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# FRONT *lines*

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## Liberals table bill on successor rights, “whistle-blower” protection for Crown employees

Three years after promising to restore successor rights to Crown employees, the McGuinty Liberals have finally tabled a bill in the Legislature to do it.

Gerry Phillips, Minister of Government Services, rose in the Legislature yesterday to introduce the *Public Service of Ontario Statute Law Amendment Act*. If passed (and there is no reason to think it won't be) the new law will give Crown employees the same rights already enjoyed by other Ontario workers.

So-called “successor rights” give unionized workers whose work is sold or transferred to a new employer the legal right to move with their jobs with their union and their collective agreement intact.

“This legislation happened because our members have kept the political fires burning under successor rights for more than 10 years,” said Eric Morin, OPSEU chair of the Central Enforcement and Renewal Committee for the OPS. “This is a huge victory for all our

members, but especially our activists who never stopped believing that ‘same rights’ could become a reality.”

The restoration of successor rights also helps over 6,000 OPSEU members who work at the Liquor Control Board of Ontario and other Crown agencies.

“The current government has said quite clearly that it will not privatize the LCBO, but governments come and government go,” said OPSEU president Leah Casselman. “Restoring successor rights makes privatization a more expensive option for any government in the future, and therefore it should be less likely to happen.”

The government also introduced “whistle-blower” protections for Crown employees who speak up about wrongdoing. Employees will now be able to go directly to the Integrity Commissioner without fear of reprisal, the government says.

“It’s a step in the right direction,” said Morin. “We

need time to look at it and determine exactly what it means, but as long as the Integrity Commissioner’s office has the resources it needs, I think it’s a positive move for the OPS.”

See page 2 for details on how successor rights interact with the OPSEU collective agreement in the OPS.

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## MERC calls Day of Action for Nov. 16 as MNR crumbles

*“Ministry of No Resources” launches pre-budget campaign*

The OPSEU leadership team in the Ministry of Natural Resources is calling on all OPSEU members to join in a “Day of Action” Nov. 16 to protest budget cuts in their ministry.

“Our ministry is crumbling around us,” said Elaine Bagnall, OPSEU chair of the MNR

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# How making successor rights legal will affect OPSEU members in the OPS

If passed, the new legislation to return successor rights to Crown employees will affect the rights of some OPSEU members whose work moves out of the OPS in future.

In bargaining in 1996 and 1999, OPSEU made great leaps forward on contract language to make up for the loss of successor rights. The 1996 strike forced the government to make “reasonable efforts” to find jobs for OPSEU members with the new employer when their work moved out of the OPS. In addition, the jobs offered had to be “at terms and conditions that are as close as possible to the then existing terms and conditions of the employees in the bargaining unit.”

OPSEU grievances related to “reasonable efforts” brought privatization of the OPS to a virtual standstill for most of 1997. The settlement of those grievances brought more improvements to the contract in 1999. Those improvements set out specific rules for four different types of transfer. In some cases, these rules give members more options

when deciding whether to move to the new employer or not.

Job security matters related specifically to transfers of work out of the OPS are governed by Appendix 9 and Appendix 18 of the collective agreement.

Nothing in the new legislation changes the language of the collective agreement. However, the CERC has negotiated an agreement with the government that covers the interaction between the new legislation and the collective agreement. Yesterday’s legislation depended on the deal being signed.

The agreement says that, where there is a “sale of business” as defined by the *Labour Relations Act*, Appendices 9 and 18 of the collective agreement do not apply. Instead, employee rights are modified as follows:

1. When workers take a job with a successor employer, they keep their collective agreement rights and their service and seniority. They don’t receive termination or severance pay.
2. If any employees do not receive a job offer from the successor employer, they receive a surplus notice and can exercise all their rights under the OPS collective agreement (bumping,

enhanced severance, etc.).

3. Employees who resign their OPS job after receiving notice that their work is being transferred, but before they receive a job offer from the successor employer, give up all their rights under the collective agreement.
4. Employees who refuse a job offer with the successor employer receive termination pay but give up all other rights under the collective agreement.

Some transfers of work out of the OPS may not be a “sale of business.” In that case, Appendices 9 and 18 continue to apply just as they do now.

“We think we’ve achieved our main goal with this agreement, which was to keep OPSEU members working at high-quality jobs,” said CERC chair Eric Morin.

To view the text of the agreement between OPSEU and government, visit <http://www.opseu.org/ops/frontlines/frontlinesnov032006attach.pdf>.

# MNR Day of Action

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Ministry Enforcement and Renewal Committee (MERC). “The MNR can no longer adequately perform even the most basic tasks of its mandate.”

Bagnall pointed to cuts to operating budgets for Conservation Officers and provincial parks as just two areas that are starved for funding this year.

“An ordinary citizen can no longer walk into an MNR office to get information, because the doors are locked,” she said. “In our forests, the Ministry has only the dimmest idea of what the forest companies are actually doing, because we don’t have

enough staff to police their activities.”

MNR now stands for “Ministry of No Resources,” MERC member Dave Fluri said.

On Nov. 16, the MERC is asking OPSEU members to wear black, attach orange flag tape to their car aerials, and sign petitions to send to local MPPs.

OPSEU locals with members in the MNR are planning activities to attract media attention as well.

“This is not just a one-time thing,” said Fluri. “We will be asking members to wear black at work every Thursday between now and the provincial budget.

“This Ministry needs an immediate cash injection and a long-term funding commitment.”

The MERC is inviting OPSEU members in other ministries to join the protest.

“We realize that we are not the only ones under the gun,” said Bagnall. “There are no fewer than 14 other ministries that have seen their budgets flat-lined and are facing the same types of problems we are.

“We hope to build this campaign in the months ahead so that funding for public services is an issue in the next budget and the next provincial election.”

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