



Labour Relations Update

December 2007

The following is intended to share information with OASIS members regarding two areas of recent concern and attention. The first is a summary of activities that the LR Committee has been involved with WSIB on, concerning the rates being charged to the DS sector. The second item is a summary from the recent Provincial Sector Forum regarding 'Labour Relations Issues Arising from the Summer of 2007' held on October 24th.

WSIB Update Summary October 2007

Over the past year, OASIS Labour Relations Committee has had a number of meetings with a variety of representatives from WSIB. Some of the people we have met with are as follows;

- *Hon Steven Mahoney, Chair*
- *Mark Tyler, Executive Assistant to the Chair*
- *John Slinger, Chief Corporate Services Officer*
- *Rob Harding, Director Revenue Development Branch, Program Development Division*
- *Luise Mitschele, Assistant Director Service Delivery, Operations*
- *Nick Marotta, Employer Account Advisor, Specialist and Advisory Services*
- *Slavica Todorovic, Executive Director Policy & Research*
- *Joe Morsillo Director Benefits and Revenue Policy*
- *Wendy Pauling, Policy Analyst, Revenue Policy Branch*
- *Jacqueline Clarke, Employer Account Advisor, Revenue Development Branch*

The purpose of these meetings was to share with WSIB, OASIS' concerns.

1. Inconsistency in fees being charged for WSIB coverage to agencies supporting people with intellectual disabilities. The fees range from as little as \$0.30 / \$100 of earnings, to a high of \$4.85 / \$100 of earnings for jobs with similar responsibilities. Additionally, there are approximately 12 different rates being applied to these positions.
2. Inconsistency in fees being charged to agencies for clients (individuals with an intellectual disability) who are being supported in work/leisure/skill building situations. The fees range from as little as \$0 / \$100 of earnings, to a high of \$7.68 / \$100 of earnings.

We also wanted to discuss with them our potential solution:

Staff that work in a residential setting or a day support setting are, for the most part, supporting the same clients, although the WSIB rates vary. It is the position of OASIS that it would seem logical that a 'direct care support rate' be established that could be applied to all staff who provides direct care, regardless of location. Employees of agencies within the developmental sector pay a newly established "Developmental Sector Rate".

With respect to the area of sheltered workshops and other day supports for people with an intellectual disability, we recommend that no WSIB rate be charged for any client in a training situation (this can be easily defined by the level of payment the person is receiving). A person with a disability who is in a competitive work situation earning minimum wage or better would be covered by WSIB, and the WSIB rate should be reflective of the job they are employed in. In other words, if they are working in a restaurant, the WSIB rate is paid by the employer at the regular restaurant staff rate.

Both health and education have a dedicated rate for all employees, we should have a dedicated rate for our sector.

2007 Premium Rates Table

Rate Group	Description	2007 Premium Rate (\$)	2006 Premium Rate (\$)	Percent Change
810	School Boards	0.76	0.70	8.6%
817	Educational Facilities	0.35	0.35	0.0%
853	Hospitals	0.94	0.91	3.3%

On September 26, 2007 a number of Executive Directors met with representatives of WSIB. The purpose of this meeting was to provide tangible examples of how WSIB was inconsistent in applying rates for our sector. We had Don Seymour from Lambton County, by phone Marguerite Hayes from Manitoulin Island, Vickie Moreland from Port Colborne – Wainfleet, Larry Palmer from Newmarket, Greg Edmiston from North Halton, Judy Pryde from Burlington and Andy Rotsma from Oakville. This group provided samples of how in even the same region, there is inconsistency. In Halton, two of three agencies are paying nearly \$5.00 for every \$100 of earnings for WSIB coverage for people in sheltered work settings, while the other pays nothing. In Manitoulin Island and Port Colborne, both pay a flat fee for all their employees, while in other areas, a range from as little as .30 cent per \$100 of earning to a high of \$2.85 for every \$100 of earning. The Executive Directors also provide a very good summary of the nature of work our staff do. We left this meeting feeling the WSIB staff that were there now have a better understanding of the work we do and how our agencies are set up. We anticipate further meetings will take place.

Some Facts to Share

Rates have already been set for 2008 so, any changes that may occur will not take effect until 2009.

Agencies still have the option to opt out of WSIB. There will be an opt fee applied.

Executive Directors are covered by WSIB, (to the yearly maximum earning, for 2007 the maximum coverage is \$71,800). Only non-staff are not covered. In most agencies this would be Board Members and contract staff who are not on your payroll.

Summary Notes from the Provincial Network HR Committee October 24th Forum regarding Labour Relations Issues Arising from the Summer of 2007

Summary of Themes and Agreements

The day’s discussion was focused on three subjects: essential services, centralized bargaining and picketing of individuals’ homes and there was a desire to ascertain whether or not consensus could be reached on any one of these items.

There was no consensus on whether to move forward with being declared an essential service but there was agreement that there is merit in learning more about the process and the pros and cons of this direction. There were varying levels of knowledge and understanding about exactly what the implications would be for agencies and individuals and families supported if this sector or some portion of it was declared as essential.

There was also no consensus on whether it would be a good idea to move toward a central bargaining process. However, there was definite agreement that the sector needs to speak with one voice. To that end, there was discussion of the role that can be played by the Provincial Network and the need to build on successes and enhance communication and information sharing and gathering processes. There needs to be further development and clarity of the role of the Provincial Network and how it relates to, represents and communicates with the various associations and councils within the sector.

Regardless of whether bargaining remains at the local level or moves to a centralized process, there was agreement that all three parties need to participate, the agencies, the union and the government. A process which excludes any one of the three will result in difficulties, similar to what was experienced in August, 2007.

There was agreement that it is important to all work together to bring the issues of the sector to the forefront. There was concern that now that some funding has been provided and strikes are over, other issues within the sector will have reduced visibility.

There was also agreement that the sector needs to find a number of ways to assist individuals to have their voices heard.

The one thing on which there was strong consensus was that the sector must do whatever it can to ensure that the homes of individuals aren't picketed in the future. A number of strategies and approaches were discussed and there was a strong commitment to act on this item while memories of the events and impacts are still fresh. A number of specific actions were agreed to within this smaller discussion group.

Individual Group Notes

Essential Services:

General comments:

- need to define what might be meant by "essential services"
- consider what portion of our services might be defined as essential i.e. residential?
- reason for designation is for least disruption of services during a strike so need to think through what portion of services would be designated
- lots of pros and cons around being designated as essential services
- if we decide that it is a good idea to be designated, maybe should start with entire service with idea that only residential might eventually be designated
- very mixed views on whether it would be a good thing to be designated as essential or not
- agreement that this needs to be explored to understand exactly what the implications are for moving to a designation of essential services.

Additional thoughts and potential actions:

- Analyze best options from a legal and political perspective
- Examine a provincial protocol with unions
- Provincial network to take lead role
- Clarify the underlying values of our collective
- Establish an Ad Hoc committee to develop TOR to scope out this project.

Central Bargaining:

Positive Impacts:

- bargaining will be done for us
- clears up who the employer is
- potential savings on legal costs
- non-unionized places would also benefit from increases
- could benefit management salaries
- concentration of the power of the sector
- perhaps wages would become harmonized
- development of consistent standards, job descriptions and qualifications
- development of inclusive and improved communication strategies and systems
- we might save a lot of time and energy not negotiating locally

Disadvantages:

- some of the advantages are also disadvantages – things like loss of local values

- loss of local autonomy
- potential alienation of some agencies
- non union organizations will become unionized
- what will be the response of the government in supporting the centrally bargained agreements?
- not sure who the employer is with central bargaining
- negotiating issues will impact the entire sector rather than one agency
- multiple unions with various contract dates would be difficult
- concern about the possibility of both local and centralized bargaining taking place and the related costs of having parallel systems in place
- there might be a loss of opportunity to create efficiencies if the central body is only dealing with bottom line \$\$ issues
- a centralized system is contrary to our fundamental philosophy and values of individual response
- loss of local management to deal with specific and local issues

Additional thoughts and potential actions:

- agencies need to be closer together in discussions with Ministry to bargain effectively
- there are three parties involved here – Government, employers/non profit organizations and unions and they all need to work together – it doesn't work very well when only 2 of the 3 are talking
- develop a forum to ensure all are messaging and working from a common platform – “one voice” doesn't need to be central bargaining
- perhaps we need to think of it as co-ordinated bargaining rather than central bargaining
- need to recognize the anomalies this past summer (2007) – with it being an election year and the government relationship with OPSEU – this won't be the case every time contracts are up for negotiation
- need to refine communications using the Provincial Network and building on the success of the budget campaign
- Provincial Network needs to enhance information gathering processes and members need to have a commitment to respond
- need to clarify the role of the Network and more clearly define protocols, how to have input, etc
- need some clarity on how the Transformation agenda will impact on funding and allocations in relation to the agency model in the future
- are we pricing ourselves out of the market by focusing on \$24/hour
- should we be changing the conversation from \$/hour to \$/client
- need to renew a budget campaign and knock on doors of MPP's – we should have a common message to do that
- recognize that we need to influence the government, not the ministry

Picketing of individual's homes:

Observations:

- people's homes were marked out
- very difficult for individuals who were receiving personal support from people they didn't know
- people had a hard time getting out and some were afraid to go out
- people were afraid to visit homes during the strike
- people, including neighbours, did not feel safe in their homes
- people are questioning the role of their support worker – they saw their support worker acting in ways that are usually discouraged
- individuals had garbage and port-a-potties in their yards
- big impact on neighbours and how neighbours view people's homes
- there are no other citizens in Ontario who would be subjected to this
- other community services were withheld e.g. mail, garbage collection
- some staff didn't want to picket people's homes but the pressure from union was very strong
- picketers are very well trained by the union in things like blocking the camera, wearing face concealing gear, etc
- some residents were being coerced to wear t-shirts, support the strikers
- some replacement workers and residents were harassed when out on outings like at Tim Hortons

Other thoughts and possible actions:

- agreement that this must not happen again as it was unethical and immoral
- educate staff and union of repercussions to people
- work with staff on values development related to bullying and harassment
- if people owned their own homes, would the union be able to picket them

- explore the Labour Relations Act to see if there is a way to prohibit this type of picketing
- could people be considered the neutral third party (like Pepsi-cola decision)
- are peoples' homes really "work locations"
- pursue what would be required through Human Rights to ensure this can't happen again
- really important to have close relationships with the police ahead of time
- People First should be supported by CLO to make presentations to the government about this issue
- this issue will be on the agenda at upcoming People First conference
- is there a way to get guardians, families, neighbours involved in supporting people to have their voices heard
- the rights of citizens and rights of employees seem to be out of balance
- must focus on this issue and act quickly while it is still fresh in everyone's mind
- CLO is taking a lead in gathering information from people/agencies and developing tools for agencies to use including DVD's of the strike, the booklet "Behind Closed Curtains"
- perhaps an interest group can be struck to deal specifically with this issue
- these resources can be used in meeting with MPP's, MP's, unions, etc