

Justice For All

By Jim Jurens,
OPSEU MAG
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A newsletter for OPSEU members in the Ministry of the Attorney General

June 2013

OPSEU vows to continue fight for court reporters

Union's priority is to help protect our rights. It's time to take action today!

OPSEU continues to take action at the Grievance Settlement Board (GSB) and the Superior Court of Justice to force the Ministry of Attorney General to comply with the GSB orders to apply the provisions of our collective agreement to court reporters. We are focused on a new campaign to defend the legal rights of court reporters.

The employer continues to ignore GSB rulings – despite the fact two chairs have said transcript work is covered under the OPSEU collective agreement. The employer continues to reject our firm position that court reporters must be full-time employees earning a professional wage. Many of our court reporter members have told us that they are tired of having to work two full-time jobs to maintain a decent living.

OPSEU made an application for an emergency injunction against the employer's recently-announced plan to privatize transcript work; however it was denied by the arbitrator on the grounds that there are further hearing dates already scheduled for this year.

Meanwhile, some of our court reporter members believe, misguidedly, that they will be better off if they continue to work 60 hours a week without benefits. This is not the position adopted by your MERC team or OPSEU.

Court reporters must study the facts and hear closely what the employer has actually proposed in its plan to contract-out your work. The consequences could be devastating when we consider how this employer has traditionally treated our members and what it would mean if the employer can successfully and legally implement its plan.

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If the employer gets its way, these are the likely negative outcomes:

No continuity between the record taken in court and the final transcript

- No fair rotation and allocation of court transcript work – no carriage rights of the transcript you personally took in court;
- No protection against favouritism. You may be a favourite today – but not tomorrow. The ordering party may choose to request what should be your transcripts from their own 'favorites.' What will you have to sacrifice to get on and stay on the 'favorites' list developed by the Independent Body (IB)?

Potential for overseas outsourcing

- You will be grandfathered as a 'transcriptionist.' The new 'transcriptionist college accreditation' training component will also practically guarantee hundreds of competitors for your work as a transcriptionist. This could include offshore trainees who will gain

accreditation in Ontario and then return offshore to work. Can't produce the transcript instantly? No problem! And little work for you, either. How will you compete against someone who can instantly produce a transcript while you find yourself working in the courtroom?

- Under the employer's new policy for selling the electronic data that our members once held to themselves there is every likelihood there will be far fewer transcript orders to go around for everyone to make a decent living.
- No protection against arbitrary decisions. No accountability. No transparency.
- Creating a private regulator will add considerable costs to the administration of justice, extra fees for lawyers, litigants and other ordering parties. These additional costs will likely come out of the pockets of court reporters.
- There is a sense among some members that there may be a leading candidate that is almost certain to be chosen as the Independent

Body (IB). The employer is using a Request For Proposal (RFP) process which, typically, awards the contract to the lowest bidder. Multinational firms see this as nothing less than a cash cow because on the scales of economy they can afford to bid low. Even if a certain entity wins the RFP what would prevent it from selling the business off for a huge profit later? You will have absolutely no input into this decision.

- Will a membership fee be assessed for court reporters? We are being told, 'yes.'

Will there be a cap on a per paid basis? Nobody knows at this point.

- Who will set the fees the IB will charge the transcriptionist on a per page? Will there be IB administrative costs? Arms-length entities like the IB are often granted a legislated ability to raise their fees at their own discretion as was the case of the Highway 407 boondoggle.
- Page rate changes will be studied and periodically updated but let's not fool ourselves.

Those rates are not likely to be as generous as some members might think. The MAG has said on many occasions its primary issue is that transcripts must be affordable for the public and, therefore, the ministry will set the page rate accordingly. The ministry has never cared about a fair rate for our members before; why would we believe the ministry will now have a sudden change of heart?

- It's OPSEU's position that compliance with the GSB award means

- the employer will pay court reporters a decent hourly rate for producing transcripts, as well as pay, benefits and pensions (but not the page rate).

Change to current job description

- The employer is very firm that it will impose new job descriptions to reflect your new in-court duties once your transcripts are contracted-out.
- The new job description proposed by the employer will likely be a generic specification that will be more reflective of the CR1 court monitor classification. We expect to see the current rate, or even a lower one.

No collective agreement

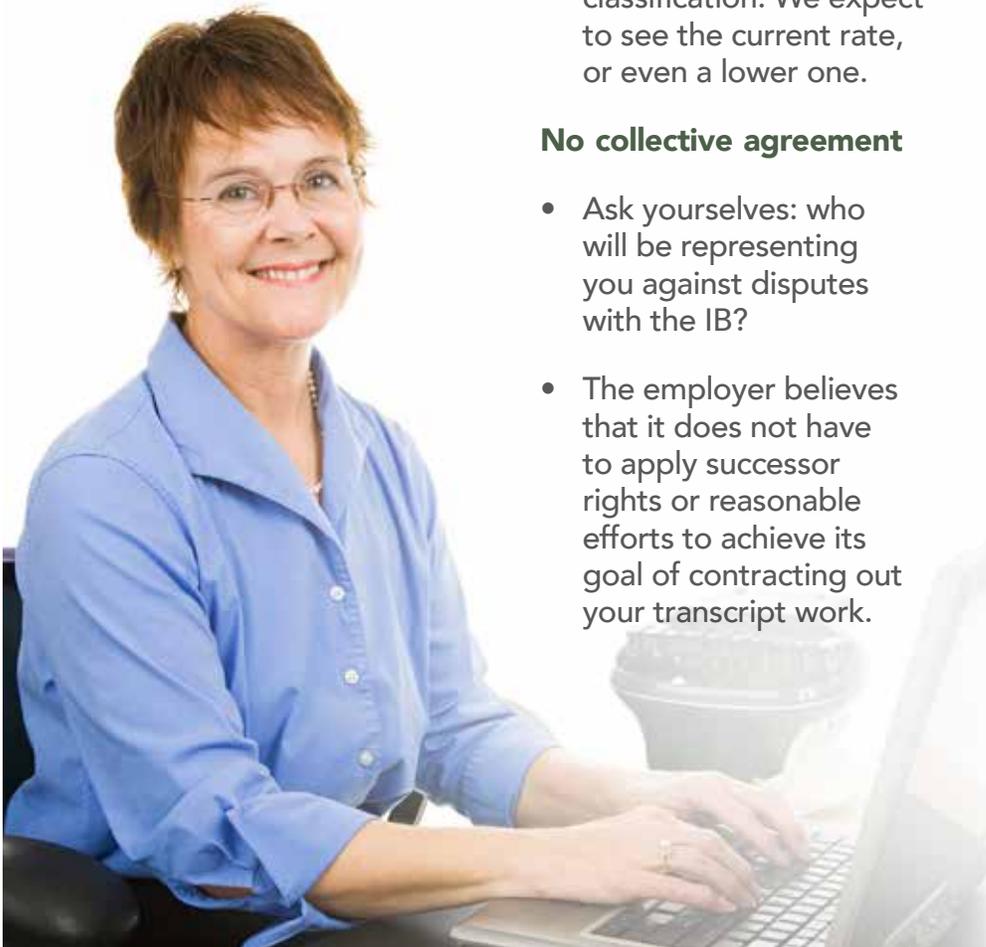
- Ask yourselves: who will be representing you against disputes with the IB?
- The employer believes that it does not have to apply successor rights or reasonable efforts to achieve its goal of contracting out your transcript work.

- OPSEU believes that transcript work should have pension and other collective agreement rights such as overtime provided for transcription work and continues to work to have the GSB agree and demand this compensation on behalf of our court reporter members.

Employer's record

- The employer has taken every measure possible to ensure that the rights of court reporters have been blocked. It still maintains that court reporters enjoy no rights in the workplace and that they shall have no rights under transcript production. MAG has consistently and repeatedly and in every possible way demonstrated in word and action that its only concern is the employer's bottom line and keeping the outside and ordering parties happy at your expense.

OPSEU believes the government's scheme threatens the integrity of the record. It will not guarantee accurate transcripts in a timely manner. It will not uphold the legal rights of our members.



Take action today!

We recommend court reporters e-mail their MPP, letting them know the administration of justice is not being served. [Our new flyer on the OPSEU website](#) outlines our key messages.

To learn more please visit: <http://www.opseu.org/ops/ministry/attorney-general.htm>

We also urge court reporters to file grievances.

Here is how your grievance should be worded:

I grieve violation of the collective agreement and the GSB award (GSB #2011-1335) in that the employer has failed to treat the production of transcripts in accordance with the decision by Vice Chair Dissanayake with all the rights and entitlements that flow from the collective agreement

Full redress including but not limited to:

- 1. Full monetary reimbursement with full retroactivity*
- 2. Damages*

A friendly reminder!

Please ensure that you continue to maintain your records by tracking the specifics of all of your out-of-court hours and expenses while you are doing transcripts on your own time. The employer insists on strict proof at the Grievance Settlement Board.

Please email opseumagmerc@hotmail.com from your secure home computer [not your MAG computer] with the subject line *Count Me In* if you wish to be added to our MAG MERC email list

In Solidarity

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If you have any concerns

Please contact us by e-mail at:

opseumagmerc@hotmail.com.

Always avoid using your government-issued email account as it may be monitored by the employer.