



the pipeline

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published by OPSEU for members concerned about the Walkerton Inquiry

Key issues start to emerge

OPSEU prepares for union's participation in February

We're into the third week of the Inquiry and key issues are emerging from the testimony.

The first week we heard about the need for a groundwater strategy and the problems resulting from the privatization of lab testing.

Last week we heard about the government ignoring lobbying by MOE staff for drinking water regulations. We also heard evidence about workload, stress, lack of training and lack of clear management direction in the MOE.

OPSEU has two jobs when it comes to the Inquiry: to provide legal representation and support to members and to ensure our members' issues are raised at the Inquiry.

We've worked hard in the last several months in both these areas.

We've had a lot of help from MOE and OCWA members, their Ministry Employee Relation Committees (MERCs) and members from the health

unit, hospital and jail in Walkerton. Thank you - we couldn't do it without you.

Lawyers from Gowling, Strathy and Henderson are working under the direction of Tim Hadwen, OPSEU's staff legal counsel, to represent members who are called before the Inquiry.

The Inquiry has agreed to contact us first before approaching OPSEU members. The MOE has also been advised to contact our lawyers if they wish to interview OPSEU members.

If you've been approached by the MOE, the Inquiry or the OPP, or plan to approach them yourself, please contact us.

In terms of raising our members' issues, we've been collecting information in preparation for Part 1B of the Inquiry. Part 1B deals with "the effect, if any, of government policies, procedures and practices..." Evidence will start to be heard in late February. This is when OPSEU will have full standing at the Inquiry. (See page 2 for an explanation of our standing in the Inquiry's three sections.)

Your input is crucial. Thanks to the current and retired members who filled out our confidential member survey.

Your contributions formed the basis of our submission for standing. To read it, go to www.opseu.org.

If you have any information to bring forward, please contact us. We will confidentially discuss with you the best use for that information to come forward to the Inquiry. Contact information is on page 2.

Get in the Pipeline

We're distributing *the Pipeline* by e-mail and fax only, as well as posting it on our website: www.opseu.org.

the Pipeline is about two-way communication. We'll inform you on a regular basis about your union's participation in the Walkerton Inquiry. We hope you'll let us know what you think.

Please post *the Pipeline* on your union bulletin board. Copy it for your colleagues.

Contact us to get on our e-mail list. Home e-mails are preferred.

How the Inquiry works

The Walkerton Inquiry's mandate is divided into three sections as laid out in the Order in Council of June 13. They are referred to as Part 1A, Part 1B and Part 2.

OPSEU has limited standing in Part 1A and full standing in Parts 1B and 2. Standing gives us the right to cross-examine witnesses and suggest witnesses whom the Inquiry should call.

Part 1A deals with the circumstances which caused hundreds of people in Walkerton to become ill and seven of them to die due to the contamination of their drinking water by E. Coli 0157. OPSEU has the standing needed to protect the interests of directly-involved members. Part 1A is now underway in hearings in Walkerton.

Part 1B deals with "the cause of these events including the effect, if any, of government policies, procedures and practices..."

OPSEU has full standing in this part, as part of a "bargaining agents coalition" with the Canadian Union of Public Employees (CUPE) and

the Professional Engineers and Architects of the Ontario Public Service (PEGO).

Justice O'Connor wrote that "it may be appropriate for OPSEU to take the lead in this coalition" because of our broad representation of provincial government employees.

Hearings into Part 1B are scheduled to start in the latter half of February 2001.

Part 2 deals with the broader issues involved in ensuring the safety of Ontario's drinking water. OPSEU has full standing in Part 2.

This section won't be conducted by public hearings. Instead, the Inquiry is in the process of commissioning 15 issue papers on such topics as the "History of drinking water management in Ontario", "Drinking Water Standards" and "The cost of clean water".

Through public meetings and written submissions, we'll have the chance to comment on the issue papers. Much of Part 2 (the preparation of the issue papers, for example) will be going on at the same time as the hearings into Parts 1A and 1B.

Whistle blower protection

Under much pressure from the opposition parties and OPSEU, the government amended the Public Inquiries Act in June to include whistle blowing protection. The amendment became law June 23.

The amendment reads in part: "No adverse employment action shall be taken against any employee of any person because the employee, acting in good faith, has made representations as a part or has disclosed information either in evidence or otherwise to a commission under this Act or to the staff of a commission."

Regardless of this amendment, some MOE staff believe they will face reprisals if they bring forward information to the Inquiry.

We intend to raise this concern with the Inquiry's lawyers.

In order for the complete picture of Ontario's drinking water system to be revealed, the Inquiry needs to hear from the people who know most about it -- staff at MOE and OCWA.

How to get in touch with us

To get on our e-mail list, bring forward information to the Inquiry, find out about legal representation, or raise any other issues and concerns, please contact Megan Park at OPSEU Head office at 1-800-268-7376 ext. 207 or e-mail mpark@opseu.org.

Check regularly www.opseu.org/walkerton/index.htm and the official Inquiry website at www.walkertoninquiry.com.

Authorized for distribution:



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