

# The Burn Barrel

Formerly the CORRECT VIEW



Strike News from your Corrections Bargaining Team

April 28, 2002

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*"It is through disobedience that progress has been made, through disobedience and through rebellion." - Oscar Wilde, 1895*

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## Members outraged at employer offer

After lifting the media blackout, your bargaining team received hundreds of phone calls and e-mails directing us to "hold the line".

"The overall feeling from the members was for us to tell the employer to stick their offer where the sun doesn't shine," said Len Mason, Corrections Bargaining Team member. "We knew that the members would be outraged with the employer's offer, and it shows what this government is all about. They have not shown our category any respect from the start of bargaining. Lifting the media ban allowed us to publicize this fact."

The government continues to ignore the demands of the Corrections Bargaining Team. The team sent the employer a comprehensive proposal on March 8, 2002 and told them what they'd need to address in order to avoid a strike.

"The government only had to address four main issues and all this could have been avoided," said Mason. "We have not backed down on any of our demands. We are

looking to negotiate a substantial wage recovery for our bargaining unit, the Probation and Parole special case, unclassified language and autonomy issues."

"Our resolve has been reinforced by the members," said Mason. "They gave us a

98 per cent strike mandate, and we have not forgotten this. We have maintained that the employer must address our issues. If we didn't ask for it, do not present it to us! We are as strong, if not stronger, than we were on Day 1 of the strike."

## Death at Millbrook could have been prevented

An inmate death at the Millbrook Correctional Centre might have been prevented if correctional officers had been allowed in the facility to perform essential services duties during the strike.

"The inmate died of an apparent heart attack in the night. Logbooks viewed by union officials show that managers running the facilities are not doing regular patrols throughout the night," said Tim Hannah, president of Local 341.

"If we had not been locked out since March 20, correctional officers deemed essential would have been

doing patrols every 30 minutes throughout the night," said Hannah. "A trained officer could have provided emergency first aid and CPR. But with the lockout, they are not doing the patrols."

Many of the managers conscripted to run Ontario's jails during the lockout have come from other government ministries. At Millbrook, managers have been brought in from the Ministry of Finance, Management Board Secretariat, and the Ministry of Labour.

"We have no evidence whatsoever that any of these

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# POST AND CIRCULATE

# 35 of 42 facilities out on H&S concerns

For years, our members have had a difficult time having their health and safety issues addressed by the employer. A work refusal would be initiated if the member had an immediate concern for their health and safety. When the government legislated amendments to the Occupational Health and Safety Act (OHSA) last year, a major newspaper wrote a story stating that correctional officers initiated the vast majority of work refusals in Ontario.

With altered staffing levels, ineffective standing orders and increased inmate unrest, our members have realized the importance of ensuring the workplace is safe. There have been countless work refusals

initiated for various reasons. Most of the refusals have resulted in the same orders issued by the Ministry of Labour's so-called "inspectors" (during the strike, the inspectors are managers with little or no experience). These orders state that we have no grounds under 43(3) of the OHSA, and that risks are inherent to the job.

Having an employer that refuses to properly address our member's health and safety concerns forces us to initiate work refusals. The pathetic MOL decisions made by mostly inexperienced managers have resulted in our members remaining in a safe place in accordance with the Act. The picket line continues

to be the safe place for our members while the work refusal investigations are dealt with. As of this date, 35 of our institutions are engaged in a work refusal or have been locked out by the employer, leaving only 7 institutions with correctional officers working inside.

"We work in a hostile environment," said Rick Dagenais, Corrections Bargaining Team member. "This employer continues to ignore the members health and safety concerns and this has resulted in most of our members walking the line. Having an employer like ours is why it is so important to have our MERC and Health & Safety agreements made part of the collective agreement."

## Death at Millbrook (cont'd)

managers have even the basic first aid training, let alone experience with correctional services," said Hannah. "Every day they work in there is a high risk day for the public, the inmates and themselves."

Managers are being paid between \$1,000 and \$1,500 a day to work during the lockout.

Barry Scanlon, Chair of the Corrections Bargaining Team, said that correctional officers deemed essential are locked out at almost all Ontario correctional facilities.

"This situation is dangerous and ludicrous," said Scanlon. "There were three escapes last week in management run jails. There is no way that a bunch of exhausted managers can run a correctional facility without something terrible happening."

"When patrols and searches don't happen, escapes, murders, and riots do," he said. "It's just a matter of time before one of these jails blows up and people in the community get hurt."

***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.***

# OLRB issues decision on bailiffs

On Mon., Apr. 22, a dispute filed by OPSEU dealing with northern bailiffs working outside of the northern region was heard before Vice-Chair M. McKellar. The union had two main complaints. The first one dealt with the northern bailiffs (who are all deemed emergency for the northern region) transferring inmates between institutions in the south. The second issue was that improper information was given to the local worksite reps at the Sudbury Jail to justify the need for the emergency bailiffs to be used.

The employer argued that the need to use the northern bailiffs was so great that, without them, the employer may not be able to get inmates to court. It was a weak argument and our lawyer countered that argument easily.

At the end of the day the OLRB hammered the employer with this ruling:

- The employer contravened the ESA when it assigned northern bailiffs to effect transfers of inmates wholly within the non-Northern region.
- The employer contravened the ESA when it failed to give OPSEU immediate notice of the emergency assignment of the Northern Bailiffs.
- The employer contravened the ESA when it failed to provide OPSEU with sufficient information respecting the description of the emergencies that would enable OPSEU to ascertain whether a legitimate emergency existed.

- The employer is directed to cease assigning the Northern Bailiffs any duties respecting the transfer of inmates except insofar as the duties relate to an inmate held in an institution in the Northern Region.
- The employer is directed to provide OPSEU with immediate notice of any emergency services work assigned to Northern Bailiffs, regardless of whether the work in question relates to a specified or unspecified emergency.
- The notice required pursuant to paragraph above must include the sufficient

information to enable the OPSEU to determine whether, **in its view**, a legitimate emergency exists.

The information that the employer must provide the union must be significant. For example, if the transfer required is for court, then the employer must provide the name of the inmate, the court date and the location, prior to the emergency bailiffs being utilized.

This is one small victory of the employer's abuse of the ESA, and we are pursuing other disputes relating to the bailiffs. Thanks goes out to Denis Duchene, a bailiff from Quinte D.C., for all his help.

## Local 551 very busy

Local 551 (Toronto area Probation and Parole) has been very busy. They have done numerous health and safety refusals, including one for rat feces at the Rexdale Probation and Parole Office which kept essential workers out of the office for a full week. There have been other refusals in several offices relating to the lack of safety and security within those offices (safety glass, chairs in the reception area, etc.).

Probation and Parole has been very active in the organized rallies at Queen's Park and in Orangeville, as well as the rally held at Superior Court earlier this month in support of their colleagues who were charged with contempt of court. (See *The Burn Barrel*, April 10, 2002)

A group of about 30 or more picketers went to the Keele St. Office to educate and inform the public about rebuilding public services. They then held a peaceful sit-in, in the reception area. However, when they became louder (singing "O Canada", "The Solidarity Song", blowing whistles, chanting, etc.) the police arrived on the scene. The area manager, along with her "assistant", (apparently a "scab" manager from another ministry) had never directly told the picketers to leave, and she later had to admit this in front of the officers she had called in. She then asked the picketers to leave, and the police officers enforced her request.

# United We Stand, Divided We Fall

Your support is very much appreciated. We want to stress that now, more than ever, is the time to stand together.

Lifting the media ban may have confused some members. The employer's offers, which were publicized, are still in the negotiation phase. These will not be brought back to the membership for a vote.

The wage demand on the central table does **not** affect the wage demand which was tabled by the Corrections Team. We strongly encourage

members to stay positive, and keep doing whatever it takes to put pressure on the employer.

We knew that this round of bargaining would be the toughest round ever. This employer does not listen to the citizens of Ontario or the front line workers of this province. Our resolve on the picket line, and on the inside, will force this government to settle this labour dispute. We can then get down to the business of rebuilding the public service.

## 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](mailto:correctionsteam@opseu.org).

## 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 are not always available at the bargaining centre.

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

## 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

*The Burn Barrel 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).*

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