



ROCK SOLID

Information from the MERC Team

Issue # 6 – April 2006

Jail is private no more

American company sent packing after five years of turmoil

You could hear the roar of celebration in Penetanguishene all the way to Queen's Park as the government announced on April 27 that the private superjail was returning to public hands.

It's not often that our union supports a decision made by the government, but we will certainly applaud this one. Not only has the government made the right decision, they actually kept a long-standing campaign promise as well.

But, as singer Colin James would say, it's been five long years.

Looking back, it's hard not to recognize the sacrifices that were made by some decent, upstanding folks. Words can't describe what it was like for the staff at the superjail, trying to do their jobs with little training, few protections and with 20 per cent less staff than they should have had. Officers got hurt, and many members who took a stand against the employer paid the price with their jobs.

But there were victories along the way. The correctional officers joined OPSEU, knowing that we were the only union that knew the job. Contracts were bargained, newsletters were written and strike votes were delivered. Members such as Local President Sean Wilson and Health and Safety

Co-Chair Tammy MacGregor fought daily to make a difference. Even ordinary citizens, especially Sharon Dion of Citizens Against Private Prisons, battled non-stop against the private company.

Slowly, things improved. But everyone was waiting for the day when Dalton McGuinty would make good on his words, "Private jails are a failed experiment and have no place in Ontario."

On Thursday, April 27, 2006, Dalton made good. And he made good just as the Corrections Division got ready to mount the same hard-driving campaign that they initiated back in December of 1999. Who can forget the rallies, protests, street marches and our own home-grown "theatre" featuring Uncle Sam, Boss Hogg and Mike Harris? We also recall a large truck-load of steaming manure outside Guelph C.C., but we'll save that story for another time.

Thursday's announcement is just the beginning. There is still much work to be done. The "to do" list includes protections for the current staff at CNCC, regarding both their seniority, and their jobs. We want to make sure there are no dirty dealings by this American outfit before they are sent back across the border. We need to bring this facility up to OPS standards, both in staffing and procedures.

But today, we will celebrate. After five long years, our brothers and sisters at CNCC are coming home. Welcome to the OPS. ❖

Editorial Policy

The content and editing of this newsletter is determined by the MERC Team. We want members to feel ownership of **Rock Solid**, 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.

Articles are the views of the author and not necessarily the views of OPSEU or the MERC Team.

While we welcome your contributions (on disk or by e-mail if possible — mason@tbaytel.net), 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.

We encourage thoughtful discussion of all related issues and reserve the right to edit for libel, length and clarity.

Corrections MERC Team:

Dave Graves — Chair
daveyg@rogers.com

Len Mason — Member
mason@tbaytel.net

Gord Longhi — Member
gord.longhi@rogers.com

Neil Fraser — Member
Neil.fraser@cogeco.ca

Len's Corner

Hi Folks

First off, let me apologize for the length of time between issues. I am an avid supporter of strong communications in our division. Things just didn't go my way when it came to getting solid information to share with the membership.

The MERC team pretty much used the space provided in **The Source** from OPS Bargaining until the end of June. We got the word out when it counted.

Since June the MERC had to fight to re-establish contact with the employer and our first official meeting took place in December (which I could not attend – the only meeting I have ever missed.)

Through **Lock Talk** it was announced that Barry Scanlon had left the team to pursue other ventures. This left the team in shock for a little while as it was a surprise when he left. The 1st alternate (Neil Fraser) was immediately brought in and we moved forward. Dave Graves assumed the chair and, with guidance from our Staff Liaison, took over the reigns and we did not miss a beat.

The team has met once in 2006 and we are ready for the challenge that lies ahead of us.

I'd like to take this opportunity to thank Barry for his leadership over my last four years. I learned many things from the time I spent with him through bargaining and MERC. First and foremost is patience – when representing the membership at the provincial level, you don't go in with both guns blazing demanding answers, at this level calls have to be made, research gets done and answers get back to you eventually. The management side calls its people who call their people, etc...

I also want to wish Darryl Pitfield all the best as he has also moved on to other ventures. I always respected Darryl's dedication and that he also had the best interests of all members from the smallest offices and tiny joints to the superjails. Ed Almeida assumes the Chair of OH&S.

The rest of the year will be interesting as we meet to discuss "Training and Development" and continue to bring your issues forward. Stay in touch! Send me your articles, news pieces, opinions, important grievances, letters, etc. ❖

e-mail
us your
OPINION!

Resource Position Management Update

by *Dave Graves, MERC Chair*

Here is an update on the implementation of Resource Position Management (RPMs).

The available RPM positions for unclassified Correctional Officers in all institutions have now been finalized. The total number of RPM positions approved is 323, and these positions were assigned via Appendix 24 and Article 6.6.1.

Rollovers of unclassified correctional officer positions have also begun, and unclassified staff who are rolled over into a permanent position have two choices with respect to their date of continuous service:

- a) Staff can choose to be appointed to full-time service effective the day they sign their option form.
- b) Staff can choose to be assigned to full-time service on May 23, 2005, and buy back all benefits for the intervening period.

The employer is still finalizing letters of offer, and we expect those to be issued soon.

Once classified, continuous service will be calculated as per Article 18, then all members will bid on both regular and RPM schedules as per their continuous service date.

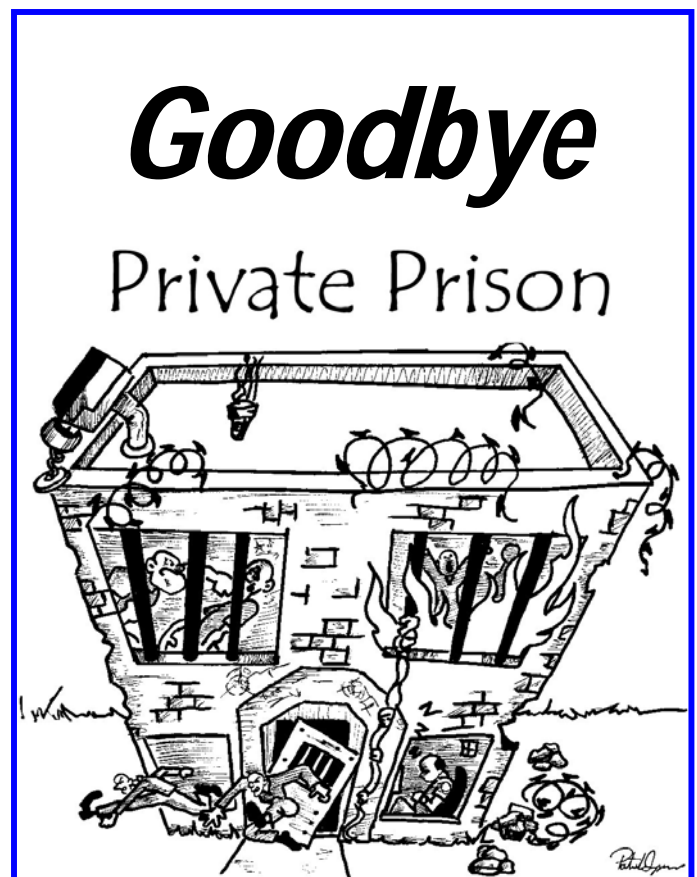
There are still six institutions that have yet to confirm the names and hours for the rollovers. They are Maplehurst Correctional Centre, Toronto West Detention Centre, St. Lawrence Valley, Mimico, Sarnia Jail and Sudbury Jail.

For vacation purposes, the RPM complement in each institution will be added to the current

complement and the number of staff allowed off at any given time will be recalculated. Obviously, more staff means more people off during any particular time on the schedule.

Any disputes regarding the above implementation should be referred to the MERC Team through your local president.

We will keep you posted as updates become available. ❖



P&P – Community Corrections Report

by Gord Longhi, MERC Member

Change in the Weather?

The mid 1990s to 2002 brought turbulent weather to community corrections. It was typically characterized by periods of constant and rapid change, with occasional stages of conflict and co-operation. The list of events included conditional sentencing, PPSDM, OTIS, at least three ministry name changes and a ton of wasted letterhead. Four regions to nine districts and back to four regions again. Hurricane Harris, two strikes and “Enough is Enough.” YCJA, all youth in, all youth out, disentanglement & MCYS. Electronic supervision, a new vision and yada yada yada.

Tired yet? Well, a breather appears to be on the horizon. After nearly a decade of rapid and consistent upheaval, the environment in P&P may be starting to settle out.

Through all of this mayhem, we have been able to provide the public with a level of service that quite honestly is commendable, given all that our members have had to endure.

Notwithstanding the members solidarity, one of the key factors in coping has been the persistent leadership of our MERC team steering through the rough waters. It is not surprising that the Corrections MERC is commonly recognized as the most effective MERC team in the OPS.

Major gains have occurred in Community Corrections recently, such as reinstatement of peace officer status, new identification including more professional employee cards with badges and most notably the campaign to retain our provincial parole system.

If I were asked what is next, steady progress is the forecast that I would like to convey. What

follows below is a brief summary of the ongoing and upcoming issues that will impact community corrections.

Staffing

In 2002, Dalton McGuinty and the Liberals promised 100 new PPOs to enhance community safety. Since their ascension to power about 30 new *full time* officers have been added. The 42 one-year contracts have now come to the six-month mark and MERC has asked about the status of these positions. Of course we would like to see them confirmed as permanent positions. Even with these added in, the tally is still short of the 100 promised.

Twelve positions have also been approved to be part of the “Guns and Gangs” initiative in the GTA. It is unclear at this point if they are to be included as part of the 100 promised previously. The union continues to have discussions with the employer on the working conditions for this project.

Workload

Excessive workload has easily been the most prevalent problem within community corrections for many years. Simply put it has been the cause of poor morale, disillusionment, and poor labour relations.

The “Workload Sub-Committee” created a report almost three years ago outlining a number of recommendations that would ease workload problems. A large number of these recommendations have been implemented and several are still being developed.

The Workload Measurement Tool was one of the significant recommendations flowing from the

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P&P – Community Corrections Report

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report. The tool was first promised for approximately Fall of 2004. The project has been piloted and evaluated, however it was not released because the employer felt that the tool was not yet a valid instrument.

Further evaluation from PESAR in the form of job shadowing, surveys and self reports have been conducted and will continue to be done in the upcoming months. Understandably, the union is disappointed at the slow progress of this initiative.

The Workload Subcommittee of MERC will be re-convening later in 2006 to review progress and identify new workload pressures impacting the field. Further recommendations will follow, aimed at easing workload pressures.

Appendix 24

Negotiations have recently gotten underway to make Article 24 meaningful for unclassified staff in community corrections worksites. The union is seeking an agreement that respects seniority for unclassified staff and finds a more equitable process for converting unclassified staff to permanent employees. Stay tuned for updates.

Grievance Backlog

In 2004, a process to address the backlog of grievances on the community side met with some early success in Eastern Region. Negotiation of our new contract slowed that project until recently. There continues to be a significant backlog of old and not-so-old grievances from all regions.

OPSEU Grievance Officer Mark Barclay and myself have been tediously organizing files with MCSCS staff relations and have set several mediation dates commencing in late April through to October. We will be contacting grievors over the next weeks and months in order to prepare files and set dates for hearings.

Reclassification grievances have collected layers and layers of dust waiting for a fair hearing. Our new collective agreement seems to have provided an opportunity for some dusting. The JSSC has been busy readying cases for mediation for all classification grievances and with some good preparation and luck we may see some resolution before 2007.

Interest Based Problem Solving

Improving labour relations in MCSCS has been a top priority for the Corrections MERC team. Several institutions have had the opportunity to engage in joint employer/union training that targeted the development of better local resolution of issues. Similar training will be introduced on the community side of corrections this spring. The Ministry of Labour will facilitate sessions of Interest Based Problem Solving to all the stewards, H&S reps and area managers.

Although it is not exhaustive, it is a healthy agenda. With membership participation and MERC leadership there is a great opportunity to improve the working conditions and continue toward the goal of safe, healthy and rewarding workplaces. I look forward to the remainder of 2006 and the opportunity to represent you in these matters at the MERC table. ❖



Health and Safety

by Eduardo (Eddy) Almeida, Co-Chair, Provincial Occupational Health and Safety Committee

Daryl Pitfield, a decade later

Daryl Pitfield has resigned as Chair from the members side of the Provincial Occupational Health and Safety Committee and has accepted a secondment with the Ontario government.

Daryl commenced his activity from the get go, becoming a steward shortly after the start of his career in the Ontario Public Service in 1987. He joined the Provincial Health and Safety Team in 1996. He became Chair of the committee in 1999 and has held that position up till now.

Daryl sat on many committees throughout his union career. He ensured that all the members of the team were active in one or more of the many sub-committees of the Provincial team, something that the present team plans to continue doing, more members doing less, not less doing the majority.

Some of the agenda items that Daryl was part of bringing forward and continued to fight for (even when it seemed it would fall by the way side) were: the Escort Policy, which continues to have spin off effects, equipment upgrades, clothing, Violence in the Work Place Policy, Health and Safety Analysis Training, Gang issues, overcrowding, defibrillators, specific institutions' agenda items as well as many other items that would fill this page. These items and others were kept on the table because of his tenacity and his belief of ensuring a safe work place for the members.

In his letter of resignation he left some very important words that I believe we all know them to be true: "The job we do as activists is not about money or accolades – it's because we believe with

all our heart that the safety of staff we are responsible for is above reproach." On behalf of all the committee members, Daryl, we wish you nothing but a healthy and safe future.

Future of Health and Safety

With Daryl's departure I have taken his place as Chair, the Vice-Chair is now vacant, the committee has agreed it will be elected at the upcoming Convention from amongst ourselves as has been past practice. The position Daryl held was part of an agreement that was in place between management and the union (Youth Ministry and Community Safety) but was nearing its end. The Youth Ministry will have a position on their MERC for Health and Safety now.

The work is never done and agenda items are never in short supply. Here is a sample list of some of what we are still working on and hope to be rolling out over the next year: Identification and badges for P&P Officers and Correctional Officers, clothing issue, defibrillators in Provincial Bailiff buses, Community Visit Risk Assessment (CVRA) training roll out, gang training, officer training of five years plus, P&P training, fire safety, inmate wrist bracelet pilots, staff scheduling pilots continue, inmate management, expanded use of handcuffs and soft restraints, Pandemic Flu and the B.O.S.S. chair.

OPSEU has on its web site (under our ministry) a link to all of the minutes of the Provincial Health and Safety Committee from present, back to Dec. 4, 2002. The escort minutes or "Q and A" are not found on the site but can be found on the government's Intranet, which you can log on from your workplace.

I would like to remind the activists of the process of getting items to the Provincial Health and Safety Table. Agenda items must be brought up

"The job we do as activists is not about money or accolades – it's because we believe with all our heart that the safety of staff we are responsible for is above reproach."
... Daryl Pitfield

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Health & Safety

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at the Local Health and Safety meetings and have gotten to the point that neither side can agree on a course of action on a subject. The employee or the employer side can submit the minutes to their respective committee member for referral and it would be placed on the agenda for the next POH&SC meeting, should be received at least two to three weeks prior to next scheduled meeting date. Next dates can be found on the minutes; the next meeting is scheduled for May 9.

Thanks for taking the time to read this short update; again I know we all wish Daryl nothing but happiness. From your Provincial Health and Safety team, we will continue to fight for your rights as workers for safe working conditions so that you can return after work to your homes the same as you did at the start of your shift and hopefully on some days, maybe even a little bit better.

In Health, Safety and Solidarity. ❖



How's that again?

CUPE/CALM

“P3s don’t work for every project, but we look at them for every project.”

• *B.C. Transportation Minister Kevin Falcon*

Communication

by Neil Fraser, MERC Member

Our division has had a healthy track record of communication. It could be issues within a local and getting our members plugged in through various means. Or, local executives/stewards emailing each other/meeting trying to find out what’s going on in each of our facilities. No matter what the issue or how desperate we need answers, there is always someone that can share an experience or can give assistance.

The list is endless on how well we have developed communication lines, and we continue to do so. The current MERC members are undertaking a process in which facilities will have a MERC contact in which the local President or highest ranking executive members will be able to contact and receive information from the team.

Why are we looking at a communication process? There are a number of reasons why we feel this will be a beneficial undertaking. It will aid in the team concept on being on the MERC team. It will help address succession planning that inevitably happens when members leave the team and try other challenges. Information will ultimately be shared within the team members.

This process being discussed is not an absolute. For example, if Facility A is to communicate with MERC member A is that the only person they should communicate with? No, that is not what we are looking at. Simply put, if issues in your facility need to be forwarded to MERC for inclusion at meetings, or if an agreement that is signed by MERC that affects members within your institution, your MERC contact is responsible for that information sharing on both issues.

What we are attempting to do is not re-invent the wheel. For us it’s about continuing to better the division for the future. The more plugged in we are to information resources, the better we can represent our members and help create better working conditions. ❖

What are Pensionable Earnings?

by Marcia Gillespie, Benefits Counsellor, OPSEU

Application

Definition from OPSEU Pension Trust

“Pensionable earnings” means your regular salary and does not include overtime pay. The principle is that it covers regularly occurring not unpredictable or irregular earnings. So by extension, in addition to overtime, it would not cover shift premiums or weekend premiums.

Below I have quoted from the OPT Employer's Manual (written in 2002). You can see that the principles would exclude weekend premiums even though they are not explicitly referenced.

. . . “pensionable salary” has the following attributes:

1. Must be paid to the member
2. Must be measured in terms of regular periods of time
3. Includes, in addition to regular pay, any periodic payments paid on a regular basis as a permanent component of pay for a position
4. Excludes fringe benefits and bonuses unless they are paid regularly and computed by reference to hours, days, weeks or other specific periods of time; these benefits cannot be ad hoc or unexpected, they must be a regularly recurring payment
5. Includes all earnings paid at regular rates for all hours up to full-time hours
6. Cannot include overtime, which is interpreted as wages paid at a rate greater than the regular rate
7. Includes any other amount determined to be part of “salary” by the Board of Trustees of the OPSEU Pension Trust.



In applying the above policy, pensionable salary is defined as including:

- Regular earnings/base wages including market value adjustments and yearly increases that may vary but regularly occur each year (e.g., merit pay)
- Payments for vacation when taken as a leave with pay
- Allowances that are paid regularly
- Retro earnings
- Compensating time
- Sick pay deemed to be regular wages
- Permanent salary notes (e.g., for specific training/certification)
- Isolation pay
- On-going long service pay
- Statutory holiday pay (4 per cent).

Although a member employed on a full-time basis may be in receipt of reduced wages under the short-term sickness plan or due to a self-funded leave, pension contributions are calculated on the full-time salary.

Payments not included in pensionable salary Under the OPSEU Pension Plan, pensionable salary does not include:

- Overtime (paid at rates exceeding regular rates)
- Severance pay
- One-time payments
- Reimbursement for expenses incurred
- Lump-sum vacation payments in lieu of leave with pay
- 4 per cent vacation pay in lieu of leave with pay
- Any payment in lieu of benefits provided by the employer
- Payments not regularly paid
- Shift premiums. ❖

MEDIATION

by Margaret Smoke, Local 368 WDHP
Representative, North of Seven (Newsletter from
Central East Correctional Centre)

We all have worked with individuals whom we just don't get along with. Some of us just ignore these people, while others lock heads with them. As you know, this causes a lot of grief and stress. Not only between the individuals, but also on the rest of our co-workers who have to watch and listen to the "bickering" and "bantering" back and forth every day or shift.

We live in a society where it is easier not to say anything and put up with it than to challenge the behaviour or action. Or, you may be too scared to say anything because of the perceived consequences: "this manager won't call you for future shifts; this person is popular in the office or possibly, just the physical size and demeanor of the person may stop you from saying anything".

It has been found that quite a few WDHP complaints and grievances are based on these types of behaviour/interactions. They are not "grounds based" (prohibited grounds, such as race, gender,

religion, etc.), but generally produce a poisonous work environment. The employer still has a legal responsibility to provide all of its employees with a work environment free from harassment and discrimination. What can you do?

- Tell the person(s) yourself (in private, if possible) to stop and let them know the affect their behaviour or action is having.
- Take a person with you and tell them you want the behaviour/action to stop.
- Notify a manager of the situation. They now have a responsibility to act on your complaint. (You now have no control of the outcome. The manager decides how to handle it)
- Go to a manager or union representative and request mediation.

What is Mediation?

Mediation is a structured, confidential process to help conflicting parties express their concerns and feelings, identify their goals and underlying interests and feel heard and understood by the other person(s). It also provides an opportunity to check and clarify facts and exchange ideas in a safe and respectful environment. This is accomplished with the help of an outside, unbiased third party – the mediator. This process encourages employees to actively participate in generating possible solutions and to reach a mutually satisfying resolution.

How To Access Mediation

1. You must first inform a manager or union representative that you would like to resolve your situation through mediation. (If you choose a representative, she/he will contact the manager)
2. The manager will then contact the affected employee(s) involved and ask them if they want to

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Mediation

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voluntary participate. (All parties must agree to the mediation. It is voluntary only)

3. If agreed to, the manager will contact the Mediation Coordinator.
4. The coordinator will assign a mediator to the case. (Through a joint competition process, there are approximately 32 trained mediators. One will be selected from outside your workplace)
5. The mediator will contact you and the other person(s) involved to determine if mediation is appropriate and agree to voluntarily participate.
6. Once the mediator determines the mediation is a go, everyone will be contacted with information on where and when to meet. (Meetings are held off site)

Benefits of Mediation

1. Able to express feelings and thoughts in a safe environment while feeling heard and understood.
2. The situation(s) can be resolved quickly and effectively.
3. Improves working relationships. Not only for you, but can have a positive effect on your co-workers.
4. You maintain control and come to a mutually satisfying agreement.
5. Improves health and working relationships by promoting a positive working environment.
6. Any party participating (including the mediator) can stop the mediation at any time.

This process is not the answer for all of our workplace problems, but certainly is a start to making coming to work more healthier and enjoyable!

Note: This particular process is only available to Ministry Of Corrections employees. Other Ministry's do have to have Alternate Dispute Resolution processes. If you are interested in participating, contact a manager from your Ministry and request information for their mediation process.

This process DOES NOT preclude any employee from filing a WDHP complaint, grievance or Human Rights complaint. ❖

The formation of Company Policy



Start with a cage containing five monkeys. Inside the cage, hang a banana on a string and place a set of stairs under it. Before long, one of the monkeys will go to the stairs and start to climb towards the banana. As soon as he touches the stairs, all of the monkeys are sprayed with cold water.

After a while, another monkey makes an attempt with the same result – all the monkeys are sprayed with cold water.

Pretty soon, none of the monkeys will try to climb the stairs. Now, put away the cold water. Remove one monkey from the cage and replace it with a new one. The new monkey sees the banana and wants to climb the stairs. To his surprise and horror, all of the other monkeys attack him. After another attempt and attack, he knows that if he tries to climb the stairs, he will be assaulted. Next, remove another of the original five monkeys and replace it with a new one. The newcomer goes to the stairs and is attacked. The previous newcomer takes part in the punishment with enthusiasm! Likewise, replace a third original monkey with a new one, then a fourth, then the fifth. Every time the newest monkey takes to the stairs, he is attacked. Most of the monkeys that are beating him have no idea why they were not permitted to climb the stairs or why they are participating in the beating of the newest monkey.

After replacing all the original monkeys, none of the remaining monkeys have ever been sprayed with cold water. Nevertheless, no monkey ever again approaches the stairs to try for the banana. Why not? Because as far as they know that's the way it's always been done around here.

And that, my friends, is how company policy begins. ❖

Rights under the Health and Safety legislation

Reprisals

Section 50 of the *Occupational Health and Safety Act* goes as follows:

No discipline, dismissal, etc., by employer
50. (1) *No employer or person acting on behalf of an employer shall,*

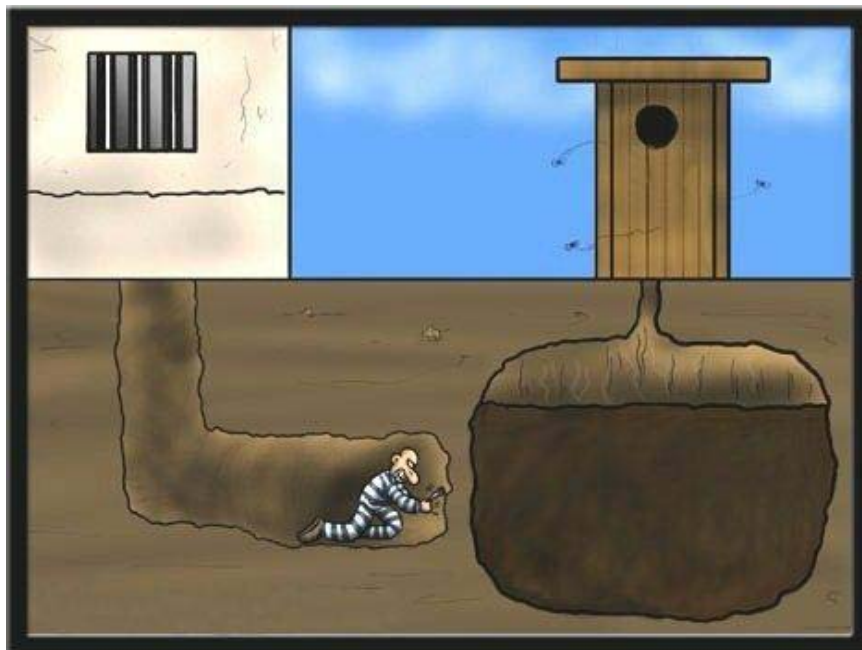
- (a) dismiss or threaten to dismiss a worker;*
- (b) discipline or suspend or threaten to discipline or suspend a worker;*
- (c) impose any penalty upon a worker; or*
- (d) intimidate or coerce a worker,*

because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the Coroners Act. R.S.O. 1990, c. O.1, s. 50 (1).

This means that if a worker truly believes that something is unsafe they can do a work refusal. This section of the Act guarantees them that they will be held safe from reprisal. It means that if you supply a copy of a report or document to your Health and Safety representative the Employer cannot sanction you in any way. It means that if you call a Ministry of Labour (MOL) Inspector and complain about an unsafe condition you are protected.

Can you provide confidential information to the MOL? Absolutely! Can you provide confidential information to your union, and to your union's lawyer in pursuit of the enforcement of the Act? When the union is undertaking a proceeding in respect of the enforcement of the Act, then absolutely. The union corporate, as the legal representative body, is an extension of the workplace!

This right, the right to protection from reprisal is the most sacred right under the Act. It must be defended at all costs!



OPSEU



SEFPO

FOR MERC ACTION

Strategic Action from Local Employee Relations Committee
(to be used when an issue is not resolved at LERC table)

Ministry:

Workplace Location:

Local #:

Please use a Separate Form for Each Unresolved issue.

- ✓ **Please include the specific details about the issue.**
- ✓ **Provide any documentation that may assist the discussion at your Ministry Employee Relations Committee (MERC).**

Is the issue related to (please ✓):

- | | | | |
|--------------------------|--|--------------------------|---------------------------------|
| <input type="checkbox"/> | Job Security and Article 20 | <input type="checkbox"/> | Reasonable Efforts - Divestment |
| <input type="checkbox"/> | Employer's Corporate Initiative and work re-organization | <input type="checkbox"/> | |
| <input type="checkbox"/> | Enforcing the Contract | <input type="checkbox"/> | Contract Interpretation |
| <input type="checkbox"/> | Health and Safety | | |
| <input type="checkbox"/> | Other: (please identify) | | |

Statement of the Issue:

The Resolution sought by your Local Employee Relations Committee (LERC):

Date Issue was declared unresolved by your LERC:

Is the Relevant material attached? Yes No

LERC Minutes dated:

Correspondence. Please list:

Local ERC Member Contact

Name:

Home #:

Address:

Work #:

**FORWARD to: OPSEU Job Security Unit, 100 Lesmill, Toronto, Ontario M3B 2P8
Fax: (416)448-7462**

Private prison operators waiting to cash in on Harper policies

Tory law and order platform may produce a 'spike' in demand for prison space and add billions to the Canadian corrections budget

NUPGE

Ottawa (4 April 2006) - Private security companies are in a buoyant mood as the first session of the new Conservative Parliament opens in Canada.

They are counting on new justice measures promised by the Tories to increase the federal prison population and open a new era of private for-profit prisons across the country.

"Imagine superjails run for profit by private companies eager to cash in on Conservative plans to get tougher on crime," began a national news report published this week.

"Leading criminologists say the prospect is a definite possibility should the Tories pass even part of their law-order platform. They're watching for details as Parliament resumes ... on how the new government would pay for one of its top priorities: a justice strategy that experts agree would dramatically spike demand for costly prison space."

'Serious crime, serious time'

Prime Minister Stephen Harper underscored his intentions to act decisively when he spoke Monday (the very day Parliament opened) to the Canadian Professional Police Association.

"If we are to protect our Canadian way of life, we need to crack down on gun, gang and drug crime.... If you do a serious crime, you're going to

do serious time," he declared.

Harper reiterated promises made during the election campaign to impose mandatory minimum prison sentences for drug crimes, weapons offences and crimes committed while on parole.

He also spoke of his government's plan to end conditional sentences for crimes such as weapons offences and to scrap leftover draft legislation introduced by the previous Liberal government to decriminalize the possession of small amounts of marijuana.

Experts say Conservatives are unlikely to spend the money up front required to build the prisons they will need to house the many new inmates their policies will generate.

Tory privatization agenda

Instead, they are expected to argue (despite a growing body of evidence to the contrary) that private prisons are cheaper and then to call on their private sector friends to build and operate them.

This approach fits with the strong pro-privatization ideology of the Harper government and the likelihood that it will try wherever it can to turn over a growing range of public services to private operators.

But the cost to taxpayers will likely be steep in the long run.

In the case of prisons, privatization may spare Ottawa the need to make large capital investments in new prisons. However, if the U.S. experience is

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Private prison operators waiting to cash in on Harper policies

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any guide, the ultimate cost will be great. Private prison operators eventually get back all the money they spend initially, plus profits that are paid for in perpetuity by the public treasury.

Moreover, private prisons have no incentive to rehabilitate prisoners because they make the most money when cell blocks are full. Private institutions also feature higher rates of recidivism, incidents among inmates and higher staff turnover.

Laws to boost the prison population

Canada's Criminal Code already contains 29 minimum mandatory sentences, including 20 imposed in 1995 legislation boosting punishment for crimes with firearms. Automatic jail terms for firearms crimes range from one to four years.

Critics say the Conservatives are heading down a road already followed (with disastrous financial implications) in the United States. U.S. public spending on prisons – many of them now private – has soared to \$58 billion a year from \$9 billion in 1982.

The United States adult prison population now exceeds two million inmates, an average of 724 citizens per 100,000 members of the American population. (The figures combine those being held in jails and prisons.)

In Canada the rate is 102 prisoners per 100,000 population (one seventh that of the United States). Comparable rates in other countries are 98 in Germany, 92 in Italy, 80 in France, 64 in Sweden, 61 in Denmark and 69 in Iceland.

Private prisons were introduced to Canada by the former Ontario premier Mike Harris, who built Canada's first superjail at Penetanguishene, Ontario. It is run by Management and Training Corporation (MTC) of Centreville, Utah. The Harper government now includes two of the most influential and right-wing of Harris' former cabinet ministers. Jim Flaherty is now federal finance minister and John Baird is treasury board president.



Ontario Court fines public servants who crossed picket lines

Lancaster House

The Small Claims Court of Ontario Superior Court has enforced fines ranging from \$117.38 to \$1,087.56 that were levied by the Public Service Alliance of Canada (PSAC) against four public servants who crossed picket lines during a 2004 strike against the federal government.

In rulings made in January and February, the Court ordered the union members to pay the fines, the first ever imposed by the union in Ontario, to PSAC. The varying amounts represent the wages that these employees collected by returning to work while some 125,000 PSAC members walked the picket lines during the October 2004 strike. The court ruling permits the union to garnishee the wages of the workers for the court-ordered amounts if they refuse to pay.

The union says that it intends to take as many as 196 more Ontario members to court over the coming months to enforce similar fines. Chris Aylward, a PSAC regional vice-president, said that the successful court action "shows we can fine people who chose not to respect the picket line. The judge ruled that the fines are collectible."

PSAC amended its constitution after a major strike in 1991 to permit the levying of fines against members who return to work during a strike. ❖