



The Source

The factual report from the OPS Bargaining Teams

Issue 7

January 20, 2005

Editor's note: The Source is publishing on Thursday this week due to the OPS Divisional Meeting and Conference scheduled for this weekend. We will return to our regular Friday schedule next week.

OPSEU responds to “zero” application for corrections

On Jan. 14, 2005, OPSEU filed a response at the Ontario Labour Relations Board (OLRB) to the government's application for “zero” essential services for corrections.

OPSEU's response included: a request for the Labour Board to find that the government's application had failed to establish a prima facie case; a request for a declaration from the Board that the employer had refused to bargain in good faith with respect to essential services bargaining; and in the event that the Board did not agree with the union's position on a prima facie case, the union requested an order from the Board directing the Crown to provide further particulars, information and documentation in relation to the Crown's “zero” application.

In the decision made Jan. 17, 2005, OLRB vice-chair Harry Freedman dismissed OPSEU'S application regarding the Crown's failure to

provide a prima facie case. However, the vice-chair did order the Crown to provide OPSEU with a statement of the material facts and the documents on which it intends to rely upon on or before Jan. 26, 2005. He also directed the Crown to respond to OPSEU's application by the same date.

The Labour Board decision also says that the “Crown is seeking to introduce a significant change to the current ESA,” and that, “it will be up to the Crown to convince the Board that the ESA in the current round of negotiations should not have any Corrections Officers, Youth Service Workers, Probation and Parole Officers, and Probation Officers designated as being necessary to provide essential services”.

Both the government's and OPSEU's applications will be heard in early February by the chair of the OLRB.

POST and CIRCULATE

This week's team member profiles

Beth Anich

Beth is President of Local 601 in Sault Ste. Marie and has been an activist for 22 years. She is an Office Administration worker for probation services in the Youth Justice Branch of the Ministry of Children and Youth Services. Beth takes great pride in the fact that she participated in the bargaining process as an Office Administration Team member in 1994/96, 1999/00 and as a mobilizer and a resource person in the last round.

“As an Office Administration Representative on the Central Bargaining Team, I look forward to negotiating the best possible contract that all the members deserve,” says Beth.



Brian Chauvin

Brian is the Corrections Representative on the Central Bargaining Team. Brian is a 23-year veteran Correctional Officer at the Windsor Jail. He is actively involved in the union as a member of the Systemic Change Committee, Provincial Occupational Health and Safety Committee and also is Vice-President of Local 135.

Brian is a family man and the proud father of four teenagers - three daughters and one son. Brian looks forward to being part of the team that brings home a good collective agreement.



A Short History on Rotation

Rotation for essential services workers was first negotiated with the Corrections Bargaining Unit in 1996. A two-week rotation (two weeks working inside, two weeks on the picket line) resulted from the negotiations. The other bargaining units did not attempt to bargain rotation at that time.

In 1999, the Herman decision ruled that if there was to be rotation it would be appropriately negotiated and/or ordered at the bargaining unit tables. The rotation issue arose at various tables and was resolved by the four arbitrators that were dealing with essential services. The arbitrators ruled that rotation was not incompatible with the scheme of the *Crown Employees Collective Bargaining Act* (CECBA)

and they directed that rotation be two weeks in duration for correctional facilities and four weeks everywhere else in the OPS. The rotation issue was not put to the test in the 1999 round of bargaining. In 2001, many of the essential services agreements were rolled over; this included rotation.

This round of bargaining, the employer has taken the position of “no rotation”. Our response is a two-week rotation for all OPS workplaces. Each side has completed arguments and the issue is presently in the hands of Chris Albertyn of the Ontario Labour Relation Board. A ruling is expected late this week or early next week.

Your OPSEU OPS bargaining teams

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Kathleen Demareski, Region 3

Rhéal Delaquis, Region 4

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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.