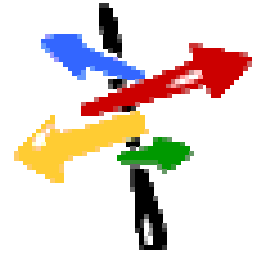




WHICH Direction?



A roadmap for OPSEU members in MOHLTC

March 2006

Update from the MERC: Questions and Answers

Q. Will OPSEU share all relevant information with affected MOHLTC members when it becomes available?

A. OPSEU will provide ongoing regular updates as developments warrant, through e-mail, the OPSEU website, this newsletter and teleconferences.

Q. What happens to me while this issue is being determined?

A. Members must do whatever is necessary to preserve their individual rights under either scenario. For example, members are encouraged to submit applications for positions/vacancies within the OPS, outside the OPS and those offered by the LHINs.

Q. What are Reasonable Efforts?

A. One of the types of layoff or surplus results from the transfer of jobs from the Ontario Public Service (OPS) to another employer outside the OPS (as opposed to simple elimination of the jobs).



One of many OPSEU demonstrations against the LHINs - here members gathered at the Delta Chelsea to march to the office of George Smitherman, Minister of Health.

Most unionized employees in Ontario are entitled to “successor rights” if their jobs are transferred from one employer to another.

This means their bargaining agent (union) and the terms and conditions of their collective agreement go with them to the new employer.

Under legislation introduced by the previous government, OPS employees were stripped of their successor rights.

The Liberals promised to restore successor rights in the OPS. As

you recall, Dalton McGuinty said “I value your work.” But so far the Liberals have failed to keep this very important promise to their own employees.

The government instead must “make reasonable efforts” to ensure OPSEU members whose jobs are transferred to another employer (whether to the private sector, another level of government or the broader public sector) are offered positions with the new employer “on terms and conditions

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that are as close as possible” to the OPS terms and conditions of employment, including those contained within the OPSEU OPS Collective Agreement.

When OPSEU is told such a transfer is being planned, the employer must engage OPSEU in “reasonable efforts” discussions.

This concerns the number of positions to be offered our members, how closely they will match the terms and conditions of members’ existing positions and the timing and content of information to be provided to OPSEU employees so they can make an informed choice when the transfer of positions occur.

Q. Will there be a Regional staff representative on the committee dealing with job security issues?

A. The affected employees typically do not participate in job security discussions, however their advice and input is always sought by OPSEU in developing our positions.

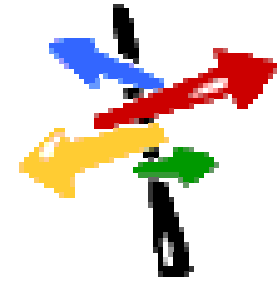
Before and during the discussions, OPSEU typically contacts affected members through a series of meetings, teleconferences, e-mail bulletins, telephone hotline and other communications. Your OPSEU staff representative is available for consultation and advice. A sub-committee of your MERC, together with a job security officer, and OPSEU’s chief negotiator, are working with the ministry in an effort to maximize your employment stability.

Q. Where can I get detailed information about my surplus entitlements?

A. Article 20B of the collective agreement, along with Appendix 9 and Appendix 18 is the first-hand source of information.

Q. How is seniority defined?

A. Individual employees to be surplus within a work unit are identified by seniority in the job functions that the employer has determined are to be reduced or eliminated. Seniority is defined as



continuous years of service in the OPS, not just in the affected work unit. Members need to confirm their seniority dates on their WIN profiles. If your date is wrong, e-mail your human resources branch and copy your message to your MERC chair at

pfrysmith@quickclinc.net

Q. How is the “work unit” determined, and is this a situation where the full complement of positions will be declared surplus?

A. Ultimately, the employer determines the scope of the work unit, however the guiding principle is that the scope must be as broad as possible.

Q. What type of support can I expect from OPSEU as this transformation rolls out?

A. OPSEU staff reps are available for consultation by telephone or e-mail, and you can call in your questions to OPSEU’s hotline for the MOHTLC transformation at 905-383-9453.



Continued page 3

OPSEU will respond to your questions within two business days.

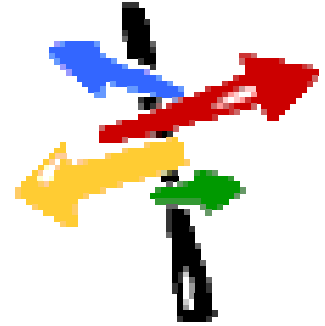
Q. During this period of uncertainty, if jobs become available in the OPS or in the LHINs, should I apply for these positions?

A. Each member must make decisions based on his or her own circumstances and/or career objectives. OPSEU cannot provide advice on what is the better option for you.

Q. Is it true that leaves of absence will not be granted nor extended now that the transformation has begun?

A. There is no policy regarding leaves of absences for those who accept outside employment. Each request must be reviewed on a case by case basis given the individual's circumstances. If an employee wishes to request a leave of absence without pay when they have accepted a permanent position, he or she must provide the manager with the relevant facts, circumstances and details that substantiate the rationale for the request. Managers will review all relevant facts and using their discretion, will assess the merits of the request and make a determination.

Photos: OPSEU members picket against the LHINs in 40 cities including Toronto, London and Thunder Bay.



Stop LHINs campaign

OPSEU has been very active since 2004 in campaigning against the LHINS.

Q. What is OPSEU doing to stop the introduction of LHINs?

A. OPSEU has joined forces with three other unions who also have members in the healthcare sector including CUPE, ONA and SEIU. Details of this campaign can be found at www.stophins.ca

Q. Did OPSEU make submissions to the Standing Committee on Social Policy that is examining Bill 36?

A. OPSEU has made several submissions to the standing committee on social policy, the full submissions can be viewed at <http://www.opseu.org/campaign/lhin/lhinindex.htm>

Bookmark **www.stophins.ca** and check for updates.

Contact us

For more information, please contact either your OPSEU staff representative, OPSEU's hotline for the MOHTLC transformation 905-383-9453, or e-mail your MERC chair at pfrysmith@quickclie.net

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