

After COPE steps in, TransLink drops demands for post 9-11 American-style security checks

TransLink Special Provincial Constables who work on the SkyTrain transit system have been riding rough waves of change as they assume expanded powers and become part of the Greater Vancouver Transportation Authority Police Service (GVTAPS).

A serious problem emerged this summer when TransLink hired IPSA International Inc., a U.S.-based private security investigation firm, and demanded employees authorize unreasonably detailed background checks and pass extensive tests. Earlier, TransLink was also considering polygraph tests.

COPE members who work as TransLink Special Provincial Constables on the transit system were surprised when the company asked them to sign a stack of release forms authorizing draconian background checks as a condition for keeping their jobs.

"Our members also had to agree that any information gathered would be kept secret from them," said Senior Union Representative Dave McPherson who worked with Union Rep Vic Foth to resolve problems with the company in a way that would respect union members' rights and dignity.

Until the union suggested that TransLink adopt a more reasonable approach, the company allowed IPSA to use high-handed, post 9-11 American style investigation procedures to do

background checks on transit constables as part of their conversion to Designated Constable status.

COPE members were told to sign forms authorizing background checks that let the company examine their income tax files and all school records, information on any motor vehicle accidents or union grievances, and a lifetime of medical records. Employees also were supposed to agree they could not see what information was gathered about them.

To ensure employee integrity, TransLink claimed they had to know whether constables had financial difficulties, poor credit references or bankruptcy history.

Such extensive checks and tests violate rights in the union contract and Freedom of Information and Protection of Privacy Act. "While we agree that criminal background checks are necessary, we told TransLink that existing employees were already doing their jobs and that



Standing outside Brentwood SkyTrain station, Union Representative Vic Foth and Senior Rep Dave McPherson say COPE members who are part of the Greater Vancouver Transportation Authority Police Service will provide policing and law enforcement services to reduce criminal activity, maintain public peace and increase safety on GVTA transit vehicles, other transit property and the surrounding area.

the information they intended to gather had nothing to do with people's ability to perform the work," said McPherson.

"Knowing if a kindergarten kid had school yard fights is unnecessary. Also, many people file joint tax returns with their spouses so the release forms would have let the company review non-employees' personal financial records as well."

COPE filed a strong objection with TransLink and the company has changed its requirements about what the releases should contain. Most importantly, the company also dropped its secrecy clause.

"It appears that the U.S. company was not used to dealing with employees who had rights under a collective agreement or who were protected by Canada's privacy laws," observed McPherson.

Union lawyers said the release gave access to a broad range of irrelevant information about people's private lives.

"We also had concerns that the U.S. Patriot Act could force IPSOS to give COPE members' personal information to U.S. authorities. The company assured us that won't happen," added Union Representative Vic Foth who has been working

closely with the constables.

Thanks to COPE's intervention, the company changed the release form. COPE also asked that they review testing demands including those for overly stringent physical exams. Employees had been told they had to pass several types of tests but the requirements to qualify were unclear. COPE is attempting to clarify testing rules with the company.

Many COPE 378 members at TransLink who work as Special Provincial Constables are becoming part of the Greater Vancouver Transportation Authority Police Service (GVTAPS) once they have been sworn in as Constables. They complete training at the Police Academy at the Justice Institute of B.C. that includes firearms and use of force training.

GVTAPS is a Designated Policing Unit under the BC Police Act with full police powers. GVTAPS provides policing and law enforcement services to reduce criminal activity, maintain public peace and increase safety on GVTA transit vehicles, other transit property and the surrounding area.

COPE continues to seek legal advice and monitor the situation as it develops.

Coast Mountain Bus fights union-run LTD plan

COPE members at Coast Mountain Bus have an upcoming arbitration on the jointly administered Employee Benefit Trust. At issue is the union being the sole administrator of the trust. CMBC management is fighting the long term disability plan becoming union-administered despite having agreed to it at the bargaining table.

The question of benefits for retirees at the transit companies

will go to arbitration in March 2006. "This arbitration will affect union members not just at Coast Mountain Bus, but at several other COPE bargaining units that have the same extended benefits language," noted Union Representative Brad Bastien.

At TransLink, the Security section has been transferred to Coast Mountain Bus Company. They are located out of CMBC's Gateway Office in Surrey.