

# ***The Real Deal***

Bargaining news from your OPSEU Central  
Bargaining Team in the Ontario Public Service

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## **Employer not moving - strike date set**

As promised, your Central Team remains committed to negotiating a collective agreement. Unfortunately, we don't get to do that alone. There is an employer on the other side who must also be committed to bargaining a collective agreement. Every indication thus far has been that they are not.

For two days, now going on three, we have been waiting for a meeting that the employer promised. It has not yet taken place. We have set a strike deadline of 00:01 a.m. on Mar. 13, and we have told the employer that they have until Mar. 13 to address your demands.

On Tues., Mar. 5, the employer did table an offer to us. It was unchanged from their pre-vote offer, with the exception of an additional 0.5 per cent added to pay for performance. This raises the employer's pay for performance offer to 1 per cent. This is equivalent to \$8.00 per week (before taxes) for the employer's "favourites". We were clear, and our members were clear, that we will not entertain any pay for performance scheme that this

employer delivers. Our collective agreement must be built on fairness, not favouritism. Your rejection of the employer's offer confirms that.

The employer's so-called "new and improved" offer does not address any of our issues in this round of bargaining – issues that you said were important during demand setting, and again when you rejected this employer's insulting offer to us.

We have seen no new and improved benefit package offer as stated in the employer's latest press release. We wonder if Tsubouchi somehow has confused us with some other bargaining unit. We suggest they clear up that confusion very soon.

We are ready to bargain. This employer is not. We will continue to remain at the table and be available if and when the employer wants to meet.

"Your continued support and efforts in your local **are** making a difference," said Marg Simmons, chair of the OPS Central Team. "We are truly inspired by your determination and focus and most enlightened by your inventive strategies

within your workplaces. We will continue to do what we were elected to do, but if this employer continues to lie and play games, we will legally exercise our right to strike on Mar. 13."

### **Here are the issues that this employer has said no to:**

- No contracting out
- Renewal of the Public Service
- All unclassified issues
- Wage recovery
- Benefit improvements
- Pension – Factor 80 and other improvements
- Family issues
- Seniority issues
- Posting and filling of vacancies
- Grievance issues
- Training and development
- Sick leave
- Vacation and holiday improvements
- Union activities
- Occupational health and safety
- Elimination of Schedule 6
- Special case submissions

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# ***POST AND CIRCULATE***

# Strike strategy unchanged in the courts

In a stunning 180 degree reversal of her earlier decision, arbitrator Kathleen O'Neil has ruled that unclassified members can be deemed essential in the courts.

Only a short time ago, O'Neil ruled that if management had not filled their vacancies within a six month period, then they didn't get the member filling the vacancy for essential services. Now, O'Neil has ruled that if a position has been vacant for six months or more but filled by a member of the bargaining unit, either classified or unclassified at the time of a strike, it will be considered essential. For the purposes of a position held by several members on contract, only one contract member shall fill that essential position.

O'Neil also reversed her earlier decision on multiple court location positions. O'Neil has now ruled that the assignment of staff will be done in accordance with current practices and in accordance with the collective agreement. This is contrary to our interpretation that members would only be required to report to their home location.

Needless to say, the Central Team is furious with the blatant bias in which O'Neil made these new rulings. There are now serious doubts about this arbitrator's ability to make an impartial decision.

This decision does not alter the way in which we will act should we go on strike. The inside strategy still holds firm. This is a minor set back, and we

will win in the end if we all remember our strategy and stay the course.

As for conversion grievances, please continue full throttle. Some of you have not filed those grievances yet. File them now. Managers appear to be stalling and not setting Stage Two dates. If the timelines for the Stage Two hearing have passed, proceed to the Grievance Settlement Board. We have made huge gains in the area of conversion, and there's no reason to stop now. Stay focused, and don't let these diversionary tactics make us lose sight of what's really important - an "A" contract, with a classified job.

## OPSEU has support of OFL

The Ontario Federation of Labour (OFL) has declared their support for OPSEU in the event of a strike or lockout.

"We want the members of the Ontario Public Service Employees Union to know that the OFL supports their union and will stand behind their members if they are in a strike position," said OFL president Wayne Samuelson in a recent press release. "The OFL has been working for months across the province to develop a network of activists just for situations like this. In addition,

contacts are being made with local labour councils to ensure support mechanisms are in place for striking OPSEU workers."

Samuelson said he hopes that the provincial government sits down with OPSEU and works out a contract that reflects the important work that these public service employees do in Ontario.

"OPSEU members work in many of the most important, often risky occupations in our society. They deserve respect and they have our unconditional support," Samuelson said.

**The Real Deal is your only accurate source of Central Team information during this round of bargaining. If you don't read it here, you can't be sure it's true. Don't rely on gossip and rumours. We will provide the facts.**

*The Real Deal will be available by fax, by e-mail, and on the OPSEU web site at [www.opseu.org](http://www.opseu.org). To receive it directly, send your secure fax number to Lesley Williams at (416) 443-1762 or send your e-mail address to [lwilliams@opseu.org](mailto:lwilliams@opseu.org).*

# How to contact your team members

You can contact the Central Team directly at (416) 815-1406, by fax at (416) 815-1412 or by e-mail at [centralteam@opseu.org](mailto:centralteam@opseu.org).

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*Authorized for distribution by  
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