

Joint System Subcommittee (JSSC) Update #2

February 9, 2007

Questions & Answers on the Joint System Subcommittee

Q1. What is the Joint System Subcommittee?

The JSSC is a union-management committee whose purpose is to deal with classification grievances from members of the OPSEU bargaining unit in the Ontario Public Service. The JSSC was created after the Mike Harris government changed the *Crown Employees Collective Bargaining Act* to make it illegal for an arbitrator to rule on a classification issue.

In its original structure, the JSSC had three union representatives and three employer representatives. Where the parties did not agree on how a particular grievance should be settled, nothing happened and the grievance remained unresolved. This resulted in a massive backlog of grievances that eventually reached 8,200 cases.

The JSSC is covered under Appendices 7, 8, and 34 of the collective agreement. Full details about its workings are available in the OPSEU Q&A of Dec. 20, 2005. This document can be found at <http://www.opseu.org/ops/jssc/updatedec2005.htm>.

Q2. How did the JSSC change as a result of the 2005 round of OPS bargaining?

In 2005, OPSEU and the employer agreed to a new process for the JSSC, as follows:

- The employer agreed to pay two OPSEU members for 12 months to work with employer representatives to try to resolve the outstanding grievances.
- The union agreed to a moratorium on new classification grievances.
- The union and the employer agreed to work with a mediator “to assist in expediting consideration of the outstanding disputes and in resolving them.”

Q3. Was the new process successful in resolving classification grievances?

At the beginning of the process, in late 2005 and the first half of 2006, some progress was made in resolving some grievances. The union was able to reach agreement on 831 grievances, or 10 per cent of the total backlog. Not all of these resulted in a reclassification or retroactive pay. Some were referred to the Joint Working Group (see Q12, below).

Q4. Why did the union withdraw from the JSSC process?

In the second half of 2006, the employer changed its approach at the JSSC. It became more and more difficult to reach agreements. The final agreement that was proposed in November 2006 would have closed over 7,000 grievances with no satisfactory resolution. Obviously, the union could not agree to abandon those grievances. As of today, OPSEU is not participating in the JSSC process.

Q5. Why did it take so long before the union decided to withdraw from the process?

The OPSEU members on the committee put in a lot of hard work and long hours at the JSSC. The union could not pull out of the process until we were absolutely sure that there was no hope of it working for us.

Q6. If a mediator was involved in the JSSC, why didn't he just issue a ruling when the parties could not agree on a particular grievance?

A mediator is not an arbitrator. An arbitrator is a judge; a mediator is a helper. The JSSC mediator, Gerry Lee, could not issue decisions on our grievances because it is against the law (see Q1).

Q7. What happens to my grievance now, if it was not settled?

If your grievance was not settled, the status of your grievance is the same as it was before this latest process began. Your grievance is not settled. The union's goal remains the same, namely, to see that all classification grievances are resolved in a way that is fair to all parties.

Q8. What happens to my grievance if it was one of those where a settlement was reached?

Where settlements were signed by the union and the employer, the employer must honour them. Stay tuned for more information about this.

Q9. What happens to the JSSC process now?

The union is studying all its legal options and will be recommending a course of action soon.

Q10. What action is the union recommending?

The JSSC process, created in 1999, is a flawed process. Without the right to send grievances to arbitration, there is no evidence to suggest that the JSSC will suddenly begin working to the satisfaction of OPSEU members. The union is recommending that all members join in our campaign to change the law so that arbitrators can once again rule on classification issues. For more information, and to send a message to your MPP, see the Feb. 9, 2007 edition of *FRONTlines*.

Q11. What changes are required to the *Crown Employees Collective Bargaining Act* (CECBA)?

A couple of small changes to Sections 51 and 52 of CECBA would allow arbitrators to reclassify employees.

Q12. What is the Joint Working Group?

The Joint Working Group, sometimes called the Job Evaluation Project, is a project outlined in Appendix 34 of the collective agreement to create a new classification system for the entire OPS. This is a separate process from the JSSC. For more information, see <http://www.opseu.org/ops/jobevaluation.htm>.

Q13. Who can I contact for more information?

Members can contact:

- **Moira Cowan (member):** 1-800-268-7376 ext. 8210; mcowan@opseu.org
- **Lynda Ferguson (member):** 1-800-268-7376 ext. 8215; lferguson@opseu.org
- **Marg Simmons (staff lead):** 1-800-268-7376 ext 8643; msimmons@opseu.org

Please do not call to find out the status of your individual grievance, as we will not be able to handle all the requests. More information will be coming out shortly.

Authorized for distribution by Leah Casselman, president.