



CRISIS *in* CORRECTIONS

JANUARY 2016

Unified Members

Questions and Answers for members of the Unified Bargaining Unit who work in correctional services

1. What may a Unified member expect during a labour disruption?

On January 10, 2016, at 12:01 a.m., the Correctional Bargaining Unit will be in a legal position to strike or be locked out.

However, on October 29, 2015, both the Unified Bargaining Unit and the Correctional Bargaining Unit ratified the Central agreement and the Unified Bargaining Unit ratified the Unified agreement. Under the terms of the collective agreement, Unified employees must be prepared to show up to work on each day of a work stoppage.

2. What can I expect before entering a workplace?

You may find that there is picket line prohibiting you from entering the facility. Ask to speak with the picket captain onsite and identify yourself. You will be given information by the picket captain as to what protocols are in place. For example, there may be a delay.

If you find that your health and safety is at risk at any time, please contact your local supervisor immediately by phone. Relay your current situation and ask your supervisor for advice on how you are to proceed to ensure that you are safe. You may want to request that your supervisor escort you into the workplace. If you require any assistance, please contact your OPSEU steward or your Staff Representative, or email the OPSEU Corrections War Room at correctionswarroom@opseu.org.

Keep in mind that you have a collective agreement in place that applies to you, as well as all applicable legislation, including the *Occupational Health and Safety Act*.

3. What can I expect inside the workplace?

Employers may assign work duties that are normally performed by another classification. Members should inform their supervisors that they object to performing work of another classification and should raise any concerns they may have with the specific work assignment.

Members may request that the employer reconsider and change the assignment. However, the “obey now, grieve later” rule requires members to follow employer instructions or face potential discipline for insubordination. The rule may not apply to activities outside of working hours or to instructions that are unsafe.

Work procedures or deadlines may be affected by a job action. For example, it may be impossible to complete tasks on schedule and priorities may change if tasks are not completed by other employees, or necessary information is not available.

4. What should I do if I have concerns?

Members should contact their immediate supervisor with any concerns about procedures or deadlines and should request clear direction, wherever necessary. Members should also document these requests in writing and forward all concerns to their union representatives. Documentation is critical if questions arise at a later date.

5. What should I do if I have health and safety concerns?

Health and safety requirements must be respected during any work stoppage. All workplace inspections carried out will be communicated to Unified members. Members should remain vigilant to ensure their safety is protected.

The employer may not follow all of the safety rules and procedures that are normally in place to protect workers from danger. Replacement managers may not have the training to diffuse unsafe work situations. These environments may put our Unified members in an unsafe situation.

Members should bring any safety concern to the attention of their supervisor. Members should also notify their health and safety worker representative. If the supervisor does not resolve the safety concern, the member has the right to contact the Ministry of Labour to investigate the unsafe situation.

6. Can I contact the Ministry of Labour with a health and safety complaint?

Yes, workers have the right to contact the Ministry of Labour with health and safety complaints that do not lead to work refusals. When a health and safety complaint cannot be resolved to the worker's satisfaction within the workplace, the Ministry of Labour should be contacted toll free at 1-877-202-0008 to ensure that the workplace remains safe for everyone.

It may take a few days or more for an inspector to attend to help resolve the complaint. A worker joint health and safety committee (JHSC) member or union-designated worker has the right to be present and accompany the inspector and receive a copy of the report. Workers have the individual right to refuse dangerous work.

7. Do I have the right to refuse unsafe work?

Yes, all workers have the right to refuse dangerous work. However, workers in correctional workplaces must ensure that their refusal does not endanger the life or health and safety of another person.

Workers should advise their supervisor that they are refusing dangerous work. The supervisor must call a worker JHSC member or a union-designated worker to assist in investigating the work refusal.

Stage 1

The worker promptly reports the circumstances of the refusal to the supervisor and remains in a safe place. The supervisor investigates without delay in the presence of the worker and a JHSC member or other worker representative and tries to resolve the issue.

Stage 2

If the worker still has reasonable grounds to believe that the work is likely to endanger himself, herself or another worker, the worker may continue to refuse the dangerous work. The supervisor, worker or their representative notifies the Ministry of Labour of the refusal.

If you disagree with an inspector's decision, contact the Corrections War Room at correctionswarroom@opseu.org.

8. Can I file a grievance?

Yes, the grievance and arbitration process remains in effect. This is the primary protection for members who find themselves in a dispute with the employer over directions, collective agreement entitlements or discipline.

Please note that recordkeeping can be critical to any disciplinary process or grievance proceeding. Members should keep notes of any work assignments or discussions with supervisors regarding any job actions. Any concerns should be shared with the local on an ongoing basis.

Other concerns may arise that affect members' personal well-being. A job action can be an extremely stressful time. The workplace climate, relationships and expectations may all be affected. Members should recognize this possible impact and should seek information and support, as necessary, such as from an employee assistance program provider, personal counsellor or doctor.

Further advice may be necessary. This is a brief summary of possible issues. Members should contact their local OPSEU union steward or OPSEU staff representative for further advice, if required.

FOR MORE INFORMATION

contact your **OPSEU regional office** or
email correctionswarroom@opseu.org.

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