

OPS job classifications: Ontario can do **better!**



Classification grievance update

An open letter to all OPSEU members with classification grievances in the Ontario Public Service

March 23, 2007

Dear OPSEU member:

We are writing to update you on the status of your classification grievance.

Your grievance has not been resolved. Here's what has happened:

In 2005, your union signed a new collective agreement with the McGuinty government. The new contract created a process aimed at settling thousands of classification grievances filed by OPSEU members in the Ontario Public Service.

On Feb. 9, 2007, that process collapsed. **After 15 months of talks, the McGuinty government would only offer to reclassify 375 OPSEU members and give 214 others a lump sum payment to settle their classification grievances. In exchange, the government wanted the union to agree to throw 7,543 grievances – that's 93 per cent – in the garbage. This was a deal we could never agree to.**

Classification issues affect your pay. We believe ALL members' grievances have the right to be heard and judged on their merits. It is now clear that the only way we can make that happen is if OPSEU members take action in the political arena.

Within the next few weeks, we will send each grievor a letter by mail, notifying you of the status of your individual grievance.

It is worth noting that the government has the power to reclassify your job today, if it wants to. In fact, on March 13, the employer notified the OPSEU that it plans to reclassify or pay lump sums to 152 members covered by *tentative* settlements that were signed off by the parties between January and October 2006. We encourage you to point this out to your manager, and ask that your position be reclassified immediately, too.

In the meantime, OPSEU will be filing a policy grievance over the employer's failure to deal fairly with ALL outstanding classification grievances under Appendix 34 of the OPS collective agreement.

Classification: the rest of the story

Years ago, OPSEU members in the OPS whose pay did not match their work had a fair way to fix the problem. If the employer and the union disagreed on a job classification, a neutral arbitrator could look at the evidence and make a decision. This arrangement kept classifications up to date.

Then Mike Harris changed the law. **In November 1995, the Harris government made it illegal for an arbitrator to rule on the classification grievance of any Crown employee.**

Your union attempted to deal with this problem at the bargaining table.

In 1999, OPSEU bargained to create a special committee to handle classification issues. The Joint Systems Subcommittee (JSSC) was a first step, but it could only solve a classification grievance if the union and the employer agreed. There was no neutral referee. If the two sides did not agree, the grievance did not get resolved.

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In 2005, the government agreed to a mediator to assist the JSSC. We took this as a sign that our employer wanted to clear up the grievance backlog as much as we did. We bargained in good faith, but 15 months later, we now know that:

- This government's main goal is to eliminate classification grievances, not resolve them.
- Our employer is more interested in saving money than paying people for the actual work they do.
- Following the 2005 round of bargaining, government ministries were never instructed to budget money for the successful resolution of our classification grievances.

Since 2005, we have spent thousands of hours researching, presenting, and arguing the merits of classification grievances. It is now clear to us that there is only one way to resolve these grievances based on their merits. **The Ontario government must change the law to make it legal, once again, for arbitrators to rule on classification grievances.**

At the JSSC, the mediator was **not** an arbitrator. He could **not** issue rulings on classification grievances. It is **still** against the law. **This is the problem we must solve.**

Under the contract signed in 2005, OPSEU and the McGuinty government are currently working on a total re-design of the classification system in the OPS. We hope the system we create will be a fair one. But even a perfect system will fail if it does not contain a fair and effective way of settling classification disputes. **Arbitration must be an option.**

The law must change

For all these reasons, OPSEU has launched a campaign to change the *Crown Employees Collective Bargaining Act* (CECBA) to make it legal, once again, for arbitrators to rule on classification grievances. Your support, and that of your coworkers, will be crucial to ensuring ALL OPS employees finally receive the right pay for the important jobs we do.

Here is how you can help:

- For answers to questions about the JSSC mediation process and updates on the campaign to change CECBA please visit: <http://www.opseu.org/ops/jssc/index.htm>.
- To send an e-mail to your MPP, go to: <http://www.opseu.org/ops/jssc/sendmppemail.htm>.
- To find out about information meetings in your region or to help lobby your MPP, please contact your OPSEU Executive Board Member.



We know that this government only really cares about issues that appear on its political radar screen. With the provincial election scheduled for October 10, 2007, that goes double. That is why we ask for your support for the campaign to change CECBA now.

We've changed laws before. We can do it again. Please join our campaign.

In solidarity,

Maura Cowan

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