



Local 439 News

August 18, 2009

Preliminary redeployment meetings held

Your team and the employer met July 24, 2009 for the Preliminary Redeployment Meeting. This was the first meeting with the employer to discuss the interpretation and clarification of the Human Resources Labour Adjustment Plan (HRLAP). As previously mentioned in *Local 439 News*, many of these discussions will require Cluster Negotiations as per the HRLAP. Many issues are still open for interpretation until we have an opportunity to meet with all the affected parties.

In our discussions it was agreed that any arising unresolved disputes about the interpretation and application of the HRLAP at the local level will be moved to the Dispute Resolution Process. In this case, the parties have agreed to immediately proceed to arbitration rather than referring it to a Dispute Resolution Committee as per the HRLAP. The parties have further agreed that Vice Chair Christopher J. Albertyn is the arbitrator seized with this matter.

Further Discussions

The following issues are currently under discussion:

- 1) Conversion of the 32 Royal Ottawa Place (ROP) beds from long term care to mental health continuing care beds**

OPSEU's position:

Our position is that this conversion should be considered a "Program Transfer," therefore triggering the HRLAP. The funding was transferred from Brockville to Ottawa in 2006, and now that there is movement of employees or work the HRLAP should be triggered. The bargaining unit members should be able to follow their work.

Employer's position:

The employer is of the opinion that the 32 ROP beds are not part of a program transfer, but will be treated as "Individual Patient Transfers." They have indicated that they will ensure that the affected staff in Brockville are given opportunities to compete for new positions at ROP related to the 32 beds, but only if there is an agreement reached during the cluster negotiations.

This matter has been referred to arbitration. Tentative hearing date: January 24, 2010

2) Elmgrove Program Transfer:

OPSEU's position:

The union's position is that program transfers include both "Direct" and "Indirect" personnel. To put it simply, all jobs go with the program transfer.

Employer's position:

It is their position that this program transfer will consist of the Clinical Team which includes the support staff directly related to the program. For example, clinical team secretaries employed in the Elmgrove Service.

Discussions continue on this matter, but it will likely be referred to Arbitration.

3) Incumbents vs. Seniority:

OPSEU's position:

Our position is very simple: Since seniority is the corner stone of any collective agreement, members should follow their work based on seniority.

Employer's position:

They maintain the position that only the incumbents go with their work.

This matter has been referred to arbitration. Tentative hearing date: January 24, 2010

4) Treatment of casuals as they downsize: what is the plan?

OPSEU's position:

The union has expressed concerns regarding the treatment of casual workers. Specifically, that the employer, as they proceed with layoffs, may keep casual workers while gradually reducing their hours. This would have a negative financial impact on these employees.

Employer's position:

The employer has agreed to the union's proposal subject to the reduction of casual pool hours. The employer will request that Nursing Management monitors this closely and ensure there is a process to indicate when the anticipated reduction of hours will occur.

Discussions / monitoring will continue:

OPSEU and the employer have expressed a commitment to ensure that members have the necessary resources and supports in place during this process. The following is a list of possible resources and /or sessions that may be available and implemented for the members:

- Employment Ontario
- EAP provider
- Pension Sessions (HOOPP, OPTrust)
- Financial Planners
- St. Lawrence College (upgrading programs)
- Service Canada Employment Insurance

As previously mentioned, there are a number of issues that require further negotiations. Your Local Executive, staff representatives and OPSEU Head Office are very invested in preventing these layoffs, and will do whatever it takes to reverse this decision. We are determined to ensure that you have the best possible options available to you consistent with the collective agreement, and other relevant legislation.

Many discussions will require “cluster negotiations”. We have initiated contact with Local 479 in Ottawa and plan to meet this month to discuss the HRLAP. That way, we can be on the same page before meeting with the employer.

Stay Tuned....

Further mobilizing activities will occur in September. Solidarity, support and unity is vital in this fight. We need your support at meetings, demonstrations, and rallies, to show the employer we are solid and that you support your union.

Familiarize yourself with Article 16 of your collective agreement and the Human Resources Layoff Adjustment Plan (HRLAP). (attached)

Avoid the Rumour Mill

This newsletter is your official communication - if you don't read it here, you can't be sure whether or not it is true. Don't listen to rumours at the work place. Check your facts. Read it here, or talk to a member of your team.

UNITED WE BARGAIN, DIVIDED WE BEG!

Again, we thank you for your patience and support during this time. If you have questions, please contact:

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