

Chair of the OLRB decides on Corrections ESAs

Ontario Labour Relations Board chair Kevin Whitaker has decided, in part, on applications by the government and the union with respect to essential service agreements (ESAs) for correctional and youth institutions, Probation, and Probation and Parole Officers. The government had sought an order from the Board that the “ESA provide that no Correctional Officers and Probation and Parole Officers in the OPSEU bargaining unit working at the Ministry of Community Safety and Correctional Services and the Ministry of Children and Youth Services” would be necessary to provide essential services in the event of a strike or lockout. The union had asked for a “declaration that the Crown has failed to bargain in good faith with respect to essential services agreements (ESAs), and an order directing it to do so forthwith.”

In his decision, the chair rejected the government’s interpretation of Section 32 of CECBA. The chair accepted the union’s interpretation of Section 32 as making “coherent sense of the plain language meaning of the statute”.

Section 32 of CECBA is as follows:

32. (1) The essential services part of an essential services agreement must include provisions that,

- identify the essential services;
- set out how many employees in the bargaining unit from what employee positions are necessary to enable the employer to provide the essential services;

and,

- identify the employees who the employer and trade union have agreed will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993,c.38, s. 32 (1)
- (2) For the purposes of clause (1) (b), the number of employees in the bargaining unit that are necessary to provide the essential services shall be determined without regard to the availability of other persons to provide essential services. 1995, c. 1, s.40.

The chair then directed the parties “to make every effort to bargain in good faith...the numbers of employees in the bargaining unit who are necessary to enable the employer to provide the essential services”.

The chair did not directly address the issue of the employer’s position of using untrained, inexperienced managers and others to perform work normally performed by Correctional Officers, Probation Officers and Probation and Parole Officers. However, the chair did say, “The public interest in the continuation of essential services is safeguarded where there is certainty that employees trained and experienced in the provision of the essential services will be in position to perform them without regard to the circumstances of the moment”.

As a result of the Board’s decision, ESA negotiations between the Corrections Team and the employer re-commenced Feb. 17.

POST and CIRCULATE

The Sunshine Club – sixth edition

The Sunshine Club is the list of public service managers who earn over \$100,000 per year. Here are the names for our sixth edition:

Name	Ministry	Current Position	(Strike Year)	(Non-Strike Year)
			2002 Salary	2003 Salary
Clifford Roach	Ministry of Finance	District Manager, EHT, Windsor	\$143,918	Under 100k
Dino Mozzon	Ministry of Labour	A/Manager, Employment Standards Service Delivery and Transformation	\$111,033	Under 100k
Michael Fournier	Ministry of Health and Long-Term Care	Nurse Manager, Oak Ridge Mental Health Centre	\$125,860	Under 100k
Keith Bryer	Ministry of Transportation	Manager, Northern Region – Field Services	\$140,960	Under 100k
Troy Fernandes	Ministry of Environment	Executive Assistant Corporate Management Division	\$127,308	Under 100k

In Corrections:

Name	Current Position	(Strike Year)	(Non-Strike Year)
		2002 Salary	2003 Salary
Christina Gaspardy	Area Manager, Hamilton Centre Probation and Parole	\$ 107,762	Under 100k
John Ahvenniemi	Deputy Super. of Programming, Thunder Bay Corrections	\$165,270	Under 100k
Barry McDonnell	Superintendent, Niagara Detention Centre	\$161,376	Under 100k
Allar Viinamae	Area Manager, Scarborough West Probation and Parole	\$112,776	Under 100k
Rodney Larivee	Superintendent, North Bay Jail	\$170,649	Under 100k

This week's team member profiles

Bob Houston

Bob has 30 years of experience in the Ontario Public Service and joined the Ministry of Transportation when OPSEU was still the Civil Service Association of Ontario. He is currently a Corridor Management Officer.

Bob served on the Technical Bargaining Team in the 1999 round and currently sits on the Ministry of Transportation Ministry Enforcement and Renewal Committee (MERC). He is also secretary of Local 224 in Owen Sound.

“Bargaining a collective agreement is the experience of my union life,” says Bob. “The process is a series of highs, lows and in-betweens, all of which is worth it because I am working for all the members not just those in my local, region or bargaining unit. It is something I will remember all my life.”



Len Mason

Len began his career in corrections at the Thunder Bay Jail in 1988 as a Correctional Officer. Len became involved in the union very early in his career, holding different positions within Local 737. He is currently the local president.

Len recently began his second term as a member of the Corrections Ministry Enforcement and Renewal Committee (MERC). This position, along with his previous bargaining team experience, provides Len with a wealth of knowledge that he brings to the table this round.

A passionate writer, Len has developed his writing and award-winning editorial expertise through several publications. Len is the editor of the MERC newsletter, *Rock Solid*, OPSEU activist newsletter, *In Solidarity* and a member of the editorial committee of *The Source*.

“I ran for the team in hopes that I would get the chance to do some bargaining with a new government,” says Len. “I am hoping the Liberals bring some respect to the table for our workers in corrections, something that was noticeably absent with the Tories. I have full confidence in the Corrections Division; I truly believe that the members will do whatever it takes to achieve a fair and respectable collective agreement.”



Essential Services Negotiations Ongoing

The process and pace of negotiating essential services agreements has picked up somewhat since it was last reported. We now have the assistance of three vice-chairs of the Ontario Labour Relations Board. They will aid both sides in coming to an agreement or, failing that, the vice-chairs will rule on what the agreements will be. Vice-Chairs Christopher Albertyn, Peter Chauvin and Kelly Waddingham are assisting the Central/Unified Bargaining Team.

We requested the assistance of the vice-chairs because the employer, for the most part, is

entrenched in their position and unwilling to negotiate with us. The employer wants to increase the number of essential and emergency service workers in worksites and wants to have “business as usual”. Without the guidance and mediation skills of the vice-chairs, there would be absolutely no movement on anything.

We have had some success in moving the employer off their positions. This movement is the result of some hard work by your bargaining team members and some very long days and evenings.

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

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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

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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.