

MOE contacts:

Please forward this to all Ministry of Environment members of your local that work in the MOE Operations Division.

I am contacting you in order to clarify the communication and notification procedures that you should have received from local management regarding CWWA's.

On July 8, 2004 your MERC team received the attached letter from the Operation Division Directors Committee regarding the approach that the employer was going to take regarding existing CWWA's and the process they would follow to establish new agreements. We were advised at that time that the attached was being sent to all MOE stewards. This in essence would commence the process to negotiate locally new agreement(s) with a completion target date of September 1, 2004.

I understand that many members you represent that were on CWWA's were distraught with the approach taken by the Division to have CWWA's with only a 1 in 4 compression cycle. Your MERC team attempted to negotiate with the DDC to resolve this concern. However, as I indicated in one of my previous update to many of you, we were unsuccessful in reaching a Memorandum of Understanding (MOU). The MERC team will be communicating this to the Deputy shortly and we will be following up with Corporate HR at our next MERC meeting of September 23, 2004.

When we reached an impasse, we were advised that the attached memo, signed by Debra Sikora on behalf of the DDC, would be communicated to the Local Union representatives by the respective Directors. Hence, if you are a representative that has members that report to a Regional Director and members that report to an IEB Director, you may and should have received two respective notifications. This is because the MERC team was informed that IEB would be negotiating a separate agreement and would not be tied in with the local agreement of any particular office where there are IEB staff and non-IEB staff.

When your MERC team received the MEMO signed by Debra Sikora, we assumed that the official notification and negotiations were now taking place as described. Hence, the process should include the following sequence of events:

- The Steward(s) of the unit (or higher officer, if one exists, of the local) receives the notice (usually a minimum of 30 days; or greater if stipulated otherwise in any existing CWWA).
- The notice should be accompanied by a proposed CWWA;
- The steward(s) consult with the members and advises them accordingly;
- The steward's draws up a list of members who want to participate in the 1 in 4 CWWA;
- respectively does the same for any other agreement that should meet the special needs of individuals as mentioned in the Divisional Directors e-mail (unfortunately we were not told what this would be when the memo was provided to the MERC and/or during our discussions with the DDC);

- The steward then negotiates with the respective manager and coordinates to have the agreed upon CWWAs signed by the local president (minimum 5 copies).
- The steward then provides the signed documents to the Manager or Supervisor
  - The Manager/Supervisor then sends it to the respective Director for approval;
- The steward is then provided the signed agreements that has all original signatures (Local President, the local manager or supervisor and the line Director) and has them signed by the OPSEU Staff Representative.
- The Steward retains one copy with all signatures and provides the other 4 copies with original signatures to the local HR;
- The local HR will forward the copies to Corporate HR who will be responsible to have the agreements signed by Corporate OPSEU.
- Once Corporate OPSEU has signed the agreements, Corporate HR will then ensure that all parties have a copy of the signed documents so each of the following have a copy: Corporate OPSEU, the Regional HR, the local management; and the respective Steward.
- The respective steward can then make the necessary number of copies so all members captured by the appropriate CWWA have a copy and that a copy is provided to the local President.

Corporate HR recognizes that they may not get the Signature of Corporate OPSEU by September 1, 2004. The employer will however recognize the agreements while this takes place. To ensure that all units have an agreement in place, all Units should have their respective Steward negotiate the CWWA(s) with an effort to have the agreement signed on or before September 1, 2004. At this time it is not crucial that each member decides if he or she wants to work under a CWWA. Your team received assurance from Corporate Management that any member can opt in or out of a CWWA on or after September 1, 2004. In fact it is recommended that such a clause be included in all CWWAs. All agreements should make reference to a Schedule 1 and it is on the said Schedule 1 that the names of the members bounded by the agreement appear along with the rotation.

As indicated by the DDC to the MERC, the intent is to have the agreements signed locally on or before September 1, 2004. If the agreements (provided the proper written notification has been received locally) are not signed by the ultimatum date then that respective unit will be without a CWWA come September 1, 2004 and the members who were on CWWA will be going back to the work schedule of their respective classification. The MERC team understands that CWWA can still be negotiated after September 1, 2004, however while the negotiations continue, any existing agreements that predate the Divisional Directors Committed July 8 memo will be terminated (again provided proper notification was received)

I understand that some members have grieved and that the grievances are going through its course. However, that is a different issue and we have been assured by management that this will not obstruct the negotiations process of the new agreements. If the member who is grieving has not reached a settlement before September 1, 2004 then he or she has two options; wait for the outcome of his grievance and work in

accordance with the work schedule of his or her respective classification or have his or her name included in the new agreement along with a disclaimer that he/she is participating in the agreement under duress and may take appropriate actions to have a separate agreement negotiated.

I need to confirm that the process is being followed appropriately. If it is not being followed appropriately please advise, along with details where the problems are, and your MERC Team will attempt to get the inequities resolved.

Rhéal Delaquis  
MOE OPSEU MERC Chair