



The newsletter for OPSEU Stewards and Activists

Government Attacks Health & Safety

by Lisa McCaskell,
OPSEU Health & Safety Officer

On May 17, without notice, the Harris government introduced a dangerous new law into the Legislature - Bill 57. With no consultation, the bill that amends 50 different statutes received Royal Assent in June.

One of the most dangerous changes is the repeal of section 43(7) of the Occupational Health and safety Act (OHSA). Under past law, when a worker refused unsafe work, an inspector from the Ministry of Labour had to come to the workplace to investigate. The inspector was bound to investigate "in the presence" of the employer, the worker and the worker's representative if one exists.

Bill 57 allows the inspector to investigate the work refusal "in consultation with" the workplace parties. The inspector has no obligation to come to the workplace but can decide whether the situation is *likely to endanger* by speaking to the parties on the telephone. Considering how complex and unique each of our workplaces are, imagine trying to explain how and why a situation is dangerous to someone



who probably doesn't understand our work, much less our workplace. Without the benefit of an investigation by an inspector, most work refusals will become exercises in futility.

Bill 57 adds two new subsections to Section 9 of the OHSA that allow the minister to permit workers to designate other workers who are not on the workplace health and safety committee to conduct

(Continued on page 5)

EDITORIAL POLICY

The content and editing of this newsletter is determined by rank and file activists. We want members to feel ownership of *In Solidarity*, and view it as independent of any particular segment of the union.

Content comes from our own huge base of activists, staff and other labour sources.

Where an article has a by-line, the views are those of the author and not necessarily the views of OPSEU.

If no author is identified, the article represents OPSEU policy.

While we welcome your contributions (on disk or by e-mail if possible), we ask that these be constructive. All articles should be signed and include local number, and should contribute positively to the welfare of this union and its members.

It is not our intention to become involved in staff-bashing or member-bashing. If a person or office is named in an article, we will give that person or office the opportunity to respond in the same issue as the article appears.

We encourage thoughtful discussion of all related issues and reserve the right to edit for libel, length and clarity, and to reply to those that seem to reflect a misunderstanding of the union and its policies. ☺



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* We are also your elected members of Informed Newsletters for OPSEU/Bulletins informés pour le SEFPO. If you require any support, advice or start-up information concerning newsletters, please contact one of the executive members. ☺

Authorized for distribution:

Leah Casselman, President

Ontario Public Service Employees Union

In Solidarity is produced for all OPSEU stewards, newsletter editors of INFO/BIS and certified Health and Safety Representatives.

Overcoming apathy

***Editor's Note:** We want to hear about things that worked, things that didn't work and things that you'd like to try in your local. We are calling this section overcoming apathy and hope to publish something new in each issue. To do that, we need you. So please, send us your ideas, you successes and your - 'I've tried it once but never again...' and we'll print them. Don't forget to include your local number and your name. Collectively we can make a difference!*

Surviving in a composite local

by Steve Clancy, Local 308

On different occasions we send out letters and simple surveys to members in our local asking them how to improve attendance at meetings. We also visit their worksites and ask them for ideas.

Some of the questions we ask are:

- When they would prefer the meetings, what time and what day?
- Where would they most feel comfortable meeting?
- Should we provide a meal or light snack?
- How often should we meet?
- How would they like to be informed of their upcoming meeting?
- Do they feel they are being kept informed locally, regionally and provincially by OPSEU and do they have suggestions for improvement?

After compiling everything, we learned that several issues needed to be addressed. Our executive decided to take some action.

Here are some of our decisions:

- Try different meeting places
- Set meetings on a different day of the month each time to see what suits the membership best
- Set different times for the meetings

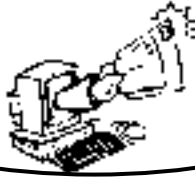
- Develop a newsletter
- Send out regular meeting bulletins and have stewards remind people in person of the meeting
- Seek feedback on a regular basis
- Plan to have the local president visit the worksites of the members on a frequent basis
- When possible, attend grievance hearings
- Attend LERC meetings of different worksites
- Shorten meetings
- Invite guest speakers
- Ensure that more than the activists are being educated

When compiling the information required for the Ontario Public Service bargaining procedure, we decided to have two separate meetings. We held one for our Correctional category and the other for our remaining groups. The attendance was great. Some real discussion happened (however isolated) and there was positive feedback

The executive debriefed and while we found that for this meeting it was successful, we also found a major flaw in this process. What happened when we needed a decision of 50 per cent or more? How could we have a legitimate process with real debate when our membership was fractured?

As we continue to explore these questions, we look forward to further ideas from our local membership. ☺

Letter to the Editor



A word from members less heard

by Greg Snider

Member, Disability Rights Committee

The disability rights caucus is alive and well!

A few short months ago, at the 2001 OPSEU convention, it didn't seem that way. At that time, we had a caucus that was attended by only three members. We knew though that there were a lot of issues that needed to be discussed and a lot more interest out there. We organized a subsequent meeting and eight members found the time to attend from across Ontario. Several others expressed regrets that they could not attend.

As we each introduced ourselves and discussed our reasons for attending, it became very apparent that we needed to have this meeting — and more like them. With each introduction a small side conversation would begin on issues such as inequities, Workplace Safety and Insurance Board (WSIB), self-identification and on it went. This had to be one of the longest introductions I have ever sat through.

Throughout the whole meeting, input and insight came freely from all who attended. I guess one of the things we all understood was that everyone brings something different to the table. Every disability has its own challenges, even among each disability. As the meeting came to an end and we prepared agendas

for our next two meetings, I was surprised by how much we had discussed in such a short period of time.

We have established a clear role for the Disability Rights Caucus:

1. To advocate on behalf of members who live with a variety of disabilities.
2. To critique current union policy and develop new policy initiatives with respect to disability rights and accommodation issues.
3. To evaluate collective bargaining content and develop new bargaining objectives. To propose disability friendly practices with respect to how bargaining is structured as a means to increase the participation of members with disabilities.
4. To educate the membership on disability-related issues.

Planning is under way for the next two meetings. We will discuss bargaining issues, and resolutions to Convention, as well as representation on the Executive Board. The outcomes of these discussions will be forwarded to the Human Rights Committee for further action.

We would like to set up a contact system with our members who are on Long Term Disability (Income Protection) as this is an often forgotten group of people.

Our work doesn't end with preparing for meetings. If we are to be successful in helping persons with disabilities we need to be more visible. It's important that the members of OPSEU become more aware of the number of people in the workplace who have disabilities. In order to accomplish this we need to get our issues published in newsletters. We also need to be more involved in those committees that affect us such as the local Human Rights Committees.

We must request more from our Executive Board members. That's not to say that they aren't responsive, it's simply a question of us asking. First on our list in this area is to request that a course on Accommodation be offered at the next educational in our regions.

This is just the start. We have a lot of work to do and know we can count on the support of all of our brothers and sisters in OPSEU. ☺

Government attacks Health & Safety

(Continued from page 1)

inspections and represent them during work refusals. This change will weaken the links between the union and the committee and will dilute the union's ability to ensure that members are well represented.

Prior to Bill 57, employers had to notify the Director of Health and Safety if any new chemical or biological substance was introduced into the workplace including information about the substance. The Director could then order an assessment of any new substance suspected to be a hazard. Bill 57 strips the Director of that power. The repeal of Section 34 of the OHSA will place workers' health and safety at serious risk of exposure to substances that may not have been evaluated for their health and safety risk. There are literally thousands of new chemicals introduced in the workplace annually.

The Ontario Health and Safety Act required employers to keep an inventory of hazardous substances in the workplace and provide public access to this inventory. By repealing section 36 of the OHSA, workers, public health, and fire safety officials are denied access to information on hazardous materials in the workplace and in the community. This is also a breach of the joint federal/provincial agreement on the Workplace Hazardous Material information System (WHMIS).

Employers must only report accidents to the Health and Safety Director within four days if an inspector is notified. By law, an inspector must be notified only for fatalities or critical injuries. Consequently, the Ministry of Labour will know less about dangerous workplaces until there is a fatality or a critical injury under the amended changes.

The repeal of Section 57(10) of the OHSA requires an inspector to provide a copy of their report to the worker making the complaint only upon that worker's request. If workers do not know they have the right to the report, they may not request it.

Bill 57 will have a big impact on collective bargaining for OPSEU members in the Developmental Services sector.

It will make it impossible for workers in



Associations for Community Living and other Developmental Services to bargain under the Hospital Labour Disputes Arbitration Act (HLDA). HLDA is the law that bans strikes in certain areas of health care and social services. It allows contract disputes to be settled at arbitration.

Bill 57 says that:

- HLDA will not apply to any agency that is funded under the Developmental Services Act.
- HLDA will not apply to any agency that has an agreement with the Ministry of Community and Social Services to provide services under the Developmental Services Act.
- If a bargaining unit is in bargaining under HLDA before the changes are proclaimed, has gone through conciliation, and is on the way to arbitration, HLDA still applies for the current round of bargaining. HLDA will not apply in future rounds.

The changes noted here are not the only ones in Bill 57 that affect workers. The 112-page Bill has changed laws covering everything from architects to trees. It will change the Employment Standards Act, Ontario's most basic labour law. Bill 57 should really be 50 *separate* laws. Many of them - especially the ones dealing with labour law changes - demand extensive public hearings. ☹

Dealing with the Chronic Complainer

Most every steward knows one: a mad-at-the-world co-worker who hates the union. People like this can be a real handful. Their anger defies reason. It's almost as if they have nothing else to do but complain and find fault — about the union's positions on things, its leaders, its failures at the bargaining table or in the grievance process, its dues ... especially its dues. The list of grievances against the union usually is as long as the complainer's imagination is deep.

It can be a real headache for the steward, who knows better than any one just how much the union is actually doing. It's not easy putting up with the day-to-day whining of a co-worker, especially when you know so many of the beefs are unjustified.

And it can be a much broader problem. If the person's a loud-mouth, as is often the case, he or she becomes a disease-carrying virus who does everything possible to infect co-workers. The drumbeat of anti-union ranting can wear down even the strongest union supporter.

Through the complainer's efforts, non-problems can become problems. Small problems can become big ones.

There are ways to deal with this, but first, remember you owe it to yourself and your co-workers to take an objective look at every complaint that arises, no matter who it comes from. It may be

from a non-stop complainer, but does it have merit? If it does, and you're in a position to help make things right, pursue it. Even a clock that is stopped will be right twice a day. Helping a chronic complainer with a legitimate problem will take you a long way toward moderating future complaints.

But if the complaint is unjustified, or a mountain is being made of a molehill, you owe it to the union,

yourself and your co-workers to deal with it. Here are some ways you might be able to go about it:

Chronic complainers frequently will gripe to everyone around them — except people like stewards or union officers, who feel comfortable representing the union's position and know how to respond. Perhaps next time you hear the complainer bending someone's ear, you can step in and set the record straight. If the complainer is confronted head-on, it may slow him down.



In the same way, it may be possible to shut down the complainer by confronting him or her in front of a number of other workers. Preparing your response in advance, pick some issue he has been griping about. Making someone look foolish is a great way to modify his behaviour. It won't make him an ally, but it may make him think twice about making an issue out of every little thing in the future.

You can challenge the complainer to “put up or

(Continued on page 7)

Dealing with the Chronic Complainer

(Continued from page 6)

shut up.” If the complaint is about how the union is run, tell her to come to a union meeting and offer suggestions or run for a seat on a committee. With a lot of people, it’s easier to whine than it is to actually do something.

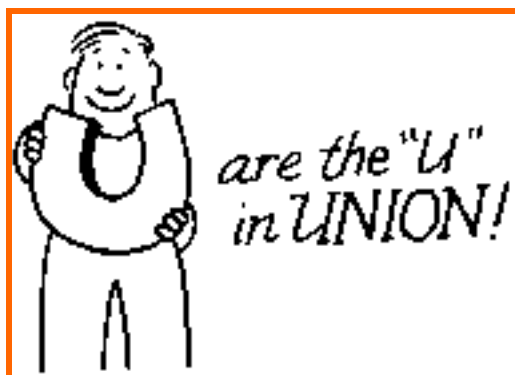
If the complaint is about dues, you can offer to refund the dues if the complainer will turn over to the union, or donate to charity, the cash value of the benefits he gets from the union contract. This list could include things like paid holidays, vacation, health insurance payments, annual pay raises, etc.

You can try getting some of your stronger union co-workers to agree to a common response to the complainer. “You know, John (Jane), I’m really tired of hearing your complaints about the union. I think it does okay for us. I don’t want to hear this stuff anymore, okay?”

The best solution of all, of course, is to turn the union-hater around. Why does he or she complain so much? Ask. Maybe he had a bad experience with a union once and never got over it. Maybe he really doesn’t understand the way the union operates, or the benefits that are a direct result of the union’s presence. The next-best thing to do with one is to turn him into a supporter. 😊

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Thoughts to Ponder

Examiner, Local 240

- Isn't Disney World a people trap operated by a mouse?
- Why do you press harder on a remote-control when you know the battery is dead?
- Why is the alphabet in that order?
- Do fish get cramps after eating?
- What would a chair look like if your knees were bent the other way?
- Why doesn't glue stick to the inside of the bottle?
- Why doesn't Tarzan have a beard?
- If man evolved from monkeys and apes, why do we still have monkeys and apes?
- Tell a man that there are 400 billion stars and he will believe you. Tell him a bench has wet paint and he has to touch it.
- Why do banks charge you a "non-sufficient funds fee" on money they already know you don't have?
- Why is lemon juice mostly artificial ingredients but dishwashing liquid contains real lemons?
- If all those psychics know the winning lottery numbers, why are they still working?
- Why do we wash bath towels? Aren't we clean when we use them?
- Why is a carrot more orange than an orange?
- What do little birdies see when they get knocked unconscious?
- If a tree falls in the forest and no one is around to see it, do the other trees make fun of it?
- If you got into a taxi and the driver started driving backwards, would the taxi driver end up owing you money?
- Why does sour cream have an expiration date?
- If it's zero degrees outside today and it's supposed to be twice as cold tomorrow, how cold is it going to be?
- Wouldn't the best way to save face be by keeping the lower part shut? 😊

Commemorating women's role in Canadian history

A very personal cause: the story behind the "Person's Case"

Ontario Women's Directorate

It would be absurd to ask a woman today if she thought of herself as a person. But only 72 years ago women weren't considered persons — at least not in the eyes of the law.

History books tell us that the great depression began in 1929. But what most of them don't mention is that October 18th of that same year marks a landmark legal decision for Canadian women.

On that day, speaking a continent away, a bewigged British Lord delivered a judgement on behalf of the Privy Council in London, England: "The exclusion of women from all public offices is a relic of days more barbarous than ours," he said. With these words, he cleared the way for women to be appointed to the Canadian Senate and deeming them to be full-fledged "persons" under the law.

Today, it seems so self-evident. But it was far from that. The ruling was the culmination of a 13-year campaign of letters, speeches, petitions and articles spearheaded by a determined Canadian woman, Judge Emily Murphy. The facts of the case may be familiar to some, but they're easily forgotten when we have grown used to taking their outcome for granted.

The stage is set

On her first day on the bench as Alberta police magistrate, Emily Murphy happened to deliver a stiff sentence to a bootlegger. The man's lawyer, incensed by the verdict, challenged her authority, shouting, "You're not even a person. You have no right to be



holding court!" Although Judge Murphy's ruling was later upheld by the Supreme Court of Alberta, further challenges to her authority led her to undertake a bold step. She decided to test the federal interpretation of the law by launching a campaign to have a woman appointed to the Senate. After all, Section 24 of the British North America Act stated that, "the Governor General shall ... summon qualified Persons to the senate; and... every Person so summoned shall become and be a Member of the Senate and a Senator." If a woman became a Senator, wouldn't that prove that women were indeed persons?

Seeking a Senate seat

The campaign by women's organizations to gain a Senate seat for a woman spanned more than a decade, but in the end it proved futile. Although by 1920 most Canadian women had been given the right to vote, under British Common Law, they were not "persons in matters of rights and privileges." This was reason enough for the administrations of both Prime Minister Arthur Meighen and Mackenzie King to turn down the women's requests for a seat in the Senate.

(Continued on page 9)

Commemorating Women's Role in Canadian History

(Continued from page 8)

Challenging the law

By 1927, discouraged by the failure, Emily Murphy decided on a change of strategy. She had learned earlier, that Section 60 of the Supreme Court Act permits any "five interested persons" to petition the government for a ruling on a constitutional point. Together with four suffragist colleagues - Nellie McClung, Louise McKinney, Henrietta Muir Edwards and Irene Parlby - she requested an interpretation on just who were "persons" under the British North America Act.

The argument was heard in the Supreme Court of Canada on March 14, 1928. The verdict, delivered five weeks later, was a bitter disappointment. The court had ruled against them!

Going all the way to the top

Convinced more than ever about the justice of their cause, the women, who came to be known as "the Famous Five," took their case to the highest court in the land, which at that time was the Privy Council in London, England. This time they would get a taste of victory. On October 18, 1929, Lord Sankey, the Lord Chancellor of the day, overruled the Supreme Court of Canada with the words: "...and those who ask why the word [person] should include females, the answer is, why should it not?"

That night at 3 a.m. Emily Murphy was awakened by a long-distance call from London. The story has it that she then proceeded to dance around the house in her flannelette nightgown proclaiming the news to her family: "We've won! We've won!" 😊

October is:
Women's History Month

Poem for computer users over 30

Author unknown, Local Lines, Local 415

A computer was something on TV
From a science fiction show of note
A window was something you hated to clean
And ram was the cousin of a goat.

Meg was the name of my girlfriend
And gig was a job for the nights
Now they all mean different things
And that really mega bytes.

An application was for employment
A program was a TV show
A cursor used profanity
A keyboard was a piano.

Memory was something that you lost with age
A CD was a bank account
And if you had a 3-inch floppy
You hoped nobody found out.

Compress was something you did to the garbage
Not something you did to a file
And if you unzipped anything in public
You'd be in jail for a while.

Log on was adding wood to the fire
Hard drive was a long trip on the road
A mouse pad was where a mouse lived
And a backup happened to your commode.

Cut, you did with a pocket-knife
Paste, you did with glue
A web was a spider's home
And a virus was the flu.

I guess I'll stick to my pad and paper
And the memory in my head
I hear nobody's been killed in a computer crash
But when it happens they *wish* they were dead. 😊

Proposition:

The Board should retain a strict regional structure

Point

Say no to Board restructuring!

The recommended board structure presented in the Consultation Paper wants the board to be represented by 11 members from the 21 sectors in the Broader Public Service (BPS) and to merge our seven regions into four, with two Executive Board Members elected from each of the four new regions. Also there would be alternates elected in each region and each of the 11 sectors in the BPS. If the President and 1st Vice-President/Treasurer were elected from one of the regions or one of the sectors then the alternate would fill the position.

The proposed structure in the Task Force report does not give the three groups in OPSEU proper representation at the board. It divides the BPS to give that group 11 board members but it does not address the Ontario Public Service (OPS) or Colleges of Applied Arts & Technology (CAAT) (A)-(S) groups of OPSEU. Further, it does not help visible minorities, or women of the union's membership.

If the BPS is going to be divided into sectors for the purpose of electing their members then the OPS should be divided into ministries (22), and CAAT (A) and (S) should be given proper representation (say two each). When you add all of this to the BPS and regions, you now have a board size of 45.

So how big a Board do we want?

We can't take one group in OPSEU and give them more seats on the board than another group. That is why we have OPS divisions, BPS sectors, occupational groups, CAAT (A)-(S) Teams, Provincial Human Rights Committee (PHRC), Provincial Women's Committee (PWC), Area councils and locals. All have elected executives or are elected regionally to represent our members in the political arena of OPSEU. These groups can send in constitutional amendments and resolutions for our annual convention every year.

John O'Brien
is an Executive Board Member from Region 7.



Currently delegates elect board members at large in each region. Any member in the region can run whether they are a delegate to the regional meeting or not. The board members that are elected represent all the members from their region no matter what group they come from.

It is important to our union that we don't divide our executive board into different groups representing themselves at board meetings. For example if you had 11 members on the board who were elected from the certain sectors in the BPS then they would only have to answer to the group that elected them and not to everyone. Do we really want special type board members that are on the board with only their group's agenda? I know that I don't want this kind of executive board.

The current system may not be perfect but until a better one comes along, I suggest that we remain with the current board structure which works for the betterment of all our members across this vast province of ours. 😊

Counterpoint

The Board structure needs to change!



**Marilou
Martin**
*is an Executive
Board Member
from Region 5.*

For the past 25 years, the current electoral structure has been in place. This structure was designed when the membership was almost all from the Ontario Public Service (OPS) and Community Colleges. The Union, since that time has evolved to include divested OPS members and other Broader Public Sector (BPS) workplaces. Soon the BPS membership will be the majority of this Union. It is time to evolve and represent our members better.

This process recently started when the 2000 Convention strongly supported the Network for Better Contracts proposal. This policy has changed the way locals are serviced by the Union. Some staff now represent the OPS locals and colleges, while others represent sectors, such as hospital locals, children's services locals, etc.

Members view the Union through their local. The issues relating to their workplace and their sector are more important to them than a geographical area. Not only do members expect good contracts with wages and benefit improvements but also the Union

to respond to specific issues relating to the work they do.

Many Unions have changed their board structures to reflect the changing times. Most Unions combine both regional and sectoral representation for their executive boards. This provides a voice for both workplace and community issues.

The executive board is the top governing body of the Union between conventions. It sets policy, develops the budget, and decides the priorities for the Union. It is necessary to have people on the board from the various sectors of the Union, elected by those sectors. Those people would know the issues and would have some accountability to deal with those issues. Currently, board members only have accountability to the geographical area that they come from. We have ministry teams, divisional executives and sector teams who understand the issues related to their workplaces and others who do the same or similar functions. These groups have no say, other than at Convention, in policy, budget or Union priorities.

Many board members might say that they know the issues relating to all sectors. This is impossible. We are a huge Union with over 500 collective agreements and thousands of workplaces. We are all generalists and what we really need are specialists - 21 people from different sectors and divisions of the Union who can set policies, budget, and direction for this Union representing everyone. For too long, many sectors and divisions have felt disenfranchised with the board.

Change is always difficult. Most times it is imperative. This is one of those times. We will not attract new workplaces, or keep the ones we currently have, if our executive board does not reflect and speak for those members. Its time for the board to move away from a strict regional structure and include sectoral representation. ☺

The tale of B 25

by Marg Simmons, Chair, OPS Central Team

B 25 is the latest slap to workers in the Ontario Public Service (OPS).

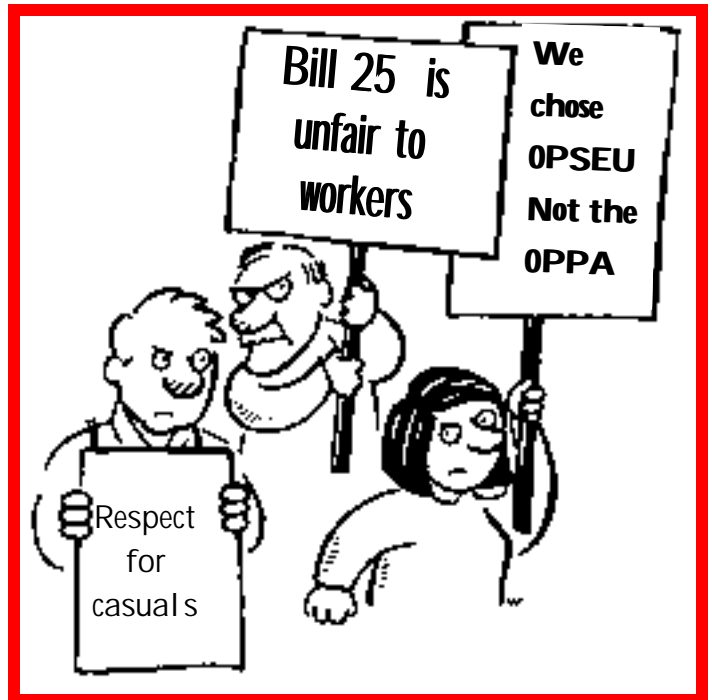
The so-called *Public Service Statute Law Amendment Act*, passed through the legislature in June, affects our working conditions, creates new kinds of employees, excludes others and tries to give us a new boss. All of this should be negotiated at the bargaining table, *not* in the legislature.

Unfortunately, our employer is the only employer in the province of Ontario who can write or change the laws that govern this province. They can write laws that affect us, their employees, even if these laws do not affect any other workers in the province.

In January our Provincial Treasurer announced that public sector wage increases would be limited to two per cent a year. In March, our Premier announced that there would be further cuts to the public service. In April, the government introduced Bill 25 to make changes to *the Public Service Act (PSA)*, and the *Crown Employees Collective Bargaining Act (CECBA)*. This bill and these changes were passed into law in late June.

The changes allow our employer to:

- 1) create “term classified” employees;
- 2) hire new unclassified employees for three year contracts;
- 3) give hiring/firing authority to managers from other ministries or private sector operators;
- 4) delegate to lower level managers or private operators the authority to change workplace rules;
- 5) let anyone “providing an integrated human resources program” have access to our personal information; and
- 6) give the non-union Ontario Provincial Police Association (OPPA) a chance to scoop up 2,500 OPSEU members.



The government says – but not in writing – that “term classified” employees would be hired only for special reasons. Apparently they would have some benefits but no job security. A version of this type of employee was brought to the negotiating table in 1998 when the employer tabled a demand to allow new employees hired for special projects to be immune from bumping for three years. We said NO because we want the employer to have to hire classified employees who have benefits and know when and where their next pay-cheque is coming from. What our boss could not get at the bargaining table last time, they are now trying to get by writing a new law.

The changes involving delegation of authority from the Deputy Minister to less senior managers or private sector managers undermines and lessens the accountability of our work. Our work must continue

(Continued on page 13)

(Continued from page 12)

to be accountable to the people who pay our salaries ... the citizens of this province.

The new WIN network, which will hold all of our personal information, should be of major concern for us if access to this information is not strictly controlled. What will managers from other ministries and from outside the OPS do with our information and who will they share it with?

Our members at the OPP, like the rest of us provide valuable public services. They respond to 911 emergency calls, dispatch cruisers, check criminal records and maintain a number of offices across the province. Why would the government change the rules for an association? Could it be a payback for the OPP's role in the 1996 strike or donation during the last Provincial election?

It appears that our employer will stop at nothing to get their own way. They have used legislation directed specifically at us in the OPS to change our working lives. The law of the day rules our working life unless we have something written in our collective agreement which gives us different rights and entitlements.

Our boss believes that we've been beaten-up and demoralized to the point that we won't stand up and fight for a decent collective agreement ... he's wrong! We know that we provide important services to the health, safety and well-being of the citizens of this province. We deserve at least, to be treated fairly.

In the coming months, we will continue to organize around local service area groups and we will hold an educational in each region. As the fall unfolds OPSEU colours will be more visible in our workplaces and in our communities. In these ways, we will show our employer that we support our bargaining teams and the issues and concerns being discussed at the bargaining table. We will show them that we are serious in expecting a good collective agreement.

Together ... let's go out and get it! ☺

Welfare workers bullied and overworked

CUPE/CALM

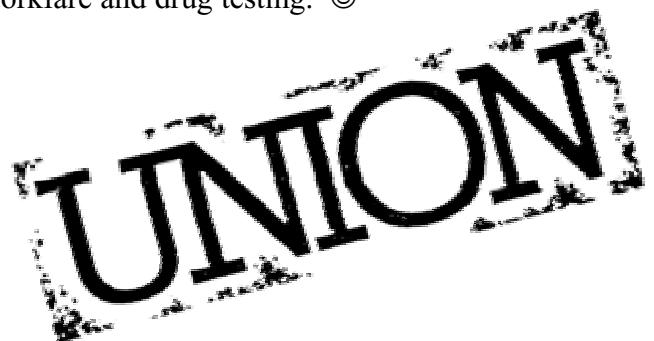
Ontario's welfare workers have been subjected to overwork, intimidation, and abuse since the province introduced its Ontario Works program two years ago, says a study released in July.

The study was done by the Canadian Union of Public Employees, which represents 5,000 welfare workers in Ontario. It is based on a survey of 480 welfare workers from across the province.

Increased workloads were reported by 87 per cent of the survey respondents. "The study found that workers are being pressured to skip lunches and breaks and work unpaid overtime to get the job done," said the reports author, researcher Anne McGrath. "More than half the workers said they work over 150 minutes of unpaid overtime a week. Respondents reported being intimidated and bullied by supervisors."

The study shows that welfare work has become more stressful. "Ontario Works doesn't work for the people who have to deliver it — welfare workers in Ontario," said front-line welfare worker Helen Gavel, "We now have workfare and drug testing. Workers are frustrated because they are being told to deliver an untenable program. Welfare offices are going to lose many excellent, experienced workers unless working conditions improve."

CUPE is urging the government to introduce legislation to address overwork and to abandon workfare and drug testing. ☺



Competitions can't be lightly cancelled

*OPSEU (Leunge et al.) and MOF;
GSB #319/00 & #388/00*

This group grievance, filed by 12 tax auditors, challenged the delay and then cancellation of a significant job competition in the Ministry of Finance in 1999. The same competition proceeded a year later, which let a number of Association of Management, Administrative and Professional Crown Employees of Ontario (AMAPCEO) members who had ended up with a comparably lower rate of pay through reorganization, to apply and win a majority of the positions. In her decision, Vice-Chair Abramsky reviews the case law which holds that once a position has been posted the Employer may only cancel it with “sound and practical reasons.” The Employer offered four reasons for its decision, including a Grievance Settlement Board (GSB) decision which came out after the posting striking down a previous Ministry of Finance competition as fatally flawed. The Union refuted the Employer’s reasons as insufficient, and argued that the real motive was the Deputy Minister’s promise to the AMAPCEO employees that they would be considered. The Vice-Chair agreed, ruling that although the Employer’s decision to cancel was made in good faith, it was still improper. The parties were ordered to try to reach an agreement on remedy in 60 days or return to Board. ☺



The Union has the right remedy

OPSEU (Union) and MCSS; GSB #236/98

In this policy grievance the Union sought guidance from the GSB on a number of overtime disputes at the Guelph Correctional Centre (GCC). A mediation/arbitration session had resolved many issues, but not the question of remedy where a classified Correctional Officer (CO) is improperly denied overtime. The hearing proceeded on an agreed statement with a few scenarios. The Collective Agreement and the GCC Local Agreement are silent on the issue of remedy. The Employer argued for “in kind” remedies, where someone is denied a chance to work overtime, the remedy is to offer them a similar shift. The case law favours an in kind remedy providing it is practical to implement. But the Union argued that monetary compensation was fair because an in kind remedy would create a new breach of the workers’ rights by reducing the number of new overtime shifts covered by the regular process, thus adversely affecting all COs. While individual circumstances must be considered, Vice-Chair Lee ruled in favour of the Union, finding that money was the appropriate remedy in all four of the given scenarios. ☺

Tired of your job? Become a corporate apologist!

George Ehring/Our Times/CALM

Okay, admit it. Unless you're a union rep, you're probably sick of your job. Union reps are about the only people in Canada who wake up every morning and can't wait to get to work. They love doing battle with the boss. They love trying to organize workers into their unions so that people can get better pay, benefits and health and safety protection.

But let's face it. There just aren't enough union-rep jobs available. And chances are, you're getting tired of doing the same thing day after day, answering to The Man, knowing he's making money off your labour, while you're supposed to smile and behave yourself and be productive. Ugh.

So what next? You have to find a quiet job that uses your skills, doesn't make you dirty, gets you an air-conditioned office with a computer so you can e-mail your friends, and is one that can never be done by a robot.

Become a corporate apologist. The pay is great, plus you get to do what comes naturally to anyone who's had a lousy job for a long time-bullshit. It just takes a little practice, but in no time at all, you'll be making excuses like you never made before, and getting paid to do it.

You're asking yourself, could I really do that? What, do you think it's hard?

Let's say you work for a big, polluting oil company. Your refineries are destroying wetlands, your tankers are creating huge oil spills, and your product is responsible for ozone-depleting gases that are ruining the atmosphere. That's a problem? Not for the corporate apologist.

First, learn to shift round. Never talk about pollution, talk about nature. Say, "Our oil platforms create an ideal environment on the ocean floor, allowing marine life to flourish. We're making a sanctuary for nature to call home." Who can argue with that? You think any of those radical environmentalists, or the media, are actually going to go down there and check it out? Of course not.

Next, use pseudo-science to divide public

opinion. In the dead of winter, when a storm is lashing your city, you say, "What global warming?" And you fund research projects so you can say, "Scientists are not sure of the impact of these atmospheric gases." At least not the scientists working for you. Everybody trusts scientists. Use the word "scientists" a lot.

Then you send some money to Meals-on-Wheels and programs combating domestic violence, as mega-national Philip Morris does, and you make sure people know about it. You say, "We provide food, clothing and shelter to thousands of broken families every year. We're working to make a difference." And, "Thousands of hungry seniors are no longer on waiting lists for their neighbourhood Meals-on-Wheels programs." What great guys! Learn to shift the blame, especially to the consumers themselves.

Suppose you're an auto manufacturer that wants to sell a lot of gas-guzzling, off-road vehicles. It doesn't matter that 90 per cent of your buyers are yuppies who live in cities. Well, these babies have a nasty little tendency to roll over. So even though your ads show your mud-spattered SUVs ploughing through rivers and up mountains, you're not to show them turning a corner in a residential neighbourhood. If cars roll over and people die, you say, "People have to learn to drive carefully." It's their own stupid fault. Use the word "drive" a lot.

And even though you're technically in competition with other companies that sell the same stuff, you have to get together with them and fund an entire army of well-paid corporate apologists in an "association" or "foundation." Like the National Citizens Coalition. Or the Fraser Institute. Then, when they spout the corporate line, at least it isn't coming from you. Now we're talking lots of good jobs!

Unless, of course, you'd rather be a union rep.

Salt Spring Island writer George Ehring was a union staffer once and never had to apologize for things the union did. ☺

Programs that save you money

by *Sandy Vander Werff*,
OPSEU finance administrator

OPSEU may be the largest defined group in the province of Ontario ... according to companies currently providing group benefits to OPSEU's members. Whether we are or not, one thing is certain - OPSEU has purchasing power that marketing companies recognize. As a result, we can provide our members with programs that give direct tangible savings or highly valued services. OPSEU benefits financially from these programs as well. Of course, any money earned goes directly back into additional services to members including OPSEU's Strike Fund.

OPSEU is currently developing a theme under which our current and future savings/benefit programs will be linked. This will become evident later this fall.

However, rather than wait, this is a good time to identify the four programs that have been approved for rollout so far. Three of these programs can be accessed now, while the fourth will be available in the fall. In addition to the contact information provided below, members can also access our website (www.opseu.org). We invite members who have access to a computer and the internet to bookmark our website and check in for all the latest in OPSEU news and the member savings programs.

Home/Auto Insurance **(Royal & SunAlliance)**

OPSEU is in the third year of an insurance program covering our members home/auto needs. This program is successful and generates considerable savings to our members. In some cases members save almost as much as they would pay in dues to OPSEU.



The underwriter for OPSEU home/auto policies is Ascentus Insurance, the group division of Royal & SunAlliance, one of the oldest and largest insurance companies in Canada. The brokerage that provides the front-end support to members looking for coverage under this program is Agilon Financial Services. Members will have received prior mailings on this particular program.

If you are interested in a quote, please call the following number: 1-888-33-OPSEU or visit OPSEU's website for more information.

Legal Services **(Law Protector International)**

In the spring of this year, OPSEU introduced our second member benefit program. Law Protector is a legal assistance plan that provides free telephone guidance and savings on legal services of up to 60 per cent off average rates. Law Protector has an extensive network of lawyers across the province of Ontario to draw upon and there is sure to be one close to your home or place of business.

(Continued on page 17)

Programs that save you money

(Continued from page 16)

Information about the program, with a membership card attached, was mailed to all members earlier this year. It contained more detailed information about the program and a contact number. If you did not receive this card and wish to access this legal service, call OPSEU's head office at 1-800-268-7376 or 416-443-8888, ext. 741. You will be given a unique membership number that you can then use to register for this service. Our website also contains information about this program.

Cellular Phones (Bell Mobility/Baka)

Let's face it. Wireless phones are becoming an increasing part of our day-to-day lives. That's why OPSEU recently approved a cellular phone program for distribution. We have successfully negotiated a cell phone program for members and their families at prices that are the best in the province.



Bell Mobility is the carrier for this program and they have just recently announced a major expansion of their phone network that will expand digital coverage to a much greater area within the province. Some members in the North will not be able to access the same plan due to coverage provided by other Bell service providers (ie. Thunder Bay, Dryden, Timmins). However, those members are still encouraged to call our Bell Mobility dealer, Baka Communications, who will assist members in getting coverage through their local cellular phone provider.

For more information, or to register for this program, please call 1-800-268-1711 (ext. 2821). You can also check out our website. A general mailing to all members is expected for the fall.

Affinity Mastercard (Bank of Montreal)

Our final approved program for distribution will not be ready until this fall. OPSEU has negotiated an affinity program that provides a distinct credit card, which will identify you as a member. The program provides a lower overall interest rate for outstanding balances carried. This rate can be further reduced if members opt for the low-rate card. Another option is the Air-Miles card or, if desired, a card that features both Air Miles and a low interest rate. In the event of a strike, payments will be waived for up to 3 months for OPSEU members. There is also a skip payment feature.



Stay tuned for further information about this program. We will be updating our website as soon as we are able to roll it out. The plan provider, Bank of Montreal, will be doing a general mailing to all of our members sometime this fall. ☺



To sue or to grieve? That is the question



Vanessa Payne/CALM

Anna is fired for poor work performance. She later finds out that her supervisor made malicious comments about her to other managers.

Peter is on sick leave. His employer tells some staff that Peter is faking illness to get time off work.

Can Anna or Peter claim damages for defamation in a lawsuit? Can an employer sue a worker for defamation or other alleged wrongdoing? Or must all workplace disputes be resolved by an arbitrator?

In the past, arbitrators dealt only with the interpretation and application of the particular provisions of an agreement. If employers or workers defamed each other or committed other civil law wrongs it was thought to be a matter for court. So, Anna could grieve her dismissal under the collective agreement but would have to go to court if she wanted to claim damages for defamation against her supervisor. Similarly, if Joe wanted to sue for defamation, he would have to do it in court. However, things changed after the 1995 Supreme Court of Canada decision in *Weber v. Ontario Hydro*. The Supreme Court held that an arbitrator has exclusive jurisdiction over employment-related disputes that arise, even implicitly, from a collective agreement.

So, if Anna tried to sue her supervisor today, the case would likely be thrown out. The supervisor's comments were connected to Anna's performance review and dismissal, matters that fall within the collective agreement. Anna would have to pursue the defamation claim in a grievance.

Giving arbitrators jurisdiction over most workplace claims can be a positive development. After all, arbitration is generally faster and much less expensive than court actions. However, the Weber decision has created problems for workers and unions.

Collective agreements almost never explicitly mention defamation or other types of civil wrongs. Whether a particular dispute can be said to arise implicitly or inferentially from the collective agreement is open to conflicting interpretations. Not surprisingly, the lower courts have reached different conclusions in many cases since Weber. As a result, it has become more difficult to figure out whether a particular dispute belongs in court or before an arbitrator.

For instance, the British Columbia Court of Appeal decided an employer could sue a union president for making allegedly defamatory statements about the employer's safety practices in a newspaper article. The Ontario courts have refused to deal with similar claims on the basis that the allegedly defamatory statements dealt with workplace issues and therefore arose from the collective agreement.

More importantly, arbitrators have traditionally been reluctant to award damages for civil wrongs. But if the courts refuse to deal with such claims, arbitrators must step into the breach. If they do not, unionized workers will be deprived of the right to seek damages for civil wrongs committed against them in the workplace.

Will the Supreme Court clarify the Weber decision? Will arbitrators become more willing to deal with civil law claims? Only time will tell. Until then, unions can try to protect their members' right to claim damages for alleged civil law wrongs by including such claims, where appropriate, in grievances filed under a collective agreement. ☹

Vanessa Payne practices law with Sack Goldblatt Mitchell in Toronto. For more information on labour law issues, visit the firm's website at www.sgmlaw.com.

Bottom line thinking vs. Meaningfulness

by Margaret Hoff, *The No-Name Newsletter*,
Local 110 (Fanshawe College Faculty)

I went to a teachers rally opposing Bill 74 (The Education Accountability Act which sets provincial standards for instructional time in secondary school). Of all the speakers, the one who stood out was the teacher who said, "I love my work. When I enter the classroom, I don't think about Bill 74, I don't think about the Board, I don't think about the Union, I think about the students. I have the most wonderful job in the world." Then I knew why this man and all teachers are a threat to those who think they are in control. Their lives have meaning. Those who have spent their lives gaining money and power have a vague uneasiness when they meet poorer and less powerful people who can say; "I love what I do."

This is not only true of teachers. Consider the government laboratory technician who was able to say; "I use my skills to see that my community and my province have clean water." That person is now employed by a private, for-profit agency that requires him or her to test samples quickly and to concern himself or herself only with getting the job done as quickly and economically as possible. There is an attempt to destroy the meaningfulness of this person's work, but somehow I doubt that will happen. Once a person has experienced meaningfulness, he or she will return to it one way or another.

So what is the reason for attacks on meaningfulness? Many of those attackers, some of

whom are elected officials, are following the guidelines to earn money and gain control. They are motivated by the bottom line. They say things like; "We have no choice but to cut back on spending." And maybe they even believe what they say. They think their lives will be better when they acquire more money and more control. But underneath that motivation is the fear that those with meaningful lives have something they don't have so they target them with their attacks.

The important question is, "In which direction are we moving?" Are we moving towards meaningfulness or are we moving toward bottom line thinking? I'm a community college

teacher and I'll put my money on meaningfulness. Recently, I had a discussion with a small group of students about the low salaries young women receive. I was expecting them to be indignant. Instead, they said, "Money isn't important when you like what you are doing." At first I thought them hopelessly naïve. Then I realized that maybe I was the one who was naïve and they were the ones tuned in to what life is about. Of course, most of us want both meaningful lives and adequate incomes. All of us want a sense of control over our own lives. That doesn't necessarily mean we need to control others, however.

My message for the bottom liners (those who seek money and control) is: "Join those of us who have meaningful lives." Unlike money and power, meaningful life increases the opportunity for others to lead meaningful lives. Meaningfulness can expand without limits.

Bottom-liners need only to ask us. Nothing could be more meaningful than helping them lead meaningful lives. ☺



Remember the Summer of '68

by Gavin Anderson, EBM Region 4

They are calling it the Summer of '68 in Nova Scotia and for those of us old enough to remember the Summer of Love in '67 or Woodstock in '69 we may be wondering what kind of time warp gripped our Atlantic neighbors this summer.

Negotiations in Nova Scotia's health sector were at a standstill and after years of cutbacks and wage freezes, workers knew that they were ready to fight back. The Government knew it too. In anticipation of some major job action by the three largest health sector unions, being led by the Nova Scotia General Employees Union, the government struck first. *Bill 68* - the draconian law that Premier John Hamm rammed through the Nova Scotia legislature this June - targets health care providers. It takes away their right to strike, empowers the employer to dictate contract terms, removes the right to appeal and imposes heavy fines on anyone who chooses to defy the government. This only added to the anger and frustration of dissatisfied workers.

The Nova Scotia Tories suspended many rules of order and the legislature sat around the clock. For three weeks nurses and other health care providers rallied behind their union leadership and demanded that the Bill be withdrawn.

At first the government tried to ignore their employees. The public was outraged by both the mistreatment of health care workers and the undemocratic tactics that the government displayed. They responded to the Union's *commit an act of democracy* campaign in record numbers. Ordinary people voted on line and at voting booths set up by

nurses in shopping malls across the province and by a margin greater than eight to one called on the government to repeal the bill. The government continued to resist.

Registered nurses and licensed practical nurses began handing in resignations to their unions with the pledge that they would walk away from their jobs en masse unless the government backed down. Faced with the solidarity and resolve of the workers, and a pending health care crisis of unprecedented proportion, Hamm blinked. On July 5th his government signed an agreement that immediately suspended all provisions of Bill 68 that applied to the unionized workers. The unions and employer also agreed to submit their bargaining positions to "final offer selection." NSGEU President, Joan Jessome said following the landmark union victory, "For as long as stories are told around kitchen tables, and professors lecture, and writers write, we will remember what we did together."

When the final offer selection process was completed the registered nurses were awarded the union's final offer of a 17 per cent increase over three years. The licensed practical nurses and the health care unit employees were awarded the employer's final offer of 7.5 per cent over three years with a \$1,500 one time payment. There was some justifiable upset about the disparity in awards, but the nature of final offer selection involves some risk to both parties and the employer's offer had improved through the process. In the end all workers gained something and, most importantly, their bargaining rights were left intact. 😊

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