

OTTAWA AREA OFFICE – BUREAU DE LA RÉGION D’OTTAWA

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April 20, 2020

BY EMAIL

TO: ALL CANDIDATES RUNNING FOR A POSITION ON THE CUPE 503 EXECUTIVE BOARD AND EXECUTIVE COUNCIL

Re: Use of Employer’s resources to campaign during the 2020 CUPE 503 Elections

Dear Brothers and Sisters:

On Friday April 17, 2020 a complaint was received by the Chief Electoral Officer regarding the use of the Employers email system, namely the City of Ottawa email system, to promote an individual’s candidacy in the upcoming 503 elections. The content of the email sent by the candidate to an undisclosed list of recipients was exclusively regarding the elections and included no work-related material. I have been asked to rule on the use of an employer’s email system for the purposes of campaigning in the CUPE 503 elections. In making my ruling, I will consider whether the employers email system is an acceptable medium for campaigning and whether it provides for an equal playing field for all candidates or creates an unfair bias towards an individual candidate.

CUPE Local 503 is a composite bargaining unit comprised of several different employers/workplaces across Eastern Ontario. Members in good standing from each of these workplaces, as well as individuals on full-time secondment to CUPE 503, are eligible to run as candidates for positions on the Executive Board and Executive Council. Due to the nature of the bargaining unit, candidates do not have direct access to the email system of each of these individual employers. Furthermore, CUPE 503 and each employer are bound by individual collective agreements, many of which speak to the carrying out of union business.

Section 7 - Election Procedures of the Local 503 Bylaws are silent regarding election campaigns. On March 30, 2020 a letter outlining the process for the submission of nomination forms and election campaigns was distributed to CUPE 503 Members via email and posted on the CUPE 503 website.

Specific to election campaigns, the letter states that:

“In light of the current requirement to comply with social distancing and the fact that candidates are not able to campaign by visiting worksites as per past practice, the CUPE

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MARK HANCOCK

National President/Président national

CHARLES FLEURY

National Secretary-Treasurer/Secrétaire-trésorier national

DENIS BOLDOC, PAUL FAORO, FRED HAHN, JUDY HENLEY, SHERRY HILLIER

General Vice-Presidents/Vice-présidences générales

National President's office has approved an alternate campaign materials process....Candidates will be permitted to submit a one-page document, which may be translated into English and French and printed as a double-sided document, if so desired. The candidate will be required to cover the cost of the printing of their campaign material.... campaign material.... will be included in the mail out of the official ballots on April 24, 2020."

Other than the letter noted above that references the past practice of campaigning by visiting worksites and the process to submit electronic campaign material for distribution to the membership, no other guidelines have been established or distributed by the Elections Committee regarding election campaigns.

In reviewing the facts before me, I must rule that the use of the employers email system is not an acceptable medium for campaigning and creates an unfair bias to those candidates who do not have access to the same system as other candidates, therefore raising serious concern as to the integrity of the election process.

For the purpose of campaigning and given that the ability to visit worksites is in most cases not viable due to physical and social distancing requirements, acceptable mediums for campaigning include one's own personal email and/or social media platforms such as Facebook, Twitter, Instagram and the like. Designated union boards in the workplace may be utilized for campaign materials. In order to ensure adherence with respective Collective Agreements, union activity related to the election or distribution of campaign materials must not take place during working hours or utilizing employer resources. For greater clarity, union related activity must be done on an employee's personal time, for example before/after work or on an employee's approved break.

Moving forward, any candidate seeking a position in the 2020 CUPE 503 Election shall be prohibited from utilizing any employer resource or tool, including the employers email system, for the purpose of their election campaign.

This ruling will be posted on the CUPE 503 website.

In solidarity,

A handwritten signature in black ink, appearing to read 'Allison Reilly', with a stylized flourish at the end.

Allison Reilly
CUPE National Representative
Chief Electoral Office

:kd/cope 491

c.c. J. Watson, President Local 503; Elections Committee