

OLRB rules on essential services framework

With the help of Kevin Whitaker, Chair of the Ontario Labour Relations Board, your bargaining teams and the employer have reached a settlement that sets out a framework for bargaining essential and emergency services.

Arriving at this framework, known as “the conditions document,” was no easy task. “This is a significant accomplishment given the considerable distance between the parties reflected in the proposals initially tabled,” Whitaker says.

Not all the issues were settled by negotiation. Last week, the parties moved to

arbitration, putting their positions to Whitaker on Nov. 25. His ruling the next day is summarized here:

- **Onus:** The union argued that once essential service agreements are terminated, the parties start from scratch with respect to negotiating new agreements. The Chair ruled against the union, stating that the old conditions agreement stands and that whichever party (the union or employer) wants to change the document must prove the amendment is necessary.
- **Replacement workers:** The union had asked the OLRB to add language to the document, which would expressly preclude the use of replacement workers. The OLRB declined to rule on the issue based on the employer’s written intention “...not to use any hired replacement workers in the event of a work stoppage.” Greedy retired Corrections managers who had dreams of getting rich in the event of a strike or lockout can forget it. Unless the employer tries to pull a fast one on the OLRB, there will be no hired replacement workers this round.
- **Reduction in the number of bargaining unit members:** An earlier provision in the conditions document allowed the employer to unilaterally reduce the number of bargaining

Teams start site agreements

The teams are continuing to bargain essential service agreements with the employer. With the conditions document complete, we are now moving on to the numerous site agreements. Over the next few weeks, the bargaining teams will be contacting locals to update information and confirm the positions to be put forward.

There are thousands of site agreements that have to be looked at. Please start giving serious consideration to the functions and numbers required in your workplace.

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POST and CIRCULATE

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unit employees required for essential and emergency services prior to a strike or lockout. The union asked the OLRB to remove the clause from the document because of the real potential for abuse on the part of the employer. Although the OLRB refused to remove the section, the Chair of the OLRB put the employer on notice. The Chair indicated that should the employer abuse the provision, the OLRB would deal with any complaint “with dispatch.” The underlying message to the employer from the OLRB? “Don’t abuse the provision.”

- **Worksite visits:** The OLRB ordered that visits be increased from 30 minutes to, “45 minutes or as negotiated per each site

agreement, or any longer period that is reasonable in order to properly inspect the worksite where bargaining unit work is usually done and such areas have not been converted to another use.”

- **Unclassified contracts:** The following wording was awarded by the OLRB: “The parties agree that issues regarding the extension of unclassified contracts, and/or the impact of a work stoppage on a break in service for such employees may be dealt with by the parties if a return to work protocol is negotiated.”

These orders and others released on Nov. 26 will be incorporated into a final conditions document.

Policy on leaves of absence for locals with 750+ signed members

Earlier this year the OPSEU Executive Board approved a leave-of-absence policy that applies to all OPSEU locals with 750 (or more) signed members. The policy provides for the equivalent of one full-time-employee leave of absence. If approved by the employer, OPSEU will reimburse the employer for the wage and benefit costs of employee(s) on leave. The president’s office is currently contacting large locals to follow up on the implementation of this policy.

Under this policy, each eligible Local Executive Committee (LEC) creates a workplan and picks one or more activists to do union work on a leave of absence for the local (who should be off on leave depends on the work that needs doing). This may be, but does not have to be, the local president. The LEC must, by motion, approve of the leave, the people to receive this leave and for what periods.

Management Board Secretariat has

responded by agreeing to approve a leave of absence for the president in these large locals. While this is a positive response, locals and LECs should continue to apply the OPSEU policy. If they feel, for example, that the leave should be shared or be assigned to someone other than the local president, they should propose this to their local management in accordance with OPSEU policy. After discussion, these alternate arrangements may be approved by the employer. If they are not approved the local may then reconsider the appointments.

Once approved, the member(s) on leave will also be provided with information as to the manner in which they would claim WSIB should an injury occur during the leave.

No matter what the result, those on leave should be, during the next several months, working hard to support the OPS bargaining by mobilizing the members of their local.

Unclassified working group plans strategy

The “Unclassified Working Group” convened on Nov. 30 for the first full day of strategizing for the current bargaining process. OPSEU staff mobilizer Jan Borowy facilitated the day involving regional representatives, alternates to regional elections and members of the unclassified task force appointed by the OPSEU executive board.

The session began with an opening statement from Moira Cowan, the unclassified rep on the Central bargaining team. She outlined the expectations and opportunities to be discussed to develop concrete demands to be brought forth in this round of bargaining. Other speakers included Marg Simmons, Chair, Central team, Len Mason, Corrections team, Barry Scanlon, Chair, Corrections team, Eric

Morin, Vice-Chair, Central team, and Leah Casselman, OPSEU President.

The day was a success, focusing on strategies needed to make substantial gains for our unclassified members. The working group held in-depth discussions on the priority issues and conveyed them to Moira. Working group members also set up a communication network for unclassified members. In the coming weeks, as bargaining moves forward, there will be weekly conference calls between working group regional reps and the bargaining team unclassified rep to further develop the communication plan. Members are encouraged to contact Moira Cowan, bargaining team member, at unclassified@bellnet.ca with any questions or concerns.

Your OPSEU OPS bargaining teams

Central/Unified team:

Marg Simmons (Chair), Central Enforcement and Renewal Committee
Linda Thibert, OPSEU Region 1
Doug Peebles, Region 2
Kathleen Demareski, Region 3
Rhéal Delaquis, Region 4
Paul Myers, Region 5
Eric Morin (Vice-Chair), Region 6
John Watson, Region 7
Bob Houston, Administrative category
Brian Chauvin, Corrections
Carl Thibodeau, Institutional & Health Care
Sandra Noad, Office Administration
Beth Anich, Office Administration
Ken Fraser, Technical/Operational & Maintenance
Moira Cowan, Unclassified members

Corrections team:

Jack Hopkins, OPSEU Region 1
Barry Scanlon (Chair), Region 2
Glenna Caldwell, Region 3
Robert Curran (Vice-Chair), Region 4
Dave Graves, Region 5
Joe Wright, Region 6
Len Mason, Region 7

The Source is your only accurate source of Central and Corrections bargaining team information. Do not rely on gossip and rumours. We will provide the facts. Your editors are Len Mason, Beth Anich and Moira Cowan. *The Source* is authorized for distribution by Barry Scanlon, chair, Corrections team, Marg Simmons, chair, Central bargaining team and Leah Casselman, president.

This week's team member profiles

Kathleen Demareski

I have been employed as an Ontario public servant for 16 years.

I became a certified health & safety co-chair in 1997. I also worked my way up the ranks of my Local Executive Committee as a steward, secretary, vice-president and president in Local 340.

I was elected as the health & safety advisory chair on the Ministry of Finance Enforcement and Renewal Committee (MERC). I filled the position until I was recently elected chair of the Finance MERC team.

For the past two years, I was elected to sit on the Central Enforcement and Renewal Committee, which meets on a monthly basis with Management Board of Cabinet.

I am excited by the challenge of being on the OPS Central/Unified bargaining team for this round of negotiations. Let me assure you that this team is a formidable force to be reckoned with and we are committed to obtaining a collective agreement that OPSEU members deserve.



Barry Scanlon

Barry Scanlon began his career as a Correctional Officer in 1984 at the Toronto West Detention Centre. The following year, Barry was elected as a steward. He has devoted himself to standing up for members' rights and entitlements. Barry has also worked at the Waterloo Detention Centre, Guelph Correctional Centre and is currently at the Maplehurst Complex.

Barry's tireless efforts on behalf of members in the Corrections category resulted in his election to the Ministry Enforcement and Renewal Committee in 1992. He was elected chair of the committee in 1994, a position he still holds today.

Recognizing his leadership in the Corrections Category, the members of the Corrections bargaining team unanimously elected Barry to the position of chair in 2001 and also for this round.

