

# OPSEU IMPACT

OPSEU news for MPAC members

May 23 2002

## “Futures” One year later...what a mess!

A recent leak revealed that MPAC is now worried about declining production. They will be sending managers on “how to motivate employees” sessions. We have an easy answer for the brass: just note everything you have done over the last year, AND DO THE OPPOSITE. Then you will have motivated employees, as your re-org seems to have been designed to demoralize the workforce.

This one year later edition has special info for redundant employees, bargaining schedule, grievance updates and stress management. We don't know where we will be this time next year, but let us hope that MPAC is a better place to work than it is now. Every time we say “it can't get any worse” management seems to take that as a challenge!

### **Bargaining starts in June**

Getting ready for the bargaining table starts far ahead of that first meeting. In OPSEU, we place great emphasis on analyzing our contract and setting demands that the



members want and need. Here is an overview of the coming events:

June-August; Each office elects delegate(s) to attend our two bargaining conferences.

Sept. 21/22; Pre-bargaining conference at Delta Airport Toronto. This includes analysis of contract and grievances, election of a 5 member team, education on local demand setting and how to involve members.

October; Every workplace is surveyed and has a local demand setting meeting to set priorities.

November 16/17; Final demand setting at Delta Airport Toronto. Team presents local priorities and delegates decide on final package.

December; Bargaining commences.

### **MPAC hires Cannibals!**

Five Cannibals got jobs with MPAC. During the welcoming ceremony the CSR manager says, "You're all part of our team now. You can earn good money here, and you can go to the cafeteria for something to eat. So please don't trouble any of the other employees". The cannibals promised.

Four weeks later the boss returns and says, "You're all working very hard, and I'm very satisfied with all of you. However, one of our clerks has disappeared. Do any of you know what happened to her?" The cannibals all shake their heads no.

After the boss leaves, the leader of the cannibals says to the others, "Which of you idiots ate the clerk?" A hand rises hesitantly, to which the leader of the cannibals replies, "You fool! For four weeks we've been eating Vice Presidents and Senior Managers and no one noticed anything, now you have to go and eat a clerk!"

## Redundant members Q&A

With the much delayed announcement of long term complement numbers, and as competition results are distributed, the insecurity level is rising for many of us. While the picture is not clear yet, the following is an overview for those whose jobs are still at risk.

If I do not leave, what happens to me at year end?

The Protocol does not necessarily end on Dec. 31 2002. If bargaining is continuing, then your job protection is in place. That protection, or some enhanced job security or severance, MAY be bargained into the next contract.

### **So what happens at the end of the job guarantee?**

A surplus notice is the beginning point for two important roads.

One road follows the bumping provisions in Article 13. In essence, if you can do a job and it is paid lower than your current position, you can bump an employee with less seniority.

The second is the bridging to an unreduced pension. This agreement was finalized on April 18 and we are impatiently awaiting its posting on the Intranet. It allows surplussed employees

within 18 months of their pension date to get to that date by using leave provisions.

**What if I am one of the employees who are let go?**

It is important that you realize that you STILL have a claim on a job with MPAC. Refer to article 13.14 of our contract. The time limit (which is found in article 11.03d) is 18 months. You do NOT retain this right if you have opted for the VEO. Employees should consider long and hard before they give this right up. Given: the natural attrition rate; the internal promotions that naturally open up vacancies; the low morale at MPAC; the probability of an 80 factor extension; and last but not least, the fact that WE ALL KNOW that MPAC cannot provide the service required with the new structure and fewer employees; it is likely that upwards of 100 surplussed employees will be recalled in that 18 month time period. It may be many more, depending on how long it takes sanity to overtake stupidity in MPAC management (we know that is not something anyone wants to count on).

An important point is that the laid-off member's right kicks in as soon as there is any vacancy. Before any contract workers can be hired and before the job is posted for other members to bid on

**Is there any way I can maximize my chance of being recalled to MPAC?**

Our Aug. 16 agreement gives you two strategic weapons. The first is developmental opportunities. You should examine your office to see if and where you might find a vacancy in the mid-term. That job you were turned down for can be yours IF it becomes vacant and you are the most senior laid-off worker. This time you do not have to be the "best" in some ill-trained, favorite playing managers eyes. You just have to be able to do the job. You can get ready for that on MPAC's ticket by requesting the developmental opportunity NOW. The UMC has discussed these

opportunities for Drafters and an announcement will be coming shortly. Additionally, you have access to \$2,000 in tuition money to get ready for that vacancy. Make sure you use it, because if not, you lose it!

**Can I apply for the VEO and submit a date of Dec. 31?**

Of course you can. But please be sure that you want to leave before you take that step. And carefully read the section above on recall rights which is often overlooked, but may be your ticket to returning to MPAC. Once you want to exit, submit your application with the date YOU want, right up to the end of 2002. You will then find MPAC scurry to chisel you to a much shorter date. Demand that all correspondence be written. You can then file a complaint with Arbitrator Adams and seek your chosen date.

If you take the plunge and leave on MPAC's date, the complaint will then be pointed to getting you payment in lieu for those days they cheated you on. If you stay at MPAC, then the complaint may bring you approval of your chosen date. These are probable outcomes, but we will have to wait to see how Mr. Adams decides these issues. We expect to have these questions answered this summer (we have been pushing for a hearing on this since March).

**If I am redundant, when can MPAC issue a surplus notice?**

It is important that you refer to article 13 of our contract. While the term "designated for layoff" is used instead of "surplus", they are synonymous. Article 13.11 stipulates that a surplus notice must be given to any such employees. MPAC says that our protocol restricts layoffs for its term, but not layoff notices. We do not agree, but in any case, a layoff notice must contain a firm date to be legal. Since the ending of the protocol is dependant on bargaining the next contract, the valid layoff date cannot be predetermined until bargaining is at an impasse.

Any layoff notice issued before that happens will be scrutinized closely for legality. We would hope to overturn any such notices and have told MPAC they should not go down that road as it only adds to the stress and confusion of these members.

**How much notice am I entitled to?**

We have told MPAC that their cessation of regional office operations invokes article 13.17 which requires 6 months notice. As per their usual, they reject giving any benefit to members unless they are forced to. We intend to force them to do the right thing, but this will only commence when notices are actually issued.

**How will bargaining affect surplus employees?**

The best way to stop the layoffs, or increase payouts, is to link any surplus with bargaining. Our best scenario (apart from MPAC NOT surplus) is that surplus employees can only be terminated at the end of the protocol. This is also when we are in a legal strike position. That would obviously affect bargaining. Your team wants our bargaining goals to include extending the no-layoff guarantee and to increase notice and severance entitlements.

**Summary:**

We continue to use every avenue to stop layoffs. Employees who have not found a place to land should be wary of jumping for a six months buyout.

If you have a job lined up, the VEO might be your best course.

If you think it will be tough to find a job, then you may be better off to let events play out and retain your recall rights.

This reorganization is doomed to fail. Every thoughtful employee, management or bargaining unit, can see that. How that will shake down when the heads roll at the top may be interesting, but it may also be painful.

**Don't ignore stress!**

We know that stress causes physical and mental illness. We know that many of our members have been under enormous stress for YEARS. We know the people who are most affected are often older workers, or workers already experiencing illness or tough personal issues.

The recent passing of one of our members who was rejected for a job reminds us to watch out for ourselves, and for others. Did this horrible employer restructuring contribute to an early death? In any one case it is hard to say. But we can say with certainty that one year later, Futures has hurt our collective health and taken time off of many lives.

Take care of yourself! Use the Employee Assistance Program without any hesitation..Mike

Bullard (of Open Mike fame) said recently that he went to see a counselor and was very surprised at how much it helped him. He had no idea how much pent up baggage he was carrying.

## **MPAC Grievance file**

OPSEU makes special effort for MPAC members. Normally competition grievances are ended when an OPSEU member leaves their employment. MPAC is a different situation, as they have set up a system where many members become redundant if they are unsuccessful in a competition. Of course MPAC makes it worse because they offer a VEO, and misuse it by forcing members to leave NOW.

Recognizing this special situation, OPSEU has committed to spend the money to take unsuccessful competition grievances forward, if the greivor would return to MPAC if the grievance is won. The member will have to return any severance or VEO monies to MPAC if they return to work.

So even if you are leaving, please ensure you grieve those unfair competitions, if you think there is any chance you might want to return to MPAC.

### **CSR/VEO complaints await hearing with Adams**

Our lawyers continue to push MPAC to schedule a hearing. The sense we get is they are not nearly as interested in getting these cases heard quickly as we are. We will keep pushing.

### **Competition grievances being fast-tracked**

OPSEU and MPAC have agreed to set up special arbitrators and dates to hear the hundreds of competition grievances. We hope to have hearings set up over the summer and complete the process by fall. If you are interested in knowing more about

The EAP number is 1-800-387-6000, the service is free and completely confidential. For more information, look on the Intranet under Human Resources/Wellness/Get in CONTACT

how competition grievances are decided, OPSEU has prepared a background document that we have circulated to all stewards. We are very hopeful that we will finally get justice at arbitration. In most cases, the onus is on the Union to prove their case, but in competition grievances where the greivor has seniority the EMPLOYER has the onus to prove they selected the candidate that is significantly superior. They will also have to justify using interviews to determine the competitions, as precedent says they can only be PART of the determining factor.

### **Inclusion grievances scheduled**

MPAC's re-org resulted in the creation of dozens new positions. Many were excluded by management. These decisions will be reviewed at arbitration beginning in August.

MPAC terminates contracts, hires students. While we all love and support our students, it is a slap in the face that our employer terminates workers and then hires students (with a government subsidy) to do the SAME work. If you are serious about that motivation problem, rethink that strategy Bob!!!!!! The Federal Government subsidy required the Union's blessing, and MPAC did not get our approval. So the number of students is reduced from the original planned recruitment. When we have hundreds of redundant employees, we should not be hiring replacement students.

## **And finally, a thank-you...**

To: OPSEU team

From: Ed Fick, Pembroke steward

Subject: *This is my last day to be employed by MPAC!*

I just wanted to thank you guys for all the good work you have done over the past few years fighting the seemingly irrational and self-destructive behavior of this organization we all work for (or worked for). As steward here in Pembroke for the last few years, I realize what a thankless job this can be and I figured a little encouragement would be appreciated. If you are ever up in the Deep River area, stop by the lodge ([www.kolodge.com](http://www.kolodge.com)), have dinner and say hi.  
Thanks again, Ed.