



# OPS CERC Report

Union update from your Central Enforcement and Renewal Committee

Ontario Public Service Division

February 8, 2007

## No Justice at JSSC

Since November 1995, OPSEU members in the OPS have been looking for simple justice in their quest to be properly classified. That's when Tory Premier Mike Harris changed the *Crown Employees Collective Bargaining Act* (CECBA) to make it illegal for an arbitrator to order that a Crown employee be reclassified. That action by the government led to the creation of the Joint System Sub-Committee (JSSC) as a forum to resolve classification disputes. Because there was no ability to refer grievances for arbitration, the process proved to be an exercise in frustration that produced little or no justice for our members.

During the last round of collective bargaining, we were able to get the employer to concede that the JSSC process was inadequate. Despite our efforts to bargain a return to arbitration for classification grievances, the employer would only agree to a mediated process. For the last fifteen months we have engaged in this mediated process with the employer only to conclude that that they were less than sincere in their willingness to address the 8200 outstanding classification grievances. Less than 10% of grievances would have seen some form of relief.

It has become apparent that what the employer is offering is well below what is expected by the membership. It also became clear that the only way that our members would ever see justice for classification grievances is through an arbitrated process. Consequently, the union has walked away from the JSSC table and will focus on restoring the right to arbitrate classification grievances for our members.

Given the employers reluctance to make any real investment in addressing their severely outdated and inadequate classification system, the union has no choice but to withdraw from negotiations. The time has come for our bargaining unit to exercise our collective muscle and participate in our campaign to change CECBA so that we can again arbitrate classification grievances.

- Find out more. Read the Q & A document on the OPSEU web site at <http://www.opseu.org/ops/frontlines/feb0907qanda.pdf>.
- Sign and send an e-mail to your local MPP and Premier Dalton McGuinty. Go to <http://www.opseu.org/ops/jssc/sendmppemail.htm> to send a generic message or customize your own.

**Please note that talks between the union and employer to develop a new Job Evaluation System continues and are not affected by the union's decision to walk from the JSSC table.**

## **Ontario Can Do Better**

All MERC are reminded to respond to the recent CERC correspondence regarding this campaign as soon as possible. Please watch for the release of our online survey that will be unveiled soon at [www.opseu.org](http://www.opseu.org)

## **“I put my Trust in OPTrust” Campaign**

The employer has recently advised us they are reviewing their position on this issue. Their decision on this matter is pending. The union is currently conducting a strategic lobby of targeted MPPs. As a result of our political lobby, the employer is now willing to begin discussions on this matter

## **Save our Parks/Save the MNR Campaign**

This campaign is ongoing. Members are encouraged to sign the online petition found on the OPSEU website: [http://www.ipetitions.com/petition/save\\_the\\_mnr\\_custom/](http://www.ipetitions.com/petition/save_the_mnr_custom/)

## **CERC MEETING SUMMARY for February 7, 2007**

### **Standing Items**

1. **Grievance Administration Project** – Defer to March meeting
2. **Committee Reports**
  - a. **JSSC**-Employer advised of our decision to walk from the JSSC negotiations. See lead story in this newsletter and the most recent issue of *The Frontlines*.
  - b. **Job Evaluation/Pay Equity**- Work is ongoing. An update report to be provided by the working group was deferred to the March meeting.
  - c. **JESS** – An update was provided regarding the discussions that took place at the January committee meeting. Copies of the minutes will be posted on the OPSEU Web site.
  - d. **Training and Development** – The parties will be meeting with their committee counterparts to assist in clarifying the mandate of the committee
3. **Update on Corporate Initiatives**- None to report
4. **Implementation of the Collective Agreement** – No updates to report at this time.

### **Business Arising**

5. **Service Ontario Report** – Defer to March Meeting
6. **Labour Relations Training**

The parties met on January 24. The draft training packages were presented to the union to which the union provided feedback. The parties are working towards rolling out the four pilot workshops between the mid-March to mid-April 2007. The

locations have yet to be determined. The training will also be rolled out to all MERC committees over the next year after the pilot workshops have been delivered.

**7. Appendix 33 – Unclassified**

- a. The employer confirmed and provided copy of the letter that was sent to all HR Directors on the appropriate use of unclassified employees. This letter will be forwarded to all MERC chairs for their information and distribution.
- b. Discussion took place regarding recent a court decision on grievance launched by the MPAC Unit which states that collective agreement applies when temporary help is hired to do bargaining unit work. The union suggested that this decision could impact on the employers use of temp workers and the union would be exploring its options.

**8. Employer’s Ongoing Reduction of OPSEU members in the OPS**

The union raised recent disclosures announcements that continue to show that this employer is not serious about rebuilding the Public Service. In their defense, the employer indicated that there was actually an increase of OPSEU jobs in the OSPEU since 2004. The union confirmed that there were OPSEU jobs created, however statistical information over the last year have shown that for every job created two are being eliminated. The employer has agreed to provide with the union with some of their statistical information at the next meeting.

**9. Changes to the Insurance Act and impact to OPSEU members**

The union reminded the employer on the urgency in getting the third party liability issue resolved as soon as possible. Union members should not have to assume third part liability while renting a car to do the employers work. A draft Q&A was reviewed by the Union which raised more questions than answers. The employer advised the union that their concerns are being considered and options are being explored. The parties are continuing discussions on the “third party liability issue” for car rentals. In the interim, members should consider making alternative travel arrangements.

**10. Interpretation of Meal, Travel and Accommodation Policy**

The employer provided the Union with a copy of the communication clarifying “itemized” receipts that will be going out to all HR Directors. The Union advised that employer that if the memo does not address or assist in resolving the issue, the matter will be resurfacing at the table. A copy of this memo will be distributed to MERCs

**11. New Temporary Agency Hiring process**

The parties met on January 29 and further discussed the issue. It became apparent that the statistics to fully comprehend the scope of the problem are lacking. The employer has agreed to collect concrete data for a period of 8 months and share this data with the union so that a meaningful discussion can take place on the use of temp hires. Letters outlining the employer commitments will be distributed to the MERC chairs under separate cover within the next two weeks.

## 12. OPS Health and Wellness Policy

A separate meeting was held following the CERC meeting along with other bargaining agents to review and comment on the employer's proposed strategy.

## 13. OPS Learn and Work Program

A presentation was provided by the policy working group on the outcome of the original pilot and on phase 1 of the current program which concluded at the end in January. Based on the Phase 1 experience, the parties worked out logistics intended to enhance the communication with the local union representatives at the worksite where placements will occur. Phase 2 placements will start on March 5<sup>th</sup>. A copy of the presentation provided at CERC will be going out to all MERC chairs under separate cover within the next two weeks.

## New Business

### 14. OPTrust Grand parenting

A joint committee will be established to discuss this matter among other issues. Both, the union and the employer agreed to define their respective issues and to further their discussion on the next steps to follow in an effort to resolving their differences.

### 15. Air Testing in Government Leased Building

The union reminded the employer that the communication that was to go out to all Ministries from ORC back in March of 2006 has not occurred. Consequently, issues that are resurfacing are not being handled effectively by the line ministries due to the lack of direction. The employer will follow up and report back to the Union.

### Dates to Remember

Date	Time	Event
March 7, 2007	9:30	CERC Meeting
March 8, 2007	noon	Monthly CERC conference call for MERC Co- Chairs
March 24, 2007		Regional Meetings
April 19-21, 2007		OPSEU Annual Convention

**Your CERC is:** **Eric Morin**  
**Kathleen Demareski**  
**Rhéal Delaquis**  
**Mike Grimaldi**  
**Brian Gould**

*“If you're going through hell, keep going.”*  
*Winston Churchill*