

OPSEU Local 736



ON THE WATERFRONT



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Message from the President

Welcome to the very first and long overdue newsletter of OPSEU Local 736 that was supposed to be but 'wasn't produced' while we walked (or prepared to walk) the picket line during the last strike. COMMUNICATION needs to happen in the local more than just when we start bargaining for new collective agreements. We have found communicating between offices, locations and shifts in need of improvement. I am thrilled to introduce to you not only the newsletter but also our website at **www.opseu736.org**. The members of the newsletter / web page committee are Vicky Brown -Editor, Tim King - Webmaster,

Nadine Sinclair-Horner, Rachel Brown, Sandra Symons, Stacey McFarlane and myself Sandra Snider. I hope you find both the newsletter and the web page informative and interesting. Please participate in our survey on what you want in both newsletters and website and we will try to oblige. We plan to have at least 4 newsletters a year with bulletins in between as necessary and the website will be updated regularly. If you are interested in putting in an article, providing input or joining the committee contact Vicky. If you just want to be informed – read along and enjoy.

Sandra Snider

United Way Fundraising Campaigns

Local 736 Fourth Floor OSAP members are leading the way for the 2006 United Way Campaign. We have not set a goal this year, but hope for increased payroll donations and to near last year's accomplishment of \$6,700. To date we are hovering around the \$4,500 mark, but there is still more math to do before I can state the amount of donations with certainty.

We have had 2 Pizza Sales to date and thank everyone from all floors for their participation. The highlight of October, our Penny Auction and Raffle, held last week was a great success.

Staff are looking forward to our Gift Basket Raffle in early November. There will be some 50/50 draws towards the end of the year as well. All in all, it is a busy time at OSAP, and United Way is just

one more thing that we are doing. Special thanks goes out to Sandra Olsen, Rhonda Urban, Krista Doran-Pelechaty, Susan de-Boer, Lorna Bottos, Tina Masetto and Helene Demers for their help in the campaign to date. Thanks also goes out to our Management Team for their support and assistance.

Dori Kopechanski

ORG Staff Generously Support the United Way

The United way spirit is back again this year at the ORG. The kick-off was held on Thursday, October 6, 2006. Over coffee and donuts, staff generously donated via payroll forms and one-time donations for a chance to win a day off with pay. Together, we managed to raise over 90% of our target! A special thank you to our committee members Lyse Meunier, Carole Halstead, Anne Mastomaki and Suzanne Fillion for taking care of all the details. Also extra thanks to the volunteers Evy Mehagan, Donna Blomquist, Diane Harrison, Karen Kingsborough and Kelly Quaid for helping make these events so successful. The total target for 2006 is \$ 5145.00. Upcoming events include the pizza sale, being held on Thursday November 2nd, 2006 and bi-weekly 50/50 draws. Thanks to all staff for their generous support!

****PLEASE NOTE**** Volunteers are needed for the pizza sale so we can schedule times for both shifts. Please e-mail Lyse Meunier for details.

Rachel Brown

DID YOU KNOW ?

WE'RE ON THE WEB!

WWW.OPSEU736.ORG

VISIT TODAY!!

Are YOU being disciplined for being SICK?

PROTECT YOUR RIGHTS FROM “ATTENDANCE MANAGEMENT” PROGRAMS

All over Ontario, more and more employers are using “attendance management” programs to try to limit employee’s use of sick leave.

Sick leave is a right negotiated for you by your union. Your employer cannot use these attendance management programs to force you to cut back on legitimate use of sick time. Your employer cannot force you to return to work when you are ill.

A TYPICAL PROGRAM

In a typical attendance management program, the employer monitors your use of sick time. If your use of sick time exceeds the average in your workplace, your manager will call you in for a “counselling session.” Then you will get a letter saying that you must improve your attendance. If you keep on taking sick days, you will be called in for more counselling sessions. You will receive increasingly severe letters. Eventually the employer will try to fire you.



YOU CANNOT BE DISCIPLINED FOR BEING SICK

Employers have a right to make rules about attendance at work. But these rules must be consistent with your collective agreement. They must be reasonable. They must be clear. And they cannot be used to discipline you simply for being sick.

The arbitrary use of specific “thresholds” to justify firing you means your individual circumstances are not being taken into account. In case after case, arbitrators have ruled that this kind of “mechanical application” of a program is disciplinary and unreasonable. The Ontario Human Rights Commission has confirmed it. It is wrong to use fear of discipline to stop employees from using sick days.

An employer can send you attendance-warning letters related to sick leave, but not build up a disciplinary record against you. Under your collective agreement, use of sick leave is a right. It is definitely not “just cause” for discipline.

WHEN YOU CAN BE DISCIPLINED

If your manager has grounds to suspect that you are abusing your sick leave, and you are not in fact sick, he or she can request a medical certificate. If you have abused your sick leave, that is grounds for discipline.

THE “DUTY TO ACCOMMODATE”

Under the Ontario Human Rights Code, employers have a duty to modify job duties, workstations; schedules, and so on to help people with disabilities (temporary or permanent) work, and attend work regularly.

However, if you have a disability, which leaves you with no reasonable prospect of coming back to work, even with accommodation, then you can be terminated.

Termination for this reason cannot jeopardize your Long Term Disability or Workers Compensation.

Your union’s goal in dealing with attendance management pro-

grams is to uphold collective agreements and protect your right to your negotiated sick leave. Your union is there to help deal with any problems so you can work effectively and avoid unjust discipline.

Grieving is always an option if other methods aren’t working.

Whatever you do, work with your OPSEU steward and your local if you are being harassed.

CALLED IN TO A “COUNSELLING SESSION,”?

- TAKE YOUR STEWARD ALONG!!

If your manager calls you in for a so-called “counselling” session, go to it – but TAKE your OPSEU STEWARD along. Your steward should make the point that the program is arbitrary by nature and does not take your individual circumstance into account.

You do not have to discuss the nature of your illness, your treatment, or your prognosis.

If you require accommodation, demand it.

Your doctor can spell out your needs and set limits on your ability to work, as appropriate. Your employer should respect these limits.

Make sure your doctor understands the demands of your job well enough to provide a proper assessment. When you talk to your employer, describe what your limitations are in relation to your job function.

MEDICAL CERTIFICATES AND YOUR DOCTOR

Your collective agreement governs when you must provide a medical certificate to account for your absence from work. Most contracts say the employer may only demand a certificate after a certain number of days. In OPSEU’s contract in the OPS, article 44.10 says a certificate is only required after five days of absence. Contracts vary. Usually, a medical certificate only has to say that you were unable to work on certain dates because of illness/ injury. They are usually required to state when you will be well enough to return to work.

It is illegal for an attendance program to require that your doctor put his or her diagnosis in a medical certificate. This violates your privacy rights. Your employer cannot obtain your medical information without your consent.

WE CAN BEAT THIS!

Union members don’t have to put up with harassment on the job, for whatever reason. If you’re sick, you’re sick. You’re entitled to all the benefits in your collective agreement and all the protections available under the law.

We can stop the abuse of sick leave entitlement by managers. The key is for all members, stewards, locals and staff to be on guard- and be ready to take action when necessary.

Vicky Brown, Local 736 VP

Are you working your EARNED VACATION away?

The following was presented verbally to the MGS/MERC on August 23, 2006 by Sandra Snider and then this written submission was forwarded at their request. We have not yet received a response. The next MERC meeting is scheduled for November 23, 2006.

Presentation to the MERC Meeting re vacation issues at the ORG Wednesday August 23, 2006

- The union tried to be pro-active and brought the issue of vacation up at ERC in 2005 as 60-80 employees were getting an additional week's vacation after 16 years of service and others after 25 years.
- The employer responded by changing the number of staff allowed vacation at one time from 20-25% to the managers will take into account operational requirements when determining the number of staff granted vacation at one time
- The union asked for a breakdown of the number of weeks vacation per team and the number of people allowed off at one time
- We did not receive the information, at our last meeting we were told that 10% were allowed off at one time
- It is actually less because if I cancel my vacation next week due to operational requirements someone else is not allowed to take that week
- The 10% did not include Summer Students or Seasonal Staff. In fact they missed the deadline for summer student for the umpteenth time and had to scramble to get any at all. Seasonal Staff had their 10-week break from June 23 until the first week of September. Prime vacation time!

- I did calculation for my own department without the assistance of the employer and in a department of 27 staff, calculating weeks of vacation per person and staff holidays the team has at least 159 weeks of vacation. Only 3 staff are permitted to have vacation at one time. If 3 staff were off every day of the year they could use the years allotment
- Would you like your vacation the 2nd week in January?
- This is differing the issue as many staff are carrying over vacation
- Christmas, March Break and June, July and August are times people want off
- Turn around times and backlog reduction is on the backs of the staff that are working. They are feeling punished for other staff being sick or on WSIB
- Moral is low and I have never seen staff so upset about the same issue since they did the poison work grievance in 2004.

Questions Staff are asking

1. Would you like your vacation the 2nd week in January?
2. Why are operational requirements any different in 2006 than they were in 2003 when we had record backlogs?
3. Does any other branch of the Ministry restrict vacation this drastically?
4. Why do we have to pay with our vacation because of the Service standard guarantee for ESD files? Why didn't they plan for vacation better?
5. Why did the seasonal staffs break start during prime vacation season and start as soon as it was over?
6. If 10% is the new standard for union staff why isn't it the standard for managers. They should lead by example
7. Why did they not get enough Summer Student to cover for vacation and why does that not also count toward the number of staff that are off at one time.

A Steward's Reflection

My first educational brought with it the excitement of meeting new people, and the adventure of learning what my responsibilities are as a union steward.

Day One - The course started with the introduction of various key people within Region 7. We were divided off into groups for our 8 hrs of learning experience. The course outlined various aspects of understanding the rights and responsibilities of a steward. We touched on different committees ie, human relations committee, women's comm. etc.

We were also introduced to the structure of OPSEU and the global links of the labor movement, to NUPGE

(National Union of Public and General Employees) and others. We looked at the bargaining cycle and the role of the steward within the local. We reviewed dealing with members concerns and problem solving tactics. Communication was brought to the forefront as the basis of being a steward. Communicating between members and management and visa-versa. After the learning was over we mingled with our fellow sisters and brothers in a somewhat relaxed setting discussing the days events. Pizza and a movie was on the agenda for entertainment.

Day Two - We dealt with various scenarios of problem solving and re-

viewed the previous day, this concluded the educational. To sum up my experience. I met many very interesting people from other ministries which included community agencies, correctional facilities, hospital and judicial employees. The most important component in which I learned of being a steward was communication.

I look forward to the 2nd part of this training session. I invite anyone interested to sign up for the next educational.

Donna Roman



No Scent Policy

Just a reminder that there is a 'No Scent' policy at the office of the Registrar General (ORG).

Please make sure as to not wear perfumes, colognes or strong smelling laundry soaps and detergents. Many people in the office have allergies, asthma, and other health problems that could contribute to an unpleasant environment. Policy states that: "The presence of strongly scented products is not allowed within the workplace of the Office of the Registrar General (ORG) at any time. Employees are responsible for notifying his/her team manager as soon as possible if he/she experiences any discomfort due to a scent.

Make A Difference This Holiday Season

One of the greatest reasons to donate to charity is to help the less fortunate. Giving is a part of human nature and to make a difference in your own community can be a wonderful feeling. OPSEU Local 736 is recommending we help the following two local charities by making a difference this holiday season.

We will be holding a **“Food Drive”** from October 30 – November 15, 2006 for non-perishable food items for **The Shelter House**. Did you

know that the most requested items are: coffee, tea, condiments, peanut butter, pepper, jams and jellies? Should you wish to help out, we will be collecting the non-perishable food items in the 3rd floor lunchroom.

Have you ever thought about becoming a **“Secret Santa”**? We are seeking gift donations valued up to a maximum value of \$25.00 for children ages 1-12. These gifts will be handed out by **The Salvation Army** at their **“Dinner For The Needy”** on December 17, 2006. Gifts must be of

non-violence in nature and require no batteries to operate. All gifts are to be wrapped and labelled with a removable tag identifying the contents and the age range. **Example: Barbie Doll/Girl/Age 4-8.** Deadline for donations is December 8, 2006. As an added bonus, all “Secret Santa” contributors will have their names placed in a draw for a gift certificate from a local restaurant. “Join us by putting a smile of the face of a child this holiday season.”

Sandy Symons



*Roses are Red,
Violets are Blue
The Newsletter &
Website
Has Information for
YOU!!*

Deb Moore

OPSEU Jargon – Do YOU know it?

If any of you reading this are like me, and hear or read all these short form anagrams that are union leaders, letters or emails contain. I am writing this to help inform people like you what they mean. Because when your sitting at a union meeting and people are spouting off all these short form, it’s nice to actually know what the meanings are and what those committee’s do for us.

So for this issue of our newsletter, I am informing everyone what LERC, MERC and CERC mean. So the next time that you hear them, you’ll actually understand them.

With all these committee’s everything has a protocol and a chain of command that each committee has to follow. I’ll try to break them down as simplistic as possible.

These committee’s are contacted in this order:

H & S: Health & Safety
 LERC: Local Employee Relation Committee
 MERC: Ministry Employee Relation Committee
 CERC: Central Bargaining Employee Relation Committee

1. During a team meeting or any other time, if any issue(s) that are work related and that involves most or all staff are discussed. If this issue(s) cannot be resolved or negotiated within the team discussion is then brought to H & S (Health & Safety).
2. Health & Safety (H & S) will the discuss issues related to health and safety in the workplace. They are mandated by the Workplace health and Safety act and enforced by the Ministry of Labour.
3. LERC they discuss issue(s) that effect the members that are not. Health and Safety issues, ie vacation, policy changes, staffing, safety shoes reimbursement amount etc. and try to find some conclusion. If they cannot resolve them, they are then brought to MERC.
4. MERC is the Ministry Employee Relation Committee. Which is a Ministry resolution for these issues. MERC deals with any issue that involves the Ministry. The ORG is only one of the many

branches within the Ministry. Once these issues are brought to MERC and the issue(s) are still not resolves, because the issue is a bigger problem than the branch policy or issue, it will then be taken to CERC. An example of this would be when we could not get resolution on the amount paid for safety shoes after the two ministries merged we agreed a MERC to pay \$ 100 per pair and forward to CERC. The ORG had been wanting to pay \$60 per pair.

5. The CERC is the Central Bargaining Employee Relations Committee. If any issue id brought this far it would then involve anyone who is a part of the OPS. The issue of safety shoes is being brought here hopefully for a government wide standard rather than a ministry wide standard.

With all these committee’s, if an issue that you are aware of has been brought to LERC MERC or CERC take time. So be patient, it is not something that can be resolved over night. LERC meetings are held monthly or bi-monthly, MERC and CERC committee’s only meet four times a year.

I hope I have been clear on which committee does what and the reader has gotten a better understanding of what all these committee’s entail.

If you have any issues for LERC. Please feel free to submit your concerns in our drop box. Make sure that you sign your name on your suggestion, otherwise it will not be discussed. Our drop box is located on the third floor. TCU would bring their concerns to Fern or Sophia.

If you need a better understanding of LERC or MERC consult your collective agreement book. Page 31, article 16 on Local and Ministry negotiations. You can also consult one of your union reps for more information.

So until the next issue, Happy readings!

Stacey McFarlane



- DRC Disability Rights Caucus
- EBM Executive Board Member
- LBED Liquor Board Employees Union
- LERC Local Employee Relations Committee
- MERC Ministry Employee Relations Committee
- NUPGE National Union of Public and General Employees
- OFL Ontario Federation of Labour
- OHRC Ontario Human Right's Commission
- ONTW On The WaterFront newsletter
- OPS Ontario Public Service
- OPSEU Ontario Public Service Employees Union
- PHRC Provincial Human Right's Committee
- PWC Provincial Woman's Committee
- PYWC Provincial Young Workers Committee

- BPS Broader Public Service
- CAAT-A College of Arts and Technology - Academic
- CAAT-S College of Arts and Technology - Support Staff
- CERC Central Employee Relations Committee
- CLC Canadian Labour Congress

- EXECUTIVE BOARD
- HEALTH AND SAFETY
- NEWSLETTER
- REPRESENTATION
- STEWARDS
- UNION

Canadian Labour Council's Postcard Campaign

The CLC has initiated a postcard campaign that focuses on the issue of funding for women's groups. This is to commemorate December 6th, the Day of Remembrance and Action on Violence Against Women in Canada.

Specifically, the campaign focuses on the need for the federal government to increase core funding for women's groups that advocate for equality and against violence against women.

Three messages being promoted:

- increase, not decrease funding
- core funding, not project funding
- funding to groups which advocate for women: we need our organizations to be able to speak for us and to use their expertise to push for government action to improve the lives of women in this country.

The postcard will be viewable at www.canadianlabour.ca at the end of October.

Remembering Rena

On September 7, 2006 I participated in the Full Moon Memory walk to remember Anishabe and Metis women murdered and missing in Thunder Bay. Our sister Rena Fox was one on these women. We followed the drummers from Shelter house across the bridge to the East End to the McIntyre flood. During the walk I carried the memorial picture of Rena we had made. Many people who had known Rena were pleased she was being remembered had stopped me. At the River we participated in a ceremony of taking tobacco and placing it in the

river to remember the spirits of the missing, it was very moving. For those of you who are new, Rena Fox worked at the Office of the Registrar General and was a member of our local since the office opened in 1991. Her frozen and beaten body was found on the side of the highway on February 28, 2003. Her murder has yet to be solved. At the NUPGE (National Union of Public and General Employees) Women's Conference October 1 – 3 in Ottawa, the Native Women's Association of Canada introduced the Sisters in Spirit Campaign to us. They are trying to raise awareness for their Stolen Sisters,

murdered and missing across Canada. In memory Rena and in support of this campaign the local has purchased Sister's in Spirit pins. They can be purchased from me or other executive members for \$5.00. Wear one and remember Rena. No one should die like that.

Sandra Snider



OPS Employees Recognized

The Northern/Thunder Bay Interministerial Council and the Quarter Century Club put on a luncheon to recognize OPS Long Service on Monday, October 23, 2006. It was held at the Valhalla and a lovely Italian Buffet was served. Fern Dumas was part of the organizing committee. Sandra Snider, Fay Monahan and Donna Blomquist were

honored for 25 years service in the OPS and. Vicky Brown and Carol Halstead were honored for 30 years of service for the OPS.

Hazel's retirement dinner was held Oct 19th, 2006 at the Italian Hall. Many co-workers, family and friends attended the evening. Hazel was given a digital camera from her friends and fellow employees to enjoy on her 'days off'. A special thanks to

Linda Chaykowski for her moving words to Hazel. Hazel worked for the ORG for 15 years, receiving an honorary 'Lifetime Member in Good Standing' certificate from OPSEU. Congratulations everyone!!

Vicky Brown
Nadine Sinclair-Horner

James Watson Memorial Scholarship

OPSEU Local 736 is open for applicants for the James Watson Memorial Scholarship. For applications, eligibility, criteria, and other information, please see OPSEU Local 736 website at www.opseu736.org. Scholarship information will be under announcements and under the Forms, Surveys and FAQs section in the menu.

FRONTLines

Mediator's report on classification grievances expected by year end

October 12, 2006 **Committee tackles 6,000 grievances**

A mediator's report on the classification grievances of OPSEU members in the OPS should be ready by the end of 2006, union members on the Joint System Subcommittee (JSSC) say.

In the last round of contract talks, the union and the employer agreed to give a mediator one year to work with the parties to help clear up close to 6,000 classification grievances, most of them from several years ago. The JSSC got to work on the backlog last November.

"We are on a tight timeline, but we are confident that we can have all the work done by the end of the year," says Moira Cowan, one of two OPSEU members working full-time on the backlog project. "At that time all OPSEU members should know the outcome of their grievance."

The mediator has imposed a blackout on all communication regarding individual grievances until the final report is ready.

"We can't comment or provide any details at all on individual grievances," said Cowan. "All I can say is that the union members on the JSSC have been making presentations outlining the merits of grievances to the employer for close to a year."

Mediation is not arbitration, Cowan stressed.

"Mediation is a huge step up from no mediation, but it is not the same as having an arbitrator who is empowered to make a legal ruling," she said. "Under the Public Service Act, it is still against the law for any OPS classification grievance to go to arbitration.

"When this phase is over, it is possible that we will have grievances that will be referred to the Job Evaluation Project."

(The Job Evaluation Project is a joint union-employer process to overhaul the entire job classification system before the next round of contract bargaining starts in 2008. For more information, see <http://www.opseu.org/ops/jobevaluation.htm>.

Survey sets stage for OPS Divisionals

Don't delete that e-mail!

The OPS Divisional meetings are coming soon. On Nov. 25-26, some 500 delegates, observers, alternates and Executive Board Members will meet in Toronto. On the agenda:

- What's happening to work in the OPS, and how the union is responding
- The election of Ministry Enforcement and Renewal Committees (MERC) for the next two years; and
- Laying the groundwork for the next round of OPS bargaining in 2008.

To help kickstart the conversation about bargaining, the Central Enforcement and Renewal Committee is asking OPSEU leaders in the OPS to conduct a short online survey. The secure, confidential survey will be e-mailed to:

- all local presidents with members in the OPS;
- all MERC members;
- all members of the 2004-05 bargaining teams;
- all 2004-05 member mobilizers;
- all OPSEU Executive Board Members; and
- all OPSEU staff involved in the 4-05 negotiations.

E-mail notification, with a link to the survey, will be coming from OPSEU Communications in the next day or two.

If you are on the list above, but do not receive an e-mail, please contact Cindy Forsyth, OPSEU Job Security Unit, at 1-800-268-7376 ext. 8762.

Original authorized for distribution by Leah Casselman, OPSEU president.