

Lock Talk



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Amendments made to ASMPP

A number of concerns regarding the application and administration of the ASMPP were identified over the last year. In an effort to resolve the outstanding issues, a series of meetings, facilitated by the Grievance Settlement Board (GSB), have taken place. These recent meetings focused on four main areas.

WSIB / Disability-related absences

The first area dealt with WSIB and disability-related absences. In the event that an absence from the workplace is directly attributable to a work related injury/illness, or a disability as defined by the Ontario Human Rights Code (OHRC), the provisions of paragraph 2 and 3 of the previous GSB Award shall apply and the absences will not be included in determining if the member proceeds through the program.

It remains the responsibility of the member to provide the employer with adequate supporting documentation to demonstrate that the absence at issue is directly related either to WSIB or a disability. Should the employer not accept the proof submitted the member may refer the concern to the dispute resolution process specific to the ASMPP.

The proof required of the member will be the appropriate WSIB documentation, or a letter from a licensed, qualified medical practitioner attesting that the member has a Code-defined disability and indicating which absences are attributable to the particular disability. Should the member not provide the proof required, those absences will be counted towards the ASMPP. It has been agreed that where acceptable proof is presented, those absences will not be included in the ASMPP calculations.

Where a member is already in the ASMPP program, and has absences that are attributable to WSIB or a disability, that member may, as soon as possible, provide the employer with proof that specific absences are directly related to WSIB or a disability. The employer has agreed, where satisfactory proof is presented, to make the appropriate amendment of the files and to adjust the level the member is on in the program.

In addition, the employer will continue the “bundling” of absences to reflect multiple absences resulting from a single illness or injury where satisfactory proof is provided.

To be clear, the member retains the right to decide whether or not to identify that absences are covered by the OHRC. It remains the responsibility of the member to bring to the attention of the employer, as soon as possible, the fact that an absence or absences are WSIB or disability related if the member wants these absences excluded from the ASMPP.

Pre-Step meeting to identify disability-related absences

The employer has agreed to hold a pre-step meeting prior to members entering the program where requested by the employee. It remains the responsibility of our members to appropriately identify the issue of disability at that time and provide supporting medical documentation, if they have not already done so. If they do not, those absences will count towards the ASMPP.

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Amendments to ASMPP (cont'd)

Confidentiality of medical information

We have raised concerns regarding the employer maintaining confidentiality of medical information. The employer has acknowledged the importance and sensitivity of this issue, as well as its legal obligations, and has undertaken to take the necessary steps to minimize the access to, and maximize the control of, the dissemination of this information.

Dispute resolution process

The last area dealt with providing an effective dispute resolution mechanism in the event that a member is of the view that the employer has improperly applied the provisions of the ASMPP in their particular situation. The parties have agreed to an expedited dispute resolution mechanism. The purpose of the process is to ensure the prompt and equitable handling of grievances and disputes flowing from the administration of the ASMPP. The process is designed to uphold the integrity of the grievance procedure while providing a mechanism to ensure that disputes are addressed fairly and expeditiously. The process is modelled on the Corrections med/arb protocol with which many members are familiar.

There is an expectation that the member, with the assistance of the local representative, shall complete a comprehensive summary (Appendix B) to go with the grievance form. This Appendix must include a clear statement of the alleged breach as well as supporting evidence on which the member relies on as well as an appropriate remedy sought. The employer's Appendix C, or summary, will be provided seven days prior to the Stage 2 meeting.

And lastly, the union is finalizing an educational program that has been modelled on the recent Section 22 training program to better enable our local representatives to provide effective support to our membership throughout the ASMPP process. This training will be rolled out to the OPSEU Staff Representatives with Correctional Bargaining Unit assignments and then (pending OPSEU Executive Board authorization) to both the local institutional and community representatives.

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