



# OPS CONTRACT 2002

Information for OPSEU members in the Ontario Public Service

May 7, 2002

## Return-to-work Q&A

Questions and answers about your rights and protections as you return to work after the OPS strike

### **Q1. What is a return-to-work protocol?**

This agreement, which is part of the collective bargaining process, is designed to protect members and assist with a smooth transition into the workplace after a strike. Copies of the return-to-work protocol are available on the OPSEU website at [www.opseu.org](http://www.opseu.org) and at your OPSEU regional office.

### **Q2. What is covered in the return-to-work protocol?**

The protocol covers a range of issues such as continuous service dates, no reprisals for strike activity, your ability to buy back pension credit, unclassified contracts and accrual of credits. It is very important that you read the return-to-work protocol.

### **Q3. How do I enforce the protocol?**

The grievance procedure in your collective agreement is the enforcement tool. Please ensure any grievances are identified very clearly as return-to-work protocol violations. Each stage of the grievance procedure must be followed. If the issue cannot be resolved, please move it through the first and second stage as quickly as possible. There should be no extensions on the timelines. The grievance

department will coordinate the grievances at Stage 3 and will attempt to ensure an expedited process is in place. This does not limit you in trying to resolve the grievance at the worksite, even if it has been referred to arbitration. The bargaining centre is now closed. All grievances should be coordinated with your local president, along with the assistance of your local services rep at your OPSEU regional office.

### **Q4. What about violations of the collective agreement during the strike for essential and emergency service workers?**

If members were working under an essential or emergency services agreement, they were covered by the collective agreement. Members should file a grievance to assist them in reconciling any outstanding issues. Under the return-to-work protocol, the time limits were frozen from March 12 continuous to 72 hours after the new agreement was ratified, which is Wednesday, May 8, 2002.

### **Q5. I am an essential services worker and I was not paid my overtime pay during the strike. What are my options?**

You are entitled to overtime pay. Get an assurance from your manager, in writing, that

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you will receive your overtime pay by a set date. If the manager does not live up to that undertaking, then file a grievance.

**Q6. What about grievances that were filed just before the strike?**

Under the return-to-work protocol all timelines were frozen from March 12, 2002 continuous to 72 hours after the new agreement was ratified, which is Wednesday, May 8, 2002.

**Q7. I am an unclassified member and my manager has told me my contract was terminated as of March 31, 2002. What are my options?**

Unclassified members should not lose their contracts solely because they engaged in the strike. Members should grieve their termination. Members should also collect any information about the “ongoing need” for their contract as evidence to support their grievance. If you believe that the non-renewal of your contract is a reprisal for your activities during the strike, please collect evidence to support your grievance.

**Q8. I am an unclassified member and I usually work on a 3-month contract. My manager has only extended my contract for 1 month. What should I do?**

If your contract renewal seems abnormally short, and there is an apparent ongoing need for your work, then please gather the evidence and file a grievance that this is a violation of the return-to-work protocol.

**Q9. The return-to-work protocol protects members from reprisals, harassment discrimination or retaliation in the workplace arising out of participation in the strike. What are some of the common examples?**

OPSEU takes a zero tolerance approach to reprisals against our members for their

participation in the strike. Reprisals towards members could include but are not limited to: letters of discipline, unusual reassignment of work or internal transfers, denial of training, being left out or excluded from meetings, refusal of leaves, and/or excessive monitoring by your manager. These kind of activities may build up over a long period of time. After the 1996 strike, managers targeted some members many months after the strike. Keep a log. Collect the evidence. File a return-to-work protocol grievance.

**Q10. I was disciplined during the strike. Am I covered under the protocol?**

Yes. The employer agreed to drop all disciplinary actions that occurred during the strike, except where criminal charges were laid. Your record should be cleared and you should recoup any monetary or other losses you incurred. If your record is not cleared, file a grievance under the protocol.

**Q11. I returned to work on Monday, May 6, and was told by my employer that they were not ready for me to return to work. Am I owed pay?**

Yes. The return-to-work protocol clearly sets out that members shall be recalled to work on the working day following ratification. Shift workers were to return on their next scheduled shift. If you returned to work, but work was not assigned, then you are eligible to be paid.

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Authorized for distribution:



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