

## Grievance victory drops drug deductible to \$3

Benefits, other contract rules clarified

The deductible that OPSEU members in the Ontario Public Service pay for drug prescriptions is dropping to \$3 (down from \$5).

The change results from a settlement between the union and the Ontario government, signed last week. The settlement relates to several grievances and a pair of complaints at the Ontario Labour Relations Board.

“Resolving these issues was a bit of an acid test for the Liberal government,” said Terry

Baxter, OPSEU negotiator for the Ontario Public Service. “They have demonstrated the ability and the desire to resolve matters in dispute. Of course the real test will come this fall when contract negotiations begin.”

Details of the overall settlement, plus a number of related rulings at the Grievance Settlement Board (GSB), are summarized in this edition of *FRONTlines*.

## Bargaining surveys in the mail

What do you want to see in your next collective agreement?

That’s the question OPSEU members get to answer in June as the union gets ready for

another round of contract negotiations with the Ontario government. Under new procedures passed by the OPSEU Convention in April,

OPSEU members will elect their bargaining teams in September and October and start negotiations in November. Before that happens, though, we need to know what our goals are for this round.

That’s where the demand-setting process comes in. An extensive survey is included in the newest edition of *Table*

*Talk*, the OPS bargaining publication, and it is in the mail today. Members are asked to complete the survey and return it to their OPSEU local on June 15, 16, or 17. Each local will plan and publicize one or more “survey collection days” to take in the information from members.

Survey results will be tabulated over the summer and reported back to members at local demand-setting meetings in September. These meetings will set local priorities to be forwarded to the elected bargaining teams.

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# Ambulance dispatchers to get \$2 an hour more

Land ambulance dispatchers in the Ministry of Health and Long-Term Care (MoHLTC) are getting a pay raise of over two dollars an hour, thanks to a settlement signed last week.

In 2002, OPSEU filed an unfair labour practice complaint with the Ontario Labour Relations Board after the then-Tory government failed to disclose key information. The employer's own studies showed that Communications Operators were grossly underpaid compared to their counterparts outside the OPS, yet the employer hid the facts during bargaining.

Dispatchers have argued for years that high workloads and understaffing – caused by low pay – put public safety at risk.

“We’re pleased that the Liberal government has taken this first step to ending staffing shortages at provincial ambulance dispatch centres,” said Patrick Fry-Smith, Dispatch representative for OPSEU’s Ambulance Division.

Even with the increase, provincial dispatchers’ wages still lag behind those of Toronto ambulance

dispatchers and police and fire dispatchers.

“Ambulance dispatchers help save lives,” said Sandy Edwards, Dispatch Chair of the MoHLTC Enforcement and Renewal Committee. “The only way we’re going to keep qualified people doing this crucial work is by closing the wage gap, once and for all.”

The new wage rates take effect on June 7, 2004. The new structure adds two steps to the grid for MoHLTC Comm. Operators; all Operators will move up two steps on the grid on June 7. Top wages will rise from \$22.56 an hour to \$24.59 an hour for Comm. Operator 2s and from \$24.02 an hour to \$26.18 an hour for Comm. Operator 3s.

All told, Comm. Operators have seen their wages rise 32 per cent since the end of 2001.

The government has promised to re-evaluate the job classifications prior to the upcoming round of OPS bargaining, and is obliged to negotiate new pay rates at that time. The review will include all land ambulance dispatchers plus air ambulance dispatchers who work in other classifications.

## Scabs can be stripped of member rights

For the first time, the Ontario government has recognized the right of OPSEU and its locals to suspend the union rights of strike breakers, better known as scabs.

That doesn’t mean the union or union locals can do everything they might want to do to punish said scabs or discourage them from scabbing future strikes or lockouts, the Grievance Settlement Board (GSB) has ruled. GSB Vice-Chair Gerry Lee has ordered the union and its locals to obey the following:

### **GSB#1759/02 (Return to Work Protocol)**

The Union is directed to comply with the provisions of section 9.0 of the Return to Work Protocol (reprisals) signed by the parties on May 2, 2002. The Union shall cease and desist from

engaging in any reprisal, act of discrimination or retaliation in the workplace for any act or inaction taken by any employee of the employer arising out of participation in the 2002 strike. These actions include, but are not limited to:

- Sending employees letters of a threatening or intimidating nature,
- Threatening to and taking employees to small claims court for unpaid fines related to the strike,
- Posting in the workplace the names of employees who worked during the strike,
- Issuing e-mails of a derogatory nature,
- Distributing notices of Union meetings regarding strikebreakers by use of the employer’s e-mail.

# GSB rules on key grievances

*Rulings from Vice-Chair Gerry Lee, May 2004*

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## **Provincial Schools are institutions**

Under the collective agreement, OPSEU members who work in institutions are entitled to extra coverage for orthotics and orthopedic shoes. The employer had denied claims for employees of the Provincial Schools Authority in the OPSEU bargaining unit, claiming they didn't work in institutions. The arbitrator has affirmed that Provincial Schools are in fact institutions, along with all facilities defined as "institutions" under the *Public Service Act* and the *Youth Criminal Justice Act*.

**IMPORTANT: Employees in Provincial Schools whose claims for orthotics or orthopedic shoes were denied between June 1, 2002 and May 31, 2004 are entitled to claim a retroactive payment – if they submit a claim by August 18, 2004.**

## **Employer pays actual cost of generic drugs**

The employer must reimburse members based on the actual cost of the generic drug dispensed, GSB Vice-Chair Gerry Lee has ruled.

Since the collective agreement was signed, the employer has reimbursed members' drug costs based on a price that was the same for all Ontario. This ignored the fact that prices for drugs in one city – or at a particular pharmacy – may often be higher than in other cities or pharmacies. The GSB ruling makes it clear that, under Articles 39.2.1 and 67.2.1 of the OPSEU collective agreement in the OPS, the employer must pay based on the actual cost the member pays.

## **Twelve-year-olds are dependent children**

The employer has denied six-month dental recall coverage to 12-year-old dependent children, in violation of Articles 40.1.1 and 68.1.1. The GSB

has affirmed that "12 and under" means "12 and under" – not "under 12." Twelve-year-olds are covered for dental visits every six months as laid out in these articles.

## **“Scaling and polishing” are covered – if performed outside of a regular check-up**

The employer has denied some benefit claims for scaling and polishing of teeth when the services accompany a regular dental check-up, saying that these services may only be paid every nine months, not every six. In fact, scaling and polishing are periodontal services. They are covered at any time provided they are required by the dentist and do not occur in the same visit as a regular check-up.

## **The employer pays for fluoride treatments for dependent children**

The collective agreement (Articles 40.1.1. and 68.1.1) does not cover fluoride treatment for "adults." However, it does cover fluoride treatments for children who are "eligible dependents" as defined in Article 38.4.4. These include:

unmarried children under twenty-one (21) years of age, unmarried children between twenty-one (21) and twenty-five (25) years of age and in full-time attendance at an educational institution or on vacation therefrom, and children twenty-one (21) years of age and over, mentally or physically infirm and who are dependent.

## **Employer will provide benefits booklets**

The GSB has ordered the employer to make the text of the insured benefits plan available to employees in electronic format and, where employees do not have access to the OPS Intranet, hard copies.

## **MSWs must be registered to be payable**

The insurance plan will pay for the services of a Master of Social Work, as set out in Articles 39.2.6 and 67.2.6, provided that the MSW is registered with the Ontario College of Social Workers and Social Service Workers.