

WHAT IS A SPECIAL CASE?

To assist those contemplating a special case submission, the following guidelines should be considered before filling out a special case form.

1. A special case is primarily a claim that the identical or virtually identical job outside the Ontario government is receiving a higher salary. This is called a “market comparison”.
2. A secondary justification for a special case is that salary relationships previously established with groups outside the Ontario government and, to a lesser extent inside the OPS, have altered. This is known as an “historical relationship”.
3. From the employer’s perspective a major consideration is whether or not they can attract employees with the appropriate skills and keep them. This issue is commonly referred to as “hiring and retention”. Since normally the central union does not have access to this information, please make every effort to obtain this data locally and submit it with your special case claim.
4. Success depends on the extent to which each or all of points 1, 2 and 3 above are true and can be proven with documentary evidence which will convince the employer to agree to an adjustment in bargaining. It is not sufficient simply to state on the form that “your occupational group should get more money”. You must attach all available supporting documentation. The assigned Research Officer may be able to add to your information from central sources but the person making the claim has primary responsibility for supplying the necessary justification and indicating the exact source of the information so that it can be verified.
5. Added responsibilities do not produce a special case. When duties of greater responsibility are added or appear to have been added, you have a problem with your job description and classification. You may file a classification grievance under Article 22.12 of the Collective Agreement. You may also inform the union members of the Joint System Subcommittee (JSSC) about your classification concerns.)
6. Special cases must be adopted by the members of your Bargaining Category at your Local Demand Setting meeting, submitted on the appropriate form, to which all relevant documentary evidence should be attached, and be signed by two (2) local officers before they are sent to the Regional Office.
7. Special cases are not discussed at the Local Demand Review meeting. The team is ultimately responsible for deciding which cases meet the criteria and whether a particular case or any case(s) will become part of the Category’s final proposals.

8. A team may decide not to make a special case part of the final demands for one of several reasons:
 - a) It is lacking in merit;
 - b) There is insufficient supporting evidence;
 - c) It appears to be more properly a classification grievance; or
 - d) For strategic reasons, the team decides not to include any special cases in its demands.