

TCHC Staff Vote

Thursday, June 13

OPSEU answers your questions

Q1 Why should I vote for OPSEU?

A1 You will be in a local that is run by and made up of only TCHC staff. You will have a contract that specifically deals with housing corporation issues.

OPSEU has 30 years experience negotiating contracts for housing authority employees. We have the experienced negotiators ready to take on what will likely be a tough set of negotiations with the TCHC. We think it's dishonest to make false promises about what will end up in the contract. But with your support, we are committed to negotiating at the bargaining table and mobilizing in the workplace for the best contract possible.

You will have your full seniority recognized regarding all of your rights under the collective agreement, including bumping and layoffs.

You will control whether your grievances go forward, as is your specially protected right under the OPSEU Constitution, Article 25.2.

Q2 The representation vote is Thursday, June 13. Whose collective agreement applies from that day forward until a new contract is negotiated?

A2 The winning union's collective agreement applies until a new contract is bargained. If OPSEU wins the vote, you'll get a collective agreement specific to the housing corporation. If CUPE wins, you'll get their collective agreement with the City of Toronto.

Q3 What does it take to win the representation vote?

A3 The winning union must win 50 per cent + 1 of the ballots cast.

Q4 Comparing OPSEU 592 and CUPE 79, who represents TCHC staff on their local executives?

A4 Every single member of the OPSEU 592 executive is from TCHC. CUPE 79 says it will commit one position on their 14 member-executive to TCHC staff. The 500-member unit of TCHC staff will be swamped in a much bigger local of 20,000 members, most of them city workers.

Q5 Why should Security Officers vote for OPSEU over CUPE?

A5 CUPE's collective agreement has no provisions for Security Services. CUPE 79 has two Fire Safety Officers. They represent no other Security Services staff.

Contract staff in Security Services have benefits under the OPSEU collective agreement. They do not in the CUPE collective agreement.

OPSEU has won significant grievances for Security Officers including the conversion of 35 contract staff to permanent staff in 1999.

OPSEU wants to preserve the two bargaining units. One for Professional, Office and Clerical and one for Security.

CUPE has argued staff at TCHC should be in one bargaining unit and in fact, be folded into their existing unit of 20,000 city workers.

We don't believe this is in the best interest of the Professional, Office and Clerical employees or the security staff. The two bargaining unit structure has allowed each group of employees to bargain their collective agreement specific to their own needs.

Q6 CUPE says it will win its argument at the Ontario Labour Relations Board for TCHC staff to be city employees? Is this true?

A6 Our legal counsel says this is not likely. The terms of the TCHC make it clear that the corporation is the employer of its staff, not the city. It is likely that the Labour Board will rule that TCHC staff will have their own, separate bargaining unit. They will not be part of the city.

This means, for example, that TCHC staff will not be able to bump into the city bargaining unit, and conversely, neither will city workers bump TCHC staff out of their jobs.

A good question for CUPE to answer: if CUPE is successful, could TCHC staff face a strike deadline by the end of June if they became part of the CUPE city-wide bargaining unit?

Q7 CUPE says it has a better contract than OPSEU? Is this true?

A7 No, and we'll go into detail as to why further down. But it's important to keep a couple of things in mind.

First, the winning union will have to bargain a new collective agreement. It is irresponsible for either union to make guarantees about what will be in the new contract. We already know it will be a set of tough negotiations, just as CUPE right now is in tough negotiations with the City of Toronto.

The key thing is to go in with our eyes open, ready for the struggle ahead. This vote is about the future, not the past. We're committed to working with you to bargain a good collective agreement.

Secondly, the winning union will bargain a contract for TCHC staff only. So any provisions dealing with the city will not apply in the future.

Q8 CUPE says it has better job security language than OPSEU? Is this true?

A8 No. Both collective agreements allow for redeployment through extensive bumping. The OPSEU agreement provides for bumping within the Professional, Office and Clerical bargaining

unit. The CUPE agreement allows for bumping across the city. But as mentioned above, this will be irrelevant in the future because TCHC staff will likely have their own bargaining unit.

The superior OPSEU language is:

- i) Six month notice of layoff. CUPE's is 30 days.
- ii) In the OPSEU Contract, an employee redeployed to a lower-paying position continues on the higher-paying grid and continues to progress on that grid in perpetuity. CUPE freezes the grid increment and places the employee on lower grid after 35 months.
- iii) With OPSEU, the employee is not qualified to bump into any job, she will be temporarily placed into a job and given 25 training days after which time, assuming qualification, the placement will be permanent.
- iv) OPSEU Contract offers greater flexibility in recall options.
- v) The Voluntary Exit Option is enticing for senior staff and protects more junior staff from layoff. CUPE has no VEO clause.
- vi) Upon recall, employees re-enter the grid at a point recognizing their years of service. CUPE has no provision.

CUPE 's language protects permanent employees with more than 10 years of service from losing their job as a result of contracting out. It does not protect them if they lose their job due to downsizing or technological change. Also, this provision is included in a letter of intent which expires when the collective agreement expires. This language will have to be renegotiated, and this is the main issue in CUPE's current round of bargaining with the city.

Q9 CUPE says that TCHC staff will be able to redeployed across the city. Is this true?

A9 As further proof that TCHC staff are being treated as a separate bargaining unit from the city, CUPE members at TCHC have not been able to access jobs in the city since Jan. 1.

Postings to TCHC employees clearly state that they are considered outside applicants.

Q10 CUPE says that OPSEU has not been as successful as CUPE in protecting staff from layoffs. Is this true?

A10 No. OPSEU ensured that all permanent employees at the former MTHA/MTHC were redeployed when their positions were eliminated due to downsizing, reorganization, and contracting-out. Some examples are the re-organization in 1996, last year's roll-out of Enhanced Communities and the contracting-out at Security Services.

Q11 CUPE says it has successfully bargained wage harmonization. Is this true?

A11 It is our understanding that CUPE members doing similar jobs at the former City Home and MTHCL are still making different wages.

Q12 If OPSEU members vote for CUPE, will they get to keep their entitlements under the OPSEU Pension Trust?

A12 There is no guarantee that if you are no longer a member of OPSEU that you will keep those entitlements including access to Factor 80, Factor 60/20 and medical benefits upon retirement.

Q13 How do OPSEU and CUPE's collective agreements compare in terms of sick leave?

A13 OPSEU's sick leave operates on what's called an "insurance model": full salary for the first six days and 75 per cent of salary for an additional 124 working days, each calendar year. This combination provides the best protection for people who have long-term illnesses.

CUPE takes a different approach to sick leave. It has a sick leave bank of 18 days at 100 per cent of pay that you can carry over each year. This does not provide as well for those who need long-term sick leave.

Q14 How does OPSEU and CUPE's collective agreement compare in terms of pregnancy/parental leave?

A14 OPSEU members receive 93 per cent of

their salary for the duration of leave, including the first two weeks. CUPE members receive 75 per cent for the duration of the leave. They receive no pay for the first two weeks.

Q15 CUPE claims it has an advantage over OPSEU because it has experience bargaining with Harold Ball and OPSEU does not. Is this true?

A15 No. OPSEU has 30 years experience bargaining on behalf of our housing authority members. When MTHA was downloaded in 2001, the employer voluntarily recognized OPSEU's collective agreement.

The key to being successful in bargaining is your bargaining power. And that comes from the support your members show the bargaining team in the workplace. It's not about personalities.

OPSEU has bargained in successive rounds opposite a number of management teams at the former MTHA/MTHC. We have a history of taking on the employer and winning. Among other gains, we won benefits for contract staff in our Security unit in their 1999 strike.

Q16 What has OPSEU done to enforce the collective agreement?

A16 OPSEU 592 has healthy and functioning labour-management committees in both our Professional, Office and Clerical and Security units which meet regularly with the employer.

OPSEU won a grievance in 1999 which converted 35 contract staff in Security Services to permanent staff. The same year we won the conversion of contract staff to permanent staff in our Professional, Office and Clerical unit.

Q17 Will OPSEU recognize the seniority of CUPE members?

A17 OPSEU welcomes new members and will be glad to recognize your seniority regarding all of your rights under the collective agreement, including bumping and layoffs. We will dovetail the seniority dates of CUPE members with our existing OPSEU list. This has been OPSEU's practice in every merger to date.

CUPE says in its hand-out that it will only

recognize OPSEU members' seniority for the purposes of job postings and vacation. They have also said the law requires them to recognize seniority. In fact, there is nothing legally obliging CUPE to recognize OPSEU members' seniority when it comes to bumping and layoffs. If you're an OPSEU member, you could end up at the bottom of their seniority list.

Q18 What will happen to grievances?

A18 The grievances will go to the winning union. In OPSEU, you will control whether your grievances go forward, as is your specially-protected right under the OPSEU constitution. This right is unique to OPSEU. In CUPE, local grievance committees determine whether grievances go ahead.

Q19 How will OPSEU 592 include CUPE representatives should OPSEU win the vote?

A19 Our Professional, Office and Clerical Unit currently has two seats open on its executive. All members in the new local will be eligible to run. We'll also re-open elections for our bargaining team for the Professional, Office and Clerical unit, thereby ensuring all TCHC members have a chance to be on the team.

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