

# Lock Talk



A publication of the OPSEU Corrections Division • August 5, 2009

---

## Welcome to ASMPP (Another Slipshod Ministry Pilot Program)

Starting Aug. 10, 2009, the employer will implement their new Attendance Support Management Pilot Project (ASMPP) to replace the Attendance Support Program (ASP).

The MCSCS and MCYS MERC teams met with the employer on July 29 as part of the new Joint Attendance Strategy and Implementation Committee (JASIC). However, the employer representatives appeared to be powerless and without the authority to make any type of decisions.

Both the MCSCS and the MCYS MERC Teams and OPSEU are extremely concerned with much of the content of the new ASMPP. We are also very aware of the overwhelming negative response and the many concerns expressed by corrections bargaining unit members when this program was announced.

Eddy Almeida, MCSCS MERC Chair says that so far their questions have gone unanswered. "We have raised a litany of questions around the shortcomings of this policy, Almeida said. "We are still waiting to hear management's rational and justifications for putting in language that is only beneficial to the employer...criteria that only appears to enable them to dismiss members from their jobs."

"Once again, the employer has put into motion a knee-jerk policy without any research to support the policy's purpose or objectives," said Glenna Caldwell, MCYS MERC Chair. "Clearly, there are a multitude of factors that are involved with attendance problems over and above the terrible

conditions within our work environments. The employer admitted that they did zero research to understand the factors behind sick time usage in the corrections bargaining unit."

The employer's policy speaks to assisting employees in maintaining positive attendance rates, yet they have allocated zero resources to meet this objective. They could not identify *any* resources besides the 3.5 sessions of EAP (which was cut down some time ago from 10 sessions) as a mechanism to assist employees.

Meanwhile, the employer continues to raise the issue of sick time with the union, while doing nothing to improve conditions that are the major factors behind attendance issues. Instead, they appear to be doing exactly the opposite. OPSEU has tabled and is emphatically addressing all of the concerns that have been raised about this punitive program, and we are awaiting responses from the employer. We also fully intend to put this policy to the test at the GSB and any other forums where it can and should be challenged.

OPSEU President Warren (Smokey) Thomas said that the government should re-think the ongoing battle they are waging against members in the OPS, especially those in Corrections.

"Our Corrections members do not throw in the towel at the first sign of a fight," Thomas said. "The employer has learned this time and time again. If the employer needs another lesson in how strong our members can be, we are more than willing to show them."

Stay tuned.

# PO3 grievance a winner at the GSB

A long-awaited decision on the outstanding probation and probation and parole grievance is another win for the union.

At issue was the Ministry's complete failure to fill a single PO3 position, a classification that was created during the 2002 OPS bargaining round.

In his decision on July 16, 2009, GSB Vice-Chair Bram Herlich said, "The parties agreed that a new classification be established – obviously the employer cannot and does not retreat from that agreement by referencing its management rights. I am satisfied that the parties' agreement implies and necessitates the creation and filling of (at least

some) positions in the newly negotiated classification. In that context, the employer similarly cannot rely on its management rights to never create and fill a single PO3 position."

MCSCS MERC Team vice-chair Gord Longhi said there will finally be negotiations with both MCYS and MCSCS on these positions.

"Vice Chair Herlich made it very clear that the Ministry couldn't agree to a new classification then never fill a position," Longhi said. "With this decision, we can now start dealing with this issue, despite the Ministry's attempt to renege on their obligations."

---

## "Bunker Gear" appeal unsuccessful

An OPSEU appeal of an inspector's failure to issue an order to provide firefighting gear at the Hamilton-Wentworth Detention Centre has proved unsuccessful.

In a July 8 decision by the GSB, Vice Chair Brian McLean ruled against OPSEU's appeal that firefighting apparel (helmet, boots, gloves, coat, etc.) or "Bunker Gear" should be provided to correctional officers in the event of a fire.

In his decision, McLean said, "As it stands, it appears that the measures taken by the jail to reduce the risk of a large fire, including the substitution of many of the older mattresses with more fire retardant versions and the installation of more fire alarms have been effective. Coupled that with the D.C.'s new directive that C.O.s are

not to fight large fires, the need for Bunker Gear is not apparent."

OPSEU's MCSCS Health and Safety chair Brian Chauvin says that there is no such thing as too much protective gear inside a correctional facility.

"Anything we can do to ensure the safety of our members is always worth doing," Chauvin said. "We can only hope that it won't take a serious injury or worse to prove that the GSB was wrong."

A small win in the decision confirmed that members must receive training on the use of fire extinguishers. All locals are encouraged to request this training ASAP.

## Escort win at Toronto East

As many members are aware, Local 582, the Toronto East Detention Centre, has received a \$950,000 award regarding members missing assignments for community escorts. Those assignments were given to the Toronto Police Service.

Details of the settlement, and how the money will be disbursed among the affected members at the local, are still being worked out among the parties.

---

## Lots of rumours over Unclassified Rollovers

Your MERC teams are still in negotiations regarding unclassified rollovers.

Just like any bargaining, if you get information on this issue, and it has not come from the union, then it is only a rumour.

Once an agreement has been reached we will inform the presidents, and then the division, by posting any agreement.

Authorized for distribution:



Warren (Smokey) Thomas, President



Eddy Almeida, MCSCS MERC Chair



Glenna Caldwell, MCYS MERC Chair