

P&P wins fight to keep the public safe

Probation and Parole officers have won a fight at the Ontario Labour Relations Board to keep the province safe for the duration of the strike.

At the beginning of the strike, the employer shut down some satellite offices that were supposed to remain open during the strike. Now, by order of the OLRB, certain offices will be re-opened so that P&P officers can monitor offenders in those communities.

Here is the full text from the OLRB decision:

ONTARIO LABOUR RELATIONS BOARD

3614-01-M The Crown in Right of Ontario (Represented by Management Board of Cabinet),
Applicant v. Ontario Public Service Employees Union, Responding Party.

BEFORE: Harry Freedman, Vice-Chair

APPEARANCES: Donna M. D'Andrea for the applicant; Alan M. Minsky for the responding party.

DECISION OF THE BOARD: March 22, 2002

1. This is an application under Part IV of the Crown Employees Collective Bargaining Act, S.O. 1993, c. 38 as am. ("CECBA") that was filed with the Board on March 19, 2002 and came before me for hearing at noon on March 22, 2002. The Chair of the Board authorized me under section 18(2)(a) of CECBA and section 110(14) of the Labour Relations Act, 1995, S.O. 1995, c. 1, as am. to sit alone to determine this matter.
2. The parties have been involved in a labour dispute since the commencement of a lawful strike by certain employees represented by the responding party. The parties had, pursuant to Part IV of CECBA, entered into an Essential Services Agreement (the "ESA") that was in place when the strike began. The Board has the jurisdiction pursuant to section 38 of CECBA to enforce the ESA and in the course of doing so, has the remedial authority to grant declaratory relief and to issue directions or orders requiring the parties to do or refrain from doing things in order to enforce the provisions of the ESA, CECBA and the Labour Relations Act, 1995.
3. This matter proceeded before me by way of a consultation on March 22, 2002. Having regard to the pleadings filed by the parties and to the representations made by counsel, I have determined this matter as described in the following paragraphs.

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POST AND CIRCULATE

4. The Board directs the parties to comply with ESA, including but not limited to requiring all Probation and Parole Officers to provide essential services in accordance with the ESA and CECBA and that the essential services in the Level of Service Agreement be carried out for the duration of the labour dispute.
5. The Board declares that the level of service for each of the “Types of Cases/Other Services” contained in the Level of Service Agreement in the ESA was established to prevent danger to life, health or safety and to prevent disruption to the administration of the courts.
6. The essential services scheme under CECBA requires the parties in advance of a work stoppage to negotiate and arbitrate, if necessary, what and how essential services will be supplied. That exercise has been completed at this point. The Board wishes to emphasize, without finding a breach of the ESA or CECBA, that there is no further role for individual employees or managers to unilaterally alter the agreement of the parties by deciding for themselves on a task by task basis that certain work assignments are or are not essential and therefore required or not required to be performed.
7. In order to facilitate the provision of essential services in accordance with the Level of Service Agreement in the ESA, the Board directs the employer to provide the OTIS printout to Probation and Parole Officers which, according to counsel for the employer, identifies:
 - a) Intensive Supervision Offenders
 - b) High/Very High LSI OR of 20+(incl. Override);
 - c) Parole/Conditional Supervision Orders (YO); and
 - d) Conditional Sentence offenders.

The Board further directs all probation and parole officers to identify all sex offenders and partner abuse cases on their respective case register (OTIS printout), as at March 12, 2002. The identification must be provided to the Area Manager on or before the end of each Probation and Parole Officers first scheduled day or work following the date of this decision.

8. The Board directs that Probation and Parole Offices originally scheduled to be open during this labour dispute, that is, Bracebridge, Gravenhurst, Huntsville, Blind River and Elliot Lake be opened forthwith and remain open during the labour dispute. The Board further directs the employees assigned to each respective office to provide service in accordance with the ESA including in particular locking and unlocking the office doors and file cabinets.
9. The Board directs the Probation and Parole Officers assigned to work at the Cornwall office to report to work as scheduled by the employer.
10. The Board directs the employer to provide a copy of this decision to each office where essential services work is being carried out so that it will be seen by affected persons.

Original Signed by:

Harry Freedman
For the Board

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On Strike

Day



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