

New OPS grievance system has unexpected benefits

When Local 340 president Kathleen Demareski learned her new contract meant she had to track local grievances, she wasn't thrilled.

Until Jan. 1, staff in OPSEU regional offices watched the deadlines, dealt with management, and moved cases on to arbitration. Now, with changes to the contract for the Ontario Public Service, it's the local's responsibility.

Once they got over the shock, Kathleen and her Local Executive Committee have decided they like the new system. More control over the process is only one of the benefits.

An unexpected gain is the local's improved status with Human Resources.

"There's much more communication with H.R. More grievances are getting settled at Stage One."

Kathleen and Local 340 stewards at the Ministry of Finance in Oshawa have always been a strong resource to their members. Now, managing grievances right up to arbitration, she knows what's happening with them all the time. "If a member phones me up, I can get them the answer right away."

The local set up a tracking system, and bought a scanner to help store documents and send them electronically to head office. With it, they can keep close tabs on all grievance timelines and requirements.

Recently, Kathleen and vice-president Christine Freschette took a labour law course at the CLC Winter School. Already a seasoned advocate at grievance meetings, Kathleen says that the course reinforced her knowledge, and focused on some Stage Two issues to keep in mind. She

and Christine are already planning to take a CLC course on mediation-arbitration.

For Local 308 president Steve Clancy, a Correctional Officer at the Peterborough Jail, more education has meant more skills for his local's stewards. His local has 17 worksites, and members in both the OPS and the Broader Public Service.

The first reaction was resistance, he said.

"The regional office provided an educational right away which built on the excellent skills the stewards had. All the stewards took it."



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**Kathleen Demareski (left) and
Christine Freschette gain
control and respect**

by Ruth Walker

Steve works closely with vice-president, Tamara Look. She acts as a grievance officer for members at the Peterborough Jail where they've set up a central drop-off for grievance forms.

"We sit down with them and listen to what they have to say. We check on wording, violations of any pertinent contract clauses or legislation," says Steve.

The regional office is still a good resource, but Steve sees changes to the OPS grievance procedure as a plus in several areas. For example, his local has been pressing management to accept the stewards' early involvement in grievances.

Steve would like to see more grievances settled in the beginning stages, right at the workplace.

While they've set up new systems to track

"Meeting attendance has doubled"

– Steve Clancy, Local 308 President

grievances, Local 308's executive has also been busy explaining the changes to members. Steve says that this has helped trigger another benefit for the local. "Attendance at our general membership meetings has doubled, and we expect that to continue."

While regional offices will help locals, both Kathleen and Steve see ways to fine-tune the new process. Despite initial frustration, they're proud of the way their stewards have taken on the new responsibilities. ▲

Three sectors, three ways to solve grievances

Grievance procedures vary from one collective agreement to the next. They are a product of history and collective efforts of the parties.

Within OPSEU, the different sectors have negotiated different structures.

In all cases grievances move by step toward final arbitration.

In the Ontario Public Service (OPS)

One contract covers six bargaining units. Arbitration is done by a single arbitrator selected by the Grievance Settlement Board (GSB). OPSEU and individual ministries each pay half the cost as set by the GSB. The new collective agreement has formalized a mediation-arbitration process that is reducing the number of formal hearings and resolving workplace problems more quickly and more economically.

In the Colleges (CAAT)

Two contracts cover two bargaining units – faculty and support staff. In most cases, a three-member panel hears arbitrations. Both union and employer appoint one nominee. A union-management team meets regularly to schedule arbitration hearings. The union pays for its nominee plus half the cost of the chair and half the cost of the hearing room. Locals can agree to use mediation-arbitration.

Academic workload and support staff classification questions use an expedited arbitration system, where members present cases at informal hearings before a single arbitrator.

In the Broader Public Service (BPS)

More than 400 contracts cover individual bargaining units. Most hearings are done by a single arbitrator, chosen by agreement between union and employer. Regional Grievance Officers on OPSEU staff set up arbitrations. OPSEU pays half the cost of the arbitrator and half the cost of the hearing room. Most grievances are resolved before reaching arbitration.

Arbitration policy

The 2000 OPSEU Convention decided that the union must schedule arbitration hearings for all unresolved grievances involving dismissal, layoff, human rights and harassment.

Discrimination and harassment cases may have a separate procedure.

However, it balked at ordering the union not to cancel arbitrations for financial reasons. Delegates decided this would "open the tap" for uncontrolled spending on arbitrations. ▲