

Impact

OPSEU



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Mediation/arbitration dates set for remaining Futures grievances

The last group of job competition grievances arising from MPAC's "Futures" reorganization will be heading to mediation/arbitration ("med/arb") in the spring of 2005. This group includes job competition grievances filed by approximately 35 Property Inspection Analysts, Customer Contact Specialists, Customer Service Clerks, Admin Clerks - Property Values, Municipal Relations Assistants and Office Administrators.

Approximately 25 grievances concerning layoffs that took place in March 2003 are also scheduled to be heard. The dates for the upcoming round of med/arb hearings are April 5-6 and May 30-31, 2005.

Special med/arb process

These grievances will be dealt with through the same expedited med/arb process as previous Futures grievances. This special process was negotiated during the last round of collective bargaining to handle the large number of grievances members filed in response to the employer's Futures restructuring project.

To date, 92 job competition grievances filed by PA5s and CSRs have been dealt with under this process. Of these, 28 were resolved by settlements, 21 grievors were awarded remedies

and 43 grievances were dismissed. A number of other grievances were withdrawn before the med/arb stage.

In hearing the first group of Future's grievances, arbitrator William Kaplan issued a ruling that will affect the remaining job competition cases. Kaplan disagreed with the union's position that the employer's interview process was arbitrary, unreasonable and unfair, and that seniority should have been the

(continued on page 2)

Building our strength – getting ready to bargain

Since MPAC was divested from the Ontario Public Service – and throughout the employer's restructuring – one thing has been clear as a bell to OPSEU members. We face one of the most corporate and consistently anti-union employers in the province.

Fortunately, we also have a key resource to help us fight back – and improve our wages and working conditions. That resource is our union. Preparations for the next round of contract talks are set to start next year. So, now is the time to strengthen our union in every workplace across the province.

Mobilizing plan for 2005

Over the coming year, your UMC representatives will be working with OPSEU staff

(continued on page 2)

Also in this issue:

- UMC reps push MPAC for answers . . . 3
- Other MPAC grievances 4
- "You Gotta Be Kidding Me" award . . . 5
- Keep in touch 5

Future grievances... *from Page 1*

deciding factor. Instead, he ruled that – unless there were “exceptional circumstances” – the employer’s interview scores would be used to rank the candidates. As a result, seniority will only be considered if the candidates’ competition scores were “relatively equal.” This ruling will have an impact on the remaining job competition grievances.

Preparing for the hearings

To help coordinate the remaining Futures grievances, your UMC representatives held two meetings with Mary Anne Kuntz, Acting Supervisor of OPSEU’s Grievance Unit, and Grievance Officer Stephen Giles in November and December. Discussion focused on the special med/arb process and how the remaining cases will be handled.

As a result, the following changes were made:

- Stephen Giles has been assigned to handle all outstanding MPAC grievances.
- Kristin Eliot of the law firm Eliot Smith will act as legal counsel for the remaining Futures grievances.

- OPSEU will continue preparing the cases of all grievors who confirmed their interest in proceeding by responding to OPSEU’s written request for documentation in July 2003.
- OPSEU has requested disclosure of all relevant documents from the employer. Once the union receives these documents, individual grievors will be contacted by letter – likely in late January or February.
- Each grievor will have an opportunity to review his or her grievance file and assist in preparing the case for mediation/arbitration.
- To help prepare these cases – and ensure consistent communication with the grievors – members of your UMC team will be involved at each stage of the process.

Important! To streamline communications, grievors should direct any questions to their steward or UMC representative. Please do not contact OPSEU’s Grievance Unit or legal counsel directly (unless you are asked to do so). This will help us answer your questions accurately and efficiently, while allowing our grievance officer and legal counsel to focus on preparing the grievance cases.

Building... *from page 1*

on a number of initiatives to do just that. These include:

- Organizing a series of local membership meetings across the province this winter or spring. These meetings will give members a chance to identify the issues that matter most and discuss ways to enforce our collective agreement. They will also be an opportunity to ask questions about the upcoming pay equity survey.
- Holding a series of one-day regional workshops for stewards and other local leaders. These workshops will focus on identifying members’ issues and management’s tactics, improving contract enforcement and building leverage for bargaining.
- Providing additional support in critical areas to help members organize and mobilize.
- Developing strategies to make the provincial government aware of the chronic mismanagement at MPAC.

To help us build the strength of our union, the OPSEU Executive Board has provided \$50,000 to fund this campaign.

You can make the difference

The key to all this is you. Throughout this process and in the lead up to demand setting, you need to be talking to your stewards, local leaders and UMC reps about your issues and priorities. You should also think about how you can get more involved.

Working together is the only way to ensure that management respects our rights – and to win important improvements in our next round of bargaining. So once the dates are announced, please make an effort to attend the membership meetings in your area. In the meantime, if you have any questions or suggestions, get in touch with your UMC rep.

OPSEU UMC reps push management for answers:

Communications equipment • Job postings • Performance management

The latest Union-Management Committee (UMC) meeting took place on Dec. 3, 2004. At the meeting, your elected OPSEU representatives pushed MPAC management for answers on a number of important issues.

1) Communications devices and health and safety

Your UMC reps continued to push for a solution for members working in the field in areas where there is no service for normal cell phones. The team pointed out the serious health and safety risks this raises and asked the Employer to provide communications devices that will work under all conditions.

The team also pointed out that members in a number of classifications are required to work in the field, but are not provided with cell phones. This also raises serious health and safety concerns. Your reps took the position that the employer should make cell phones available to all staff who need to travel outside the office.

The employer said they are still investigating these issues. They have agreed to look into what communications systems can offer better coverage and to review the need for mobile communications for all staff who work in the field. They also agreed to review policies that other jurisdictions have put in place to address health and safety issues associated with working alone in remote areas. The employer agreed to respond to all these issues at the next UMC meeting.

2) Job postings

Your team also raised a complaint from a number of members about the locations listed on job postings. Under the collective agreement and the terms of a previous grievance settlement, MPAC management is required to identify the office location on all job postings. However, in several cases the employer is filling positions without requiring the employee to work in

the posted location – or even in the same administrative region.

This practice undercuts the fairness of the job competition process, since members may decide whether to apply for a posting based on the advertised location, with no way of knowing whether they may be able to work in another location or region. It also effectively reduces the staff complement in the office where the position is supposed to be based.

Here again, the employer agreed to review the cases raised and report back at the next UMC meeting.

3) Performance management

Your union reps also continued to push the employer for guarantees regarding the new performance measurement system, which is being launched in January. Members continue to have serious concerns about the fairness and objectivity of both the goal-setting and the performance evaluation components. They are concerned that the new system will be used to increase workload and push for speed-ups and increased productivity. They are also concerned that performance evaluations could be used as the basis for discipline or dismissal.

When your reps pushed for answers, the employer repeated that the focus of the program is to give employees direction, clarify expectations and identify where training or other support is needed. However, management refused to guarantee that the performance evaluation results will not be used to justify discipline against individual members.

In the meantime, here are a few tips you might want to keep in mind when you meet with your manager to discuss your objectives for next year:

- Be sure that the objectives your manager proposes are realistic. If they aren't, say so. Ask your manager which objectives can be dropped or modified.

(continued on page 4)

(continued from page 40)

- Be sure that you have all the training, equipment and support you will need to meet your objectives. If not, ask for them. If your manager refuses, make it clear that this could affect your ability to meet the goals he/she has set for you.
- The employer has confirmed that you do not need to sign the performance management agreement.
- After your meeting, if you still have concerns about the objectives, your workload, or the training and resources that are being provided,

write a follow-up memo to your manager. Use this memo to restate your concerns and what needs to be done to support you in achieving the goals management has set.

Who ya gonna call?

Have a problem you think should be raised at the Union-Management Committee? Talk to your local steward first, to see if the issue should be dealt with through the grievance process. If not, you or your steward should contact one of your OPSEU UMC representatives. See the list on page 5.

Other MPAC grievances still in the works

In addition to the Futures cases, MPAC members have filed a large number of individual grievances on a range of issues. Your UMC reps also discussed these grievances when they met with staff from OPSEU's Grievance Unit.

Unlike the Futures cases, these grievances will be handled under our collective agreement's normal grievance procedure. This includes the option of a mediation hearing prior to arbitration. Grievance Unit staff have contacted MPAC management about scheduling these cases and hope to confirm at least 8 hearing dates for 2005. Each case will be reviewed by Stephen Giles with assistance from one of your UMC reps, and the grievors will be contacted in advance, once hearing dates are set.

Because of the large number of outstanding grievances, it may take some time to schedule the hearing for your individual grievance. As with the Futures grievances, if you have any questions about your case, please contact your steward or UMC member, rather than calling the grievance officer.

Classification grievances

Among the outstanding cases are a large number of classification grievances. However, our collective agreement with MPAC does not include language that allows for arbitration of classification disputes.

Why? Because OPSEU members in the Ontario Public Service (OPS) were stripped of

the ability to grieve classification issues in 1993, at the time of the Social Contract. While MPAC was divested from the OPS in 1998, we have not regained the right to send classification grievances to arbitration in subsequent collective agreements. (In the OPS, there is now a joint review process for classification complaints. However, as with the MPAC agreement, there is still no mechanism for arbitrating classification grievances in the OPS.)

As a result, we have been advised by OPSEU's Grievance Unit that it is not possible to proceed to arbitration with members' outstanding classification grievances.

In the coming weeks, your UMC reps will hold further meetings with grievance staff to review all outstanding grievances on classification and other issues. We hope to provide individual grievors with more information at that time.

Grievances and bargaining issues

In the meantime, with our collective agreement expiring in December 2005, demand setting is scheduled for this coming fall. So, now is a good time to start thinking about your priority issues. Of course, we expect wage and benefit improvements to be key demands. Members may also want to consider whether issues that have generated grievances – including classification problems and a better way to resolve them – should be brought to the table as bargaining demands.

MPAC up for “You’ve Gotta Be Kidding Me” award

It’s awards show season again, and this year OPSEU members at MPAC have an extra reason to stay tuned. That’s because the smart money is on MPAC management for this year’s international “You’ve Gotta Be Kidding Me” awards.

How did MPAC earn this honour? Simple. Despite the disastrous “Futures” reorganization and the continuing deterioration of services, management spent last fall patting themselves on the back for landing the “Distinguished Assessment Jurisdiction Award.” (We’re still wondering what they’re smoking over at the International Association of Assessing Officers.)

Help wanted...

So, with apologies to David Letterman, we’re putting together the top 10 reasons why MPAC management should NOT have won a Distinguished Assessment Jurisdiction Award – and we need YOUR help.

Got a reason why you think MPAC should NOT be named a distinguished assessment jurisdiction? Just send it to queenvic100@hotmail.com or opseu534@sympatico.ca, along with a brief explanation, your name and your phone number. We’ll publish the top 10 list in an upcoming issue of *Impact*.

Keep in touch!

To keep in touch with your OPSEU leadership team, contact the member responsible for communication with your office. Contact us by e-mail at work or at home, as follows:

- **Jennifer Reid (team chair, London):** London, Brantford, Sault Ste. Marie, Ottawa, Cornwall, North Bay, Sudbury.
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