

The Rapaport Report

Volume 1, Number 12

September 2006

*We have in fact, two kinds of morality, side by side:
one that we preach, but do not practice,
and another that we practice, but seldom preach.*

Bertrand Russell

Summer is over. The air is cooler. The days are shorter. The Blue Jays are, alas, once again eliminated. Fall is here. We celebrated Labour Day three weeks ago. Fall brings a different set of expectations; sometimes at work, sometimes in the union, sometimes elsewhere.

I hope that you took my advice from the June issue of *The Rapaport Report*; to slow down, to relax and to take it easy during your summer break. One of my favourite bumper stickers reads “The summer vacation – brought to you by unions”. My aunt had a bumper sticker that read, “A bad day at the beach is better than a good day at the office”. We work hard and our lives are sometimes difficult. We deserve a break.



I had a good summer, but never far from the work of an EBM. The fall has brought a full agenda of executive board activities; Labour Day, the elections, union education, servicing, labour council, communication, etc, etc. I have been involved in some interesting projects. I have been working with a group of Information Technology employees/members on further privatization encroachments in the OPS – and other instances of ‘re-inventing government’. I am also continuing my focus on pension issues; as a trustee on the staff pension plan as well as working with a group of activists and staff to establish a BPS Pension Plan. I’ll write more about these matters in future issues.

THE ONTARIO HUMAN RIGHTS COMMISSION and BILL 107

OPSEU members working at the Ontario Human Rights Commission do important work. They enforce one of the most progressive statutes in Ontario, the *Human Rights Code*. The Commission advances complaints, mediates, gathers evidence through investigations, provides legal representation at the Tribunal and facilitates public interest remedies like training and policy development.

Last year Attorney General **Michael Bryant** announced plans to ‘modernize’ the Commission through Bill 107 which dismantles the Commission. **Bryant** justified this move with spin, misinformation and gall, all of which is regurgitated by the media.

What will happen to the OHRC? What will happen to the OPSEU members?

Bryant states that the human rights system has not been revamped/amended since its introduction in 1961. Wrong. Over the years the *Code* has been amended, including the addition of protected grounds, and the system has evolved steadily. **Bryant** states that it takes four to five years for complaints to be processed. Wrong. Over 93% of complaints are dealt with within just over 14 months. Only 7% of cases are older than two years.

Bryant states that the system is ‘broken’. Wrong. The Commission’s budget has remained static for the past decade while its caseload has increased by over 75%. The Commission has released numerous policies on issues like disability, sexual orientation, racism, sexual harassment, etc., all of which have influenced our conduct as well as case law. This is not the work of a ‘broken’ system, but rather the work of approximately 130 employees, mainly OPSEU members, committed to doing their best while being underfunded and overburdened. Staff is proud that community groups are steadfastly in opposition to the dismantling of the Commission through Bill 107.

The British Columbia Human Rights Commission was dismantled in 2000. The people who are meant to be protected by the Commission are the people who suffer from its loss. Most complainants cannot afford to retain lawyers. They will have to argue their own cases in an adversarial, legalized environment where technical legal arguments have the potential to knock out meritorious complaints even before the merits are considered.

OPSEU has done a remarkable job at coalition building with the community; providing leadership, expertise and resources to the opposition to Bill 107.

You can help. Inform members and neighbours of the struggle to keep the work of the Commission and the bargaining unit work. Invite them to participate in a letter writing campaign to their MPPs, Premier and the Attorney General. Direct them to websites (see below) which provide information. There will be public hearings after the return of the Provincial Parliament. OPSEU members working at the Commission need our support.

Visit <http://www.opseu.org/campaign/ohrc/ohrcindex.htm>

Visit <http://www.defendhumanrights.org/report.php>.

The CAAT Part-Time Campaign

OPSEU and CAAT activists are fighting a very bad law. College part-time workers in Ontario are, by law, not allowed to be in unions or enjoy collective bargaining rights. Thousands of workers in the CAAT system cannot join OPSEU or any other union.

As if that isn't bad enough.

The Cleary Conference Centre in Windsor has been owned and managed by the City of Windsor since the mid-1990s. The eight full-time and 125 part-time workers were represented by UNITE-HERE for over ten years.

The Cleary Centre will be taken over by St.Clair College this fall. St. Clair College is the new employer. The eight full-time workers transfer to the CAAT-Support bargaining unit. You guessed it. The 125 part-time workers lose their union. They lose their collective agreement. They have no guaranteed hours.

That sort of says it all.

Visit the campaign at www.collegeworkers.org. Follow the links to the on-line petition.

What kind of city do we want for the 21st century? A Statement from Labour Council

On November 13th, the municipal elections will determine the politics of Toronto and surrounding municipalities for the next four years. The Labour Council endorses candidates who we expect to take the lead on issues that matter to working families.

1. A city that is committed to good jobs, workers rights and a strong economy,
2. A city that is committed to quality, accessible public services,
3. A city that is committed to environmental sustainability,
4. A city that is committed to equity and full social inclusion of people from a wide variety of backgrounds,
5. A city that plays an active role in providing the social and physical infrastructure needed for every community and all residents,
6. A city that is actively engaged in a community safety agenda that addresses both the root causes of crime and the impact of violence on residents,
7. A city that embraces the central role of schools and the education system in the development of both healthy neighbourhoods and a strong economy,
8. A city that undertakes civic engagement and democratic processes for all of its decision-making,
9. A city that is fiscally sustainable - based on fair sharing of program costs and tax revenue from Queen's Park and Ottawa.

Union Power/OPSEU Power

UNITE-HERE represents hotel workers. They are engaged in a North American wide struggle called 'Hotel Workers Rising' which includes hotel workers across North America including Chicago, San Francisco, Los Angeles, New York, Hawaii, Monterrey, Boston and Seattle. The struggle is fundamentally about raising the living standards and improving the working conditions for hotel workers.

In Toronto, 22 hotel contracts expired on January 31, 2006. They are coordinating their bargaining. UNITE-HERE represents 6000 employees, in 40 hotels in Toronto. The hotel industry is growing rapidly. The stakes are high.

UNITE-HERE is putting collective bargaining to the test in an innovative way. They use voices from the wider community to put pressure on the hotels. There have been rallies with actor **Danny Glover** and Toronto mayor **David Miller**.

The Delta Chelsea in Toronto is in bargaining and has been playing hardball. In May, **Victoria Sobrepana**, a key union activist and thirteen year room attendant, was fired for allegedly talking to a hotel guest about workload in the hotel.

In August, Toronto played host to the International AIDS Conference. On the Thursday of the AIDS conference, the Delta Chelsea suspended two employees who were wearing the AIDS red ribbon and a 'Hotel Workers Rising' button. Hotel workers across Toronto wore the ribbon and button in support of the AIDS conference. On Friday, over 70 employees at the Chelsea were suspended for wearing the button and ribbon. Because of a surge of support from the community, from the activists attending the AIDS conference and from other unions the 72 employees were back on duty late on Friday, August 18th.

OPSEU uses the Delta Chelsea a lot and I do mean a lot. We use the hotel for bargaining, divisional meetings, sectoral meetings, regional elections, bargaining updates, conferences and on and on. Out-of-town OPSEU activists and staff frequently stay at the Chelsea when in Toronto for union business.

On Tuesday, August 22nd, Vice President/Treasurer **Smokey Thomas** and I met with **Paul Clifford**, President of Local 75 of UNITE HERE. **Smokey** addressed a UNITE HERE rally the following week. UNITE HERE asked us to flex our consumer muscles at the Delta Chelsea. We did. On August 29th, Delta Chelsea management lifted the record of suspension and restored the day's lost wages. OPSEU was thanked for our at the Labour Day parade. Solidarity works.

The Executive Board passed the following resolution at the September Board meeting. "OPSEU supports the just demands of the UNITE-HERE workers who are bargaining at the Delta Chelsea. We call on the management of the hotel to recognize those demands and negotiate a fair collective agreement".

For more information visit <http://www.labourcouncil.ca/hotelworkerspage.html>

'Made in Canada' Matters

The struggle continues. Who will make the 234 subway cars for the Toronto Transit Commission? Will that be the Bombardier plant in Thunder Bay or will it be an offshore, non-Canadian firm? The labour movement and our allies on Toronto City Council believe that the subway cars should be made in Canada. Our right-wing opponents think otherwise.

I received the following e-mail from the Toronto and York Region Labour Council.

Monday September 25th at City Council

'Made in Canada' Matters!

Toronto City Council will vote on purchasing 234 subway cars on Monday, September 25th. There was a unanimous decision of TTC Commissioners to support purchasing these cars from Bombardier, and independent experts have agreed that this is a good deal -- a better product coming in \$2000 less per cars in real dollars than those purchased back in 1990.

But some conservative Councillors think that we should allow German Multinational Siemens to undercut Bombardier, build these subway cars in China -- And ship over half a billion tax dollars overseas

Twenty firms in this region, along with others across Ontario, supply The Thunder Bay Bombardier plant. We can protect good jobs like these and stimulate our local, provincial and national economy with 'Made in Canada' contracts. Or we can let manufacturing disappear and wonder where the jobs for the next generation will come from.

Monday September 25th, from 1:30 -- 6:00 pm

Made In Canada: the better way to a stronger Toronto.

This issue of *The Rapaport Report* has one guest writer. **Noeline Ah-Hone** of Local 502 (OPS-Queens Park) is a long-time and accomplished health and safety activist. She taught the health and safety course at the CLC Summer School. When I asked her for an article, she immediately suggested a piece on workplace violence, a problem at too many workplaces. See page 9.

The OPSEU Executive Board met on September 20th and 21st. See page 6.

OPSEU Leadership Meeting on Equity

The Executive Board attended a Leadership Meeting on Equity on Tuesday, September 19th. It was organized by our equity groups and the staff from our equity division. About 55 leaders from the OPSEU sectors and committees were at the meeting.

We started with an open discussion about our commitments to the equity agenda. The description of equity that stood out for me was ‘fairness, respect and balance’. Our many employers and the union do have responsibilities to equity principles and practices. Every person left behind because of

discrimination based on race, gender, sexual orientation or disability is an injustice to that person as well as a loss to the rest of us. It is a lost opportunity for that person and a loss of talent and contribution to the rest of us.

There is a principled approach to equity; as a human right, as justice, as a moral imperative, as an end in itself. There is also a strategic approach to equity; as a tool and as a means to the growing and the strengthening of OPSEU. The principle and the strategy work hand in hand.

Much thanks to the equity committees and staff. It was an interesting and useful day.



Executive Board Meeting - September 20-21

Internal Auditor’s Report

The Executive Board contracted the services of **Sunil Aneja** as our Internal Auditor for one year. He prepared a review/critique of the 2006 Budget Process. It reviewed how we conduct

OPSEU as an organization, as a business.

The review observed that the budget works well mechanically. The numbers are substantiated. There are some areas that can be tightened up, such as implementation and stating objectives.

The Executive Board is too focused on detail. The Board should concentrate at the strategic level and the President, 1st

Vice President/Treasurer and the administrators should administer. **Sunil** is suggesting that the Executive Board develop and adopt a strategic plan when developing the 2007 budget.

From the strategic plan, the Board develops an operating plan. This seems to be a more effective approach than the one we use now. Now, we allocate money to known expenses and put aside a contingency fund, which has much latitude.

Nonetheless, the budget must still be approved by Convention.

OPSEU Benefit Fund

We made changes to the trustee selection process. The Executive Board now approves the appointment of either an employer trustee or an OPSEU trustee. We approved the appointment of employer trustee **Marty Graf**, executive director of the Tillsonburg ACL. He has been a trustee before.

Developmental Services (DS) Campaign

The Board heard a presentation from **Tammy Kirkwood** from Huronia Regional Centre and EBM **Dave Lundy** from Rideau Regional Centre. The Ministry of Community and Social Services is plans to close the three remaining DS facilities. There were 16 facilities in the 1970s. About 1000 residents and about 2000 staff remain. OPSEU and facility activists have been conducting the 'Stop The Closure' campaign. The Board gave the campaign an additional \$40,000.

WE AGREE TO



DISAGREE

Statement of Respect

We changed the statement of respect read at the start of every OPSEU meeting. Instead of saying 'mother tongue' we now say 'first language'.

Grievance Budget Status Report

The Strategic Policy, Planning and Programs Administrator, **Heino Nielson**, updated us on the grievance/arbitration (contract enforcement) costs for the OPS and the BPS as of July 31st. The May and June issues of *The Rapaport Report* each reported on the overages in the CAAT grievance/arbitration budget that caused a stop, then a restart of some CAAT arbitrations.

OPS and BPS grievance/arbitration/legal costs were both over budget. The problem seems to be over-reliance on outside lawyers.

There is good news. Last April, the grievance department initiated the Contract Enforcement Project to 'contract in' external legal work. We are seeing promising results.

Fiscal Advisory Board Workshops

The Ontario Federation of Labour (OFL) is organizing a series of workshops for union members serving on hospital fiscal

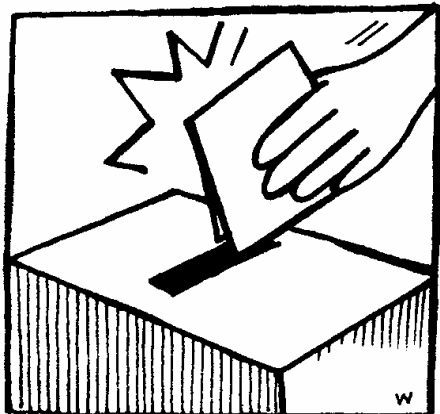
advisory committees (FAC). Many OPSEU members are on these committees. They need skills and tools to do this task effectively. The Board allocated \$75,830 to send 86 OPSEU members to attend these workshops. These are two-day workshops. Visit <http://www.ofl.ca/> for details.

Referred Back - No Decision

A proposal from the Ministry of Health and Long Term Care MERC for \$13,500 for joint LERC training was referred back to the President's Office for costing. A bargaining procedures proposal from the BPS Developmental Services Sector was referred back to the President's Office for clarification.

CAAT-A Workload Task Force

The last round of CAAT-Academic bargaining resulted in the formation of an Academic Workload task force. The union and the employer each have one representative with an independent chair. The Board allocated \$35,000 for this effort. Workload is a key issue in CAAT-A. The task force must produce a report before the next round of bargaining.



The Central Political Action Committee (CPAC) – The Fair Vote Ontario (FVO) Campaign

The CPAC presented us with a proposal to support and contribute to the Fair Vote Ontario campaign and to educate members on electoral reform in Ontario.

A growing number of groups, including the OFL, have concluded that the current way we elect MPPs and governments is unfair and often produces undemocratic results. For example, the last time a so-called majority government received more than 50% of the popular vote in Ontario was in 1937. Conversely, parties with 20% of the popular vote often get less than 10% of the parliamentary seats.

The Ontario Government has selected a Citizen's Assembly to review the current system. If the 103 members of the Assembly conclude that change is needed, they will put forward a referendum question to coincide with the October, 2007 provincial election. It is hoped that after reviewing the question in May 2007, we will also support the YES side if there is a referendum.

OPSEU allocated \$25,000 to Fair Vote Ontario and \$11,000 for internal education.

The best reason I can think of for electoral reform – **Mike Harris**.

MERCs

We made minor revisions to OPS MERC team sizes based on recommendations from a CERC sub-committee. MTO remained at four. MGS increased to four.

Violence in the Workplace is a Health and Safety Concern

By Noeline Ah-Hone, Local 502

“Think about the tragic stories on the news last year alone. Violent incidents causing injury and death to taxi drivers, transit drivers, nurses, teachers. It is a long list. We must have a serious review of our workplace laws and enforcement to make the workplace a safer place,” **Wayne Samuelson**, President of the Ontario Federation of Labour.

Violence in any form is a health and safety issue. It is predictable and preventable. Workplace violence is not acceptable, plain and simple.



*“As part of your long-term financial planning...
I'd recommend a carefully thought out union organizing drive.”*

Most people think of violence as a physical assault or murder. It is any act in which a person is abused, threatened, intimidated or assaulted in his or her employment.

Workplace violence includes:

- **Threatening behaviour** – fist shaking, destroying property or throwing objects;
- **Verbal or written threats** – any expression of an intent to inflict harm;
- **Harassment** – any behaviour that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person and that is known or would be expected to be unwelcome. This includes words, gestures, intimidation, bullying or other inappropriate activities;
- **Verbal abuse** – swearing, insults or condescending language;
- **Sexual abuse** – threats or violence used in touching, kissing, fondling or having sexual intercourse with someone without consent;
- **Physical attacks or assaults** – shoving, kicking, punching, grabbing;
- **Poisoned work environment** – hostile or abuse work environment that results in demeaning an individual or individuals, abuse of power.

Workplace violence can arise anywhere and from anyone.

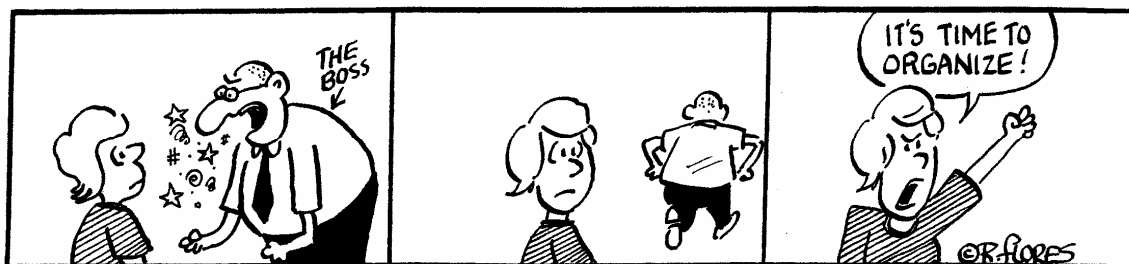
To assess a workplace's vulnerability to violence, consider the following points.

Management commitment is the most important component of any workplace violence prevention program and it is best communicated in a written policy. The policy must:

- Be developed by both management and OPSEU representatives;
- Apply to management, employees, clients, independent contractors and anyone who has a relationship with your workplace;
- Clear language must be used to define what is meant by workplace violence;
- Provide clear examples of unacceptable behaviour and working conditions;
- State in clear terms the unacceptability of workplace violence and the commitment to the prevention of workplace violence;
- Precisely state the consequences of making threats or committing violent acts;
- Outline the process by which preventive measures will be developed;
- Encourage reporting of all incidents of violence;
- Outline the confidential process by which employees can report incidents;
- Assure no reprisals will be made against reporting employees;
- Outline the procedures for investigating and resolving complaints;
- Describe how information about potential risks of violence will be communicated to employees;
- Make a commitment to provide support services to victims of violence;
- Offer a confidential Employee Assistance Program (EAP) or union counseling program to allow employees with personal problems to seek help;
- Make a commitment to fulfill the violence prevention training needs;
- Make a commitment to monitor and regularly review the policy;
- State applicable legal requirements.

A written policy informs employees about:

- What behaviour (e.g. violence, intimidation, bullying, harassment, etc) that is considered inappropriate and unacceptable in the workplace;
- what to do when incidents covered by the policy occur; and
- Contact for reporting any incidents.



It will also encourage employees to report such incidents and will show the employer's and OPSEU's commitment to dealing with incidents involving workplace violence. Personal harassment also falls under the definition of harassment – unwelcome behaviour that demeans, embarrasses or humiliates a person; however, it is not covered by human rights legislation dealing with harassment related to race, ethnic origin, religion, sex, etc. It is covered under our collective agreements.

Around OPSEU & Region 5

Hotel Workers Mobilization

Rally on Thursday Sept 28, 5:00, Nathan Phillips Square, Toronto City Hall.

Contracts for Toronto area hotel workers expired January 31, 2006. Toronto hotel workers have not settled a collective agreement with any hotel.

Labour Council Fall Courses

The Labour Education Centre (LEC) is a project of the Labour Council. The LEC and George Brown College jointly sponsor the passport-to-learning program. Passport to Learning is a 240 hour certificate in Labour Studies.

Visit www.lec-passporttolearning.org.

The Region 5 Retirees Group

The next meeting is on Tuesday, September 26, at 11:30 AM at the Membership Centre at 31 Wellesley East. **Ruth Galinis** is scheduled to speak at 1:30 PM. **Ruth** is the first retired OPSEU appointed trustee at the OPSEU Pension Trust (OPT). Call **Tony Carneiro** for details.

Health Action Assembly

The OHC is hosting its annual assembly to inform, to consult and to strategize. Saturday, October 14th, 9:30 to 4:00 at 519 Church Street in Toronto. There is a pay-what-you-can registration fee.

Visit <http://www.web.ca/ohc/index.html>

Rising Up!

This meeting features **Maude Barlow**, **Naomi Klein** and other social activists on 'Social Movements and Defending Medicare'. Friday, December 1st, 7:00 PM at St. Andrew's Church at King and Simcoe Sts. Tickets are \$20. Proceeds to the OHC. Call 416-441-2502.

Region 5 Young Workers Caucus

The Region 5 Young Workers Caucus meets at 6:00 PM on October 23rd and November 20th at the Wellesley Street Membership Centre. A light dinner will be served. Call **Carl Mohan** for details.

“Workers under 30” Conference

The OFL holding a two day conference at the University of Toronto for young workers on September 30th and October 1st. The focus of the conference is to give workers under 30 knowledge of unions and workers rights. Registration is \$75. Call 416-443-7656 ext 656. Or <http://youth.ofl.ca/index.php/happening/> Call **Carl Mohan** for details.

Municipal Elections

Municipal elections occur on November 13th. OPSEU is part of a coalition that endorses **David Miller** and the city councillors who ally with him.

The Labour Council statement - <http://www.labourcouncil.ca/MillionReasonstovote.pdf>.

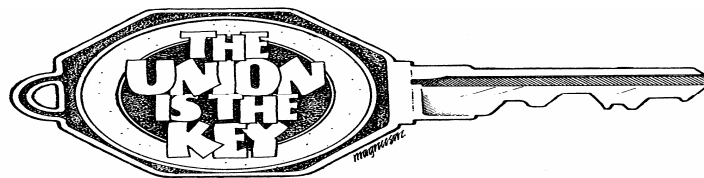
For a list of endorsed candidates - <http://www.labourcouncil.ca/endorsedaug152006.pdf>.

Calendar of Events

Region 5 Retirees Group – Tue, Sept 26, 11:30 AM, 31 Wellesley
Greater Toronto Area Council (GTAC) meeting – Wed, Sept 27, 5:30, 31 Wellesley
Hotel Workers Rally – Thur, September 28, 5:00 PM, Nathan Phillips Square.
Workers Under 30 Conference – Sat-Sun, Sep 30/Oct 1, 15 Devonshire Place, UofT
Region 5 Women’s Caucus – Call Gloria David for details of October meeting.
Labour Council Membership Meeting–Thur, Oct 5, 7:30, OFL Building, 15 Gervais Dr.
Region 5 Weekend Education – Oct 14/15
Health Action Assembly – Sat, Oct 14, 9:30 AM, 519 Church Street
Greater Toronto Area Council (GTAC) meeting – Wed, Oct 18, 5:30, 31 Wellesley
Region 5 Young Workers Caucus – Mon, Oct 23, 6:00 PM, 31 Wellesley
Labour Council Membership Meeting–Thur, Nov 2, 7:30, OFL Building, 15 Gervais Dr.
2006 OPSEU Editors Weekend – November 3/5
Executive Board Meeting - November 8/10
Municipal Elections – Mayor, Councillors, School Trustees - Mon, November 13
Greater Toronto Area Council (GTAC) meeting – Wed, Nov 15, 5:30, 31 Wellesley
Region 5 Young Workers Caucus – Mon, Nov 20, 6:00 PM, 31 Wellesley

Region 5/OPSEU Contact Information

Nancy Pridham, Regional Vice President - nancypridham@look.ca
Peggy Maybury, Executive Board Member - peggymaybury@sympatico.ca
David Rapaport, Executive Board Member – drapaport@opseu.org
Yvonne Bobb, Region 5 Member, Provincial Woman’s Committee - ybobbl@sympatico.ca
Cecil Beckford, Region 5 Member, Provincial Human Rights Committee
OPSEU representative on Labour Council Executive - ceceilb@rom.on.ca
Carl Mohan, Region 5 Member, Provincial Youth Committee -
cmohan@opseu541.org
Bob Taylor, President, Greater Toronto Area Council (GTAC) - 416-482-6680
Gloria David, Contact, Region 5 Women’s Caucus - 416-314-6484.
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.