

Message from the Chair

The 36th annual OPSEU Convention in Toronto April 6-9 is fast approaching. I extend special greetings to all the sisters and brothers of our Liquor Board Employees Division (LBED) who have been elected by their locals to attend the highest decision-making body of our union.

Last year LBED sent more than go delegates, alternates and observers to attend both the Convention and our caucus meeting. In a change from the past several Conventions that were held at the Sheraton Centre, this year's gathering is at the Metro Toronto Convention Centre. A meeting room has been reserved for our caucus meeting on April 6, immediately following the end of Convention proceedings that day.

For those of you who are attending the Convention for the first time as a delegate there is a New Delegates Seminar held each year, so be certain to get meeting details before you arrive at the Convention. This meeting is an opportunity to become familiar with the rules and procedures of the Convention itself.

As always there are special guest speakers, awards presentations, Honorary Life Membership awards, and information and educational booths staffed with member-activists. There are health and safety advocates and groups available to provide you with information and materials you can take back to your locals. Definitely take advantage of all the resources that OPSEU Convention has to offer.

Convention is always a great opportunity to network with our fellow brothers and sisters outside of our bi-annual LBED Divisional meeting and to meet the OPSEU staff who provide professional assistance on behalf of the members we represent.

I wish each and every one of you a pleasant time at Convention and look forward to seeing you at our LBED caucus.

In Solidarity

Denise Davis
Chair

Medical Disclosure

An employer's right to obtain medical information is generally balanced against an employee's right to privacy and to confidentiality of medical documents.

As part of its procedural duty to accommodate, an employer has an obligation to obtain relevant information about an employee's disability and to inquire into an employee's accommodation needs, and the nature of his/her restrictions and limitations.

An employer's request for information must be reasonably related to the purpose of the request. The standard set out in the case law is one of "objective reasonableness". This implies that consideration of whether or not the employer's request is reasonable is not based on subjective factors, nor can the employer exercise broad discretion in terms of the kind of medical proof it requires

How much information is the employer entitled to know?

An employer may be entitled to information if there are reasonable grounds to believe that there are medical concerns related to the performance of an employee's duties. In fact, the employer is obligated to inquire about an employee's disability-related needs if an employee has made his/her needs known. In addition, if the employer knows, or ought reasonably to know that the employee has a disability they are entitled to medical documentation. However, these rights and obligations are limited by several factors:

➤ **Relevance** : An employer's request for information will be unreasonable if it has no bearing on the purpose of the request.

➤ **Adequacy of existing medical information** : An employer may not be entitled to request more detailed information if it has already received sufficient information from a physician. The onus is on the employer to set out what extra information they require and for what purpose.

➤ **Privacy Rights** : As a general principle, medical practitioners must obtain an employee's express consent to disclose information to an employer or insurance provider. This means that employers or insurance providers are usually prohibited from direct contact with an employee's physician. In addition, specific requests for health information, such as diagnosis, or information that effectively discloses diagnosis (symptoms, treatment plan, general medical history) will usually be prohibited. Medical forms that use overly broad consent clauses or that require an employee's consent to the disclosure of information as a condition of receiving benefits may also violate privacy legislation.

➤ **The collective agreement**: Most collective agreements will define the scope of the employer's right to medical information. For instance, absent express authority in a collective agreement or other statute, an employer's requirement that an employee submit to an examination by a physician of its choosing will usually not be justifiable. Still, the employer may be obliged to take all alternative steps available to it in order to get the information it seeks, which may include requesting further information from the employee's physician, or obtaining a new report from a physician of the grievor's choosing.



Questions? If you want to learn more about Medical Disclosure or if you have questions, please contact OPSEU at equity@opseu.org or call 1-800-268-7376 and ask to speak to an equity officer.

PERMANENT VACANCY REVIEW (PVR) - 2011

The PVR committee is currently working on setting up meeting dates with the employer for the 2011 review. PVR chair Allan Johnson will be contacting the Regional Labour/Management Chairs for assistance. If you have any concerns regarding the review please notify Allan Johnson at ajohn177@rogers.com

LBED looking for Bylaw Review committee members

The Division is currently looking for two (2) members for positions on the Bylaw Review Committee.

The Bylaw Review Committee is composed of the Divisional Executive Committee and two (2) other members as selected by the Executive Officers in accordance with Article 6.4 (b) of the LBED By-Laws.

This committee is responsible for reviewing the Division's Bylaws for the purposes of necessary amendments. Member Units, Members Locals and the Divisional Executive Committee may put forward proposed amendments to the Bylaws in written form at least thirty (30) days prior to the next Division or Special meeting.

The Guidelines and Criteria for Appointing Committee Members according to Appendix "A", Article 6 and Article 6.4 (b) specifically, of the Liquor Board Employees Divisional Bylaws, empowers the Executive Officers to make appointments to positions on some

Standing Committees and Ad Hoc Committees of the Division.

In so doing, the Officers will ensure that the appointing process is as fair, equitable and transparent as possible. To assist in accomplishing this, the Officers are guided by the following criteria in considering members to be appointed:

- Geographical and regional representation
- Occupational representation
- Gender and equity balances
- Search criteria and candidate qualifications:
 - Proper notice and posting to membership and locals
 - Nomination process, including self-identification of interest
 - Submission of resumes
 - Committee chair recommendations
 - Decision to be communicated to candidates and locals in a timely manner

Interested members should send their resumes by email to the following three officers: denise.davis@rogers.com; loridavis@xplornet.com; robinreath@lbedlocal163.ca and Mirla Fenn Alvarado malvarado@opseu.org.

If you do not have access to the internet, please mail your resume to: Mirla Fenn-Alvarado
100 Lesmill Road North York, Ontario M3B 3P8.

DEADLINE: Friday April 8, 2011

APPLY TODAY!



Liquor Board Employees Division Executive Contacts

CHAIR:
Denise Davis
denise.davis@rogers.com
Local 378

VICE-CHAIR:
Lori Davis
loridavis@xplornet.com
Local 499

CHAIR,
HEALTH & SAFETY COMMITTEE:
Tracy Vyfschaft
tcshaft@xplornet.com
Local 377

CHAIR, BENEFITS &
PENSION COMMITTEE:
Susan Lusty
susan.lusty@gmail.com
Local 376

SECRETARY-TREASURER:
Robin Reath
robinreath@lbedlocal163.ca
Local 163

CHAIR, EDUCATION &
COMMUNICATIONS COMMITTEE:
Colleen MacLeod
colleenmacleod@opseu5107.org
Local 5107

CHAIR,
ANTI-PRIVATIZATION COMMITTEE:
Rick Woodall
woodall@bellnet.ca
Local 375

Please post and circulate.
The Echo is authorized for distribution by:

Denise Davis
Chair, LBED

Warren (Smokey) Thomas
President, OPSEU

Get on the list!

You can receive the Echo directly by e-mail. Just let us know how to reach you. Give us your secure e-mail address by calling the OPSEU Resouce Centre: **1-800-268-7376** or **416-443-8888**.