

# OFF BALANCE

## WHAT HAVE WE BEEN UP TOO?

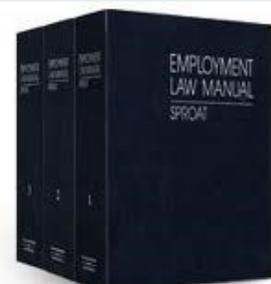
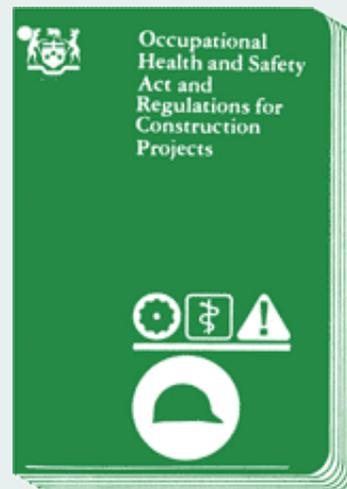
Your MERC team has been busy. Despite the fact the three MERC members live in Brantford, Brampton and Sault Ste. Marie we have managed to get together for several face to face discussions about our issues and have had numerous conference calls. At the beginning of March we had a two day Caucus Meeting with the past MERC Chair Len Elliott to get the history of the past MERC team's efforts so we could be ready for our first meeting with the employer which was on March 20th. Some of the issues we have already been working on before our first meeting includes the Extended Hours Pilot, Employment Standard Officers Lay-offs, the movement of our members from the Job Security Office to The Ontario College of Trades and our employers interpretation of our members powers under the ACT and the compellability of Inspectors.

The Deputy Minister attended the first few minutes of our meeting and had some opening remarks for the new MERC team. We took this opportunity with the DM to share our members frustration with the employers decision to NOT FOLLOW the CPIC decision and informed the employer we will be returning to the GSB to ensure the decision that we fought hard for is followed. We also informed the DM that the lack of movement on the medical monitoring for Designated Substances is appalling and waiting 4 years to have a simple monitoring program is unacceptable. We received a commitment from the DM to revitalize this issue and we will hold the employers feet to the fire to get this completed.

We hope you will enjoy this update and we will endeavor to continue to send updates out after our meetings with the employer. Our tentative schedule of meetings is May 16th, September 25 and November 20th. We also have a commitment from the employer for additional meetings to deal with our Health and Safety issues. Updates will follow those meetings as well.

We also want to inform all members that we have a scheduled MERC Caucus meeting planned at Convention on April 26th @ 5:30pm in Room 202B Any member can attend this meeting.

***In Solidarity Your MERC Team (Rick, Neil and Beth)***



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### SPECIAL POINTS OF INTEREST

- Job Protection Office being moved to The Ontario College of Trades
- Inspectors paying for the privilege of working for the Ministry of Labour!
- I can't believe I work for an employer that cares so little for their employees.
- We are seeking an injunction against the employer



## EMPLOYMENT STANDARDS OFFICERS GET SURPLUS NOTICE

Since the launch of our Employment Standards Information System (ESIS) over five years ago, our work has been assigned to us electronically on-line, hence enabling us to successfully carry out our duties from any given locations and regions where ESO1s are physically located in the province. Likewise, claims assigned to ESO1s for initial investigation and early resolution have been originating from anywhere in the province.

As technology has made it possible for the components of the employment standards program performed by ESO1s to transcend artificial boundaries with ESIS, it is our position that the province as a whole was made forthwith a "de facto" single district for the purpose of initial investigations and early resolutions carried out by ESO1s regardless of

locations and regions with the inception of ESIS over five years ago.

Given the above, it is our contention that the employer has infringed upon our seniority rights by laying-off 19 of us in the regions, most of whom with 20+ years of service and keeping the less senior ESO1s in the Provincial Claims Centre in Sault Ste. Marie contrary to section 20.1.1 of the collective agreement and for no other reason than cutting cost under the cover of a sham reorganisation, and the false pretext that the employment standards program is no longer backlogged.

*Presented to the employer by all grieving ESO1's in the recent round of stage 2 meetings*

*"the employer has infringed upon our seniority rights by laying-off 19 of us in the regions, most of whom with 20+ years of service"*

### IT'S YOUR UNION, STAY INFORMED

A union is only as strong as it's members. Members get strong by having knowledge, knowledge after all is power!

As a MERC team we are committed to communicating to the membership. We want to make sure everyone across the Province is aware of what issues we are dealing with.

You can help us accomplish this by going to the following website and filling in the required fields so we can contact you to keep you informed.

<https://sites.google.com/site/mercsubscribe/>

You can also stay in touch with us by joining our Secured Facebook site and Secured Twitter Account.



Click to  
Link



LINK TO MERC MINUTES

<http://www.opseu.org/ops/merc/labour/labour.htm>

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### WHAT YOU ARE SAYING ABOUT THE VEHICLE ISSUE

The Vehicle Compounding Directive has put many of our Colleges under extreme pressure. The following is just some of the stories the union has heard about how this directive is going to impact the membership.

- ◆ I am the "Power Of Attorney" (POA) for my mother and basically the sole caretaker since my father died 2 years ago. Frequent Doctor visits and caring for her will suffer due to the extended hours required.
- ◆ I am a very concerned about the extra ergonomic demands of loading and unloading my computer equipment twice a day from the van to my office. I'm not getting any younger.
- ◆ I am very active in my community. I currently volunteer with my Neighbourhood Association. I am a member of my communities YMCA Peace and Diversity Youth Circle and I work with my city council on two advisory boards. Most importantly my wife and I have also recently become the Legal Guardians of our Niece. There is nothing more important than my family! If this job becomes detrimental to it I will be forced to look for employment elsewhere. There is currently a good balance to my life. I am able to help people while I preform my duties as a Health and Safety Enforcement Officer, I am afforded the time to help my community and I am able to be a good role model and parent for my Niece. I believe I am the type of employee that the Provincial Government wants to employ. I not only preform my duties with pride but I also give back to my community. Why would the employer want to prevent this from happening?
- ◆ I will go from working 8 hour days to 10 –11 hour days due to the Toronto traffic during the reporting times to the compounding area's.
- ◆ If this is enacted I will be leaving the Ministry! I can't believe I work for an employer that cares so little for their employees.

# WHERE WE STAND



**Health and Safety Committee**—Employer wanted to have an advisory committee chaired by the employer. We could not agree to this and took this option off the table. We will continue to deal with Provincial Health and Safety matters at the MERC table but we have an agreement to have separate meetings to just deal with H&S.

**Designated Substance**—Employer stated they brought other ministries into the discussion which is what was slowing this process of getting this legislated requirement complied with. We asked the Deputy Minister to make this a priority which she has agreed to do.

**Authority of Inspectors**—The employer seems to think they have the ability to direct an inspector on all aspects of his or her investigations including what orders to write and whether or not to lay charges. We have shared case law with the employer and will continue to educate them and have discussions on this. We will also include the house of labour i.e. OFL, ONA, CAW, CUPE and OPSEU in these discussions if we feel we need to.

**Drivers License Checks**—Employer wants all members that drive a fleet vehicle to provide a photo-copy of their drivers license to a third party (the MTO). The employer has not provided any answers to our concerns about this. i.e. How is our personal information going to be kept safe!

**CPIC**—The employer continues to operate with no regard for the GSB decision. We are done talking about this at the table and will be going back to GSB to get this resolved.

**Bargaining Unit Work**—The employer continues to do Health and Safety Inspector work by investigation events over the phone. They call it Triaging, we call it preforming our legislative duties poorly. i.e. Investigating issues over the phone!

**Extended Hours Pilot**—The Extended Hours Pilot isn't going away. Many of our members participated in the pilot. At the next MERC meeting we will be receiving an update on the result. We have decided it is best to be at the table for this discussion to shape the extended hours issue so it will serve our members rather than the employer dictating how this will look in the future.

**Vehicle Policy**—The employers lawyer has a new proposal which will be discussing shortly. The employer released some information at a Managers meeting in March and that information has been getting leaked to the dismay of Management. We now know the implementation date has been pushed back to July 1 but we still do not know what the proposal looks like. We will keep you posted.

**Balanced Scorecards**—The MERC team opposes the use of any type of Scorecard. The use of a point system to track our work will create a poisoned work environment by pitting a score against what's really important, making decisions based on what's best for the workers of Ontario and not what's best for our managers yearly scorecard point system. Dead worker = 4 Points! 25 Points = one day of work as an Employment Standards Officer.

**Paid Parking**—This is an issue because it is not being consistently applied across the province. It would seem if you are in the WEST, EAST or NORTH you don't have to pay for parking when driving a Ministry of Labour Vehicle. But in CENTRAL you do.

**Compellability of Inspectors**—Our employer seems to think we are compellable despite what is written in the ACT under Section 63. We are seeking an injunction against the employer to prevent this from occurring as it would set a very bad precedent and would affect the ability of our enforcement officers to continue to preform there duties.

**Enforcement of TQAA**—When asked about this the employer stated that this is the work of the Job Protection Office which is being transferred to the Ontario College of Trades (OCT). The Health and Safety Inspectors preformed a blitz using this legislation a few years ago and is clearly something they currently enforce. New legislation has already been introduced to transfer the enforcement of the TQAA from us to the OCT. We have talked to the employer about this and explained it does not help our current labour relations when our members find our work to enforce the TQAA on a job description found on-line! They said "Point Taken"

## WHY ALL THE INFORMATION!

The MERC team has made a conscious decision to improve the communication from the MERC team to the membership. We feel it is important to ensure we are all on the same page. We will do our best to make sure you know what we know. There will be some issue where disclosure rules will prevent us from discussing a particular issue with the membership right away but when we are able you will be hearing from us. This publication is not for employer bashing. At the end of the day we all love what we do and we simply want to be afforded the opportunity to help improve our working conditions and be a leading Ministry in Labour Relations.