

ROCK SOLID

Information from the MERC Team

Interim Employee Relations Committee formed at Central East Correctional Centre

By Len Mason, Corrections MERC

On December 11, 2002 an interim “Employee Relations Committee” (ERC) was established for the Central East Correctional Centre (CECC).

In a Memorandum of Understanding between the employer and OPSEU, the document establishes who shall be on the ERC, meeting times, compensation for meetings, areas for discussion and a way to resolve a dispute.

The interim committee will comprise of two representatives of Millbrook Correctional Centre, one representative from Lindsay Jail, one representative from Mimico Correctional Centre, one representative from Whitby Jail and one representative from Rideau Correctional & Treatment Centre. The employer will choose up to six representatives who will be members representing the management of CECC.

The ERC shall meet at least once every three weeks until the first pod becomes operational (houses inmates) and then every two months until the

permanent ERC members are identified. At that time the interim union side of the ERC will cease and be replaced by the permanent union ERC members.

Some of the areas for discussion/negotiation identified in the memorandum of understanding are shift schedules, vacation/time-off schedules, post assignments, training issues, inmate housing issues, staffing/compliment, development of interim health and safety committee terms of reference and accommodation issues.

In the event that there are disputes regarding the operation of the Interim Central East Correctional Centre Local Employee Relations Committee the Ministry Employee Relations Committee shall attempt to resolve them. ³

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Editorial Policy

The content and editing of this newsletter are determined by the MERC Team. We want members to feel ownership of *Rock Solid*, and view it as independent of any particular segment of the union.

Content comes from our own huge base of activists, staff and other labour sources.

Articles are the views of the authors and not necessarily the views of OPSEU or the MERC Team.

While we welcome your contributions (on disk or by e-mail if possible — mason@tbaytel.net), we ask that these be constructive. All articles should be signed and include local number, and should contribute positively to the welfare of this union and its members.

We encourage thoughtful discussion of all related issues and reserve the right to edit for libel, length and clarity.

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In this corner

Welcome to the first edition of “*Rock Solid*.”

This newsletter has been created in the hopes of sharing information across the province in regards to the goings-on in our wonderful Ministry. This includes all aspects of the Corrections Component of the Ministry.

I hope to be able to share, with your help, possible gains/losses/concerns in labour relations at the local level. I would also like to share information regarding health and safety in the workplace. My vision has a local from each region writing articles for this newsletter, your newsletter.

This newsletter will not be anybody’s political platform to bash other unions, associations, or campaigns that are established. I want facts about your office or facility. I want orders from Labour Inspectors. I want grievance wins in your workplace. I want editorials or features on individual staff members who should receive some recognition.

I think I’m getting my point across. I’m new to the world of MERC, but a veteran of sharing information with the province. I have been the editor of my local newsletter “*The Guardian*” since 1993, a member of the “*In Solidarity*” editorial committee since 1997, and was the editor of “*The Correct View*” and “*The Burn Barrel*” in the last round of bargaining and the “Strike of 2002.”

I have big expectations for “*Rock Solid*.” With your help we can meet those expectations.

In Solidarity,
Len Mason
Member, Corrections MERC



Probation and Parole Perspectives

By Gord Longhi, Corrections MERC

The 50th anniversary of Probation and Parole in Ontario should have been a time to celebrate and reflect on how Ontario has built a community corrections system that is second to none. Instead Community Corrections in Ontario was beset with labour strife, bureaucratic bungling and disclosures of inadequacy. Nonetheless, 2002 did bring P&P staff together in an unprecedented way to support each other and take care of each other while continuing to battle Canada's highest caseloads.

Still reeling from the rapid and haphazard 2001 implementation of OTIS and the Probation & Parole Service Delivery Model (PPSDM), staff in P&P offices united across the province to put management on notice that status quo was no longer acceptable. P&P staff were preparing to regain 'Professional Integrity!'

The *Rap Sheet* and the *Enough is Enough* Website set the stage for staff to expose the truth about 'Public Safety' and the working conditions in Ontario's Probation and Parole offices. Knee-jerk discipline and grievances littered the fields of community corrections while staff gathered strength with an impending strike on the horizon.

March came in like a lion and left like one too. Probation staff lead a strike charge in corrections that stymied the employer at every turn. In predictable fashion the employer responded with threats and suspensions. In desperation, they actually laid contempt of court charges against their own staff. Thankfully the charges were done in typical bureaucratic fashion as well (hastily and sloppily prepared).

When the dust settled after 7 + weeks of labour disruption, PPOs emerged with their best contract in

a 50-year history. Support staff were not so lucky but did manage to see a 12 per cent increase over 3 years. Now it only took 7 to 8 months to actually get the raise, but hey, management must have been exhausted from counting all that overtime cash.

The remainder of 2002 was somewhat less exciting as staff ploughed through files to catch up with the eight week backlog. Post strike malaise lingered while PPSDM and OTIS problems continued to plague offices. Management claimed (and still do) that PPSDM was up and running in almost all offices while staff in many individual offices wondered why they were one of the few offices so far behind (they weren't).

The Ministry continued to artfully paint their version of 'Public Safety' in true impressionist style. The picture looked great from far away but those viewing up close saw the truth.

Union activists and humanists alike will not be satisfied to sit by and be told that "we are doing something about that" or "that's a corporate issue." "We understand" is simply not good enough anymore. Field staff have a larger stake in this profession as we are not only the employees, but we are also taxpayers, parents and community members.

The care and concern that was developed for each other over the past 18 months will foster the determination to strive for true 'Public Safety' and 'Professional Integrity.' We will fight for safe and healthy workplaces that respect all staff and provide intrinsically rewarding employment. Workplaces that will be characterized by positive morale, reasonable workloads, efficient technology and effective practices.

2003 has presented with some hope for the future, the departure of some and arrival of others may herald a period of Employer-Employee harmony, however time will be the judge of that.

So welcome to the next 50 years of community corrections in Ontario! What will be written in 2052 about our progress? ³

Duty to accommodate: No longer a choice ... It's your legal right!

The Busy Signal, CEP Local 1-S, Regina, Sask.

It would seem the right to judge has been the placed in the wrong hands. The recently redefined definition of the term "Duty to Accommodate" leaves no room or need for judgement of employees by employers. In fact, unless an employer can prove undue hardship (i.e. bankruptcy), it is considered against the law not to accommodate disabled, injured or general employees who require accommodation.

Due to profound new legal strides in the Supreme Court of Canada, namely the Tawney Meiorin case (British Columbia Public Service Employees Relations Commission) versus the British Columbia Government and the Service Employees International Union (SEIU), legal precedence has now been set and is to be used in all workplace discrimination cases.

"Employers have to proactively deal with discrimination and accommodate when making policies, test, standards, etc. at the onset to make them 'inclusive to all' as well as accommodating individuals who may be adversely affected after the fact."

In the event that your employer refuses your right to be accommodated, your union must exercise your legal rights and prove discrimination or your union will be held liable.

"The Court states that workplace standards must now be inclusive by being designed to reflect all members of society as far as this is possible, providing accessibility to all." Employers will no longer be allowed to treat all employees the same, "but workplace standards, requirements, etc. must be tailored to a 'individually sensitive standard'. Just as with equality generally, the standard is not 'sameness'."

"Recent amendments to the Canadian Human Rights Act have explicitly required the provision of an accommodation for employees with disabilities." "The Human Rights Commission reminds employers that it is the law, and that accommodating a person

with a disability does not mean training them, but rather creating a truly barrier-free workplace." These changes will make harassment, discrimination and lack of accommodation non-issues from here on in. It will be very important for our Collective Agreements to include terminology dealing with the new definition of "Duty to Accommodate."

Medical information is, without question, private and confidential. Make sure you know this and your other rights before providing medical information to your employer or others.

Privacy is a legal human right and action may be taken against persons who feel the necessity to pre-judge others. A visible disability seems quite obvious to you, but have you considered invisible disabilities? You may think that you know about another's health situation by the way they look or present themselves. However, you could not be more wrong or in fact discriminatory. In either case, it is not your right to judge. Keep your curiosity to yourself, as your questions or observations may be considered offensive and infringe on another person's legal human right to privacy.

"People with disabilities includes men and women, First Nations people, racial and ethnic minorities, gays and lesbians, poor people," and people with visible and invisible disabilities. People with disabilities are young and old, and have a variety of abilities and skills. A disability may occur in a variety of ways, including physical disabilities such as blindness, deafness and the loss of limbs. Invisible disabilities include epilepsy, diabetes, AIDS or HIV infection, heart condition, chronic back condition; and mental disabilities, intellectual disabilities or learning disabilities. Human rights law also defines alcohol and/or drug dependency as a disability."

Today you may be temporarily "able". But who of us will be "disabled" tomorrow? You must all take the time now, while you have your health to protect yourself and others. The disabled did not create their disability or injury and do not deserve to be punished for it. Don't label us ... able us! ³

Bailiffs stripped of batons



It has come to my attention that bailiffs are not allowed to carry their ASP batons on commercial flights. In a memo to all Superintendents from Mr. Gary Commeford dated February 12, 2002, he stated that the ministry must comply with Canadian Aviation Security Regulations.

I took the liberty to contact Transport Canada and spoke to an individual that is responsible for Transport Canada security regulations in Ottawa.

Mr. Georges Leduc informed me that a meeting was called after September 11, 2001 and all police agencies and ministries including correctional services and solicitor general were consulted in regards to prohibiting certain weapons. When the issue of prohibiting ASP batons came up, he stated that nobody from our ministry objected.

He stated that police officers are allowed to carry service weapons (guns) but batons were not allowed. I explained to him that corrections staff do not carry side arms and this policy strips us of all defensive weapons. He explained that offenders were to wear their restraints throughout the flight. I informed him that even when applied properly, handcuffs and leg irons could be breached.

I informed him that under the current policy we are transporting maximum-security inmates on commercial flights with less security than before September 11. I advised him that in case of an unruly inmate on a commercial flight, the officer was limited in what they could use to restrain an offender and it would be quite embarrassing to use the drink cart or a food service tray in a defensive manner in order to get an inmate to comply.

Mr. Leduc advised me to get an individual in authority to contact Transport Canada and apply for an amendment to the policy. It seems to be absurd that firearms, which are considered to be offensive lethal weapons are allowed on commercial flights but batons are excluded. ³

Greg Arnold
Bailiff
Steward, Local 737

Burtch due to close, loss to the community: Levac

January — 2003 (Toronto) – Brant MPP and Liberal Public Safety and Security Critic Dave Levac was saddened by the announcement from the Ministry of Public Safety and Security that Burtch Correctional Centre is set for closure at the end of next week. The government made this announcement earlier today outlining the intention to move inmates to the privately-run Central North Correctional Centre in Penetanguishene by the end of this week with all operations winding down by the end of next week. Levac praised the staff and correctional officers at Burtch for their commitment to public safety. Burtch offered many innovative programs and was a good facility according to Levac and its presence at the edge of Brantford will be missed.

“Burtch offered excellent rehabilitative programs that made a difference in the lives of those that spent time there, the correctional officers are owed a great deal of praise for their hard work and dedication to the Burtch Correctional Centre,” said Levac. “It is unfortunate that the government did not recognize the value of the operations at Burtch,” stated Levac.

Levac reminisced on the long and noble history of the Burtch Correctional Centre and was disappointed that the government did not value the attributes of the Burtch facility and the positive effect it had on the community. Levac expressed his ongoing concern for the staff at Burtch and renewed his support for the employees affected by the government’s decision.

“Though I disagree with the government’s decision to close Burtch, I would urge the government to move quickly after it closes Burtch to make this facility attractive to new investment so that our community can benefit from an alternate use of the Burtch facility,” said Levac. ³

For more information contact:
Dave Levac, MPP Brant 416-325-6261

Ergonomic issues in P&P offices

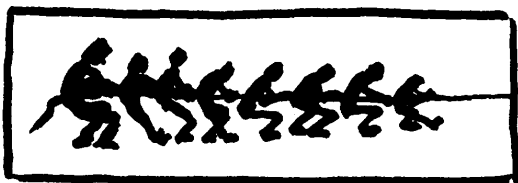
By Len Mason, MERC

In a memorandum dated December 5, 2002, Assistant Deputy Minister, Community Corrections, Michael Simpson has directed the Regional Directors of Community and Young Offender Services to implement ergonomic workstations for offices.

The memo states, "The Ministry is committed to the health and safety of our employees and will take every precaution reasonable in the circumstances for the protection of staff."

"The Ministry's intent is to review the set up of computer workstations to ensure they are in keeping with the CSA guidelines for office ergonomics." The memo goes on and directs the Regional Directors to get the word out to Area Managers to work with staff to ensure chairs, work stations, etc. are properly adjusted and to implement local solutions that can be resolved within their own budgets.

Simpson also advises the directors that the Ministry has dedicated resources in place to address ergonomic concerns in the Probation and Parole offices. "We will also consult with the MERC, OH & S, and Staff Relations to get their input and advice as we develop our strategy to ensure the set up of the office workstations is in keeping with the CSA guidelines for office ergonomics," said Simpson.³



Together we can be STRONG!

Ministry of Labour orders protection to all workers in P & P

By Len Mason, MERC

On December 9, 2002, a field visit by the Ministry of Labour inspector was made to the Brampton Probation and Parole office. The inspector was there to deliver the Ministry's decision regarding a complaint that workers are exposed to the hazards of workplace violence from the clients and weapons being brought into the workplace.

Inspector Joe Pate offered the following advice, "The administrative measures that currently exist to protect workers from workplace violence and clients bringing weapons into the workplace should be supplemented with engineering controls that provide proactive universal protection to all workers."

The inspector also went on to say, "The employer is advised to discuss possible solutions to the hazards of workplace violence and weapons being brought into the workplace with the local "Joint Health and safety Committee" (JHSC). A solution was offered by the local JHSC, which ensured greater protection for the workers than currently exists. The local suggested that a combination of policies, procedures, metal detectors and a secure interview room be implemented at this workplace to protect all workers from the hazards."

Four orders were issued: 1) the employer shall take every precaution reasonable in the circumstances for the protection of all workers at this workplace from the hazard of violence. 2) The employer shall take every precaution reasonable in the circumstances to ensure that all workers are protected from the hazard of weapons being brought into this workplace. 3) and 4) An order was issued that the employer shall submit to the Ministry a plan specifying what the employer plans to do to comply with both the orders and when the employer intends to do it.³

Plantar Fasciitis

by Josh Miller, Certified Occupational Health & Safety Member, Local 737 / The Guardian

How do your feet feel? Are you experiencing pains in the soles of your feet making it difficult or sometimes impossible to walk? If the answers to these questions is yes, you may have: PLANTAR FASCIITIS.

This is a common foot problem. It starts as a dull intermittent pain in the heel which may progress to a sharp persistent pain. Classically it is worse in the morning with the first few steps or at the beginning of physical activity. The plantar fascia is a thick fibrous material on the bottom of the foot. It is attached to the heel bone and as far forward towards the toes. It is responsible for maintaining the arch of the foot. The problem is that part of the fascia pulls away from the heel, becomes inflamed and thus causes pain. This may also occur at the sole or towards the toes. There is quite a bit of walking in our job so resting the feet is not possible, meaning that once this problem starts, a cycle is pretty much inevitable.

It is possible for shoes to cause this problem. Our issue boots and shoes are not of the highest quality and they seem to be the common denominator with this ailment.

What to do if you experience this problem? You must report this to the supervisor and fill out a WSIB form. Plantar fasciitis is a repetitive strain injury and will worsen if nothing is done. If you do not report it, you may experience problems if time off work becomes necessary.

Follow this up with a visit to a doctor, they will refer you to the proper channels. They will also monitor your reduced physical capabilities, if any, as a result of the injury. If your injury requires some type of accommodation, you will need medical documentation.

Treatment (may include:)

Rest: Use pain as your guide. If your foot becomes too painful, reduce your physical activity.

Ice: Icing your heel for 15 minutes will help to reduce inflammation.

Medication: Your doctor may prescribe an anti-inflammatory.

Physiotherapy: The initial objective of physiotherapy (when needed) is to decrease the inflammation. Later, the small muscles of the foot will be strengthened to support the weakened plantar fascia.

Heel Pads: A heel pad can help to absorb the shock as the heel lands and ease the pressure on the plantar fascia. It may be necessary to cut a hole in the pad so the painful area will not be irritated. Heel pads and heel cups are available at sport stores and medical supply stores.

Shoes: As mentioned earlier, shoes can be the cause of the problem. You may need different or new shoes.

Orthotics: Inserts for your shoes that your doctor will prescribe.

PREDISPOSING FACTORS:

- . Flat pronated feet
- . High arched rigid feet
- . Inappropriate or improper shoes
- . Increasing age.

EXERCISES:

Towel Curls: Place towel on a floor. Curl towel toward you, using the toes of your injured foot. Resistance can be increased by adding weight to the end of the towel. Repeat 20 times.

Shin Curls: Stand — rock your foot upwards as you try to grab the shin with your toes. Repeat 30 times.

Toe Grabs: Stand with your feet together. Rotate knees outward while attempting to grab floor with your toes using the muscles of your foot. Hold 10 seconds then relax. Repeat 20 times. ³

Editorial: Guarding the guards

The Toronto Star (with permission)

Our country, our rules. If you want to do business here, you better get a copy of our rulebook.

That means if you are an American corporation, hired to run Ontario's first privatized jail, you should understand the rules and sensibilities in this province.

And that means you do not make people, even if they are inmates in a jail, wear badges around their necks listing whether they are white, black, hispanic or any other race.

Nor do you offer up as an excuse that that's how you run things in the prisons you manage in the U.S. Yesterday, in light of criticism that the practice violated Ontario's Human Rights Code, the Utah-based company, Management and Training Corporation Canada, announced it would stop noting the race of inmates on photo ID tags. The company runs the so-called superjail, the Central North Correctional Centre in Penetanguishene.

The company decided to end the practice after it was brought to light by a report in the Star. But the jail has been open 14 months. Why did it take so long for someone to notice and object? Private jails are a terrible idea. In the U.S., they have not proven to be cheaper or safer or more efficient. When the Ontario jail opened, the Corrections Ministry promised it would keep a close eye on things.

But is it? Last September, 100 inmates tried to escape. The attempt came one week after safety concerns were raised about a 50-per-cent cut in overnight guards at the facility. Even now, months later, nearly half of the jail's prisoners remain on partial lockdown.

The jail should be monitored to be sure it is run by Ontario standards. The fear is, however, the provincial government, which is keen to hand over more jails to the private sector, isn't really watching very hard. ³

MOL orders ICIT team activated

On September 24, 2002, an inmate in the Segregation Unit at Monteith Correctional Complex handed a Correctional Officer (CO) a small piece of metal that could easily be used as weapon. The officer asked the inmate if he had anymore, the inmate replied, 'shsss.' The officer immediately reported it to the Operational Manager (OM16), and staff were ordered to search the inmates and cells.

The COs felt it was not safe to search that specific inmate. They felt it was safer if the Institutional Crisis Intervention Team (ICIT) be used. ICIT is equipped and well trained to deal with this type of situation.

The employer disagreed and a work refusal took place. The Ministry of Labour (MOL) was called in and the parties stated their positions. The union stated some facts: this was not an ordinary inmate; he has a violent history in our facility; the police use ERT (Emergency Response Team) to escort him to court, the inmate is unstable, the inmate handed out one weapon and there was a possibility of more in his cell. The union explained that COs do not receive training for this type of scenario, ICIT does.

The MOL agreed and ordered ICIT be used for that inmate and that a safer procedure be established in retrieving dangerous weapons.

The order was quickly appealed by the employer and a settlement was recently achieved that left the order intact. As a result of the order, the local health and safety representative has began discussions with respect to the order.

It is the local's position that no COs other than ICIT and Cell Extraction Teams (CET) are properly equipped and trained. All self-defense taught by the Ministry deals with open areas, but nothing is taught on how to defend yourself in confined area. The issue will be forwarded to the Provincial Health and Safety Committee if it cannot be settled at the local level. ³

Rick Dagenais
President, Local 642