

Report from the Chair - July 2001

Patty Rout - Chair - OPSEU Local 348

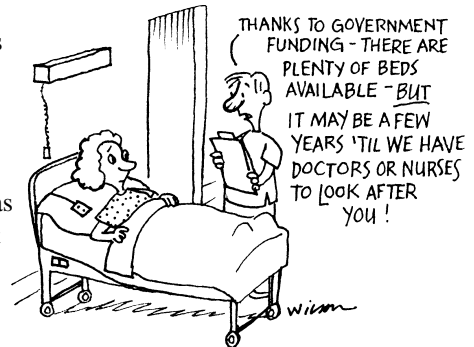
On June 14 and 15, I attended the 29th Interprovincial meeting of Health Care Professionals in Winnipeg, Manitoba. We discussed common issues around shortages, bargaining and health care reform.

Shortages

Every province is experiencing shortages of health care professionals from perfusionists to pharmacists, amongst others. Recruitment and retention plans are being developed. It seems that most governments only want to deal with new employees.

Manitoba will be opening a new training centre for Medical Laboratory Technologists; currently they do not have one. Alberta has attached a one-time retention pay bonus to their collective agreement for those professions it is difficult to recruit. Newfoundland is offering educational opportunities. As always, with the focus on doctor and nurses all provincial Unions are having difficulty getting their message heard.

The provincial unions, including OPSEU, are meeting with employers, government officials and news media to promote our issues. Newfoundland raised the issue that if Ontario and Alberta are having problems attracting staff what are they to do?



Privatization

Trends in privatization issues indicate that hospitals are quickly decentralizing many public services. As services move into the community, private companies claim they can reduce the stresses and long waiting lists. In Manitoba a firm called THIINC has facilitated a process to consolidate diagnostic services in the province. This company is also facilitating lab service reform in Ontario.

Interesting to note that privatization was needed in health care to drive down costs, and now the private sector is quoted to be the only way to deal with shortages of staffing!

Employers know that as dollars become available because of retirements, the dollars now become available to restructure the services.

Raiding

The significance of the CAW raiding was discussed at length. Quebec unions made us aware that in Quebec there is a six-month raiding period for all unions, before the collective agreement expires.

Bargaining

In bargaining, Saskatchewan technologists had negotiated a 9 per cent increase plus pension improvements. Alberta is seeking to maintain the nurse differential as the hospitals find it difficult to pay the nurses' raise of over 20 per cent. British Columbia employees were offered 10 per cent and turned it down. Quebec has maintained the nursing differential.

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Report from the Chair (cont'd)

Several provinces, such as Saskatchewan, are looking at doing job evaluations and standardizing salaries. Most collective agreements expire either in 2001 or 2002.

Strikes

Until a month or so ago, all provinces except Ontario and Alberta had the right to a legal strike. Two of our sister unions in NUPGE, the Nova Scotia General Employees Union and the B.C. Health Sciences Association, were engaged in legal job actions in order to get a fair contract. The governments in both provinces responded with Neanderthal measures.

In B.C. actions, the union educated the public through media campaigns on television and radio and by rotating strikes throughout the province. One day they would withdraw diagnostic services, the next day clinical and then the next day rehab services. They were only out one day at a time and large rallies were happening every day. The government used back to work legislation to force these 14,000 paramedical professionals back to work. The workers' ongoing determination to fight for a fair contract has forced a new offer from the employer. Talks continue.

In Nova Scotia, health care workers had a legal one-day strike and were then legislated back to work with the government having the ability to impose a settlement without negotiation. Their threat of mass resignations has forced the government to withdraw its legislation and agree to binding arbitration.

Laboratory Reform

In June, OPSEU met with the Ontario Hospital Association to discuss the lab reform reports submitted by Central East, Eastern and Northern regions to the Ministry of Health and Long Term Care.

We were told that the ministry would be signing contracts for lab services in the three regions where the reports were complete. Three representatives from our division, who are affected by the reports, are analyzing them in preparation for further action. The reports deal with centralizing laboratory services in the regions. Not all hospitals have agreed to the proposals. These reports are available to all employees in the regions affected. Lab reform plans are now being discussed in the Niagara and Kingston regions. If you have not seen the report, ask your supervisors for a copy. Please send your questions to our OPSEU web site.

OPSEU President Leah Casselman has requested a meeting with the Minister of Health to discuss the issues around lab reform. As we get more information we will forward it to you.

Romanow Report

OPSEU, together with other health care unions in the Interprovincial Health Care Professionals group, agreed to discuss making a presentation to the Romanow Commission regarding health care professionals and our function in the health system.

Possible issues include shortages, wages and working conditions and how it affects the public system today. The Commission's website is: <http://www.healthcarecommission.ca/mandate.htm>.

In conclusion...

Clearly, there is a great shortage of health professionals in our country today. Through education of the public and the government our issues shall be heard! Training of more health care professionals needs to happen now! It is critical that we be paid our worth and that significant wage gains are appropriate for everyone in our bargaining units.

We need to move forward as a group not just a profession. We need one strong message promoting that we are health care professionals providing clinical, diagnostic and rehab services, and we play an important role in health care in our community! This is the message we will take to the bargaining table in the upcoming round.

Questions or comments can be directed to the Division Executive through the OPSEU website
(under BPS Sectors, click on Health Care, then the Hospital Health Care Professionals Division, then "Contact Us")

Public Policy Report

Pat Collyer - Head of Public Policy Committee - OPSEU Local 575

The first Pre-Bargaining Conference of the Hospital Health Care Professions Division (HHPD) was held June 16 in Toronto with delegates attending from across the province. The daylong conference began with opening remarks from President Leah Casselman.

Moya Beall, OPSEU staff negotiator assigned to the Division, reviewed the proposed changes in bargaining procedures. Moya has extensive experience in negotiating and research with OPSEU. She replaces Diane Bull who has left OPSEU to work for the Ministry of Labour. The Division Executive, on behalf of the Division, presented Diane with a gift in appreciation of her

dedication and hard work.

OPSEU researcher Michele Haber reviewed data supplied in the Pre-Bargaining Booklet. Michele also requested delegates and members to contact her if they were willing to act as volunteer resource people in their disciplines and professions. Contact Michele by e-mail at mhaber@opseu.org.

Aimee Axler, chair of the central bargaining team, provided a report from the previous team and explained the process of interest based bargaining. Members of the Division Executive reviewed their recommendations contained in the Pre-Bargaining Booklet.

As the recommendations were reviewed the delegates were at the mikes providing their

comments on behalf of the membership. At the end of the conference, delegates were charged with the responsibility of reporting back to their locals the information provided at the Pre-Bargaining Conference. As follow up to the conference, a report will be issued to all delegates. It is their responsibility to inform you, the membership.

Delegates were also supplied with the Divisional timetable from June until the end of the year. This fall, all locals will be asked to call demand-setting meetings. We urge you to speak with your delegate to the PBC over the summer months and when it's time for your demand-setting meeting we hope you will ALL participate.

Psychological Associates battle College with OPSEU Support

Marlene Rivier - President Local 479 - Royal Ottawa Health Care Group

On June 12 the Ontario Superior Court of Justice (Divisional Court) dismissed the appeal of the College of Psychologists with respect to the Webster Decision previously rendered by the Health Professionals Arbitration and Review Board (HPARB) on October 28, 1999. The Webster Decision overturned the decision by the College's Registration Committee to impose a limitation on the certificate of Glenn W. Webster who was seeking to be registered as a Psychological

Associate (PA) member of the College.

The College recognizes two titles: Psychologist (PhD prepared providers) and Psychological Associate (Master's prepared providers). During the Fall of 1998 the College instituted a policy by which all PAs would have to apply for and submit to a second oral interview (from which Psychologists were exempt) in order to be permitted to exercise the controlled act of communicating a diagnosis. The

College's stated intent was to retroactively impose limitations on the certificates of all PAs who did not undergo this discriminatory procedure. The College had previously attempted to set regulations limiting the access of PAs to the controlled act of diagnosis without success. After much protest from PAs and advice from their lawyers, the College abandoned its plan to retroactively apply limitations but went forward to limit those who had not quite completed the

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Psychological Associates

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registration process and all future PAs.

In the Webster Decision HPARB found that the College lacked the legal authority to impose a class wide limitation on the certificates of PAs. The College appealed to the Divisional Court and notified Mr. Webster that they would be seeking costs from him and the other 14 respondents. The College later entered into an agreement with the group whereby they would be registered without limitation on condition that they not appear at or oppose the College's appeal at Divisional Court. This left the College free to plead their case to the Court without opposition. In a particularly appalling twist the College's lawyer indicated to the

Appeal Court Justices that the College was considering renegeing on the agreement and placing a limitation on Mr. Webster's certificate in the event that their appeal was successful. The Justice commented "that's not much of a deal."

Marlene Rivier, a PA and president of Local 479 at the Royal Ottawa Hospital, contacted Mary Anne Kuntz and Catherine Bowman at Head Office looking for OPSEU support to oppose the College in court. Legal representation was arranged and on June 6, a scant few days before the court date, OPSEU was awarded intervener status. Kate Hughes, armed with the factum prepared by Fay Faraday (both of Cavalluzzo Hayes Shilton McIntyre & Cornish)

argued vigorously on behalf of OPSEU's PAs. She pointed out that the College was attempting to accomplish through internal policy what it had been prevented from doing through regulation. Mr. Justice then reminded the College that it does not have the power of the cabinet of the legislature.

Thanks to OPSEU, PAs have had their day in court and a sweet victory to boot! But the battle isn't over yet. The College has yet to comply with the Webster Decision. With OPSEU's legal support we will see that they do!

For more information you can contact Marlene Rivier at (613) 722- 6521 x 6608 or mrivier@rohcg.on.ca.

Bill 57 takes away workers' rights

Frank Pezzutto - Chair - Health & Safety

On May 17, without notice, the Harris government introduced a dangerous new law into the legislature. Bill 57 is a giant bill that amends 30 different laws. The most shocking changes will come in the Occupational Health and Safety Act (OSHA) and put the lives of all Ontario workers at risk. The amendments to the OSHA will significantly weaken worker protection and worker's health and safety rights. The main amendments include the following:

Repeal of Section 43 (7), which required health and safety

inspector to investigate a work refusal at the workplace in the presence of the worker. The new government amendment would allow an inspector to investigate over the phone and not investigate at the workplace. An inspector can issue a ruling about endangerment without ever examining the work site, and deny workers' the right to have the hazard evaluated objectively and competently by an inspector. This places workers in serious jeopardy given that they may be forced to return to the work with the hazard without independent evaluation by an inspector. This

is meant to deter workers from exercising their right to refuse and places them in double jeopardy.

This also violates Section 7 of the Charter of Rights and Freedoms, which prohibits taking away the right to the security of the person without due process. Should an inspector follow this new provision and decide against a worker without investigating at the workplace, then the workers right to security of the person has been denied without due process in violation of Section 7 of the Charter.

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Bill 57

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“7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”

Canadian Charter of Rights and Freedoms, Section 7.

Repeal of Section 34, which required employers to notify the Director of Health and Safety when introducing new chemical or biological agents and give information about the ingredients of the new chemical. It also repeals the power of the Director to order an assessment of the agent where the Director is of the opinion that workers may be endangered by the use of the new chemical agent. The deletion of this proactive requirement will place workers’ health and safety at serious risk of exposure to substances that may not have been evaluated for their health and safety risk. It allows

employers to introduce substances without assessment of risk and what measures should be taken to protect workers. It must be remembered that there are literally thousands of new chemicals introduced in the workplace annually.

Repeal of Section 36, which required employers to maintain an inventory of hazardous substances in the workplace. Section 36 also required the employer to provide public access to this inventory. With the repeal of this section workers and public health and fire safety officials are being denied access to vital information on hazardous materials in the workplace and the community. This is also a breach of the joint federal/provincial agreement on the Workplace Hazardous Material information System (WHMIS).

Repeal of Section 52 (1), which required the employer to report

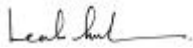
accidents to the Director within 4 days. The amended legislation would require this only when an inspector requires notification. Since inspectors rarely investigate such accidents, these events will be reported rarely.

Repeal of Section 57 (10), which required an inspector to provide a copy of his or her report to a complaining worker. The amended legislation would only require an inspector to provide this report when complaining worker request this report.

Additional amendments to Section 9, Subsection 3.2: in addition to the Minister of Labour’s power to order joint committees, this new section allows the minister to permit worker members to designate workers who are not on the committee to conduct inspections and represent workers during work refusals.

Hospital Health Care Professionals Division Executive

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Negotiating Team			

Authorized for distribution:

 Leah Casselman, President