

OPSEU



SEFPO

# HIDDEN TREASURES

July 2006 • Volume 4 Issue 2

## A Call to Action

*Kathleen Demareski, Local 340 President/Central Enforcement and Renewal Committee Vice-Chair*

OPSEU recently launched a very important campaign. The campaign is titled ‘**Same Rights...Successor Rights**’. The objective of the campaign is to restore successor rights stripped away by the Tory government in 1995. In fact, if our successor rights had been maintained there would have been no reason for the Ontario Public Services (OPS) employees to go on strike in 1996 for reasonable efforts language, such as Appendix 9, to be included in our Collective Agreement.

The reinstatement of successor rights would ensure that, if the work of OPS and Liquor Control Board Members is divested or contracted out, we have the right to move with our jobs- take our collective agreement, our seniority, wages, benefits and our union with us.

Dalton McGuinty made a statement back in April 2003, before the last provincial election. He made a pledge to OPSEU members. He said, “Public employees should have the **same rights** as employees in the private sector, and, as Premier, I will restore **successor rights** for Ontario government employees”

Just because our employer has changed does not mean that there will be less cuts to our mem-

bership. Job loss is still very much a reality for our members in the OPS and LBED.

Now, more than ever, is the time to fight for the restoration of successor rights. This government can make it happen. We need an outcry from our membership. We need the assistance of all of sisters and brothers in the BPS, CAAT Academic and CAAT Support. We need to send Premier McGuinty, a powerful message before the next election.



**Now, more than ever, is the time to fight for the restoration of successor rights.**

We are asking each and every member of Local 340 to sign a special ‘Same Rights’ postcard to Dalton.

The goal is to organize a lobby campaign targeting every MPP in their constituencies.

Buttons and postcards are available in the local office, as are ‘same rights’ coffee mug to display in the workplace.

Similar to bargaining, we need to mobilize our members into action. Signing a postcard is a simple thing to do. We need the support of each and every member in each and every workplace and we can make this happen. ☺

*Authorized for distribution by  
Kathleen Demareski, Local 340 President*

*Some graphics and  
articles courtesy of*



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## What's Inside

BBQ in Pickering	Page 2
Accommodation	Page 3
Local 340 at a glance	Page 4
The first time	Page 4
Corporate Tax Administration Redesign (CTAR)	Page 5
Unclassified members, you have rights, too	Page 6
Part I: The state of the markets and their effect on our pension fund	Page 8
Who you gonna' call?	Page 11
Humour in the workplace	Page 12



### Editorial Policy

We invite Local 340 members to feel a sense of ownership of *Hidden Treasures* and our website. It is our intent that this publication will relate to local issues as well as share information from OPSEU corporate.

We encourage members to submit articles for publication. Where an article contains a byline, the views are those of the author and not necessarily those of the Local officers and stewards.

All articles must be signed and should contribute to the welfare of the Local, the Union and its members. If a person or office is named in an article, they will be given an opportunity to respond in the same issue.

We reserve the right to edit for libel, length and clarity.

# BBQ in Pickering

*Art Slade, Treasurer/Union Steward*

Well, we decided that if Oshawa was having a BBQ for the "Same Rights" campaign than so should Pickering. So, we started by going around and finding what people would actually want to eat. We ended up with people ordering 60 hamburgers, 20 hotdogs and 32 veggie burgers, not to mention leftovers. I ended up bringing my BBQ from home and another member brought a portable Charcoal grill for the veggie burgers.

We started cooking at 11:30, and we had a line up starting by 11:45....I don't think the line up stopped until 1:30ish. The line up was a good idea as people then had a chance to fill out the ballots for our local by-elections, and had a chance to fill out the POST CARD we were collecting for the Same Rights Campaign.

Norm (Bell) was going around inside talking to the staff concerning the Same Rights, and I was doing the same outside while cooking the food. Ben (Ng) and Julie (Folino) were handling the food on the inside. I think that, by the end of the BBQ, everyone supported the idea of Same Rights.

We had a great turn out for our event, and it went a long way to introduce the union to our new members, and re-introduce ourselves to old ones. We need to take every advantage to make ourselves known to the membership, and encourage them to see themselves as an important part of the OPSEU.

We have to remember that we as stewards are not the union, but every worker that belongs to OPSEU is the union.



Graphic property of OPSEU Local 340  
Created and donated by local artist Natalie Rawe,  
Related to Karrie Ouchas, OPSEU member

# Accommodation

Margaret Smoke/North of Seven/OPSEU Local 368

The right to be accommodated and the corresponding duty of the employer and unions are well established in statute and case law.

Accommodation is a fundamental and integral part of the right to equal treatment. The duty to accommodate means that the terms and conditions of the workplace, or the functions of a job, may have to be changed.

The Ontario Human Rights Commission has established “standards for accommodation” for those responsible for accommodation (includes both the employer and the union).

They are:

1. The needs of the person with disabilities must be accommodated in a way that most respects their dignity, to the point of undue hardship.
2. There is no set formula for accommodation – *each person has unique needs* – and it is important to consult with the person involved.
3. Taking responsibility and showing willingness to explore solutions is a key part of treating people respectfully and with dignity.
4. Voluntary compliance may avoid complaints under the Ontario Human Rights Code, grievances, as well as save the time and expense needed to defend against them.

The duty to accommodate is

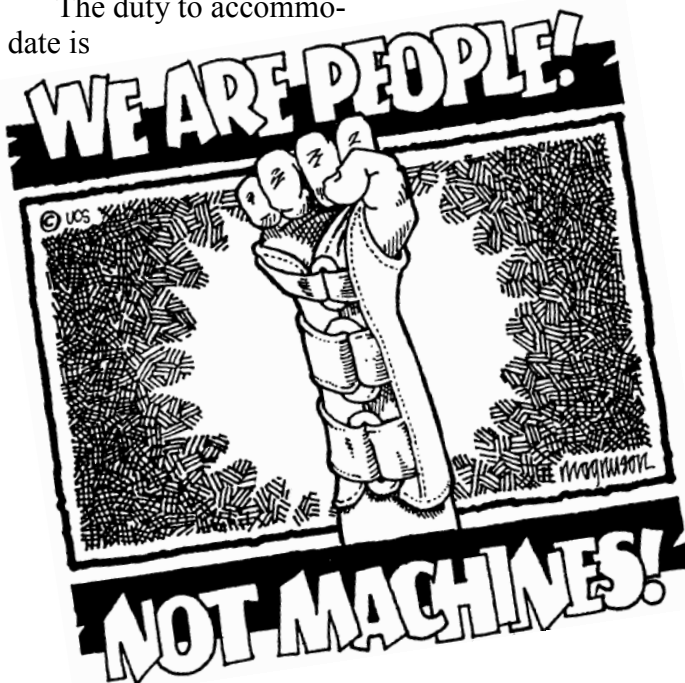
generally thought to only include persons with disabilities. However, it also includes recognizing accommodation for other individuals described under prohibitive grounds, such as family status and religion. For example, an employee’s child care provider quits without notice. The employee may require a temporary change in his/her work schedule or a paid leave in order to find another appropriate child care provider.

To participate in an accommodation plan, the person’s “current needs” require examination and consideration. Accommodation is not provided past the employee’s current needs. For example, an employee has just been diagnosed with diabetes. In order to ensure that his/her insulin intake is adjusted correctly, he/she requires the same eating and sleeping patterns. To accommodate this employee, the employer and employee (along with their physician) agree that, for the next three months, this employee will work Monday to Friday 9 a.m. to 5 p.m. The employee will also be allowed to take “snack breaks” 6 – 8 times per day. At the end of the three months, the employee returns to their original schedule as the current accommodation needs of this employee have been met. If, at a later date, there is further medical complications with this employee, a new accommodation plan will have to be set up.

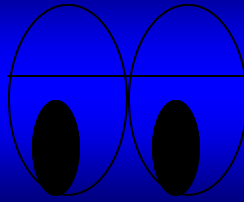
## Workplace Accommodation Plan

Workplace Accommodation involves the employee (and physician, if required), employer and the union. Each have a responsibility in the process and are required to participate cooperatively, to share information and to look at all potential accommodation solutions. Once an employee requires a workplace accommodation, there are steps to be taken. The following are the duties and responsibilities of the employee, employer and union.

*Continued on page 7*



# Local 340 at a glance



## Our condolences

Judy Jackson, OPSEU member and long time supporter passed away at the beginning of June, 2006. From all of us at OPSEU Local 340, our condolences to her family. Our thoughts are with you.

## Long time activists step down

Jaymes Gambell, president of OPSEU Local 340 resigned in April 2006. Elected in February 2005, Jaymes undertook the arduous task of holding together a local of more than 1,400 during an intense round of bargaining.

Also resigned is Brenda Bryant, Treasurer extraordinaire and 20+ year activist.

Best wishes to both with all future endeavours.

## Bi-election results

On May 25, 2006, bi-elections were held to fill vacant officer positions: president, vice-president and treasurer.

Elected are:

Kathleen Demareski, President

John Mochikas, Vice-president

Art Slade, Treasurer

Elections were held in accordance with Local by-laws and the OPSEU Constitution.

General elections are normally held semi-annually. The next elections for officer positions will be held at the General Membership Meeting in February 2007.

## New Local Enforcement and Renewal Committee (LERC) elected

At the May stewards meeting, a new union LERC committee was elected:

Karrie Ouchas, Co-chair

Norm Bell

Art Slade

Rob Cox

Benjamin Ng (alternate)

# The first time...

*Art Slade, Treasurer/Union Steward*

I decided to go to the OPSEU Region 3 educational weekend this spring, running from May 26 through the 27 at the Fern Resort, Orillia. I decided to take the ERC (Employee Relations Committee or as us union people like to call it... the Enforcement and Renewal Committee...the employer loves that!). My family and I got up there Friday night, at like 9:30, and headed to the Hospitality Suite, where Region 3 was hanging out.

Saturday morning, we had a great breakfast before starting my way to class. I had a wonderful group, (which suited me well, since it was all group work). I had 2 Presidents of the their locals, a chief steward and a secretary at my table. Just say we had a lot of experience at our spot. But looking around, most of the room was just as stacked as we were.

We spent the day in the class room, role playing, and learning what an ERC is supposed to accomplish working with the employer. I must say the coordinator of the course definitely knew what she was talking about. I can't wait to see what our own LERC team will accomplish when we have our first meeting back from this training.

After the school work was done, fun and games were starting; straight to one of the three pools we went.

On a funny note, I went paddle boating with my wife, and, if it wasn't for Norm (Bell), I would still be out in the middle of the lake. The paddle boat sprang a leak and was going under. Norm and his wife were canoeing and gave me one of the oars to help us steer and get back to shore.

In a nut shell, the weekend educational was well worth it. From our local, we had 4 participants who went to the Fern for training, and I can guarantee you that the same 4 will be back for the next one.

Maybe you should think about joining us! Great food, great new friends, and great times! See you next time! ☺



# Corporate Tax Administration Redesign (CTAR)

Rumour has it that a Memorandum of Agreement may be signed by the end of summer. These speculations are unsubstantiated.

Here's what we can confirm.

## OPSEU CTAR Working Group

The Ministry of Finance is currently working with the federal government to finalize a Memorandum of Agreement (MoA) on a single federal corporate tax administration. Although the MoA has not yet been signed, the Co-Chairs of the OPSEU Ministry Employee Relations Committee (MERC) have agreed to establish a sub-committee of the MERC to share information and discuss human resource issues relating to the impact of a single federal corporate tax administration on employees.



The OPSEU members of this sub-committee are:

Kathleen Demareski, Co-Chair  
Leo Herskovits, MERC Member  
Betty Marchegiano, Committee Members  
Marg Simmons, Job Security Officer  
Terry Baxter, Chief Negotiator

New information will be posted on the union bulletin boards and on the local website as it becomes available. ☺

# Moratorium to be wrapped up by year's end

Lately, members have been asking about the status of their classification grievances. Some have been waiting for a resolution for more than 4 years.



As part of the 2004-2005 bargaining negotiations, the employer and the union agreed to a moratorium on all outstanding classification grievances. Decisions are to be made on these grievances before the end of 2006. No information will be released on these negotiations until all classification grievances have been heard. Only then will grievors be contacted with the results of their individual or group classification grievances.

The Joint System Sub Committee (JSSC) has been contacting grievors for additional information about their grievances. In an effort to help expedite the process, the local undertook the task of touching base with the main contact for each outstanding classification grievance we have on record. Supporting documentation was collected and compiled. These documents/files were hand delivered to the JSSC on July 6, 2006. Please note that the JSSC may still be in contact to clarify certain details.

For more information, please contact Karrie Ouchas, Chief Steward or visit <http://www.opseu.org/ops/jssc/index.htm>. ☺

# Unclassified members, you have rights, too!

*Karrie Ouchas, Chief Steward/Communications Officer*

Having started my career in the Ontario Public Service (OPS) 5 ½ years ago as an “unclassified” employee, I can identify and appreciate the frustration that this group feels.

There is much misinformation out there about the rights and entitlements of unclassified employees. I’ve heard rumours that unclassified members have no union rights and are not entitled to union representation, that the employer can basically do whatever they want to the unclassified member because they have no rights, etc., etc. I’m here to assure you that these statements are simply not so.

Here’s the big one. You pay union dues to OPSEU. That makes you a dues paying member. As such, you are entitled to the same representation as any other OPSEU member. **YOUR RIGHTS ARE PROTECTED AND OPSEU WILL HELP DEFEND THOSE RIGHTS.**

You are more than welcome to become a union steward, with the proper endorsement of your peers, and we would be glad to have you.

Now that we have that out of the way, let’s move on.

Education is the key to empowerment. So, let’s set the record straight and give you the tools you need to be empowered and in control of your own career.

The main article of the OPS Collective Agreement that unclassified employees should focus on is Article 31A – Unclassified employees other than seasonal, student and GO temp employees. Here’s

a breakdown, in layman’s terms, for all the OPS unclassified employees out there.

Unclassified members get paid the same as everyone else and in accordance with the schedule set out in the collective agreement based on the position classification. In addition, unclassified employees are entitled to the same wage progression (merit increase).

Unclassified employees are not entitled to be paid for statutory holidays as listed in Article 47. Instead, unclassified employees receive four per cent (4%) of their gross pay added to their regular pay for holidays.

As they are not entitled to paid vacation, unclassified employees receive four per cent (4%) of their gross pay on their regular pay in lieu of vacation leave with pay.

Medical and dental benefits are not covered for the unclassified employee. However, after having successfully completed one month of continuous service, unclassified employees are entitled to six per cent (6%) pay in lieu of benefits.

Work a full calendar month without missing any days of work, and the unclassified employees earns 1 ¼ days time off to be banked as compensating time. This

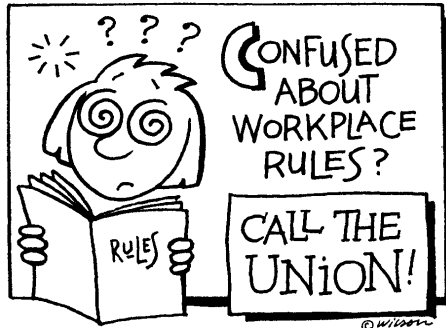
time can be used for days absent due to illness or injury, that way it doesn’t affect your pay cheque. It should be noted that, should an unclassified employee accept a classified position, these days do not carry forward. They are not accumulative.



*Continued on page 7*

Depending upon the relationship to the deceased, an unclassified member is entitled to 1 to 3 days bereavement leave with pay.

The issue of notice of termination can seem a bit complicated. According to the Collective



Agreement, the employer is required to give two weeks notice of termination or pay in lieu of.

However, the employer's

obligation to provide longer notice changes if the unclassified employee has served a contract or series of contracts, with no break in service, for a period of at least 12 months. Under Section 58 (1) of the *Employment Standards Act* and Section 3(1) of Regulation 288/01 made under the *Act*, he or she is entitled to 16 weeks notice or pay in lieu of.

This is a big one. Otherwise known as the "18-month rule", here is what you need to know about the conversion from unclassified to permanent status.

The key to conversion is actually a three-point test:

- 1) you must have been performing the same work (regardless if from multiple contracts), and;
- 2) performing the work for no less than 18 months without interruption, and;
- 3) the work you have been performing cannot be on a backfill basis (filling in for a classified employee on maternity leave, etc.)

To be eligible for conversion, the employer will also look at the number of straight time hours you have worked in the past year. As we work 36 ½ hours per week, to be eligible for conversion, you are required to have worked 1,912 straight time hours per year.

When calculating cumulative hours for conversion, you may be required to "make up" any absences you've had from the regular work schedule. This includes statutory holidays, vacation leave without pay and sick time. As you

have already been compensated for statutory holidays and vacation time, you will be required to earn this time back. Sick days are unpaid days. This time must be earned, as well, for the rules of conversion to apply. So, "18 months" may not actually equate to 18 calendar months; it may flow over by an extra couple of days after the 18-month anniversary date to compensate for any vacation time, statutory holidays, sick time or any other hours you may have been absent from the workplace.

As an unclassified employee receiving pay in lieu for many benefits and entitlements that permanent employees are entitled to, your pay is a bit higher. Be aware that sometimes there is a delay in administration of paperwork to convert your status from unclassified to classified. Therefore, you may continue to receive the inflated pay for a short period. Be aware of the fact that the monies you receive for pay in lieu after your conversion date will need to be repaid to the employer.

For conversion, the first step is to email your manager and ask for conversion under Article 31A15.1.1. In your email, ask the manager to explain, in his/her response, why you may not be eligible for conversion, if that's the case. There is absolutely no harm in asking. Managers do not hold it against you for enquiring. It's within your rights to ask.

Knowledge is power. Read the articles that apply to you. Ask questions of your union stewards. Ensure that you understand your rights. ☺



# Part I: The state of the markets and their effect on our pension fund

Benjamin Ng, Union Steward

As a new steward, I would like to introduce myself to the members in writing and contribute to our newsletter with the subject that I am most familiar. For those people who know me, that subject is the financial markets. I hope I can provide some worthwhile commentary that is of interest to our members.

By the end of 2005, we have had a couple of great years in our pension fund with each year outperforming the benchmark. Then, 2006

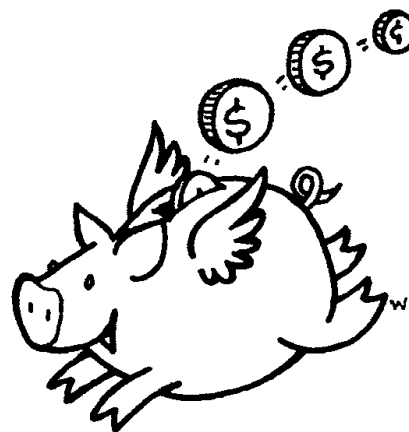


started out strong in all markets: stocks, bonds, gold, oil and real estate. Just as unimaginable that these competing and conflicting markets could all rise together, I

think they could all fall together. My indicators from the technology crash days were signaling a repeat crash earlier this year. In May, stocks, gold and oil started falling to join bonds, which had been falling for months. Now on June 12, the TSX and the Dow have erased all the gains of the past five and a half months and dipped into negative territory.

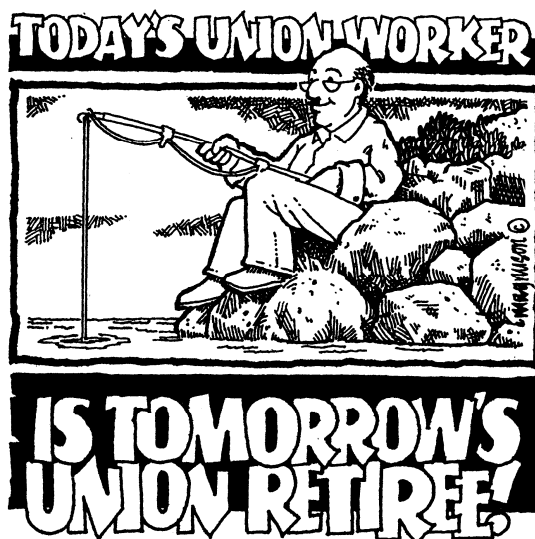
Is this dip a buying opportunity? I wish it were. However, the commercial hedgers that I see in U.S. government data show that they are now more short than they have been in years. Also, newsletter advisors who have a great track record for being wrong have become more bullish throughout this correction. Their thinking is that this dip is a buying opportunity. Take it from someone who bought Nortel at \$90 and thought that was a bargain. And just

to pre-empt the masses, this time is not different because we have rising short term interest rates and a very high oil price for a nasty combination that historically have caused a recession.



This unfavourable market environment cannot help our pension fund. With an OPS workforce that is older than the general population, according to our Human Resources branch, every passing year increases the pension fund's benefit obligation. Breaking even with investments year over year is not good enough. Hopefully, our pension fund had been monitoring the same indicators and become proactive over the last month and a half. ☺

*Editor's note: OP Trust was contacted about this article. OP Trust looks at historical information for analysis of it's portfolio. In 2005, the pension realized excellent growth.*





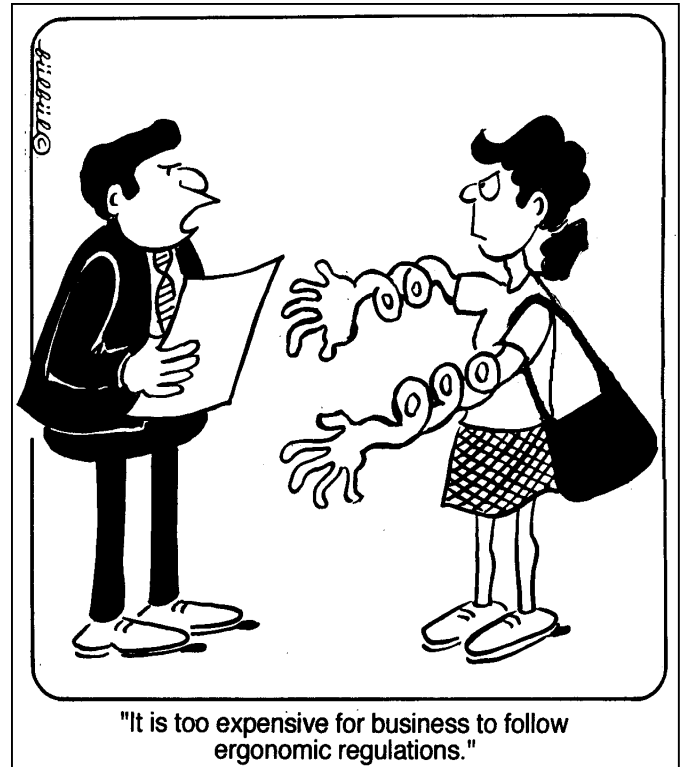
## Employee

1. Notify the employer, in writing, that you require accommodation and the reasons for it. You DO NOT have to divulge specific medical information.
2. Contact a local union steward with this information. Together, set up an appointment with the employer to develop an accommodation plan.
3. Meet with the employer, with your steward, to discuss your current needs. Provide information regarding relevant restrictions, limitations, estimated time required, health care professionals' directions or any other information that may assist you in meeting your needs.
4. Cooperate with experts whose assistance may be required to manage your accommodation (i.e. ergonomic specialist, disability professional, EAP provider, etc.).
5. Set up a review period to meet with the employer to keep them up-to-date with progress or concerns.
6. Sign, with the employer and the union steward, the agreed accommodation plan.
7. Maintain confidentiality through out the process.

## Employer

1. Accept the accommodation request in good faith.
2. Set up a meeting with the employee and their union steward to discuss the accommodation and to draft an accommodation plan, in writing.
3. Develop possible accommodation solutions to meet the current needs of the employee.
4. Obtain expert advice, where needed.
5. Draft an accommodation plan, in consultation with and agreed to by the employee and union steward. Include details of what the accommodation consists of, including change of shifts and/or work locations and duration/timelines for accommodation. Set up prearranged meeting dates to review progress during the accommodation period.

6. Sign, with the employee and union steward, the agreed to accommodation plan and provide copies to all parties.
7. Maintain confidentiality.
8. Bear the cost of any required medical information or documentation, including expert assistance.



## Union

1. Meet and support the employee to discuss the accommodation need.
2. Take an active role as a partner in the accommodation process with the employer and employee.
3. Share joint responsibility with the employer to facilitate the accommodation and developing the accommodation plan.
4. Support accommodation measures irrespective of the collective agreement, unless to do so would create undue hardship (Ontario Human Rights Code supersedes any collective agreement).
5. Maintain confidentiality.

*Continued on page 10*

Workplace accommodation is to meet the current needs of the employee and is not a life long right. Even if a person has a life long disability, the employer is responsible to the employee's current needs. Once those needs have been met, the accommodation is complete.

Let's use the example of the employee with the new diagnosis of diabetes. I previously stated that, at the end of the predetermined 3-month accommodation plan, the employer has met the requirements of the accommodation. However, the employee will have this disability for the rest of his/her life. So, why shouldn't the employer continue to provide the new work schedule for the rest of the employee's employment? The Ontario Human Rights Commission has established guidelines on workplace accommodation and all accommodations are based on current needs. It doesn't mean that this particular employee may never again require further accommodation with their diabetes. It will require the employee to apply, once again, for a new accommodation plan to be developed, based on their current needs. It's the same for the person requiring accommodation to enable them to find a new child-care provider. Once they have hired a new child-care provider, the accommoda-



tion has been met and the employee returns to their original schedule. Does this mean that they will never have to look for another child-care provider? Not necessarily. If they do, then that employee will request another accommodation based on his/her current needs at that time..

In some cases, accommodating an employee may generate negative reactions from co-workers. Generally, they are unaware of the reasons for the accommodation or believe this employee is only using the accommodation process for personal gain (i.e. doesn't like to work night shift). Reactions may range from resentment to

hostility to even workplace refusal under the Occupational Health and Safety Act. However, the employer has the legal responsibility and obligation to ensure that staff are supportive and are helping to foster a working environment that is positive for all employees. It is not acceptable to allow discriminatory attitudes to fester into a poisonous work environment for disabled workers or those that require workplace accommodation.

Remember, we all have the right to workplace accommodation. You may not require it today, but you never know what could happen tomorrow. Contact a local union steward if you are in need of an accommodation or just need further information.☺



# Who you gonna' call?

You have an issue. You feel your rights are being violated. Not sure what to do next? Contact one of the people listed below for advice.

You will be asked if you have contacted your manager about your complaint. Your first step is always to contact your manager first, in writing. Ask that he/she respond in writing. If he/she does not agree with you, ask for an explanation of why not. If you are not satisfied, then file a complaint or grievance with the appropriate committee listed below.

Remember, the onus is up to you to approach your manager first, and allow the employer the opportunity to correct the problem before you file a complaint or a grievance. A complaint or grievance will not be filed until this step has been taken. ☺

## Joint Health and Safety Committee Employee Representatives

### 33 King St. W., Oshawa

Sandra Carter, Co-chair  
Kathy Duncan  
Barry Hutchison  
Karrie Ouchas

### 40 King St. W., Oshawa

Kathleen Demareski, Co-chair  
Penny Starr

### 55 Athol St., Oshawa

Sylvie Harrison, Co-chair  
Tracey Down  
Lisa Knell

### 1550 Bayly St., Pickering

Larry Irvine, Co-chair  
Art Slade  
Julie Mahilal

### 1600 Champlain Ave., Whitby

Lindsey Morillo, Co-chair  
Karen Khan  
Dana Allard  
Veralynn Bramble  
Michele Hudson

### 590 Rossland Rd., Whitby

Dina Petrosky

## Local 340 Executive Committee

### Officers

Kathleen Demareski, President  
John Mochikas, Vice-President  
Karrie Ouchas, Chief Steward  
Norm Bell, Secretary  
Art Slade, Treasurer

### Stewards

Sandra Carter, H & S Co-chair  
Rob Cox  
Diana Dawson  
Julie Folino  
David Loeffen  
Kelly Howe  
Betty Marchegiano  
Benjamin Ng  
Ina Spence  
Terri Stevens  
Genevieve Williams  
Cathy Wood  
Paul Zapp



# Humour in the workplace

## Bumper Stickers

A day without sunshine is like night

You never really learn to swear until you drive.

If you think nobody cares, try missing a couple of payments.

I can resist anything but temptation.

No sense being pessimistic. It wouldn't work anyway.

Be nice to your kids. They'll choose your nursing home.

Answers to 'What do these letters mean?' (March 2006 edition)

24 hours in a day  
26 letters of the alphabet  
7 wonders of the world  
12 signs of the Zodiac  
66 books of the Bible  
52 cards in a pack (without jokers)  
13 stripes in the US flag  
18 holes on a golf course  
5 toes on a foot  
90 degrees in a right angle  
3 blind mice (see how they run)  
32 is the temperature in degrees Fahrenheit at which water freezes  
3 wheels on a tricycle  
13 = unlucky for some  
8 tentacles on an octopus  
29 days in February in a leap year  
13 loaves in a baker's dozen  
9 lives of a cat  
64 squares on a chess board  
1000 years in millennium

Answers to 'Spelling Bee' (March 2006 edition)

Truly  
Misspelled  
Parliament  
Restaurant  
Development

## Representing OPSEU south of the equator

Ahh, fun and sun, surf and sand...lots and lots of sand. And an OPSEU tote for a beach bag? Why not!

Local 340 member, Sue Hilliard, took along her stylish OPSEU tote on a recent vacation south of the equator.



"It's the perfect size for a beach bag", she said. Sue uses her OPSEU bag with pride. Right on, Sister!

Don't have an OPSEU tote bag? No problem. Visit the Local 340 office at 40 King St. W. on any Thursday from noon to 1:00 p.m. to pick up yours. ☺

