

ROCK SOLID

Information from the MERC Team

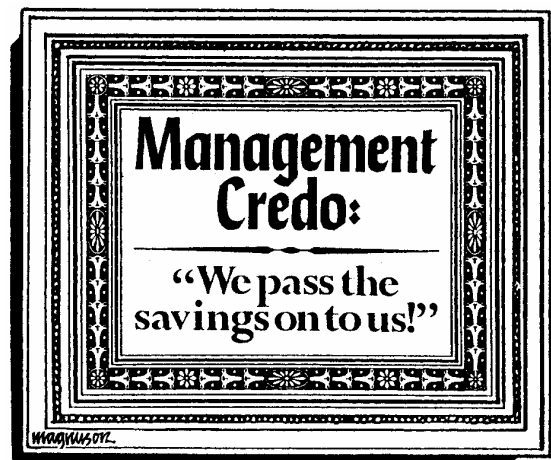
Ministry violates the Ontario Human Rights Code

by Barry Scanlon, MERC Co-Chair

A decision of the Ontario Superior Court of Justice Divisional Court released on Dec. 21, 2004 found that the Ministry of Public Safety and Security (currently the Ministry of Community Safety and Correctional Services) violated the *Ontario Human Rights Code* and the collective agreement. The decision came after OPSEU had referred a Grievance Settlement Board decision to the court for review.

The grievance had been filed by a Correctional Officer who had been employed at the Kenora Jail since December 1986. In 1992, the grievor was involved in an automobile accident, which resulted in him suffering a serious spinal injury. At that point the grievor was off work due to his injuries for approximately nine months.

Upon his return to work, the grievor could no longer have direct contact with inmates so he was accommodated by being assigned to work in the control module only. The grievor was subsequently injured at work in 1993, further aggravating his



spinal injury causing him to miss work for approximately two and one-half years. The grievor, upon his return to work in 1995, was again accommodated in the control module, where he was able to perform all of the module duties.

Late in 1997, a medical report from the grievor's doctor indicated that the grievor's disability and his no direct contact with inmates restriction was permanent. In January of 1998, the Ministry reclassified the grievor from a Correctional Officer to a Security Officer, reducing his pay by more than

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Editorial Policy

The content and editing of this newsletter is 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 author and not necessarily the views of OPSEU or the MERC Team.

We welcome your contributions (on disk or 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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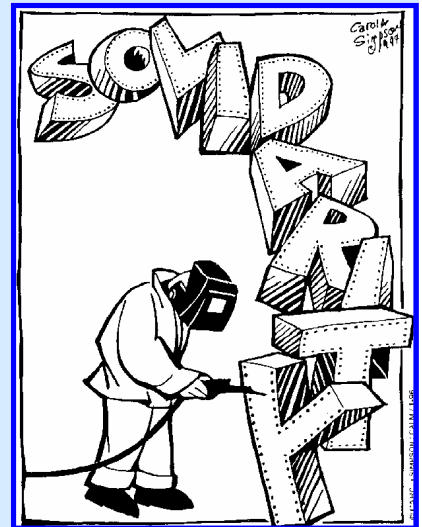


In this corner

Hi Folks

Happy New Year. I hope everybody enjoyed a little holiday cheer.

Your MERC team has been fairly busy trying to get to the bottom of rumours and separating fact from fiction.



Transition issues continue to be first and foremost on the list of priorities.

The bargaining teams asked for the MERCs to step away from meeting with the employer back in October of 2004. So, we have not met as the MERC since then. Rest assured, we remain deeply involved in dealing with the management or mismanagement of our fine Ministry.

I am looking forward to Divisionals this upcoming weekend. The Corrections Division will start on Saturday evening. There is way too much to talk about to waste a Saturday evening opportunity.

Elections for MERC and Provincial Health & Safety will take place on Sunday. There will be a hospitality room on Friday night at 9 p.m. (Spring Song Room — 4th floor) sponsored by the current MERC and H & S teams. It will be a good time! We have retained the infamous Joe Wright, President of Algoma Treatment Centre, Region 6 (home of the Swamp-Donkey), as our event planner.

See you there,

In Solidarity,
Len Mason

Member, Corrections MERC 😊

Ministry violates Ontario Human Rights Code

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four dollars per hour. The position of Security Officer had never existed at the Kenora Jail and was specifically introduced to reclassify the grievor. The grievor then filed a grievance in response to the Ministry's actions. The grievance was later dismissed by the Grievance Settlement Board (GSB) so the Union applied for a Judicial Review of the GSB decision.

In the resulting Court decision by Justice Matlow, it was ordered that Her Majesty the Queen in Right of Ontario [The Ministry]: "... accommodate the grievor in his position as Correctional Officer by assigning him solely the duties of a control module operator at the Kenora Jail, subject to changes from time to time that may be authorized by law."

With respect to the reclassification of the grievor from Correctional Officer to Security Officer, Justice Matlow wrote: "This kind of reclassification can hardly be regarded as an accommodation to the grievor. Rather, it was a cost saving measure taken by the respondent [the Ministry] in violation of the [Human Rights] Code and the collective agreement. The undisputed evidence adopted by the Board overwhelmingly establishes that the work which the grievor continued to perform in the control module is part of the core job of a CO at the jail and the grievor is entitled to be classified as one."

A violation of the *Ontario Human Rights Code* such as this is serious and must be addressed by this government. The economic loss and resultant hardship the grievor suffered as a result of this illegal action on the part of the Ministry is evident to all.

Minister Monte Kwinter was quick to go to the press after an alleged improper release at a correctional facility saying that our members would be held accountable and disciplined in relation to the issue. Mr. Kwinter did this before an investigation had even been completed. In this case we have a Divisional Court finding by three Justices that a clear violation of an important provincial law has occurred. Where is Mr. Kwinter on accountability and discipline with respect to this issue? His silence is deafening! ❖

Organizing clergy

Labor notes/CALM

Frustrated with low wages and difficult work conditions, ministers from the United Church of Canada are looking to join the Canadian Auto Workers.

According to CBC News, the ministers' main complaints are abusive parishioners, low pay and a lack of support from church leadership. ❖



Divisional Evening Meeting

Corrections Division

Saturday
Registration is at 6:00
Meeting at 6:30

This all takes place at the Sheraton Hotel
*** Room to be announced ***

Security Threat Groups (Gangs)

*by Eduardo (Eddy) Almeida, Vice-Chair,
Provincial Occupational Health and Safety
Committee*

In a perfect world, we all envision a safe work place without hazards. In particular, we see controllable hazards being dealt with pro-actively. One such hazard is that of Security Threat Groups (known as STGs, or more simply, gangs). Ideally, we would eliminate gangs and the threat would be removed. Unfortunately, we do not live in a perfect world. The reality is that our occupations require that we must deal with gang members in our institutions and in our probation and probation and parole offices. Nevertheless, we can take measures which can significantly reduce the threat posed by the STGs to those of us who work in the justice system in Ontario.

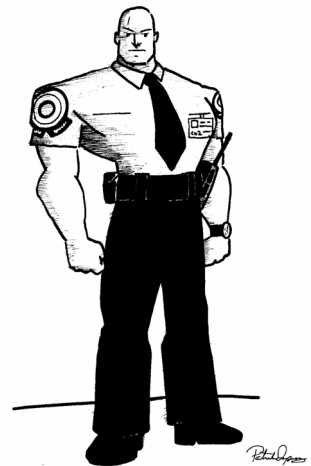
If we rewind to Quebec of the mid 1990s, we see the Ontario of 2005. In the early 1990s, the biker gangs began to entrench themselves in Quebec society which also included the justice system. Bikers began to establish drug networks in Quebec prisons and the profits were lucrative. Corrections workers complained about intimidation from the bikers, threats and even physical assaults both inside and outside the workplace. The response from the government was weak. Two Correctional Officers were subsequently murdered by biker gangs. Today in Ontario, we have the largest concentration of bikers in the world as well as numerous well organized and violent street gangs. We also have terrorist groups. We have an opportunity here in Ontario to avoid the terrible tragedy which occurred in Quebec. We have to take the issue of gangs and terrorist groups seriously right now and take strong pro-active action on the issue immediately.

In my capacity as Vice-Chair of the OPSEU Provincial Occupational Health and Safety Team, I had the opportunity to have input on a provincial policy and procedure document which attempts to deal with the issue of gangs in our institutions and in the community. It was completed and

forwarded to senior management and the security committee on Oct. 15, 2004. These policies and procedures have yet to be implemented. I can't help but feel that we are edging closer to a Quebec type tragedy every minute the policy sits collecting dust on someone's desk.

Some of what the policy and procedures contain are: definitions, objectives, local standards, procedures, methods of identifying/designating gang members, the handling of these individuals, staff training as well as equipment required. It is a comprehensive document that may not have all the answers to the problems associated with Security Threat Groups, but would constitute an important beginning.

In reference to correctional institutions, the report identifies these as places that are a gang member's recruitment dream. Gang members become a new arrival's best friend because they offer protection within the walls from "others" who would cause them harm. In turn, the new arrival is then in a position where they owe a debt to gang predators. I will not go into the rituals gangs impose on new recruits in our system, (such



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Security Threat Groups (Gangs)

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as branding). I will leave that to those that are hopefully in the future given the task of training staff regarding STGs.

An important component of controlling the gang problem is the collection of information and sharing that information with other law enforcement agencies. This does not require the wheel to be reinvented. "GangNet", a database of gang information, is presently being used by not only law enforcement agencies in Canada but across North America. Implementing this program would not only allow information to be shared among justice staff in this province, but would make it available to any law enforcement agency on the computer net.

Along with any policy and program, we should look at implementing a zero tolerance policy for gangs, gang activity and gang association. Within institutions, for example, any gang activity on the part of an individual should be dealt with as a very serious issue by all employees from the front line right up to senior administrators.

Aside from the important issues of staff safety, the responsibility we all have as professionals to fulfill our obligation to the people of Ontario, Canadians and the law enforcement community. We must uphold our duty and to be active participants in the fight against crime.

The fact is that the provincial government, on its normal course of dragging its feet, is far from actively participating in this fight against organized crime. As a result, it is failing the law enforcement community and those it services - the public.

Gangs are as synonymously known to exist in corrections, just as officers and Probation Officers are known to work in the same environment. Given this fact, we as activists must ensure that ministry bureaucrats will not ignore this issue. ❖

Re-announced funding does little to keep mental health patients out of jail

Rock Solid

Scattering \$27.5 million annually across more than 130 agencies and institutions will do little to keep mental health patients out of the province's jails, says Leah Casselman, president of OPSEU.

"This money won't create one new assessment bed," Casselman said, calling for a moratorium on further psychiatric hospital divestments and bed closures. She noted that the funding announced on Wednesday by Health Minister George Smitherman is part of the \$65-million commitment to mental health that the McGuinty Liberals previously announced last June.

"There are so many changes going on in mental health services that Mr. Smitherman should place a hold on further divestments and bed closures until a full assessment can be done that takes into consideration the needs of Ontario's mental health community," said Casselman. OPSEU represents employees of psychiatric hospitals, mental health facilities and provincial jails.

"This just gives the courts an address in order to place these individuals out on bail, but it provides no treatment for them," says Casselman. "It's just going to be a revolving door for the patients, police and courts." Meanwhile, hospitals are closing psychiatric beds and the two remaining provincial psychiatric hospitals are under threat of divestment.

"We would like to see Mr. Kwinter (Minister of Community Safety & Correctional Services) ask for some money to pump into institutions that need help now. The Don Jail (Toronto Jail), has a 20 per cent population of inmates with mental health issues," said Len Mason, Corrections MERC member.

Wednesday's announcement also fails to address the Ontario Superior Court ruling in November that stated the rights of two mentally ill men were violated when they were detained at the Ottawa-Carleton Regional Detention Centre. ❖

Correction Canada team investigating Pargeter slaying

Four-person team to report by
end of January

NUPGE

Yellowknife - A team set up by Corrections Canada is conducting an ongoing investigation into the murder of Parole Officer Louise Pargeter.



Pargeter's body was found Oct. 6 in the Yellowknife apartment of Eli Ulayuk, an inmate who had been granted parole following a 1990 manslaughter conviction. The man was later charged with first degree murder in her slaying.

The four-member team includes Andrejs Berzins, Titus Allooloo, Simonne Ferguson, and Janice Russell. They are to review and assess a long list of factors related to the murder, reporting by the end of January on their findings and recommendations.

Corrections Canada will then finalize changes in the way parole officers are assigned to carry out their work. In the meantime, a series of interim measures have already been put in place. ❖



**SUPPORT
BARGAINERS!** RCOY

Excellent turnout at Queens Park Rally

by Glenna Caldwell, Corrections Bargaining
Team

Probation Officers and Probation and Parole Officers from across the province showed up in droves from across the Province for the Nov. 27, 2004 "Rebuilding Public Services" rally held at Queens Park.

Probation Officers came from as far away as Thunder Bay, London, Ottawa, Brampton, Durham and other communities to join and march with their colleagues from the Greater Toronto areas to tell Dalton McGuinty's of their concerns. Their message to the Premier was to start rebuilding public services so that we can keep our communities safe. We want McGuinty to stop breaking his promises and start to revitalized public service."

Probation and Parole Officers continue to have problems with high caseload numbers, health and safety issues both inside their workplaces and in the community (lack of home visit policy) especially in light of the recent death of Probation Officer in Yellowknife.

Probation Officers in the Ministry of Children and Youth Services have a myriad of concerns with respect to ongoing transitional problems like lack of office space, relocation problems, accommodation concerns and OTIS problems.

Many Probation Officers met with bargaining team members while at the rally. They expressed their solidarity with the teams. The teams thanks you for your support.

Keep up the good work! ❖

Some Newfoundland inmates glad smoking was banned

Free of addiction after failing to quit on their own

NUPGE

Corner Brook - A study by the John Howard Society says a smoking ban is producing benefits for inmates in Newfoundland and Labrador institutions. All adult correctional facilities in the province have been smoke-free since May.

Inmates were generally opposed to the ban when



it went into effect but the study says some are glad that they were forced to quit.

Society spokesperson Terry Carlson says a number of prisoners acknowledged that they tried for years to stop on their own without succeeding. Now they are enjoying a tobacco-free life.

“Many of them felt much better in terms of their health, in terms of the air being cleaner and this type of thing,” Carlson reports.

The society has sent the study to the provincial justice department. Seven

provinces across Canada have banned smoking in jails. ❖

Jury recommends round-the-clock suicide watches

CBC Saskatchewan/NUPGE

SASKATOON - City police need to do a better job dealing with suicidal prisoners, a coroner’s jury recommended.

At the conclusion of a three-day inquest into the death last February of Jasmine Arcand, the jury made 10 recommendations to improve the way female prisoners are handled in the city police lock-up.

Arcand, 34, was found dead in a cell at the Saskatoon police lock-up last February.

She committed suicide by hanging herself with a piece of underwear from a toilet flush knob.

The inquiry heard that even though she’d attempted suicide before while in custody and had threatened to take her own life again when arrested, she was not placed under suicide watch.

That prompted the jury to recommend that only the sergeant in charge of detention should determine who is a suicide risk.

The jury also said all the members who work in the lock-up should have training in suicide prevention and there should be round-the-clock monitoring of anyone deemed suicidal.

They also called for the police to work more closely with organizations like the women’s shelter to deal with female prisoners’ special needs. ❖



Officers receive award for acts of Bravery

Mary Riley, Staff Writer at Kawartha Lakes This Week — Nov. 19th 2004.

Three out of five of the Ministry of Community Safety and Correctional Services' annual awards for bravery have gone to men from Lindsay.

Three officers from the Central East Correctional Center (CECC) were honoured by Minister Monty Kwinter at a special awards ceremony in Hamilton Nov. 9.

Correctional Officer Steve Sipila, Probation and Parole Officer Stephen Hynes and Rehabilitation Officer Dan Wickins all were presented with the awards.

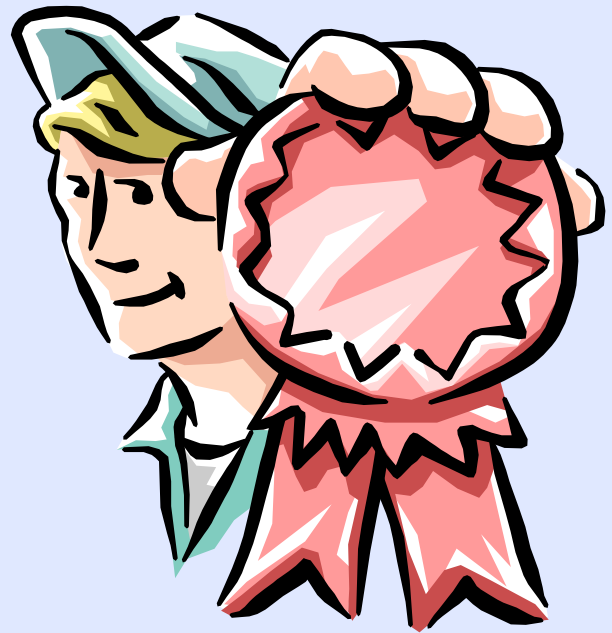
Craig Hillen, a supervisor at the CECC, said he was very proud of his officers when they were nominated for the awards back in September.

"Both of them came on the scenes of serious accidents and did not hesitate to do whatever they could to help the victims," he said.

Mr. Sipila was the first person on the scene of a fatal crash on Highway 7 last winter in which two people died. He did what he could for the victims, comforting one of them until she died.

Mr. Hynes and Mr. Wickins were on their way home one night, again last winter, when they came on the scene of another crash on Pigeon Lake Road near Downeyville. One car had caught fire, and as Mr. Wickins tried to extinguish the fire with snow and disengage the fuel tank, Mr. Hynes smashed one of the windows. He pulled the injured driver out of the vehicle.

The awards for Exceptional Achievement are



given to employees or volunteers of the Ministry who work with provincial offenders. The nominations are judged on the impact of the contribution, the exceptional circumstances as well as the duration and quality of service, along with leadership and initiative displayed.

Five people were nominated for Bravery Awards this year. "I am proud to honour the exceptional achievements of these men and women who serve the province of Ontario," said Mr. Kwinter. "These awards allow us to recognize the dedication of those who work and volunteer in the challenging field of provincial correctional services."

The Exceptional Achievement award pays tribute to ministry staff and volunteers whose actions above and beyond the call of duty contribute to community safety. ❖