

The Burn Barrel

Formerly the CORRECT VIEW



Strike News from your Corrections Bargaining Team

April 10, 2002

“The van does not have to meet community escort specifications.” –

Steve Small, Coordinator, Offender Transfer Operations, Ministry of Correctional Services

Escort Policy violated by employer

A recent communication has been intercepted in which Offender Transfer Operations Coordinator Steve Small states, “The van does not have to meet community escort specifications.”

The communication refers to flying managers around northwestern Ontario to perform inmate transfers. A recent attempt to move inmates from the Thunder Bay Jail to Stoney Mountain

Penitentiary was given quite a rousing send-off from the members on the Local 737 picket line.

“Management flew up some scab manager named Mike Burns from the Northern Treatment Centre to do a non-essential transfer to the Pen,” said Len Mason, President of Local 737 and Corrections Bargaining Team Member.

“Our membership would not perform non-essential work,

and made management go solo on this one. The same transfer brought back an essential transfer from the Kenora Jail on the way back from Manitoba.”

The Community Escort Policy is an order that both parties must strictly adhere to. Any violations will be met with severe repercussions according to the law.

The union will be pursuing these violations forthwith.

Victory in courts for the “P&P 11”

The Ontario Superior Court has dismissed all charges against 11 probation and parole officers charged with contempt of court.

The employer charged the 11 officers – a random selection of four from Guelph, four from Hamilton and three from Newmarket – alleging that they had failed to comply with an Ontario Labour Relations Board decision on providing essential services.

“Their professional integrity was challenged by this employer action,” said David Kerr, probation and parole representative of the OPSEU

Corrections Ministry Employee Relations Committee. “The employer dragged these people into court without even filling out the paperwork properly. That is significant, considering the seriousness of the alleged offence.”

When the judge made his ruling dismissing the case, the courtroom burst into applause. “Applause is virtually unheard of in a courtroom, especially one filled only with probation officers and support staff,” Kerr said.

Immediately after the decision, an employer

representative phoned probation and parole offices around the province and ordered them to charge and suspend other workers, “for anything they can dream up,” Kerr said. “I personally told the Assistant Deputy Minister, two regional directors and one area manager that they will never intimidate us by these tactics. And we will never forget what they tried to do.”

Kerr commends OPSEU legal counsel Don Eady on his excellent work for OPSEU and the members.

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POST AND CIRCULATE

Letters

If a worker dies in the Province of Ontario, does anyone care?

I do. I am an Occupational Health and Safety Officer (OHSO) with the Ministry of Labour.

As an OHSO, commonly called an Inspector, I enforce the Occupational Health and Safety Act (OHSA) and over 30 regulations under it, including the Construction, Industrial and Mining Regulations, Designated Substances and WHMIS (Workplace Hazardous Materials Information System). These laws protect you while you work.

We investigate fatalities, critical injuries, complaints, and work refusals regarding unsafe working conditions. We audit to ensure that the OHSA is being complied with. There are many employers that take great pride in providing a safe workplace; they are a pleasure to deal with. I wish that were

true in all workplaces.

Last year over 300 workers died on the job in Ontario. We were there to piece together what went wrong, to cause such a tragic end to someone's mother, father, sister, or brother's life. We were there 24 hours a day, 7 days a week.

I am proud to work with my colleagues including our Occupational Hygienists and Ergonomists. Their expertise and dedication are much appreciated. There are approximately 200 OHSOs in this province. Fatalities and critical injuries are increasing, but unfortunately the number of OHSOs has been declining over the past few years. Burnout, stress and retaining highly skilled professionals are key factors.

I am not on strike for a pay raise. To me this strike is about rebuilding the public

service; retaining and attracting highly skilled professionals who are dedicated to serving the public.

During this strike, we are not conducting audits, investigating complaints, accidents or work refusals. We were not deemed an essential service or an emergency service during this strike. Work refusals at correctional facilities and elsewhere are being investigated by Ministry of Labour Managers only.

As this strike lingers on, how many more names will be added to the List. The List of workers who die this year on the job. On April 28, labour's "Day of Mourning," please take the time to reflect on those who gave their life to earn a living.

Sue Hutchinson, Local 230

Updates from the Regions

Region 1

Negotiating protocols

Four of the six correctional facilities in Region 1 are trying to negotiate back to work protocols after being out of the workplace for various lengths of time. The McLean OLRB order on Apr. 9 sets out the parameters and timeframes for

this process. We shall see what path this leads us down.

We have heard that there are plans to re-open the Police College in Aylmer on Apr. 22, strike or no strike. This move could require the use of replacement workers to perform the essential duties that OPSEU employees normally do. Not the best decision we have heard of lately.

P&P officers in the region are

holding strong and doing their bit to let the employer know they are serious about their demands.

Region 2

Contempt motion hearing for Hamilton Superintendent rescheduled

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Updates (cont'd)

A motion asking the Superior Court of Justice to find Robert Thomas, superintendent of the Hamilton-Wentworth Detention Centre, "in contempt of the court pursuant to subsection 102(a) of the Courts of Justice Act, for misrepresenting a fact to, or withholding relevant information from, Mr. Justice Crane on March 15, 2002, in a proceeding for an injunction" has been rescheduled for Tuesday, Apr. 16.

The hearing will take place at the Hamilton Court House on 45 Main St. East, Hamilton. All are welcome.

Region 3

Local Millbrook reps get OLRB dates

Local 341 president Tim Hannah and chief steward Pete Wright were pleased to learn that Ontario Labour Relations Board vice-chair Christopher Albertyn has agreed to hear their dismissal case starting on Apr. 16.

Elsewhere, members from Oakridge Mental Health Centre have set up a secondary picket at the superjail in Penetang.

At Local 337 (Brookside Youth Centre) and Local 359 (Whitby Jail), the local executives are still diligently trying to negotiate back to work protocols with their respective employers.

Region 4

Region 4 holds the line

Local 447 (Pembroke Jail),

Local 440 (Brockville Jail), Local 453 (Cornwall Jail), and Local 438 (Rideau CTC) are hanging tough. The members at these institutions continue to work according to the Essential Services Agreement, and are doing everything in their power to make the strike effective and to keep managers on their toes.

At Local 467 (Quinte DC), members are out again. They did return to work pursuant to an OLRB order. Upon returning to work, our members were subjected to harassment and intimidation. Managers expected members to break the ESA and made little or no attempt to resolve work refusals under the Occupational Health and Safety Act. It is apparent that the employer's plan is to keep members out of Quinte. Legal advice has been sought on how to deal with the intimidation and harassment, as well as management breeches of the OLRB order.

At Local 411 (Ottawa-Carleton DC), it is obvious that the employer will use every trick in the book to keep members locked out. The managers at OCDC are required to take certain steps before an essential service agreement for the new pod can be negotiated at the bargaining table. Thus far, management has not even tried.

"I am at a loss to explain why managers are behaving in such bizarre ways," said Jim Bothwell, Corrections Bargaining Team member. "Greed may be one reason. These scabs, sorry, *replacement workers*, are getting great big

fat paycheques for going out of their way to screw bargaining unit members."

Region 5

Safety is paramount

All facilities in Region 5 are complying with OLRB Vice-Chair Brian McLean's decisions of Apr. 9.

Local 521 (Mimico CC and Toronto Youth Assessment Centre) has a strong picket line as all members are out on a work refusal and being paid to picket.

Searching the entire institution is the main concern to our members, however, management seems reluctant to acknowledge this concern as legitimate.

"The health and safety of our members, the inmates and management is paramount," said Dave Graves, vice-chair of the Corrections Bargaining Team. "We will not jeopardize safety when it comes to getting our staff back into these institutions. Management may not give a damn, but you can bet your bottom dollar that the Corrections Bargaining Team cares."

Region 6

Cool off period needed

Local 608 (Sault Ste. Marie Jail) continues to be a hot spot of activity. An alleged assault on a correctional officer by an OM16 manager resulted in the police getting involved in the

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Updates (cont'd)

strike. There was a negotiated cool off period of several days, during which all unionized members stayed out of the workplace to allow the situation to calm down. Now, the local parties are working under the Occupational Health and Safety Act to resolve violence in the workplace issues.

There is no doubt that Local 608 will continue to ensure that their members' health and safety will be protected throughout the strike.

Region 7

Jail is not daycare

The OLRB has ruled that

managers need to get their act together, properly search the Thunder Bay C.C. and allow the bargaining unit members back in.

Contempt charges against local management are still going forward, and members of Local 708 are ready to take control of the young offender and adult sides. When the members are back in, the inmates will find out that jail is *not* a daycare centre and it will be back to the way things are supposed to be.

The employer even threatened to sue the local for \$3 million. What a joke! The judge admonished management for wasting the court's time.

IMPORTANT!

Send us the information!

Please send all pertinent information regarding significant local incidents, reprisal complaints, work refusals, illegal lockouts, and health and safety appeals, as well as discipline and/or suspensions, to both:

Sue Philpott

Koskie/Minsky – Barristers & Solicitors

Phone: (416) 977-8353 ext. 2104

Fax: (416) 204-2882

and:

The Corrections Bargaining Team

Fax: (416) 815-1412

ESA Questions & Answers

Attention members:

Please call the OPSEU Central Mob Room at 1-877-561-8692 with your questions around Essential Services Agreements and arbitrated awards. Your bargaining team is very busy strategizing and

mobilizing the locals and are not always available at the bargaining centre.

Inquiries may be referred to other areas that can deal with specific issues around your questions.

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.

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.

The Burn Barrel is your only accurate source of Corrections information during the strike. 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.