bc8001/99805ce6-508d-4e0f-adf2-c8997ca872f1.pdf>

Q: Whatever negotiating is going on, if it puts our STIP in jeopardy I'm not sure that's something I can support

A: We didn't expect the STIP to be withheld or at risk of being taken away.

When we bargained with Viterro only two weeks ago on April 4 and 5, they didn't mention that possibility even once to our committee, although they admit now that they knew they were going to hold it back.

Your committee is listening closely to what you are saying and they are hearing the same information you are. Rest assured they will be addressing these concerns as they work toward a better collective agreement.

The work we do at the bargaining table will come back to the members to see, question and ultimately vote on. We will be transparent and open so you can weigh your options

and make the decision that is best for you. Unfortunately, it seems Viterro using your STIP to pressure your choices.

Your comment has hit the nail on the head. The STIP between 5% and 15% is not chump change for members. It is something you have already earned and it shouldn't be a part of any retroactive negotiation. This is why we are pressuring Viterro to pay the 2022 STIP now and then we can work through the full compensation issue currently and properly at the bargaining table.

Q: I've been watching the GSU bargaining updates waiting to see something definite. What are we currently asking for in terms of wage increases, and what is the company offer? Can you provide me with some solid information about where the sides sit on the bargaining?

A: Unfortunately, at this point we aren't able to provide you with anything that the company has presented.

In any collective agreement negotiations (not just with Viterro but all negotiations), both sides agree not to release the other side's proposals or materials. This allows both sides to freely discuss and propose things and not worry about how it will 'look'. This is because often both sides say some random stuff or offer ideas that are unusual, and this is just part of bargaining. That said, we released our proposals to members immediately and posted them publicly on our web page once we gave them to the company last November. Viterro has been clear they did not and do not want us to share their information, and we have respected that.

Our wage offer is still very similar to the 7.5%, 5% and 4% we proposed in November. We still are proposing that these are guaranteed to all members because aggregate pay is not reasonable when we see the rising cost of living. People need to see what they can expect for wage increases so they can plan their lives. Saying "My wage increase *might* be around 3 percent" is not cutting it.

Your bargaining committee has received lots of questions asking for more information, so we have prepared this extensive FAQ list to answer your questions and provide additional information about where we are at.

We can say that the company's recent offer wouldn't meet the needs that members asked us to try to address, such as guaranteed pay increase (no aggregate), better control over hours of work, health and safety and work life balance. We are making progress at the table and your committee remains hopeful that with these new dates in April and May we will reach a negotiated settlement.

Q: What is GSU saying about Viterro keeping the STIP?

A: GSU asserts that the law supports that while in negotiations, the company is covered by a statutory freeze. This means they can't change the pay, compensation or policies while in negotiations. Simply put, what they have previously agreed to must continue, even if it is outside the collective agreement. This is why we are saying the company should pay the STIP, because they *usually* do so.

The company is now saying that they are withholding the STIP from 2022 until bargaining is complete. And, if the new collective agreement is pay for performance/aggregate pay (what is currently in place), then they will pay the 2022 STIP. If the new collective agreement has guaranteed wage increases (what the union committee has proposed), then the 2022 STIP won't be paid. Bargaining committee spokesperson Steve Torgerson told Viterro HR that they had never raised or discussed any of this at the bargaining table, so it was a surprise to the union committee members.

So, after bargaining with them for months, just now they throw a wrench in it by trying to use the STIP against members. This is why we are helping members to say NO, and encouraging them to sign the petition and tell their managers that the 2022 STIP is based on last year's performance, so pay it out and let bargaining deal with what happens going forward.

Q: What is an aggregate salary increase?

A: In your collective agreement, your annual wage increase is attached to an "aggregate" which is another word for "on average". Each year the company is required to issue pay increases that round-out to that aggregate, meaning that on average you and your co-workers will receive pay increases that equal X% across the company.

Q: How does the aggregate salary increase affect me?

A: Each facility is given a lump sum amount of money for annual pay increases. That lump sum is like a pie, and the company divides out slices to each of their facilities for the workers. A problem with this scheme is that there is not enough pie to go around. So even if each worker is deserving of a full slice of pie, that doesn't guarantee they will receive it. Some workers will receive smaller slices while others receive larger slices. Your slice might be larger or smaller than your coworkers regardless of what you and they deserved.

Q: How does the aggregate salary increase apply to my performance?

A: An aggregate system takes your performance and weighs it against your co-workers. In an environment where teamwork and cooperation are essential to productivity, having workers competing against one another conflicts with those values as everyone's annual pay increase is based on their individual performance. And, as explained in the previous question, in situations where every single member of the team contributed equally, not everyone will get the same amount in pay increases.

In addition, over time you will begin to scale toward the top of your salary range and your salary will start to creep above the average. Even if you have been with the company for years to reach this stage, your annual pay increases will shrink so they don't drive up the average (in other words, the cost of labour).

New workers may see an initial bump in pay that might be above the aggregate. This is because their starting salary often sits well below the average market rate of labour and this is a quick way to situate them near or at the average.

Q: Wouldn't a pay-for-performance model incentivize workers to be more productive?

A: Money helps, but it is not necessarily what makes a worker more (or less) productive. Extrinsic values such as pride, respect, and an innate urge to improve at a technical skill is what drives productivity. Investing in training opportunities, sponsoring programs that improve morale, and a fair wage for a fair day's work is what motivates a worker to work. If conditions are unsafe, work-life balance is non-existent, and unreasonable expectations in the workplace are prevalent, waving money in workers' faces is not a motivator – especially when workers know their efforts won't be reflected in their pay increase when annual review time comes.

Q: What if a co-worker still is not performing?

A: A core feature of any collective agreement is "Management Rights" which recognizes the company as the sole authority to hire, fire, and discipline employees who are not meeting the standards of their employment. This right gives your employer the ability to address issues of performance as they arise. If a co-worker is not meeting the requirements of their employment, it is important that your management work with them to remedy the situation.

Your GSU staff rep can also work with the member and your employer to diagnose what might be affecting the worker's performance, and assist in arranging a "Performance

Improvement Plans” to outline what is needed to improve and a plan of how to get there.

There are many factors outside of the workplace that have a pervasive effect on people and their workplace behaviour. The loss of a loved one or other matters (like substance use and mental health) can affect an employee’s work, and it is important these workers be treated with compassion, respect and fairness until matters at home are resolved.

The busy spring season is here, and so are the heightened daily pressures associated with your work stress the importance of everyone carrying their weight. It is rightfully frustrating when one of your co-workers is not keeping up, but it is important to remember that because of Management Rights it is company management who is in charge of the situation. You and your co-workers are not the ones who control putting yourselves into stressful or high-pressure situations such as working short-staffed or being assigned a mountain of work. These things put undue strain on you and exacerbate or intensify moments when someone else is not performing. Ultimately, it’s management who should not be putting you in situations where you’re under-resourced.

Q: What is an unfair labour practice complaint?

A: An unfair labour practice (ULP) complaint is an allegation that an employer, a trade union or an individual has engaged in an activity that is prohibited by the Canada Labour Code (Part I – Industrial Relations).

As an example, GSU has filed a ULP against Viterra in relation to their failure to pay out the STIP plan.

Q: Who may file a complaint?

A: Pursuant to section 97(1), any person or organization may file a complaint. If a complaint is filed on behalf of another person or an organization, it must be signed by the appropriate officer or by a person authorized in writing by the complainant in accordance with section 6 of the Board's Regulations.

Q: When should you file a complaint?

A: Complaints should be filed as soon as possible, and no later than 90 days from the date on which the complainant knew, or in the opinion of the Board ought to have known, of the incident leading to the complaint.

Q: What is the current Consumer Price Index, November 2022?

A: Saskatchewan's Consumer Price Index (CPI) increased by 8.0%, from 146.1 in October 2021 to 157.8 in October 2022. For other Western-Canadian provinces, CPI increased in Manitoba, British Columbia and Alberta by 8.4%, 7.8% and 6.8% respectively. The national average increased by 6.9% during the same period.

Q: Does CPI going down lower the current high cost of living?

A: No. Last year when we had a CPI of around 8%, that meant that the average cost of a "basket" of consumer goods rose by that percentage. If the CPI goes down this year and 2023 ends with a CPI of 3% that won't mean prices have reduced.

It means that the average cost of those consumer goods went up by 3%. So over the last two years the CPI has increased roughly 11%.

When the CPI shrinks, it does not mean the basket became cheaper. It means that its increase in costs has slowed.

Q: What is Pay Equity?

A. Pay equity is also known as equal pay for work of equal value. That means if two different jobs contribute equal value to their employer's operations, then the employees in those positions should receive equal pay.

Canadians have the right to experience workplace compensation practices that are free from gender-based discrimination. Pay equity aims to ensure that employers provide you with equal pay for doing work of equal value.

On October 29, 2018, the federal government introduced the Pay Equity Act (Act) in Parliament as part of Bill C-86.

Q: Are our performance reviews important?

A. Performance reviews are important because they can affect your pay increase for that year. It is important that you take time to complete your review. Even though the current pay system is set up to minimize the affect your performance rating has on your pay increase, it is still important to make sure the review is accurate and that you have put your input included.

Even though they are important, there are circumstances where they may not be valuable. Reviews should allow for open and honest dialogue about how work is going,

what is working and what needs to be worked on. Unfortunately, they can become a rushed and empty exercise if managers are not able or willing to rate your performance honestly.

Q: What is impasse?

A: When no further progress is possible, an impasse has been reached. A notice of dispute is a formal written notification advising the Minister of Labour that the parties to a collective agreement have reached an impasse in their efforts to enter into, renew or revise a collective agreement, and that the intervention of a neutral party is needed. Through the notice of dispute, the Minister is requested to provide conciliation assistance to the parties.

When a notice of dispute has been served, the Minister has the option to appoint a conciliation officer or conciliation commissioner, establish a conciliation board, or choose not to provide assistance. Under normal circumstances, a conciliation officer, who is a member of the staff of the Federal Mediation and Conciliation Service (FMCS), is appointed no later than 15 days following receipt of a notice of dispute which has been filed in full compliance as stipulated in section 6 of the Canada Industrial Relations Regulations.

Q: What is conciliation?

A: Conciliation is the process of assisted negotiating after impasse has been reached, notice of dispute has been served, and a conciliation assistance has been established by the Minister of Labour. Once appointed, a conciliation officer will meet with the two parties to assist them in resolving the impasse and reaching a collective agreement. Conciliation officers have considerable expertise in industrial relations gained through years of practical experience.

The conciliation process may take up to 60 days, although the parties may mutually agree to extend this time period.

Q: What is mediation?

A: Mediation appointments are often made once formal conciliation procedures under the Canada Labour Code have been completed.

The Minister of Labour may appoint a mediator at any time after conciliation is complete, either at the request of one or both parties, or on the Minister's own initiative.

Q: What is a Strike or Lockout notice?

A: Strike notice is an advanced written notice that must be given by the union to the employer indicating the date and time on which a strike will begin.

Lockout notice is an advanced written notice that must be given by the employer to the union indicating the date and time on which a lockout will begin.

If no agreement is reached during the conciliation process, there is a 21-day waiting period (known as a cooling-off period) before the parties have the legal right to strike or lockout. As per article 87.2 of the Canada Labour Code, advance notice of strike or lockout to the other party and the Minister of Labour is required to be served at least seventy-two hours in advance. Furthermore, to strike, the union must have sought and received a positive strike vote from its members within the previous 60 days.

Strike or lockout notice must be filed in full compliance as stipulated in section 7 of the Canada Industrial Relations Regulations.

Q: How much is strike pay?

A: Strike pay is determined by the Board of the Defense Fund and it is currently set at 75% of your regular take-home pay not including bonuses or overtime. Because GSU members have already paid tax on their union dues, all strike pay is tax free.

Q: How do we get paid our strike pay?

A: GSU is examining options to use e-transfers to striking members. If e-transfers are not an option, cheques will be issued every 2 weeks. We work hard to get strike pay paid as efficiently, quickly and securely as possible.

Q: What does a strike look like?

A: This is a tough question as they can vary significantly for each Local and how the strike or lock out occurs. We are putting together a simple example of a made-up GSU Local going through a strike to offer an example of what a strike *could* look like. This example will be available at upcoming bargaining meetings.

Q: How long do I have to strike each day?

A: In order to receive strike pay, members must participate in the strike or lock out. The level of participation and hours needed to receive strike pay will vary by each Local. The usual threshold is that walking the picket line or participating in other sanctioned ways for 4 to 6 hours each day qualifies you for the full 75% of your regular take home pay.