

OPSEU



SEFPO

OPSEU answers more of your questions June 12, 2002:

Q1 CUPE says TCHC staff will be able to access city jobs. Is this true?

A1 Only if CUPE wins its argument at the Labour Board that the City is the employer. This is extremely unlikely.

The City quite deliberately set up the TCHC as an arms length corporation. It changed the name of the former MTHC to TCHC and transferred the assets and operations of the former THC to the TCHC. The City and the TCHC have both told the Labour Board that the TCHC is a separate employer.

The TCHC's relationship to the City is similar to that of the TTC's. If you are a City employee, a member of CUPE 79, you can't access jobs at the TTC. It is a separate employer and its employees are represented by a separate union: the Amalgamated Transit Union.

In OPSEU's view, it is dishonest to go around promising TCHC staff access to city jobs when CUPE will probably lose its argument at the Labour Board.

Q2 CUPE says that if there are layoffs at the TCHC, it will negotiate a "bridge" for TCHC staff to go over to city jobs. Is this true?

A2 Again, only if CUPE wins its argument at the Labour Board that the City is the employer. Legal counsel has advised OPSEU that this is very unlikely.

This begs the question, will the "bridge" go both ways? If TCHC staff will be able to bump city staff out of their jobs, then couldn't city staff also bump TCHC staff out of their jobs?

Q3 Staff are concerned that with "Shared Services" and other initiatives, there will be contracting-out and layoffs at the TCHC. What is OPSEU going to do to protect staff?

A3 It really comes down to building strong bargaining power for the upcoming set of negotiations with the TCHC.

Whoever wins the representation vote, the next job will be to bargain a new collective agreement. And that bargaining power can only come from a mobilized and active membership who show the employer that they support their bargaining team 100 per cent.

If OPSEU wins, we are committed to bargaining at the negotiating table and mobilizing in the workplace to get the best collective agreement we can.

Q4 What happens to my special deferred pension under the OPSEU Pension Trust and other entitlements, such as Factor 80?

A4 We know for sure that you will be able to access these entitlements if you stay with OPSEU. We are not as clear on what will happen if you go with CUPE. That might be a question to ask them: how will CUPE ensure your rights and entitlements under the OPSEU Pension Trust are protected?

Q5 Which union is arguing that Property Administrators (PAs) should be "outside workers"?

A5 CUPE 416, with CUPE 79's backing, has been arguing at the Labour Board that PAs should be in their "outside workers" bargaining unit.

Q6 What has OPSEU been doing about this?

A6 OPSEU has fought this issue every time CUPE has raised it. In 1998, OPSEU went to the Labour Board to dispute CUPE 767's application to have PAs placed in CUPE 767's bargaining unit. The board ruled in OPSEU's favour.

Now in 2002, we find that we have to fight off CUPE again. We have told the Labour Board that PAs should remain in our bargaining unit. The following is a quote from our April 30th response to the Labour Board: "OPSEU also takes the position that the position of Property Administrator **which was previously assigned to OPSEU as a result of a Labour Board decision should remain in the office, clerical and professional bargaining unit at TCHC.**"

Q7 What has OPSEU done for contract staff?

A7 OPSEU has taken on the employer with respect to getting benefits for contract staff and creating permanent positions when the employer has allowed temporary assignments to last longer than the 18 months permitted by the collective agreement.

In 2000, we forced the employer to create a number of permanent positions in the Professional, Office and Clerical bargaining unit. The employer was extending temporary assignments beyond the 18 months allowed by the collective agreement and so we could prove that there was a permanent need for those jobs.

In 1999 as a result of a grievance filed, 35 contract staff in Security Service were converted to permanent jobs.

We have won benefits for contract staff in our Security bargaining unit, but not yet for contract employees in our Professional, Office and

Clerical unit. Benefits for contract staff was one of the issues that Security staff went on strike for in 1999.

The win by Security staff provides us with a good precedent. If we win the representation vote, we will continue to fight for benefits for contract staff in our next round of bargaining.

For more information:

If you have questions about the vote, call one of your OPSEU representatives listed below or visit us at:

<http://www.opseu.org/campaign/tchc.htm>.

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