



Labour Relations Update

December 2010

Criminal Reference Checks

Recently one of our member agencies raised a further question regarding the possible timeline of 120 days to receive a Vulnerable Sector criminal reference checks. The LR Committee sought and received the following information from the RCMP.

The Criminal Records (CCRTIS) web site is obliged to publish this number as it represents the worst case scenario when an applicant's fingerprints actually hit to a pardoned sex offence conviction or an active criminal file (conviction that is not pardoned). This is to allow for the proper review and vetting of the certified product that the RCMP produces. There is also the matter of obtaining ministerial consent as required by the Criminal Records Act before any pardoned sex offence can be disclosed.

In 95% of the cases, an applicant's prints do not hit to an active criminal file let alone a pardoned sex offence conviction. The system prompt to submit prints that is generated by CPIC when a name and date of birth is queried and when there is a match to a DOB and gender in the pardoned sex offences data base is required because most jurisdictions in Canada do not require that fingerprints be submitted to the RCMP in the event of a legal name change. BC and Alberta, at this time, are the notable exceptions.

In those instances where there is no pardoned sex offence record or active criminal file (95% of the time), there are two time line scenarios that apply.

1) If the prints are received from a police service via a live scan device (electronic submission) the RCMP will provide a response in 72 hours.

2) If the prints are received by the RCMP on a paper form C 216 C, they must first be digitized and then submitted as per scenario 1. We are told from police services that the turn around time on these averages about three weeks.

Many police services are actively pursuing electronic solutions to civil screening requirements and this bodes well for the future.

Public Sector Consultations

As most of you are aware, the Public Sector Compensation Consultation process that began formally in early August with unions and employer groups concluded in early October. The consultations were designed to have meaningful discussions, with the Government's stated intention of establishing a "Framework Agreement" in relation to the Restraint Act and a 2-year compensation freeze. The Developmental Services sector was represented by Dave Ferguson (Ottawa-Carleton Association for Persons with Developmental Disabilities), Gerry D'Amico (Community Living Toronto), Michelle Palmer (Community Living London) and Wade Durling (Bethesda). The 'back room group' was made up of John Bedell, Domenic Conforti, Brian Davies, Keith Dee, Steve Finlay, Rick Hill, Geoff McMullen, Judy Pryde, Judy Reid, Bruce Rivers, Keith Tansley, Nancy Wallace-Gero, and Eugene Versteeg. The LR Committee would like to extend our appreciation to the four individuals at the 'talks' for their expertise, time and commitment to the BPS Consultation, and to the back room group for their involvement and support.

Recently the Minister of Finance, Honorable Dwight Duncan, in a letter of appreciation to all participants in the consultations stated the following: "... the purpose of these consultations was to make our partners aware of our fiscal challenge in a detailed way, clarify compensation policy, and discuss solutions towards achieving collective bargaining outcomes of no net increases to compensation for two years. As I've said before, we all share the vital goal of protecting public services at a time of fiscal and economic challenge ... As you know, the fiscal plan provides no funding for compensation increases for two years in future collective agreements. The consequence of this fiscal reality is clear: we will not transfer any additional funds to accommodate incremental compensation increases. This government has never said that the fiscal situation was the result of public sector workers. But we cannot ignore the simple fact that 55 per cent - or more than \$50 billion - of all government program expenses go to compensation, either directly or through transfers. While the government has undertaken several expense management initiatives, we can only manage the deficit by also addressing the single biggest line in our budget- public sector compensation ... Everyone who is paid through taxpayer dollars is being asked to do their part in achieving this objective on behalf of Ontarians. For non-bargaining employees compensation structures have been frozen for two years ... Now that the talks have concluded we remain committed to respecting existing collective agreements. We expect all parties to continue to recognize the fiscal situation facing the province and to continue to seek ways to comply with the Policy Statement in the context of their own individual collective bargaining."

Recent Arbitration Awards

Despite the information and statements from the Minister of Finance above, recent arbitration awards in the Health Sector have specifically ignored the Minister's Policy Statement. The most recent (November 8th) award issued by arbitrator Kevin Burkett of 2% in each of 2 years clearly identified the situation. *"Government pronouncements of intent with respect to future funding are not, in and of themselves, sufficient to override what would otherwise be the content of an arbitrated award... A legislated directive would be required for this to happen..."* The DS sector will likely continue to experience wage demand pressures from unions at bargaining tables as a result of these arbitrated awards.

Alternative Bargaining Models & Fall Forum

The fall forum hosted by the Provincial Network Human Resource Committee was well attended by approximately 250 representatives from 150 agencies across Ontario. The topics included a presentation on alternative models of bargaining, an update on the HR strategy and pilots, establishment of the web portal, and a presentation on the Business Case prepared for the Provincial Network.

Reg Pearson, representing the Ministry of Labour has provided slides from his presentation on “models of bargaining” which have been posted on the OASIS web site. There was a lot of positive feedback from the Forum and the attendees supported the initiative to move forward in the exploration of an alternative model of bargaining for the Developmental Sector.

Provincial Discussion Table

Following the Fall Forum the Provincial Network considered the feedback from the Forum and initiated a plan for moving forward with this work. It was agreed that the format from the Provincial Consultations was quite effective and resulted in timely, effective communication. The Network decided to adopt this same format for the work on the alternative models of bargaining.

Two groups have been established for this purpose, the Direct Discussion Group consisting of Dave Ferguson, Marion Peck, Brian Young, Michelle Palmer and Bruce Rivers. This group will meet directly with the Ministry of Labour, Ministry of Community and Social Services, CUPE and OPSEU. The second group, to be known as the Reference Group will consist of Geoff McMullen, Nancy Wallace-Gero, Judy Reid, John Bedell, Steve Finlay, Judy Pryde, Eugene Versteeg, Gerry D’Amico, Dominic Conforti, Wade Durling, Brian Davies, Keith Dee, Rick Hill and Keith Tansley. There are representatives from unionized and non unionized organizations.

The Direct Discussion group and the Reference group will be having meetings over the next several weeks and will update the sector in a timely manner. The Direct Discussion group will be producing a communiqué in December to keep members advised of progress. We also encourage members to join the “Monday Morning” calls to receive updates relating to this work. We are committed to making every reasonable effort to ensure that members receive current, accurate information about the process and any issues that have been agreed upon as they occur.

Developmental Services Sector Settlements

At this time there a number of organizations involved in bargaining, primarily with OPSEU. There have been settlements reached and reported on during the Monday Morning calls. These include CHOICES, CL Access Support Services, CL North Grenville, CL Quinte West, Developmental Services Leeds & Grenville and the Geneva Centre. More details on these settlements can be viewed on the secure LR portion of the OASIS website.

OASIS Labour Relations Committee members:

Dave Ferguson, Judy Pryde, Marion Peck, Eugene Versteeg