

Order issued by OLRB

The following order, dated March 14, 2002, was issued by the Ontario Labour Relations Board early this morning. This order applies to all Corrections Essential Service employees in the province of Ontario.

Ontario Labour Relations Board

File No. 3556-01-M

The Crown in Right of Ontario, as represented by
Management Board of Cabinet
(Applicant)

- and -

**The Ontario Public Services Employees Union,
Leah Casselman, John Kari et al.**
(Responding Parties)

The Ontario Public Service Employees Union
(Applicant)

- and -

**The Crown in Right of Ontario, as represented by
Management Board of Cabinet**
(Responding Party)

Decision of the Board: March 14, 2002

1. These are applications under the Crown Employees Collective Bargaining Act, 1993.
2. I have read the pleadings. In the first application, the Crown alleges an illegal strike and breach of certain Essential Services Agreements (“ESAs”). In the second application, OPSEU alleges an illegal lockout and breach of certain ESAs.

Please turn to Page 2

POST AND CIRCULATE

3. After reading the pleadings, I have determined that the ESAs have been violated.
4. The Board hereby orders that all Corrections essential services employees in the Province of Ontario return to work as scheduled in accordance with the relevant ESAs. The Board also hereby orders that the employer allow all such essential services employees to return to work in accordance with the relevant ESAs.
5. The Board hereby orders that the health and safety issues referred to in these applications be referred to this Panel of the Board on an expedited consultation basis.
6. The Board orders that disputes involving ESAs, including disputes involving scheduling shall be referred for resolution in accordance with the Mediation/Arbitration Protocol Concerning Essential Services during the 2002 OPS Work Stoppage dated March 12, 2002.
7. See Search Orders attached.
8. The Board hereby orders that OPSEU exercise its best efforts to ensure that all bargaining unit members identified on the Corrections essential services and emergency list are advised of the contents of this decisions immediately. Similarly, the Crown will exercise its best efforts to ensure that all management staff are advised of the contents of this decision immediately.
9. The Board will remain seized with respect to the implementation of any aspect of this decision. Either party may have matters relating to implementation of this decision returned before the Board upon providing 6 hours notice to the other party. Notice through counsel shall be effective.

Original Signed by Brian McLean

SEARCH ORDERS

I have also carefully considered the submissions of the parties with respect to whether the inmates in question should remain on lockdown pending the searches of the institutions. The Board starts from the proposition that the health and safety of the worker is critical. However, there is a disagreement about how that health and safety can best be protected. The employer asserts that to keep inmates locked up will actually increase the likelihood that the correction officers' ("COs") health and safety will be diminished. The COs are less concerned about the risk from inmate unrest than they are about the risk that inmates have either manufactured or attained contraband during the period when the COs have been off work.

Under the circumstances, I accept that the parties would be best served by directing that a search be conducted. That search will occur under the following conditions:

1. The employer will provide for searches of inmates at the institutions set out in Appendix "A".

Please turn to Page 3

2. Searches will be confined to inmate living areas.
3. Searches at Adult facilities, excluding Young Offender Units, should be completed by 6:00 p.m. Friday, March 15, 2002. Searches of Young Offender Units facilities and Young Offender Units located in Adult institutions shall be completed by 1:00 p.m. Friday, March 15, 2002.
4. The Union will provide emergency workers. The Union will use its best efforts to provide sufficient emergency workers to complete the searches by the time set out above.
5. Essential service workers will supply medication and meal services to inmates and the escort of inmates from living areas to A&D for Court appearances and/or releases while searches are being conducted.
6. The search will not interfere with the supply of medication and meal services to inmates and the escort of inmates from living areas to A&D for Court appearances and/or release while searches are being conducted.
7. Once the search has been completed in all inmates living areas, the inmates will be unlocked, but will not be permitted access to living areas which have not been searched.

APPENDIX A

Metro West Detention Centre
Toronto East Detention Centre
Mimico Correctional Centre
Windsor Jail
Quinte Detention Centre
Stratford Jail
Lindsay Jail
Owen Sound Jail
Elgin Middlesex Detention Centre
Sarnia Jail
Whitby Jail
Maplehurst Detention Centre
Vanier Centre for Women
Ontario Correctional Institute
Millbrook Correctional Centre
Sudbury Jail
Hamilton Wentworth Detention Centre
Sault Ste. Marie Jail

Your corrections team

Region 1:

Jack Hopkins, L. 122

Region 2:

Barry Scanlon, L. 230 (chair)

Region 3:

Larry Cripps, L. 309

Region 4:

Jim Bothwell, L. 467

Region 5:

Dave Graves, L. 521
(vice-chair)

Region 6:

Rick Dagenais, L. 642

Region 7:

Len Mason, L. 737

You can reach the bargaining team at (416) 815-0284, by fax at (416) 815-1412 and by e-mail at correctionsteam@opseu.org.

On Strike

Day

3

The Burn Barrel will be available by fax, by e-mail, and on the OPSEU web site at 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.

The Burn Barrel is authorized for distribution by Barry Scanlon, chair, Corrections team, and Leah Casselman, president.