

Treasury Board Secretariat

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Steve Nield
OPSEU/SEFPO
Local Services Supervisor – BPS Negotiations Unit and Research Unit
100 Lesmill Rd.
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Re: Exemption under the *Protecting a Sustainable Public Sector for Future Generations Act, 2019* for the OPS Correctional Bargaining Unit

Dear Steve Nield,

Thank you for your letter dated December 7, 2021 to the Hon. Prabmeet Singh Sarkaria, President of the Treasury Board.

You have requested an exemption under Section 27 of the *Protecting a Sustainable Public Sector for Future Generations Act, 2019* (the Act), for the collective agreement to be bargained between the Ontario Public Service (OPS) and the Ontario Public Service Employees Union (OPSEU) Correctional Bargaining Unit.

In your submission, you identified the following key concerns to support your request:

1. Many comparators for the Correctional Bargaining Unit are not subject to Bill 124. Bill 124 means that our members will not receive wage increases to match inflation, while many of our comparators will.
2. The particularly dangerous nature of the work requires a commensurate wage increase to reflect the risks our members face.

3. These members continued to work during COVID-19 while facing outbreaks in correctional facilities.
4. Bill 124 places the Employer in a legally vulnerable position by preventing them from meeting legal obligations to inmates/ youth given the outcome of recent charter challenges due to recruitment and retention issues.

Your submission was carefully reviewed to determine if the Minister should use his power to exempt the collective agreement as requested. All exemption requests are thoroughly reviewed and given due consideration.

I am writing on behalf of the Minister to inform you that your request for an exemption under the Act has not been granted. In response to the specific points raised in your correspondence, the ministry responds that:

- The Act applies a fair, consistent and time-limited approach to moderating compensation across the provincial public sector. The Act is not intended to address nor hinder matters of wage differentiation between employers, or between employees of the same employer. Moreover, it is not intended to hinder recruitment and retention of staff.
- All in-scope employers and their employees are subject to moderation.
- In recognition of the critical role frontline workers have played in the response to the COVID-19 pandemic, workers in sectors such as corrections, health, and social services were provided additional compensation through the Temporary Pandemic Pay initiative. Employees in the OPSEU Correctional Bargaining Unit were eligible for the Temporary Pandemic Pay initiative.
- OPSEU has not demonstrated that the Act is being applied in an unfair or inequitable manner.
- The Act does not preclude collective bargaining or impact existing agreements. It puts in place certain time-limited caps to moderate compensation increases while maintaining existing opportunities for increases, such as movement through salary grids and ranges.
- The Act does not prohibit an employee's salary rate from increasing in recognition of the employee's length of time in employment, assessment of performance, or the employee's successful completion of a program or course of professional or technical education if the increase is authorized under a collective agreement.
- The Act recognizes that restoring sustainability to the Province's finances is in the public interest and is needed to maintain important public services that matter to the people of Ontario.

If you require further information about the Act, please contact the Centre for Public Sector Labour Relations and Compensation at: PSPSFGA@ontario.ca

In friendship,



Deborah Richardson
Deputy Minister, Treasury Board Secretariat
Secretary of Treasury Board and Management Board of Cabinet

c: Prabmeet Singh Sarkaria, President of the Treasury Board

Marc Rondeau, Associate Deputy Minister, Centre for Public Sector Labour Relations and Compensation

Kirstin Rydahl, Assistant Deputy Minister, Broader Public Sector Oversight and Compensation Division

Jay Porter, Director, Broader Public Sector Labour Relations Initiatives

Christian Down, OPSEU/SEFPO