

The Rapaport Report

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March 2008

*"All truth goes through three stages. First it is ridiculed.
Then it is violently opposed.
Finally, it is accepted as self-evident."*

- SCHOPENHAUER

Union Density

Union density is a measure of success or failure of unions. It measures the percentage of workers who are in unions in a particular labour market or for all workers. The higher the density, the better for unions (and for workers) and vice versa for employers.

Union density is one of the most discussed matters in the labour movement today. The news is not good. Density is heading downward.

OPSEU is increasing union density at the colleges with the part-time campaign. There are thousands of part-timers at the four colleges in Toronto. They are difficult to contact. It takes people like you who believe that workers should be in a union. The campaign needs your help mostly in the early evening. If you are interested please get in touch with **Connie** or **Eddie** at 416-928-2489.

In Ontario, union density peaked at about 35% of all workers in the mid 1980s. Today, it is at about 30%. Density is higher in the public sector where it stands at about 80%. It is estimated that the density in the private sector is at about 17%. It is estimated that union density in the United States is about 14% and declining. That is all cause for alarm.

This is significant for workers for a number of reasons. First of all, unionized workers do better than non-unionized workers; in compensation, working conditions, benefits, etc. Second, unions act as a pressure point for progressive social policy in the wider world. It is no coincidence that American social and health programs are inferior to ours.

Declining density causes some unions to act weird. Some unions with declining membership raid other unions. Some unions, like the CAW, cut bad deals with employers that water down the union presence, such as the Magna deal.

The Harris government made it more difficult to organize new unions. Under the previous 'card check' system, a union had to sign up more than 50% of employees to get automatic certification. Now a vote is also required. We must restore the card-check regime.

There are 3 guest writers in this issue. **Gloria David** is the Region 5 representative on the Provincial Women's Committee and the President of Local 532. **Anita Cohen** is an ODSP employee and President of Local 586. **Greg Snider** is the Region 7 representative on the Provincial Human Rights Committee.

The Rapaport Report is the newsletter of **David Rapaport**, Region 5 Executive Board Member of the Ontario Public Service Employees Union, OPSEU. Contact information is on the back page.



The Executive Board Meeting

The Executive Board met on March 5th and 6th. Here is my report.

Campaign for Early Retirement Option for Paramedics

Jamie Ramage, chair of that Ambulance Division made a presentation to the Board on early retirement for paramedics. Along with the CAW, CUPE and SEIU, OPSEU represents almost 6,000 paramedics in Ontario. The federal Income Tax Act has been changed to allow for early retirement for public safety occupations; police, fire fighters, correctional officers and paramedics. As a result, we are contributing a total of \$40,000 to a campaign along with the other unions. The aim of the campaign is to lobby and pressure employer trustees on the OMERS pension plan to allow this early retirement feature for paramedics covered by the plan. That will allow municipalities and other employers to negotiate and match the increased premiums to make early retirement possible.

Building Local Capacity

OPSEU is using temporary Grievance Officers instead of lawyers in some arbitration hearings. That practice resulted in savings of \$139,000 in 2007. We are using those savings to fund a program to build the steward bodies in selected locals. I have always supported this program. It lessens our dependence on high-priced lawyers. It strengthens our capacity at the local level. To date, 14 locals have been selected as pilots for the project. **Scott Kennedy**, **Heino Neilson** and **Terry Moore** from staff and **Louise Mulligan** from Local 4101 addressed the Board. They asked for and received an additional \$34,000 for the project to fund an additional seven locals.

OPSEU Harassment and Discrimination Policy

The PWC and the PHRC made their bi-annual review of this important policy. They presented their recommended changes to the Board. The Board referred those revisions to a legal review. Visit <http://www.opseu.org/committees/policy.htm>.

See **Greg Snider's** article on page 6 for details.

OPSEU Pension Trust

Maurice Gabay, formerly of Local 599 and now OPSEU's accountant was appointed as a trustee to the OPSEU Pension Trust for 18 months. I was elected chair of the OPT Board of Trustees in late January. I hold that position until November when the chair goes to an employer trustee.

Treasurer's Report

The Board received the projected final numbers for 2007 from first vice president/treasurer **Patty Rout**. We did well. The projection is for a surplus in the general fund.

LBED Bargaining Procedures

We approved the proposed negotiating procedures for LBED. They now go to Convention for final ratification.

CAAT-Support Bargaining Procedures

We approved the proposed changes to the CAAT-Support bargaining procedures. The changes are minor – mostly changes in committee names. They now go to Convention for final ratification.

Canadian Museum of Human Rights

We donated \$10,000 to this Winnipeg project. There were some reservations about giving the money to a project sponsored by the Asper Family who own the very conservative CanWest media empire and the more conservative National Post. However, the Board felt that the museum's sections on women's rights, labour rights and human warrant OPSEU's name and support.

Supporting Public Education

People for Education, an advocacy group for public education is planning an event to support public education on May 25th. We donated \$1,000 to the event called 'Telling Tales Out of School'.



The Hate Crimes Victims in Corrections

As reported in previous issues of *The Rapaport Report*, OPSEU members in Corrections are receiving racist death threats, mostly in the Toronto (Don) Jail. It is felt that the Ministry is doing way too little to deal with the problem. The Ministry is organizing a conference/symposium in late March – called Strength in Diversity – extolling our differences and equity. The Ministry very much wants OPSEU's participation. Many of the victims and equity group leaders believe that OPSEU's formal involvement would be inappropriate. Why should OPSEU legitimize a conference by an employer who talks about fighting racism yet does too little? After consulting with the victims and the equity group leadership we decided, once again, not to participate in the symposium.

This is another version of an old debate. When do we participate with the employer on

social and economic issues? When can we show partnership? One opinion mirrors the view of the victims. An alternate view states that working with the employer collaboratively can only help. I say that it depends on the context and the history.

As an aside, there was an outbreak of racism/Islamophobia in my local workplace about two years ago. The employer acted and spoke out strongly. We thanked the employer at an all-branch meeting.



Earth Hour

OPSEU is going green. Earth Hour is a designated one-hour period where green-minded persons and organizations stop using energy. The lights go off for that one hour. Earth Hour 2008 has been endorsed by 17 major cities, thousands of organizations and tens of thousands of individuals. OPSEU has signed on. So can you. Turn off your lights on March 29th at 8:00 p.m. for one hour.

Report from the OFL Leadership

We heard a presentation from the leadership of the Ontario Federation of Labour. The three priorities for the Ontario Federation of Labour for the next few years are card-check certification, fighting privatization and promoting equity.

Coca Cola

There is an international campaign to boycott Coca Cola and all of their products. Union activists in Latin America have been harassed, beaten and even assassinated. There was some apprehension about a boycott. The UFCW represents Coca Cola workers in Canada. The matter was referred to the Provincial Young Workers Committee.

Poor No More

David Langille from the Ontario Coalition for Social Justice addressed the board. They are seeking donations for a film called *Poor No More*. We supported their initiative last October, just before the provincial election, called Vote Out Poverty. Since the election, the re-elected provincial Liberal government has made reducing poverty a priority.

Consider the following statistics. One in six Canadians live in poverty. Over 1 million people in Ontario live below the poverty line and half of them are children. According to a handout at the Board meeting, Canada ranks 19th in child poverty. 14.9% of our children live in relative poverty. This is all quite shameful.

We donated \$24,000 to help make the film.

BULLYING/HARASSMENT

By Gloria David

Bullying and psychological harassment are parts of the spectrum of violence. Understanding the impacts of bullying and being able to analyze how one's own behaviour, including silence, can be steps to challenge harassment and bullying.

A code-based bullying must be connected to one of the 15 prohibited grounds of the Human Rights Code, linked to the Code's "poisonous workplace". A not-code based bullying has no law yet. "Toxic" is linked to the Ontario Occupational Health and Safety Act, and is not based on a group identity.

Workplace bullying and psychological harassment is defined as unwanted conduct, comments, actions or gestures that affect an employee's dignity, psychological or physical health and well being. It may result from the actions of one individual towards another, or from the behaviour of a group.

Workplace bullies tend to be insecure people with poor social skills and little empathy. They turn this insecurity outwards, finding satisfaction in their ability to attack and diminish the people around them. Regardless of specific tactics, the intimidation is driven by the bullies' need to control others.

It is important for targets or victims to know that they do not deserve to be bullied. The common stereotype of a bullied person is someone who is weak, an oddball or a loner. However, workplace targets are often chosen because they are capable, dedicated staff members, and they are well liked by co-workers. Bullies are most likely to pick on people with an ability to co-operate and with a non-confrontational interpersonal style. The bully considers their capability a threat, and is determined to cut them down.

Bullying and psychological harassment are often characterized through insulting, hurtful, hostile, cruel or malicious behaviour which undermine, disrupt or negatively impact another's ability to do his or her job. It results in a harmful work environment.

What are the signs of bullying? Verbal attacks, such as shouting, pointing fingers, swearing or rude gestures, getting angry easily, openly or indirect threats, intimidation through words or gestures and physical attacks. Bully managers interfere with work, criticize publicly, overloading work, impose unrealistic deadlines. Bully co-workers start or spread gossip, exclude and isolate targets.

Although not always evident, the short and long-term impacts of bullying and psychological harassment can be considerable. Symptoms may include: sleeplessness, depression and other health/medical problems. There are steps you can take. Speak up, document, and get support from co-workers, friends, and family and OPSEU.



"We edited your report on corporate health and safety violations."

A good employer does not tolerate any form of bullying or psychological harassment in the workplace, and is committed to maintenance of a healthy and safe workplace for all employees, education and prevention, address bullying behaviours as soon as possible.

For help: contact your local steward, the local Health and Safety Committee or the OPSEU Equity Unit at 416-443-8888.

For Justice, For Peace

By Greg Snider

For about ten years OPSEU has had a policy for the prevention of harassment and discrimination. Under that policy, the Provincial Women's Committee and the Provincial Human Rights Committee perform a bi-annual review of the policy with recommended changes to the OPSEU Executive Board. On Wednesday, March 6, 2008 we presented our recommendations to the Executive Board. The changes have been forwarded to OPSEU's legal counsel for review prior to the Board's final approval.



With the understanding that these changes are not yet final I would like to review some of those changes. Many of the 27 changes are clarification of current processes.

The policy name is changed to the Harassment and Discrimination **Prevention** Policy.

The Review Committee withdrew the workplace from the areas covered by the policy and placed it in a separate line. The workplace should be the responsibility of the employer and not the union. However, union work occurs in the workplace and union stewards can not remove their union hat while at work. Therefore, union officials have been added another line, which clearly and intentionally holds union officials to a higher standard.

Some clarification has occurred with regard to advisors. A section is added to exclude members who have substantiated human rights complaints against them from being advisors for three years following the substantiation.

We have recommended that any complaints, which involve an EBM, and attain the Investigation Stage be forwarded to an investigator outside OPSEU.

In order to monitor settlements, decision and issues of non compliance we have asked that the Regional Vice-President provide a report to the chairs of the PHRC/PWC and Equity Committee Liaison regarding any of these issues that occur in their region.

We have tightened the timelines within the policy. In completing this piece it's important to provide time for each individual to complete the required activity.

Please familiarize yourself with this policy. It is important for you and for the membership.

This and That

Regional Education

The Region 5 Education Committee is planning new approaches to union education. We are expanding our program into more accessible and dynamic formats. We are organizing half-day workshops on Saturday on very specific topics focused on specific sectors, issues and occupational groupings.

The first such workshop occurred on Saturday, February 9th. About 35 information technology workers attended a workshop on information and knowledge work. As a result of that workshop we are planning follow-up projects dealing with collective bargaining, organizing and legislation in that sector.

We are organizing another half-day workshop on poverty in Toronto, scheduled for Saturday, May 31st at 31 Wellesley East. If you have any ideas on issues for this format, please let me know.

We are also organizing a one-day education workshop on Saturday, September 6th at Ryerson University. It will focus on many areas of collective bargaining and representation.

The Canadian Labour Congress is offering its summer week-long education program July 20-25 at Cornwall. Region 5 subsidizes the registration fee. If interested, please send to a Region 5 EBM a brief essay on why you wish to attend and what you expect to get out of the course for yourself, for your local and for OPSEU. The deadline for essay submissions is June 2nd. The details on the CLC program will be posted by the fourth week in March at <http://canadianlabour.ca/index.php/education.en>.

If you are interested in the train-the-trainer program, please get in touch with a Region 5 EBM. Completing the program allows you to co-facilitate at weekend workshops and to deliver lunch and learns at locals. If enough activists are interested, we are considering a Region 5 session for the train-the-trainer session, which requires four days.

Finally, the dates for the remaining three 2008 weekend regional workshops are June 21/22, September 20/21 and December 6/7.

NUPGE and OFL Pension Committees

I represent OPSEU on the NUPGE Pension committee and the OFL Pension Committee. On the OFL pension committee we have been focused on the Ontario Expert Commission on Pensions. I recently attended a NUPGE pension committee meeting where we

discussed how we can use our investment power to combat huge CEO compensations and to deal with environmental issues, particularly the Alberta tar sands which is becoming a national embarrassment. This fits in with greening of OPSEU initiative.

OPS Local Presidents Meeting

OPS bargaining is just around the corner. Our largest contract expires at the end of this year. On Saturday, March 1st, Region 5 local presidents met at 31 Wellesley to prepare for bargaining. The three Region 5 EBMs, **Eric Morin**, CERC Chair and **Brian Gould**, OPS sector supervisor were also there.



Toronto Hydro

Privatization of public assets really makes no sense. Sometimes it is absolutely absurd. We learned that there are plans to privatize Toronto Hydro Telecom. OPSEU activists joined CUPE Local 1 to oppose privatization at a rally at Toronto Hydro headquarters on March 5th. We'll stand with CUPE or anybody else to oppose privatization.

Workers of Colour/Aboriginal Workers Conference

Once again Labour Council is organizing a Workers of Colour/Aboriginal Workers Conference. This is an important event. I've been to many of these conferences and they are wonderful. This 6th Annual Conference is scheduled for Saturday, May 3rd at the OFL Building on 15 Gervais Drive. The \$40 registration fee will be picked up by Region 5.

Elections at Labour Council

Cecil Beckford of Local 543 was re-elected to the Labour Council executive. **Noeline Al-Hone** of Local 502 was elected to the equity committee. **Gloria David** of Local 532 was elected to the women's committee.



OHC Lobby Against Homecare Privatization

The Ontario Health Coalition is participating in hearings on competitive bidding in homecare. Wednesday, March 26, 2-4 PM, Queens Park Legislative Building, Committee Room 228. Call OHC at 416-441-2502.

Aramark Strike at Seneca College

On Monday, March 10th, about 30 food workers at the Markham campus of Seneca College went on strike. Through their union, UNITE/HERE, they have been negotiating for almost a year. The employer, Aramark who runs the cafeteria service, offered them 10

cents an hour raise on an average wage under \$10 an hour. On Thursday, there were numerous incidents of picket line violence. On Friday, **Nancy** and I joined a group of local 561 activists and local president **Rod Bemister** on the picket line.

The Perfect Storm Looms

OPSEU is negotiating collective agreements for about 80% of the membership over the next two years. The collective agreement for 41,000 members in the OPS expires in December, 2008. In CAAT-Support, the contract expires in August for 7,000 members. In the Hospital Professionals Division, the contract expires in March, 2009 for 14,000 members. For LBED's 6000 members, the contract expires in March, 2009. In CAAT-Academic, the contract expires in August, 2009 for 9,000 members. 130 BPS contracts expire between December, 2007 and December, 2008. Add the 12,000 projected CAAT part-time members looking for a first contract in 2008 and you have got the perfect storm or the perfect opportunity, depending on your point of view.

Region 5 Local Presidents are invited to a meeting to discuss the Perfect Storm on April 9th at 5:30 PM at 31 Wellesley East.

ODSP Workers Seize the Day

On March 4th, almost 700 ODSP workers and allies staged a Day of Action across Ontario. It is a sad case of overwork, unfulfilled promises, huge workloads and failure experienced by OPSEU members at the Ontario Disability Support Program. The ratio of clients to workers in Ontario is 520 to 1; double the national average. \$60 million should right the wrong. Let us hope that the Liberal budget will address the problem. **Anita Cohen** is the President of Local 586 and is an ODSP worker. She tells the story on the next page.

ODSP Day of Action

by Anita Cohen

We tried to go the respectable route. We tried to follow protocol. We really wanted to fix a huge problem with the employer. Is it unfixable? NO! What will it take? Please read on!

We went on a long and winding road to fix the problem that sadly went nowhere. We started with a province wide grievance that led to a memorandum of settlement. Then we were studied and reported by **Dr. Wayne Lewchuk** from McMaster University in Hamilton. That was followed by a two year joint union-management problem solving committee and process to create a new Service Delivery Model. Then we embarked on Interest Based Problem Solving. We were a complete text book of joint labour relations problem solving; a textbook of failure.

It was all a charade; an attempt by the government to provide everything except what is required to alleviate the record number of OPSEU members, dedicated employees going on sick leave. They were so stressed out that they no longer go to work and enjoy the fulfilling jobs that could be ours. We were not just sinking! We were sunk!

No more!! The **Day of Action** was a day of picketing, of information sharing and messaging to clients, the public, the community partners, the media and MPPs. Yet, it was more than that. It was an awesome day of unity for the workers of the Ontario Disability Support Program offices throughout Ontario. And, it was just the beginning! For a very long time now many of our brothers and sisters throughout Ontario have been feeling the frustrations and stress of being overworked and understaffed. The plight of the ODSP workers has been so serious and critical, that OPSEU stepped up to the plate.

Dr. Lewchuk had directly documented that there was minimal change to the workers' plight; the failure to add staff to alleviate the 520:1 ratio of clients to worker. Workers cannot provide the services and benefits to clients within government guideline timeframes that the government boasts it is providing. To borrow a simple analogy: a glass filled to the brim will not hold any more liquid no matter how much more you try to pour in. It will overflow.

How has the employer managed to hide this fatal flaw for the last two years? On the backs of the conscientious workers who work through lunch, work extra time in the morning before their documented work day starts and work extra past the workday. All for the sake of servicing their clients; from the goodness of their hearts. This is unrecognized, unpaid time. It has been their downfall! It might seem like very little for one employee to devote that extra time. But multiply this by the large number of workers and you see the employer's real agenda. The work is getting done! We have been working for free. Would you work for free?

For the sake of fairness to the workers and clients, for the sake of health & safety, this practice of free labour must stop. More staff is required.

The Day of Action was just the beginning. We will no longer work for free.

Our many thanks to **Brother Smokey** and **Sister Patty**, all the EBMs, the brothers and sisters from other work sites, OPSEU staff for their quick response to helping put together the Day of Action, for their incredible support.

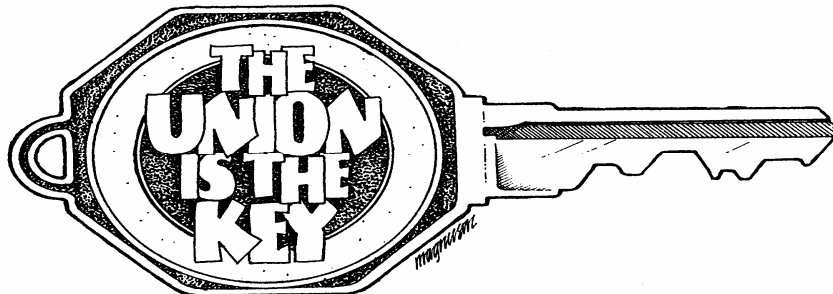
Please go to OPSEU's website to read about the day of action, Dr. Lewchuk's reports and keep your eyes open for what is to come. Visit <http://www.opseu.org/ops/ministry/odsp/odspindex.htm>.

Calendar of Events

OHC Lobby at Queens Park - Wed, March 26, 2-4 PM, Call OHC at 416-441-2502
Region 5 Women's Caucus – Tue, April 1, 5:30 PM, 31 Wellesley
Labour Council Membership Meeting–Thur, April 3, 7:30, OFL Building
Region 5 Local Presidents Meeting, Wed, April 9, 5:30 PM, 31 Wellesley
Executive Board Meeting – April 16
OPSEU Convention – April 17-19, Sheraton Centre
Region 5 Retirees Meeting, Tue, April 22, 10:00 AM, 31 Wellesley
Greater Toronto Area Council – Wed, April 23, 5:30 PM, 31 Wellesley
Workers of Colour/Aboriginal Workers Conference, Sat, May 3, 9:00 AM, OFL Building
Executive Board Meeting – May 14/15
Poverty in Toronto Workshop – Sat, May 31, 10:00 AM, 31 Wellesley
Regional OPS Demand Setting – Sat, June 7
Region 5 Education Weekend –June 21-22

Region 5/OPSEU Contact Information

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Bob Taylor, President, Greater Toronto Area Council (GTAC) - 416-482-6680
Cecil Beckford, OPSEU representative on Labour Council Executive - ceceilb@rom.on.ca
Tony Carneiro, Chair, Region 5 Retirees Group - 416-787-7033
Toronto and York Region Labour Council – 416-441-3663
OPSEU Direct – 416-443-8888
OPSEU web site – www.opseu.org



The Rapaport Report is the newsletter of David Rapaport, Region 5 Executive Board Member of the Ontario Public Service Employees Union, OPSEU. I am responsible for the contents of the newsletter. If you have complaints, comments, praise or criticism, please get in touch with me. I would like to hear from you. I can be reached at drapaport@opseu.org or at 416-651-1659.