

Arbitration points way to more permanent jobs

OPSEU is looking to build on an arbitration award received in March that decided a lot of fee for service workers were actually doing bargaining unit work, and their job should be posted as classified or unclassified positions.

The arbitrator said he did not have the authority to convert the actual fee for service worker to a government position, but he could say it was bargaining unit work and should be posted.

As a result, OPSEU is looking at fee for service workers across the board, and also people working for contract agencies. "If the work is a true short-term project, the

government can use a temporary help agency," said Cameron Walker, supervisor of OPSEU's grievance section. "But if we can show it is ongoing work that used to be done by public servants, the ministry has to prove to us why it should not continue that way."

At the arbitration, a manager explained that he had hired fee for service people because he had money available in his direct operating costs budget, but not in his payroll budget. It was the only way he could hire.

Given this arbitration award, and the term classified language in the

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Not legal to use pension surplus for strike losses

An email has been circulating among OPS members suggesting that any surplus in the OPSEU Pension Trust be used to reimburse members for wages lost during the eight week strike.

While the idea obviously is attractive to members who have been out of pocket during a lengthy strike, it isn't legal.

As Benefits Counsellor Marcia Gillespie explains, any contribution reduction or holiday has to be applied equally to members of the OPT. "The law would not permit this suggestion of using the pension surplus built up by all members to benefit only those who lost wages during the strike."

Play the name game

The idea of a continuing newsletter has been greeted with general approval, and ideas for names have been pouring in.

Here are some of the best so far.

From Local 130's Marg Reed:
OPS Hodgepodge,
Communications Crew, OPSEU
Babble, OPS Medley and a lot
more.

From Sylvie Harrison from Local 340: Embers (burning bright after the burn barrels have been extinguished).

From Claire Rowett and Tony Cunningham: Between the Lines

(because you have to read between the lines to enforce the contract and because we are "between picket lines").

From Diane Wilkinson of Local 232: In Touch.

From Teresa McCool from Local 520: Psst Pass it On. "This strike had a different feeling this time around. We were more connected. With the help of Internet, Phone Trees, Flying Squads, information was passed on via finger tips and word of mouth."

From Calista Thompson of Local 533, Spirit of 2002 (acronym for

Spirit, Perseverance, Innovation, Renewal, Inspiration and Talent); the Spirit, OPSEU Spirit, Heads Up (held high, and new information); Profile, Sentry, Patrol, Guardian, Chronicle, Community. Flash, Dispatch, Rank 'n' File (and more).

From Staff Rep Roger Haley: Challenging Times.

From Francis Rustia in OPSEU's information services: Reflections, Action Lines, Collective Action, Common Denominator.

Let us know which (if any) clicks with you. Or add your own to the list.

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new contract, OPSEU is developing a multi-ministry policy grievance to get as many people as possible the benefits of classified or unclassified positions.

If you have colleagues on contract, discuss it with your local executive, and take it up with local managers. For more information, contact your Ministry Employee Relations Committee or a union staff job security officer.

Strike worth it for this member

We just got an 18-month conversion for one of my members.

Prior to filing a grievance we got the “run around” from management and HR when we asked “nicely.”

I suggest that you file when this happens because you don’t want to lose any time for credits. It worked for us and this employee said the strike was worth it, because she is now a classified member.

Spread the word.

– Clay McKibbin, Local 716

Substantial gains

If you take the starting offer by the government into account, salary gains due to the strike will not be recovered until late 2006.

But future raises will be compounded on top of this year’s gains. This compounding continues throughout your civil service career, and if you retire with a civil service pension, will compound through the rest of your and your survivors’ lives. The monetary gains in this light are substantial!

– Mark Turner, Local 532

If I am red-circled, what do I get from this deal?

This email came from a member:

Some members who walked the picket line for more than seven weeks will never regain wages lost during the dispute. We are the red-circled ones.

With the reorganization of the Ministry of Natural Resources in 1992, my classification was eliminated and I was demoted.

I have been at the top of my new wage category for more than 10 years now, waiting for the wages to catch up and allow me to participate in pay increases. Three contracts have come and gone and nothing was ever done to eliminate red circling.

I walked the picket line in ’96, was prepared to do so again in ’99, and spent 7+ weeks on the line again only to watch from the side lines. I fear the union as a whole has become a collection of special interest groups, each striving for a larger portion at the government trough.

Yes, I am pleased that the union managed to retain control of our pension monies, that is perhaps the only saving grace in this messy situation. I believe in the union, however I am no longer sure the union believes in itself and Solidarity.

OPSEU Chief Negotiator Andy

Todd replies:

Red-circling is a provision of the OPS central collective agreement. It is a form of job protection that has actually been good for this member.

It was bargained in an earlier day, which means that some other thing which someone would have liked to see in the agreement was given up

• You ask We’ll Answer

so that we could obtain red-circling.

Without red-circling, the employer could – through reorganization, abolition of a position or illness – simply excise a position and lay the person off.

With red-circling, the person retains employment, and keeps his or her existing pay rate. Without red circling, a member could be down-graded to the salary of the lower position. If this rate was below the maximum of the lower job, a member receives increases until reaching the maximum of the lower position.

More likely, members are red-circled at a level higher than the maximum of the lower job. This means they mark time – at their higher pay rate – until the maximum of the lower job comes up to their red-circled rate. Then the person emerges from red-circling and receives any future increases for that position.

Red-circling also means that this person’s pension is based on the average salary of the last few years of employment. This would be seriously eroded if the employer could demote you to a lower position and reduce your salary to the maximum of the lower position.

The implied assumption of this member is that (a) red-circling was imposed by the employer. It was not, we bargained it, and (b) that it is not worth anything which is untrue. It is an important protection against a ruthless employer.