



# Bargaining Bites

News from Local 369 - Central North Correctional Centre

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## Bargaining resumes (again) on March 7

### Members to meet March 11 regardless of outcome

Bargaining for your first contract resumed on February 25, 2004 in Barrie. Your team, equipped with the results of the last contract vote, met briefly with the employer in hopes that they fully grasped how serious you, the members, are.

Your team told the employer that you would not tolerate any more “piecemeal” offers, and it was time to get an offer on the table that addresses our main concerns.

It was obvious that the employer was not expecting a 95 per cent rejection of their last offer. Unfortunately, the employer became bogged down on costs and could not return to the table on February 25 with a new offer.

Your team, to say the least, was not too pleased with this. We want to bring this process to a close. Your team contemplated asking for the “No Board” report at the end of the day on February 25 in order to accelerate talks. However, the Ministry of Labour (MOL) conciliator did not feel that the two sides had reached a true impasse and would not recommend the report.

As a result, the MOL conciliator has ordered a “cool down” period until **Sunday, March 7**. At that time, the employer will table a new offer. The Bargaining Team has made it clear that, no matter what happens, a decision will be made on March 7 with respect to that offer. One of two things will happen:

1. If the employer’s offer has enough substance to warrant another vote, the offer will be brought back to the members.
2. If the employer’s offer falls short of the expectations expressed by the members at the February 12 meeting, the team will request a “No Board” report from the MOL. We have been assured by the MOL conciliator that the report will be in our hands on March 8, 2004, setting a strike date for 12:01 a.m. on March 25.

No matter which of these two scenarios comes to pass, **we will hold a General Membership Meeting on Thursday, March 11 at the Best Western Hotel in Midland**. This meeting will either be a vote meeting on the employer’s offer (running from 7:00 a.m. to 11:30 p.m.) or an information meeting for all members with respect to strike preparation. If the meeting is just an information meeting, the times will be posted on March 8.

Your team hopes that we will be able to present you with an offer on March 11. However, we will not put up with any more delays. This process has gone on long enough.

# ***Please Circulate***

## What is a “No Board”?

Throughout bargaining, we have made references to the Ministry of Labour “No Board” report. Here’s a brief explanation of what exactly that is:

During bargaining, either side has the option of making a request to the Ministry of Labour (MOL) to have a conciliator assigned to the talks. The conciliator’s role is to assist the parties in reaching an agreement.

If bargaining reaches an impasse (meaning neither side is willing to agree on certain issues), the conciliator then makes every attempt to get the two parties to reach an agreement. If those attempts fail, then either side can ask for a “No Board” report from the MOL. This report, signed by the Minister of Labour, basically says that even if an official Board of Conciliation was appointed to assist the talks, the two parties would still be in disagreement. Worded another way, the report says, “No Board of Conciliation will resolve the issues” (hence the term, “No Board”).

Under Ontario law, a legal strike or lockout cannot take place until 16 days after the report is received by the parties. At 12:01 a.m. on Day 17, union members can legally go on strike, or the employer can legally lock out the members.

Talks can resume during the 17-day period if both sides are willing to come to the table. In fact, the strike/lockout date may be extended for a short period (by mutual agreement) if the two sides are close to reaching a deal at the deadline. It is useful to point out that, while bargaining has been taking place, your current wages and working conditions have been “frozen”, meaning that the employer cannot change them. Once a strike or lockout becomes legal, the freeze ends. That’s why union members never usually continue to work past the strike deadline. The exception would be if the two sides mutually agree to extend the strike deadline. In that case, the freeze would still be in place.

## Ministry takeover does not mean job loss

Despite many articles dealing with this topic, rumours continue at the jail that, in the event that the Ministry assumes responsibility for running the superjail, current CNCC employees will lose their jobs. This is NOT true.

It comes down to simple numbers. If the government does take over the operation of the facility, negotiations will occur to ensure that all employees at CNCC would be covered by the OPSEU Ontario Public Service (OPS) collective agreement. That’s because the Ministry does not have an extra 200 correctional officers sitting around waiting for employment. Plus, the Ministry would need staff who are already familiar with the facility.

There is a bumping provision in the OPS agreement only for members who are laid off. However, public service corrections is still understaffed, and the current government has instituted a hiring freeze. Also, the first bump provision is that members must bump within 40 kilometers of their worksite, and there are no correctional facilities within 40 kilometers of Penetanguishene. Members can bump outside of 40 kilometers, but again, due to the staffing situation in public service corrections, the chances that there would be no vacancies anywhere in the province is remote at best (vacancies must be filled first before bumping can occur).

### Your bargaining team

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