

# STEWARDS ORIENTATION

## Labour Issues



# Steward and Labour Issues

This section gives an outline of some significant issues that may arise in your workplace. It sets out to give you union policy, a legal framework, and/or a basic understanding of the issues.

## **Topics Included are:**

- Harassment and discrimination
- Duty to accommodate
- Health and safety
- Workplace safety insurance
- Organizing new members



# Steward and Labour Issues

- Privatization
- Technology
- Government finances
- Labour legislation

In all cases, there is a lot more information available. Each section refers you to a source of further expertise. Download the Stewards Powertool for more information:

[https://opseu.org/wp-content/uploads/2015/04/2015-04\\_en\\_powertool.pdf](https://opseu.org/wp-content/uploads/2015/04/2015-04_en_powertool.pdf)



# Harassment and Discrimination

Harassment is a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome. It ranges from posting offensive pictures to verbal taunts and physical assault.

OPSEU has long struggled to end harassment and discrimination. We began by focusing on the abuse of power by the employer. We are now also challenging violations of human rights within the union.



# Harassment and Discrimination

OPSEU's commitment to human rights is reflected in the creation of elected committees and caucuses:

- Provincial Women's Committee (PWC),
- Provincial Human Rights Committee (PHRC),
- Provincial Young Workers' Committee (PYC)
- Provincial Francophone Committee.

All have one elected member from each of the union's seven geographic regions. All have a constitutional mandate to develop and promote appropriate programs for their constituencies, and to increase awareness of quality and human rights issues throughout the union's membership.



# Harassment and Discrimination

OPSEU also has representation from the following equity groups:

- Indigenous Circle,
- Coalition of Racialized Workers,
- Rainbow Alliance Arc-en-Ciel and
- Disability Rights Caucus.

Their mandates and goals are similar for their designated group to those of the Provincial Committees but their structures are different.



# Harassment and Discrimination

For more information on harassment, discrimination or the various equity committees and caucuses contact OPSEU's Equity Unit  
<https://opseu.org/equity-unit/>



# Duty to Accommodate

The Human Rights Code guarantees persons with disabilities equal treatment if they are capable of performing or fulfilling the essential duties that accompany the exercise of their rights. The first step in accommodation is to determine what is essential and what is not.

The person must be accommodated on non-essential duties, if necessary by reassigning those duties or finding another way of having them done.



# Duty to Accommodate

As a Steward, ask the person to be accommodated what is needed and how it can best be provided. There is a central Accommodation Fund to assist Locals with accommodation expenses at the local level. This fund also covers accommodation of individual members to attend central OPSEU functions.

Contact the Equity Unit at Head Office for more information.

For more information on the duty to accommodate, call your staff rep.



# Health and Safety

The Occupational Health and Safety Act (OHSA) came into effect in 1979. It applies to all OPSEU workplaces.

It sets out the general roles and responsibilities for employers, supervisors, workers and Joint Health and Safety Committees (JHSCs) or Worker Health and Safety Representatives.

- The right to participate
- The right to know
- The right to refuse unsafe work (limited)



# Health and Safety

The Steward will often be the first person contacted when health and safety issues arise,

Inform a worker member of the Joint Health and Safety Committee (JHSC) or your Health and Safety Rep of any health and safety concerns as soon as possible.

- Help the JHSC or the Health and Safety Reps identify and address health and safety concerns.
- Help your JHSC or Health and Safety Reps organize your members around health and safety issues.



# Workplace Safety Insurance

The Workplace Safety and Insurance Act is administered by a Workplace Safety and Insurance Board (WSIB). It emphasizes accident prevention rather than compensation for injuries, and calls on workplaces to monitor themselves.

OPSEU's Membership Benefits unit has expertise in workplace injuries. They assist members who have been denied WSIB benefits.

For assistance in dealing with workplace injuries, you should talk first to the Staff Rep for your workplace.



# Organizing New Members

As a Steward, you have many links to your community, through your family, friends and other interests. If you know people who could benefit from joining OPSEU, talk the union up and let the union know.

For more information, call the Organizing Unit at Head Office.



# Privatization

Privatization means getting the private sector to do work formerly done in the public service.

OPSEU opposes privatization because:

1. Service suffers as companies cut corners to make a profit.
2. Accessibility suffers when private companies introduce and increase user fees for health care, parks or other services.
3. Workers suffer when well-paid union jobs become non-union jobs with lower pay, fewer benefits, worse working conditions and less job security.
4. Communities suffer from poorer services, lower payrolls, less secure economies.



# Technology

Technology raises collective bargaining issues:

## 1. Electronic monitoring

Modern technology can measure work, count keystrokes, track movements (GPS) and time breaks. Video cameras are common in many workplaces.

## 2. Health and safety

Issues include proper work station design to limit repetitive strain injuries such as carpal tunnel syndrome.

## 3. Working remotely

It isolates workers, leads to longer working hours with employees tethered to email and cell phones.



# Technology

## 5. Work organization

This affects complement, control, distribution of skills and training, and the union needs input to protect members' interests; to keep the skills in members' hands, not those of management or contractors.



# Government Finances

Over the past few decades government and big business' want an easier life for multi-national corporations, lower pay for workers and tax cuts for the rich.

Most Canadians would not endorse their agenda, so the neoconservatives promoted the idea that the deficit forces governments to dismantle social programs, remove workers' rights and privatize government services.



# Government Finances

Labour is the one Canadian institution that regularly challenges the corporate agenda. Discussing economics with your members is a strong defence in the battle for public knowledge in this area.

For more information, check the Canadian Centre for Policy Alternatives website at [www.policyalternatives.ca](http://www.policyalternatives.ca).



# Legislation for OPSEU Stewards

A number of laws govern the way OPSEU operates. Some apply to all members, some to certain groups within our membership.

No one expects you to know every detail of each piece of legislation but it is good to know which law can help you solve problems in the workplace.



# Legislation for OPSEU Stewards

## Ontario Labour Relations Act (OLRA)

- The OLRA defines organizing and bargaining for most employees in Ontario who fall within provincial jurisdiction.
- It is administered by the Ontario Labour Relations Board (OLRB), which can rule on disputes and provide remedies and penalties for violation. Most of OPSEU's Broader Public Service is covered by the OLRA.

## Public Sector Labour Relations Transition Act (PSLRTA)

The purpose of PSLRTA is to ensure that the employer only has to have a labour relationship with one party in the event of a merger of bargaining units represented by different unions or non-unionized employees merging with unionized employees.



# Legislation for OPSEU Stewards

## **The Colleges Collective Bargaining Act (CCBA)**

The CCBA defines bargaining in the 25 Ontario Community Colleges. It says who can be unionized, and whether they are Support or Academic bargaining unit members.

## **The Crown Employees Collective Bargaining Act (CECBA)**

The Crown Employees Collective Bargaining Act essentially covers the Ontario Public Service and Liquor Board employees.

## **The Hospital Labour Disputes Arbitration Act (HLDAA)**

It defines where hospital bargaining diverges from the OLRA. Hospital workers cannot strike and their disputes are sent to binding arbitration under this law.



# Legislation for OPSEU Stewards

## The Employment Standards Act (ESA)

The ESA sets out minimum standards for employment in Ontario. It applies to every contract of employment, oral or written, expressed or implied. The ESA covers termination of employment, hours of work, overtime, public holidays, minimum wage, equal pay for equal work, benefit plans, pregnancy leave, vacations with pay, wages, records and other provisions. These minimum standards cover all workplaces, unionized or not. No employer or union can negotiate less than these levels.

## The Occupational Health and Safety Act (OHSA)

This is the law on occupational health and safety in Ontario and its administration.



# Legislation for OPSEU Stewards

## Ontario Human Rights Code (OHRC)

The OHRC aims to create a climate of understanding and mutual respect in which all people are equal in dignity and rights. The code prohibits direct and indirect discrimination, discrimination because of association, and constructive discrimination.

## Pay Equity Act

The Pay Equity Act says the principle of equal pay for work of equal value should underlie pay practices in Ontario. It aims to redress systemic discrimination for work traditionally performed by women.



# Legislation for OPSEU Stewards

## Workplace Safety and Insurance Act

The Workplace Safety and Insurance Act sets out criteria for compensating workers who have been injured or made ill while at work.



# Labour Issues

A healthy Local has Stewards that specialize in a few labour issues. Take some time to review the Powertool, talk to Local Activists, and Regional Board Members to determine what issues you might be interested in.

OPSEU has courses and information that cover many these issues. Explore educational materials at <https://opseu.org/member-education/>



# Labour Issues

**For more information:**

Visit the OPSEU Member Education web page at <https://opseu.org/member-education/> and download the Stewards orientation sessions.



# Feedback?

**Please take a moment to share your feedback.**

1. Did you find this orientation useful?
2. Do you have any suggestions for improvement?

Thank you for your time. Please share your insight by sending a quick email to [education@opseu.org](mailto:education@opseu.org)





# MEMBER EDUCATION FORMATION DES MEMBRES



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