

## Union pulls plug on classification grievance process

OPSEU has ended its participation in the process that was supposed to clear up the backlog of classification grievances in the OPS.

“It is with great regret that we have made this decision,” said Eric Morin, OPSEU chair of the Central Enforcement and Renewal Committee (CERC). “For 15 months the OPSEU members and staff on the Joint System Sub-Committee (JSSC) have done everything in their power to settle these grievances. In 2005, when we negotiated this process for settling classification grievances, we believed that it would result in these cases being settled on their merits.

“We now believe that this employer never had any plan to put adequate funding into settling these grievances,” he said. “That to us is the textbook definition of bargaining in bad faith.”

The union is exploring all possible legal options to challenge the employer’s behaviour at the JSSC.

Since November 2005, the JSSC was able to reach agreement on just 10 per cent of the 8,200 outstanding classification grievances.

“The JSSC process is a flawed process that offers no realistic hope for us of settling the overwhelming majority of our outstanding grievances,” Morin said. “We need a process that includes arbitration as an option.”

### Flawed process

In the 2005 round of OPS bargaining, OPSEU and the government bargained changes to

the process for settling classification grievances. The government agreed to appoint mediator Gerry Lee to assist the parties in reaching settlements.

“At the end of the day, our mediator did not have the power to arbitrate, which means that, where the parties didn’t agree, he did not have the power to impose a settlement,” said Moira Cowan, a member of OPSEU Local 108 and the longest-serving member of the JSSC. “Without arbitration, the employer was able to just do nothing – and get away with it.

“We as a committee want all OPSEU members to know that we did everything possible to make this process work, which is the main reason it took as long as it did,” Cowan said.

“We did not want to give up on the process while there was any hope that it could work. Unfortunately, despite our best efforts, the employer refused to recognize the obvious merits of the grievances we put forward.”

Lynda Ferguson of OPSEU Local 629 joined Cowan on the committee in September. Marg Simmons, who as a member was chair of OPSEU’s OPS bargaining team in 2004-05, is now the staff lead hand for the JSSC.

### Mike Harris’s contribution

OPSEU members with OPS classification grievances suffered a major setback in November 1995. That’s when Tory Premier Mike Harris changed the *Crown Employees Collective Bargaining Act* (CECBA) to make it illegal for

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an arbitrator to order that a Crown employee be reclassified. OPSEU has been trying to solve this problem in bargaining ever since.

“At different times, the JSSC has made progress on classification grievances for some members – when the employer agreed,” said OPSEU President Leah Casselman. “Unfortunately, the current mediation process is not arbitration. It is

now clear that there is only one way forward, and that is for us to win back the rights Mike Harris took away. The Liberals need to change the law to give Crown employees the same rights to resolve classification grievances that other unionized workers in Ontario enjoy.”

## Join the campaign to change CECBA

Beginning today, OPSEU is launching a campaign to undo the damage Mike Harris did to CECBA and change the law to permit arbitrators to rule on classification grievances. OPSEU members can take the following actions now:

- Find out more. Read the Q & A document on the OPSEU web site at <http://www.opseu.org/ops/frontlines/feb0907qanda.pdf>.
- Stay tuned for the schedule of regional meetings planned so you can hear directly from the OPSEU members on the JSSC.
- Sign and send an e-mail to your local MPP and Premier Dalton McGuinty. Go to <http://www.opseu.org/ops/jssc/sendmppemail.htm> to send a generic message or customize your own.
- Visit your local MPP. Take a group of co-workers from the riding with you. Ask your OPSEU board members for help. Tell your MPP you want his or her support in changing CECBA *now* – and you won't take no for an answer. Let your MPP know that, if this issue is not resolved right away, you will definitely be working with your union to make this an election issue.