

LockTalk 2021-2

LockTalk

CORRECTIONS
DIVISION

A PUBLICATION OF OPSEU/SEFPO'S CORRECTIONAL BARGAINING UNIT

OPSEU
SEFPO

Everything you wanted
to know about

Bill 124

Message from the President and
First Vice-President/Treasurer:

**Bill 124 won't
stop us from
doing all we can.**

When the government passed Bill 124, OPSEU/SEFPO filed a Charter challenge, alleging the law violates public sector workers' right to collective bargaining. By establishing a 3 year wage moderation period and without regards to inflation and the cost of living, Bill 124 effectively cuts our wages for three years. It's not just blatantly unjust and unfair; it's unlawful. And we're going to prove it.

As part of recompense we will be asking the Supreme Court to order the government to cover costs of all wages stolen because of Bill 124. This is not the first time a government has tried to get away with a draconian approach.

In 2012, we took a previous Liberal government to the Supreme Court over its violation of workers' right to bargain – and we won. The government was forced to pay out more than \$100 million in compensation. We're confident we'll win again because the law is still on our side.

We're confident the bargaining team will work hard to bring home the best collective agreement possible. You will have the full support of our Union every step of the way. Towards. Tomorrow. Together.

In solidarity,



Warren (Smokey) Thomas
President,
OPSEU/SEFPO



Eduardo (Eddy) Almeida
First Vice-President/Treasurer,
OPSEU/SEFPO

Q&A on Bill 124:

answers to all your questions here

Collective bargaining is challenging at the best of times. Bargaining with an employer who can change the rules of the game whenever they choose makes it even more so. But that's exactly what the Ford Conservatives did.

In 2019, they passed Bill 124, the *Protecting a Sustainable Public Sector for Future Generations Act, 2019*. The intent of the legislation is to limit compensation increases in the public sector to one per cent or less.

The legislation essentially imposes a series of three-year "moderation periods". During these periods, increases to salaries and total compensation are capped at one per cent per year, subject to certain exceptions.

The following are questions and answers many members may have regarding Bill 124.

What is a moderation period?

The legislation uses the term "moderation period" as the time period during which there is a wage restraint or cap. These moderation periods last for three years.

When does the moderation period start?

The start of a moderation period depends on the effective dates of the collective agreement or arbitration awards.

Collective agreement in operation on June 5, 2019: the moderation period begins on the day immediately following the day the collective agreement expires.

No collective agreement in operation on June 5, 2019, and the previous agreement has expired: the moderation period begins on the day immediately following the day that the previous collective agreement expired.

Parties bargaining a first collective agreement on June 5, 2019: The moderation period begins on the start date of the collective agreement.

Arbitration awards that came down before the act came into force: These will not be reopened, and the moderation period begins on the day immediately following the day the agreement giving force to the award expires.

When does the Correctional Bargaining Unit's moderation period start?

Based on the legislation, the moderation period begins January 1, 2022, and ends December 31, 2024.

What happens after year three?

Starting in year four, collective bargaining returns to normal, that is, the provisions of Bill 124 no longer apply. However, the legislation prohibits employers from providing larger compensation increases before or after the moderation period specifically to make up for wage restraints.

Regardless of how long the term of our collective agreement is, the moderation period remains three years.

What does total compensation mean?

Compensation is the total cost of the collective agreement to the employer. Bill 124 is broken down so that the total compensation cannot be more than one per cent.

The straight-time wages pie slice refers to the regular wage rate for our bargaining unit. This is capped at one per cent for three years.

The wage-related pie slice refers to any cost that automatically goes up when the wage rate goes up, such as overtime, fixed-term vacation pay and pensions.

The non-wage-related pie slice refers to any benefit in our collective agreement that does not automatically rise with a wage increase, such as health benefits, shift premiums, on-call pay and allowances.

The act prohibits taking extra savings from elsewhere to provide for more than a one per cent wage increase.

What does this mean for increases?

According to the legislation, no collective agreement or arbitration award can provide incremental increases to compensation of more than one per cent for each of the 12 months of the moderation period. In other words, total compensation increases are limited to one per cent each year for three years, and wages are capped at one per cent each year for three years.

Are there any exceptions to monetary increases?

The following exceptions allow a salary rate to increase in recognition of the following matters, if provided for in the collective agreement:

- the employee's length of time in employment (e.g., merit increases and movement through the wage grid in an existing collective agreement)
- assessment of performance
- the employee's successful completion of a program or course of professional or technical education
- Workers can move up on pre-existing grids or receive merit increases, but the grids must not be altered beyond the annual one per cent caps imposed during the moderation periods.

Can a collective agreement be exempt from Bill 124?

Yes, Bill 124 contains a provision whereby a request for exemption can be made and the minister may, by regulation, exempt a collective agreement from the application of the act.

Is the Corrections bargaining team going to submit a request for an exemption?

Yes, the corrections bargaining team is currently working on an exemption request to be submitted.

Have other unions or groups submitted a request for Bill 124 exemption? If so, what was the outcome?

Yes, several bargaining agents have submitted requests for exemptions from Bill 124. TBS has denied all exemption requests. However, one collective agreement that was already ratified was exempted by regulation for the current term, 2021-24. No collective agreements have exceeded the one per cent cap.

What can members do to help with our request for a Bill 124 exemption?

The team is working on a member driven campaign and details will be released shortly.

Has OPSEU/ SEFPO filed a Charter challenge?

Yes, OPSEU/SEFPO, long with other bargaining agents has filed a Charter challenge. The challenge is scheduled to begin hearings in the fall of 2022.

Do we still have interest arbitration?

Yes. However, an arbitrator is bound by the limits and constraints of Bill 124 with respect to total compensation.

Interest arbitration continues and, to date, there have been no awards over and above the limits of Bill 124 in other collective agreements bargained. Should an arbitrator award more than the limits of Bill 124, the ministry may make an order declaring that a collective agreement or an arbitration award is inconsistent with the act.

What is the process should the minister make an order declaring the collective agreement inconsistent with the act?

If this happens, the arbitrator will remain seized to make an award consistent with the act, and the previous collective agreement remains in effect until a new collective agreement consistent with the act is negotiated or awarded (subsection 26(6))

Following in the footsteps of previous governments in Ontario, Doug Ford has taken direct aim at public sector unions with this draconian legislation. Make no mistake, Bill 124 directly affects us at the bargaining table. Your bargaining team is well aware of this. We have invested, and will continue to invest, a significant amount of time into Bill 124. Despite the government's attempt at hobbling our division, the bargaining team commits to making continued improvements to our collective agreement.

YOUR BARGAINING TEAM

Peter Harding - *Youth Service Officer Representative and Bargaining Team Chair - Cecil Facer Youth Centre*

Started as a Correctional Officer in 1989 at the Brookside Youth Centre, then moved to Youth Services Officer. Previous Bargaining Team Member. Currently the BMERC Co-Chair and MCCSS YJ MERC Co-Chair.

Janet Laverty - *Correctional Officer Representative and Bargaining Team Vice-Chair - Elgin Middlesex Detention Centre*

Started as a Youth Services Officer in 1997 at the Bluewater Youth Centre.

Transferred to the Adult system in 1998 as a Correctional Officer at the Stratford Jail, Walkerton Jail and currently at the Elgin Middlesex Detention Centre. Currently the SolGen MERC Vice-Chair and Local President EMDC.

Michelle Canning - *Multi-Category Representative - Central East Correctional Centre*

Started as a Correctional Officer in 1992 at the Peterborough Jail, Millbrook Correctional Centre and Central East Correctional Centre, prior to becoming a Rehabilitation Officer in 2013. Currently a Steward at CECC.

Adam Cygler - *Corrections Institutional Health Care Representative - Ontario Correctional Institute*

Started as a Social Worker in 2008 at Central North Correctional Centre, before transferring to OCI in 2013 as a Social Work Supervisor. Currently the SolGen MERC Multi-Category Member and Local Secretary at OCI.

Richard Dionne - *Correctional Officer Representative - Central North Correctional Centre*

Started as a Correctional Officer in 2007 at the Monteith Correctional Complex, before transferring to CNCC. Currently the Local President at CNCC.

Sean Dunn – *Member-at-Large Representative - Central East Correctional Centre*

Started as a Correctional Officer in 2001 at the Millbrook Correctional Centre, before transferring to CECC in 2003. Currently the Local President at CECC.

Zach Fildey – *Fixed-term Members Representative - Maplehurst Correctional Complex*

Started as a Correctional Officer in 2017 at MHCC. Currently a Steward at MHCC.

Carol Frost – *Corrections Unified (ADM/OAD/OPM/TEC) Representative - Kenora Jail*

Started as a Records Clerk in 2009, prior to becoming the Offender Records Supervisor in 2021. Currently the Local Secretary at the Kenora Jail.

Scott McIntyre – *Probation and Parole Officer Representative - North Bay P&P*

Started as a Correctional Officer in 1990 at the Mimico Correctional Centre, prior to becoming a Probation and Parole Officer in 1993. Previous Bargaining Team Member. Currently the SolGen

MERC Probation and Parole Member and Vice-President of Local 633.

Josh Miller – *Correctional Officer Representative - Algoma Treatment and Remand Centre*

Started as a Correctional Officer in 1997 at the Thunder Bay Jail, before transferring to ATRC in 2007. Currently the Local President of ATRC.

Denise Sidsworth – *Probation and Parole Officer or Probation Officer Representative - Brampton Probation & Parole*

Started as a Correctional Officer in 1999 at the Maplehurst Correctional Complex, prior to becoming a Probation and Parole Officer in 2003. Currently the Probation and Parole Provincial Health & Safety Representative and President of Local 263.

Johanna Sinclair – *Probation Officer Representative - Newmarket Youth Justice*

Started as a Probation Officer in 2005. Currently YJ CISM Lead, MCCSS YJ MERC Probation Member and President of Local 314.

Todd Snider – *Correctional Officer Representative - Stratford Jail*

Started as a Correctional Officer in 1989 at the Barrie Jail, Waterloo Detention Centre, Brantford Jail and currently at the Stratford Jail. Currently the Local President at Stratford Jail.

Glenna Caldwell – *OPSEU/SEFPO Staff - OPS Negotiations*

Spent 33 years in the Corrections Division and was a member of the Bargaining Team for five rounds of negotiations.



If you have any questions, please forward them to your MERC Bargaining Team at CorrectionsOPSBargaining@opseu.org



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LockTalk is authorized for distribution by:

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