

2017 BARGAINING BULLETIN



Information for OPSEU members in the Liquor Board Employees Division • Issue #7 – March 27, 2017

A SLAP IN THE FACE

Team to consider options as employer's actions threaten talks

In the wake of the latest ruling from the arbitrator, the bargaining team will be reaching out to members across the province to determine how best to respond to the deep outrage caused by the actions of LCBO management.

"I know how upset members are, because every member of the team is having the same reaction to this latest ruling," said Denise Davis, chair of the OPSEU bargaining team for the Liquor Board Employees Division. "The employer doesn't seem to be serious about bargaining a new agreement. Instead, they just seem interested in seeing how much more they can get the arbitrator to strip out of our existing one."

"Just take the Sunday work provisions. The LCBO has been coming after Sundays for a number of rounds of bargaining now, and every time the strength of this membership fought them off. Now they've convinced an arbitrator to give them through the back door what they couldn't get through the front one."

The arbitrator's latest ruling, details of which can be found on the next page, goes a step further than his last ruling in terms of Sunday work. While his initial ruling stripped the premium from Sunday work, this latest one eliminates the negotiated Letter of Agreement on Sunday Openings, making Sunday a regular day of work that is no longer voluntary, meaning all retail employees can be scheduled to work.

OPSEU President Warren (Smokey) Thomas said that the ruling only exacerbated the problems of the original award, eclipsing the wins for casual workers with its embrace of the theme of trading concessions for rights.

"This ruling is a blatant violation of the most basic principle of human rights. Rights are rights – you're not supposed to have to pay for them. This award ignores that principle, and instead strips collective agreement provisions, making co-workers pay for providing their colleagues with equal pay for equal work."

The bargaining team has heard the outrage of members at both the arbitrator's decisions and the employer's proposals to strip job security, scheduling and anti-contracting out language from the agreement, and will be reaching out to locals across the province to determine their next actions.

"Whether it's the slash and burn proposals they've put forward at the table, or their attempts to change terms and working conditions through arbitration rather than negotiation, one thing is clear," said Davis. "We have a real fight ahead of us at the bargaining table."

"But the good news is that the arbitrator knows that, and was clear that nothing in his award affects the ability of the union to fight every single one of these issues at the table."

"This arbitrator knows that in the end this will be decided through the bargaining process," said Thomas. "The solution to the problems created by this arbitration award will either be at the bargaining table – or in the streets."

The arbitrator's [full clarification document is available online](#). The key details of this ruling, as well as the answers to some commonly-asked questions, can be found below. Additional questions can be sent directly to OPSEU Supervisor Steve Nield by email at snield@opseu.org.

Details of the arbitrator's latest ruling

On Sunday work

- The arbitrator has confirmed that the Sunday premium is eliminated for all retail staff.
- In this ruling, he has also removed the Letter of Agreement on Sunday Openings and made Sunday a regular day of work. This means that Sunday work is no longer voluntary and the employer can schedule you to work on Sunday the same as any other day of the week.
- The arbitrator has also changed the start day of the regular work week, which is now Sunday to Saturday.
- For permanent full-time retail staff, the Sunday scheduling is still subject to the limits set out in the last ruling. This limits you to being scheduled to work one Sunday out of every four, which cannot be a Sunday after a scheduled Saturday off. The employer must also provide you with two consecutive days off in the week following the Sunday that you work.

On agency stores

- The arbitrator has clarified his ruling to state that he is not placing a limit on the total number of agency stores that can be opened by the employer.
- The “one-for-one” limit only applies to agency store openings that would violate the existing Letter of Agreement re: Agency Stores. The LCBO may open one new agency store in this manner for each agency store that is repatriated (replaced with an LCBO retail store staffed by OPSEU members).
- We continue to be concerned about the LCBO's expressed intentions around the expansion of the agency store program, which would lead to a further shift of revenue away from the public system and toward private profits.

But what about Employment Standards Act rules about Sunday work?

Because they are Crown employees, workers at the LCBO are not covered by the section of the Employment Standards Act that deals with the right to refuse to work on Sundays for some retail workers, depending on when they were hired, and what they agreed to at the time of hiring. This means that the provisions in the collective agreement, and the employer's obligations under the *Ontario Human Rights Code*, are the only limits on Sunday work.

What if I can't work Sundays as a result of religious or family status reasons?

The *Ontario Human Rights Code* (OHRC) sets out the employer's legal duty to accommodate a person's religious belief or practice, up to the point of undue hardship, where the employee is adversely affected by a standard, rule or requirement of the organization, where it is sincerely held, and where it is connected to a creed.

Employees who are unable to work on Sundays as a result of their religious belief or practice are covered by the OHRC, and the employer has a duty to accommodate that belief or practice.

In addition to this, the OHRC also is clear that an employer also has a duty to accommodate a person who is unable to work on Sundays as a result of family status.

For more details on rights under the OHRC, please see: <http://www.ohrc.on.ca/en/book/export/html/16401>

Meet your bargaining team

The OPSEU bargaining for the Liquor Board Employees Division consists of five members:

Denise Davis,
Chair, Local 378

Colleen MacLeod,
Vice-Chair, Local 5107

Jennifer van Zetten,
Local 162

Robin Reath,
Local 163

Mark Larocque,
Local 499

The bargaining team is assisted by OPSEU Negotiator Jeff Weston, Researcher Steve Crossman, and other assigned staff.

Stay informed!

You can receive this bargaining bulletin (and our regular newsletter, the Echo) directly by e-mail. Just call OPSEU at **1-800-268-7376** or **(416) 443-8888**, and give the operator your name and e-mail address.

You can also watch for updates on the OPSEU website at www.opseu.org/lbedbargaining.

And be sure to attend upcoming bargaining information meetings in your area.



Meet your mobilizers

In collective bargaining, power comes from the support of union members. Experience has shown that employers move at the bargaining table when members take action inside and outside the workplace. To help build that power, OPSEU has booked off 15 mobilizers, elected by LBED members at your Pre-Bargaining Conference in April 2016. These mobilizers, who are your co-workers at the LCBO, are on union leave, starting Monday, February 27. They will be working to build support for your elected bargaining team and the bargaining priorities you selected during demand-setting.

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