



Centre for Public Sector Labour Relations
and Compensation
Negotiations Branch

**OPSEU Corrections
Bargaining 2017**

**Overview of OPSEU's
Opening Proposal**

January 8, 2018

Purpose



- To provide an overview of the status of collective bargaining with OPSEU's Correctional Bargaining Unit.

Background and Context



OPSEU's Correctional Bargaining Unit at a Glance:

- The Correctional Bargaining Unit includes approximately 5,500 employees who mainly work directly with offenders, including correctional officers, youth services offenders, and probation and parole officers.
 - In addition, effective January 1, 2018, approximately 2,000 Unified Bargaining Unit employees will be transferred into the Correctional Bargaining Unit. These are employees who are currently headquartered in correctional and youth justice workplaces.
 - Positions scheduled to transfer to the Correctional Bargaining Unit include:
 - Office administration staff;
 - Food Service staff;
 - Nurses;
 - Maintenance Staff; and
 - Social workers
 - These employees will also have interest arbitration as the dispute resolution mechanism in event of a collective bargaining impasse.
- The current OPSEU Correctional Bargaining Unit collective agreement expires on December 31, 2017.

Recent Corrections Bargaining History:

- Following a protracted round of bargaining in 2014/15, which resulted in the 2015-2018 Collective Agreement, the Employer and OPSEU's Unified and Correctional Bargaining Unit reached tentative extension agreements on June 2, 2017.
- On June 22, 2017, OPSEU announced that 94.7% of Correctional Bargaining Unit voted overwhelmingly to reject the tentative extension agreement.
- Since October 2017, the parties have been engaged in discussions regarding the creation of the standalone collective agreement, which serves as a starting point for negotiations.
- On December 5, 2017, the parties made opening statements and exchanged opening non-monetary proposals. The parties had previously discussed initially focusing on non-monetary items at first and later moving to monetary issues as bargaining progresses.
- The parties met a number of times throughout the month of December up until December 21, 2017.

Overview of OPSEU's Correctional Bargaining Unit Opening Proposal



- OPSEU's opening statement emphasized that it was time for the Employer to move away from austerity and net-zero measures. Accordingly, OPSEU stated it would be seeking significant wage catch-ups and improvements to pensions and benefits during this round of negotiations. OPSEU also noted that the Employer needs to invest in the corrections system to fix the systemic problems.
- The Employer's opening statement provided an extensive overview of the recent labour market trends, including recent collective agreements that have been negotiated in the Ontario Public Service and Broader Public Service. The Employer also made clear that while the Government was successful in delivering on its commitment to balance the budget by 2017-18, there are still significant risks to the fiscal plan.
- The Employer's opening proposal included a modest number of non-monetary items.
- OPSEU tabled an extensive number of non-monetary items in their opening proposal, a number of which are monetary.

OPSEU's Opening Proposal



- There are a number of predominant themes in OPSEU's opening non-monetary proposal:
 - **Fettering the Employer's Discretion**
 - Several of the Union's proposals request replacing the term 'may' with 'shall' or 'shall not be unreasonably denied'.
 - » For example, OPSEU made the following proposals:
 - When there is a vacancy, the Employer "may" roll-over an employee acting in a position after 18 months into a permanent position, and changing it so that the Employer "shall" roll-over the employee; and
 - Changing the entitlement to special leave (i.e., up to or greater than 6 months) and to the three (3) days of leave of absence with pay for special or compassionate grounds to make it non-discretionary.
 - **Investigations/Discipline/Grievance Procedure**
 - Members be provided with greater information on why they are being investigated; requested rationale for suspensions with pay, and that section 22 investigations should not be active when a formal police investigation is underway.
 - Expiry for discipline on file be reduced from three (3) years to one (1) year.
 - **Compensation related to overtime and callback**
 - e.g. specifying the reasons/tasks when an employee is being called back to work and allowing an employee to leave the workplace once the specific reason/tasks are complete.
 - **Applying certain entitlements of regular employees to fixed-term employees**
 - e.g. applying certain entitlements that currently apply to regular employees to fixed-term employees.

OPSEU's Opening Proposal (cont'd)



- **Applying recent *Employment Standards Act (ESA)* changes to the collective agreement**
 - e.g. incorporating the changes to personal emergency leave in the ESA with respect to no medical notes being required for ten personal emergency leave days (which includes utilization for personal injury or sickness) into the short-term sickness plan provisions of the collective agreement.
 - Changes to other entitlements in the collective agreement that OPSEU views as flowing from the ESA changes (e.g. Other leaves of absence).
- **Anti-privatization and maintaining and extending OPSEU Correctional Bargaining Unit scope of positions**

OPSEU is proposing that there is no divesting, privatization or P3 partnerships of any new work, current work, or work locations.

 - » In addition, OPSEU proposes that any work in correctional workplaces that is currently being provided by a private operator or otherwise (e.g., food services, maintenance) be returned to the Correctional Bargaining Unit.
 - OPSEU is also seeking to make all offender transportation and escort services be exclusively delivered by Correctional Bargaining unit employees. Some of this work is currently performed by a number of entities including OPPA bargaining unit employees and others who are external to the OPS (e.g., local police services).
 - OPSEU is seeking agreement that health care classifications remain in the Correctional Bargaining Unit should the ministry reporting relationship change in the future.
- **Mental Health in the Workplace**
 - OPSEU is proposing creating a task force to address issues of mental health in the workplace. The task force would be comprised of a technical level committee and steering level committee.

OPSEU's Opening Proposal (cont'd)



As noted earlier, OPSEU's opening proposal also included a number of proposals which are monetary, including the following:

- **Bereavement Leave**
 - Increasing the number of paid bereavement leave days from three (3) consecutive to seven (7) non-consecutive days.
 - Expanding the list of individuals that bereavement leave can be taken for, and grouping those individuals in the category that permits greater than one (1) paid day off.
- **Insured Benefits:**
 - Eliminating the provision that specifies when LTIP benefits terminate (i.e., recovery, death or age 65).
 - Eliminating mandatory rehabilitation language.
 - Eliminating the requirement for employees on LTIP to pay their pension contribution when they are eligible for retirement or have thirty (30) years credit in the pension plan, whichever is later.
 - Including post-retirement benefit entitlements in the collective agreement, which in effect would eliminate the employer's sole discretion to unilaterally implement changes.
 - Eliminating the current maximum of \$25 per half hour for paramedical providers (e.g., Chiropractor, Masseuse) and Psychologists visits. The annual \$1400 cap would remain unchanged.
- **Overtime:**
 - OPSEU is also proposing that during paid suspensions pending investigation that employees receive overtime based on a 12 month average of overtime worked by the employee, in addition to regular pay.
- **Legal Indemnification:**
 - A new entitlement of a rate of \$350 maximum per hour for civil proceeding costs incurred.
 - Expanding the entitlement to include those employees found guilty but given absolute or conditional discharge.
 - Removing the requirement of "good faith" in the performance of duties in order to qualify.

OPSEU's Opening Proposal (cont'd)



- **Probation Officers Allowance (POA):**
 - Increasing the current minimum seven (7) days leave with pay and no loss of credits provided as a probation officers allowance, to 14 days, while doubling the number of days that can be accumulated from 21 to 42.
 - In addition, OPSEU is proposing to give the POA days a cash value and allow these days to be cashed out upon request of the employee.
- **Conversion:**
 - OPSEU is seeking to convert a greater number of fixed term position to full-time regular positions by increasing the budget allocation model at each worksite.
 - Lowering the threshold for rolling over employees to permanent status.
- **Relocation Expenses:**
 - Requirement that the Employer must pay relocation expenses when a relocation is greater than 40 kilometres.

Next Steps



- The parties have agreed to continue discussions on the impact, if any, of the ESA changes.
- The Employer continues to analyze the proposals put forward by OPSEU and prepare responses.
- OPSEU and the Employer resumed collective bargaining after the holidays, on January 9, 2018.