

Justice For All

By Jim Jurens,
OPSEU MAG
MERC Co-Chair

A newsletter for OPSEU members in the Ministry of the Attorney General

December 2013

GSB ruling delays MAG court reporters remedy

The vice chair of the Grievance Settlement Board has ruled that the board has no authority to identify those officials in the Ministry of the Attorney General who have refused to implement previous GSB decisions in the matter of Hunt et al. v MAG.

In a ruling released in late November, vice chair Nimal Dissanayake said enforcement of previous GSB decisions rests with the Superior Court of Ontario and not by the board itself.

The case will now go before the Superior Court on March 17, 2014.

OPSEU had argued before the GSB on Nov. 1 that the board identify those MAG officials who have refused to implement previous rulings of the board which concluded the ministry has failed to apply the collective agreement to court reporters when they are producing transcripts.

MAG has been treating court reporters as private contractors when they are doing the work of producing transcripts. In previous hearings at the GSB in the Hunt and Hollingsworth grievances, GSB Vice Chair Abramsky brought down orders stating that producing transcripts is the work of court reporters and their work producing transcripts is covered by the provisions of the collective agreement.

As the employer refused to implement this decision, further hearing dates were held before VC Dissanayake who made the following orders concerning the failure of the employer to implement these GSB orders:

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- The employer shall forthwith cease its violation of the collective agreement by failing to apply the collective agreement to court reporters, who the Board has declared to be employees performing bargaining unit work when producing transcripts.
- The employer shall forthwith apply the collective agreement to court reporters performing bargaining unit work of production

of transcripts, and shall not treat them as independent contractors.

- The Board remains seized with jurisdiction with regard to any disagreement between the parties as to the implementation of the orders made herein, and with respect to all of the other grievances before it.

OPSEU sought orders to have the employer name the individuals responsible for the failure to implement the decisions. The board

found this would constitute an enforcement of the order and not merely implementation. As a result Dissanayake found that the enforcement of the Boards' orders is the sole jurisdiction of the courts.

The complete text of Dissanayake's ruling can be found by visiting:

<http://www.opseu.org/ops/ministry/attorney-general.htm>

More information can be found at www.opseu.org as it becomes available.

MAG steamrolls forward with privatization scheme

On Dec. 2 ministry officials announced they will forge ahead with their previously announced plan to privatize the production of transcripts.

It's merely the latest slap in the face to court reporters.

Ministry court reporters are skilled and qualified professionals with a proven track record of preparing accurate transcripts in a timely manner. Your union has argued for 10 years that you deserve to be treated as full-time employees with a professional wage, reflecting both your in-court

functions and production of transcriptions.

We have won legal decisions that have found the production of transcripts is the bargaining unit work of court reporters and is covered under the collective agreement.

MAG has used every stalling tactic and legal manoeuvre at its disposal to avoid complying with these legal rulings. On May 15, the ministry announced "a new model for court transcription" which will take away your transcript work altogether

This private administrative body will oversee a registry of authorized court transcriptionists. Any individual who completes the in-court certification and training will be able to get on the list.

OPSEU's position has always been clear: we oppose and we will continue to fight against this ill-conceived plan. More than ever we believe the production of transcripts must remain in the hands of the court reporters and that their work is protected by the terms and conditions of the collective agreement.

If the ministry plan goes ahead court reporters would continue to be treated as independent contractors who would be dealing with an independent body for the assignment of transcripts. There would no longer be any guarantee that the reporter who took the record in court would then proceed to do that transcript, or any other.

Separating the taking of the record from the producing of the record could increase the risk of inaccuracies appearing in the transcript. Your union

strongly believes the reporter of record should prepare and certify the transcript.

We have been working hard on many fronts to try to prevent the privatization. We have met with Attorney General John Gerretsen in July and outlined our concerns: privatization will degrade the quality of the record, it will offload the costs on to litigants and it shows a complete disregard with legal rulings that found transcript work is the bargaining unit work of court reporters.

We had discussions with ministry and MGS officials and presented the employer with a counter proposal to the contracting out that would have put the ministry in compliance with the legal rulings while protecting court reporters' rights under the collective agreement.

A friendly reminder!

Please ensure that you continue to maintain your records by tracking the specifics of all of your out-of-court hours and expenses while you are doing transcripts on your own time. The employer insists on strict proof at the Grievance Settlement Board.

Please email opseumagmerc@hotmail.com from your secure home computer [not your MAG computer] with the subject line *Count Me In* if you wish to be added to our MAG MERC email list

In Solidarity

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If you have any concerns

Please contact us by e-mail at:

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Always avoid using your government-issued email account as it may be monitored by the employer.

