



OPSEU wins OPS strike grievances

It has taken a long time, but the final decision on a series of policy grievances from the 2002 OPS strike is in. For the most part, it's a big victory.

The first three grievances listed below relate to the thousands of members who were required to provide Essential and Emergency Services (EES) during the 54-day strike. Prior to the strike, the union and the employer signed a "Conditions Agreement" which guaranteed collective agreement coverage for those members. When it came time to pay, however, the employer refused outright in some cases or applied the contract inconsistently. Here are the highlights of the new rulings:

All essential employees get stat holiday pay

Vice-Chair Richard Brown of the Grievance Settlement Board (GSB) ruled last week that all employees *covered by the collective agreement* during the strike who did not work on Good Friday and Easter Monday are entitled to pay in recognition of the holidays.

Any employee designated as an *essential* worker during the strike is covered from the first day of the strike to the last. In the case of *emergency* workers, they are covered for the period between the time they were scheduled to work and the time they completed that work. This means that if your employer told you before the long weekend that you would be working sometime after the long weekend, you should get the holiday pay.

The call-back premium applies on short notice

If an employee is called back to work prior to the starting time of their next scheduled shift, they are entitled to a minimum of four hours pay at one-and-a-half times their basic hourly rate. Vice-Chair Brown ruled that this premium applied during the strike where an employee covered by the collective agreement was called in before their next scheduled shift on short notice. How short did the notice have to be to qualify? Brown defined "short notice" as less time than would normally fall between the end of one work week and the beginning of the next. For example, if you normally finish work Friday at 5:00 p.m. and start again Monday at 9:00 a.m., then your "short notice" window is anything less than 64 hours.

Workers are not automatically on stand-by or on-call

All EES workers received a "designation letter" from the employer at the beginning of the strike. The letter said that members had to report to work or face discipline. If you worked in an institution where the Labour Board ordered you to say which hours you were NOT available for work, you may have assumed you were on-call or on stand-by and thereby entitled to on-call or stand-by pay. Vice-Chair Brown ruled that the designation letters and Labour Board orders did not automatically put employees on-call or on stand-by. Those instructions alone do not entitle you to on-call or stand-by pay. *(please turn to page two)*

Getting What You're Owed

These grievance decisions apply to all essential and emergency workers in the 2002 strike. You do not have to have filed a grievance to get any money you may be owed.

The union has advised the employer that we expect the money owing to be paid as soon as possible. In particular, the statutory holiday pay does not require much calculation and should be easy to act on right now.

If you believe you are entitled to any additional pay as a result of any of these decisions please advise your local management. If there is any dispute about your entitlement, try to work it out locally first. If you need more information about the Board's decisions, contact your local OPSEU Staff Representative. The decisions have also been added to the Grievance Awards Database on the OPSEU website. For a shortcut to view them, go to www.opseu.org/ops/grievances.htm.

If you cannot resolve your issue locally, after giving it a reasonable amount of time and effort, please send a detailed description of your claim in writing to the OPSEU Grievance Department. Clearly label it "**Strike Related Dispute.**" Include your name, Ministry, and all relevant facts. Fax it to the Grievance Department at (416) 443-8618.

"Pay up now" :

The long wait is almost over

Our grievance on the employer's delay in coughing up the wage increases won in the strike has been litigated at the GSB. We are currently waiting for Vice-Chair Petryshen to issue a decision.

Corrections balancing-of-hours settlement

In March 2003 OPSEU reached a settlement with the Corrections ministry with respect to balancing compressed work week hours after the strike. This settlement was sent to the presidents of all Locals at correctional institutions.

The settlement required the Local ERC at each institution to meet and decide whether or not to balance the hours. If there were problems implementing the settlement, the issue could be referred back to the GSB for final determination.

As a result of referrals from locals and individuals, several questions have been arbitrated:

- who the settlement applies to;
- how employees are treated if they were owed hours (time off) when the strike started; and
- how employees are treated if they worked more than 40 hours in the first week back from the strike.

Vice-chair Briggs ruled that the original settlement applies to the week before and the week after the strike. Further, she found that the decision of the ERC applied to the entire institution.

Vice-chair Briggs has ordered that in any institution with unresolved balancing of hours issues, the Local union and management officials must convene an ERC meeting **within 60 days of March 4, 2004** and discuss the issues. Should the local parties be unable to reach a resolution, the matter can be referred back to Vice-Chair Briggs for a final ruling. Any referrals of this nature should be sent **in writing with minutes from the ERC** and an explanation of why the ERC was unable to reach a resolution to Grievance Officer Stephen Giles, fax number (416) 443-8618.