



## PRESIDENT'S MESSAGE

I would like to take this opportunity to wish you all a Happy New Year!

COPE Ontario celebrates its "first anniversary" this year, having come into existence at our Founding Convention in February 2007. Together, we have achieved a great deal in our first year, and I am looking forward to continuing that work in 2008.

Our Volunteer Organizing School, which was held over two weekends in Toronto and London in February and March, 2008, was a success and is sure to make a real difference in upcoming organizing campaigns. Increasing our membership in Ontario continues to be a top priority for COPE Ontario, as there are tremendous opportunities for us to grow in this province.

February 2008 also ended significantly, with RSI (Repetitive Strain Injury) Awareness Day on the 29<sup>th</sup>. One of the goals of RSI Day is to raise awareness of the work-related link to musculoskeletal disorders, and to promote the need for stronger legislation to protect workers. RSIs involve injuries that affect bones, joints, muscles, ligaments, nerves and tendons, and typically arise as aches, pains, tingling and swelling in the affected areas of the body. Office jobs, held

predominantly by women, often involve a higher risk for RSI. In addition, work stress resulting from a fast work pace, role ambiguity, worry and monotonous tasks all take their toll, and have all been associated with RSI.

It is important for us to establish joint Health and Safety Committees, attempt to incorporate "ergonomic language" in our collective agreements, and call upon the provincial and federal governments to enact and enforce regulations found in legislation such as the *Occupational Health and Safety Act* and *Canada Labour Code* to protect workers.

Prevention is key when it comes to occupational health programs in the workplace. Small steps can lead to larger solutions. It is important that we talk to each other about our experiences. We can all do our part to prevent Repetitive Strain Injuries by learning how to use equipment properly, being conscious of body positions and movements, taking regular rest breaks and getting involved through our unions with a view to increasing control over work organization and operations.

*Further details may be found at websites for the Canadian Labour Congress (CLC) and the Occupational Health Clinic for Ontario Workers (OHCOW).*



## FROM THE DIRECTOR'S DESK

The Executive Board of COPE Ontario convened for its first meeting of 2008 on Saturday, January 26<sup>th</sup>. The Executive is comprised of members appointed by the local unions as Vice-Presidents and a president, treasurer, recording officer and director, elected at large, for a total of sixteen officers.

The board discussed several issues on the January Agenda which were common for many locals. Family Day legislation, as an example, has not been dealt with by employers in a uniform way. Several bargaining units were unable to access

the statutory holiday, because of superior holidays in their collective agreements and the particular

wording of the agreements. Different strategies on how to proceed with the implementation of the new legislation were discussed.

It has been one year since our restructuring and it is now time for us to focus on the future of COPE Ontario. The Executive Board will be attending a retreat this month to discuss our progress and how we should be planning for the future of our union. This will be a good opportunity for us to come together and broaden the partnership of locals and members on the Board. I believe an essential component of our discussions at the retreat should be about how we capitalize on our strengths through increased collaboration of local unions and membership development and mentoring.

It is also essential that we develop strategies for building our union through organizing new members. We need to focus on how to achieve that vision. As part of laying the foundation for new growth, COPE Ontario trained nineteen volunteer organizers recently.

On March 1 and 2, I attended the last weekend of the two weekend organizing workshop which Maureen O'Halloran and Liz Fong prepared and presented. I was very impressed with the quality of the program and the participants. The nineteen graduates of the program represented Locals 343 in Toronto, 454 in Thunder Bay and 468 in London. Organizing is crucial to the continued existence and growth of our organization. All of us should be considering possible

organizing targets suitable for COPE so that we can get this fine group of people into the field exercising their newly acquired skills.

COPE Ontario will be moving its offices on April 29. Although we are only moving down the hall to Suite 701, the only difference between this and a move to another building is that our furniture will not be loaded on a truck. All of the packing and unpacking will still be done, as well as electrical, computer technician and phone work to accommodate our systems and equipment.

We are happy to be able to remain at Richmond Street, as it is a convenient location for many of our members working in downtown Toronto where we have the largest number of members concentrated in any one area. Our offices are used for many bargaining meetings, unit meetings and local union Executive meetings and meetings with members.

COPE Ontario and some of its predecessor organizations have occupied Suite 709 since 1997. We are currently bursting at the seams and require more space to house our operations.

The move is expected to be fairly seamless and should provide no disruption of service or inconvenience to our locals and members. Only our suite number is changing. Our meeting facilities will be improved, as we will now have both a large boardroom for meetings, as well as a smaller room housing our library which can also be used for meetings.

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**NEWS FLASH \* NEWS FLASH \* NEWS FLASH**

**From: Liz Fong, Regional Vice President**

Many of you will recall that the theme for June 2007 National Convention was "Progress through Action". The intent of this was to encourage organizing and to encourage growth within our organization across Canada.

Since the creation of COPE, the National Executive Board has been looking at ways that they can assist Regions to organize. At the most recent National Executive Board and Committee meetings a new program was endorsed to be effective April 15, 2008 for a trial period of one year. This program is called "National Organizing Program."

COPE Ontario can apply to the National President for a subsidy to hire a full-time temporary organizer.

The most exciting portion of the "National Organizing Program" is a member incentive. Any member who provides the name of an unorganized contact to COPE Ontario, and if this contact leads to organizing and the certification of these employee's, the COPE member will receive \$3.00 per employee that has been organized in this bargaining unit. Example: ABC Company is certified and they have 50 employees of which 45 are in the bargaining unit, the member will receive \$135.00, from the National Union.

We are looking forward to hearing from any member of COPE Ontario who has potential contacts or information that could lead to an organizing campaign. Kindly refer the information to our office.

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## ONTARIO CELEBRATES FIRST ANNIVERSARY

History was made in our Union when COPE was created, but Ontario went through another significant change when COPE Ontario was created, last February.

Our union in Ontario had existed for almost fifty years divided and unable to grow. This was in part created by the structure in Ontario and, in my personal opinion, this created less of an opportunity for Ontario to be more active as the membership and voting strength was in the minority. This was also a way for the “leaders” of the time, to keep the progressive activists from being more active in the overall organization.

Well, Changes “for the better” have happened at all levels of our organization over the last four years. Ontario has become united with one Council. This happened when COPE Ontario was created to provide greater participation, better representation and certainly heighten COPE’s profile in the Province. COPE Ontario has a large, diverse Executive Board with fair and equal local participation. Certainly, being financially stable with no “dependence” has created the opportunity for more education and a greater opportunity to

organize so that Ontario can grow.

COPE Ontario is only celebrating its “first anniversary”. It has achieved a lot in this short time, there are still a certain amount of growing pains for an organization of this size and diversity to go through. There are still issues of roles and responsibilities that get clouded at times. The Executive Board members being from so many different locals and geographic areas, come to this table with different conceptual ideas for the organization, so there is the issue of whether or not they feel that the organization has offered them what they were looking for or what changes they think would be appropriate at this juncture. There are also issues of what everyone’s ideas of the organization should be and what constitutionally can be done. Going into the next year these issues will get clearer, so should there be changes needed, this may be addressed at the first official Tri-annual Convention in 2010.

**COPE Ontario - Congratulations, continue the good work.**

Liz Fong, Regional Vice-President

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## PROVINCIAL BARGAINING IN THE EDUCATION SECTOR

**On April 19, 2007** Kathleen Wynne, Minister of Education sent out a letter to Presidents of Education Support Staff Unions. In her letter she advised that the Ministry of Education was inviting representatives of OSSTF and CUPE together to discuss topics of interest and provide insight, feedback, advice and recommendations on various aspects of the government’s education agenda. The letter went on to say the information is intended to reflect the individual experiences and perspectives of support staff and would engage in high level dialogue. The mandate would not include collective bargaining however, some topics relating to system-wide concerns such as school board’s use of community services and agencies may be discussed. The letter also indicated that at a later date the government could give consideration to expanding the participation of the discussion groups to school boards, other staff representatives, and to support workers currently employed in schools or boards, with a variety of representation. The letter stated that if other Unions or groups of educational employees with varied representation wished to be kept informed of these meetings or provide input, they could contact the Ministry. COPE did in fact advise the Ministry that we wished to be kept informed and wanted to have input in this process.

In January, some of our school board locals became aware of an upcoming emergency meeting that was being held in

Toronto on January 21<sup>st</sup> by CUPE. This was the first time COPE Ontario heard about this process. No one from the Ministry of Education ever contacted COPE, even though we had asked to be kept apprised of the process and wanted the opportunity to have input in the process.

**On January 21, 2008** two executive board members of COPE Ontario, who both represent education workers and two staff representatives of COPE Ontario attended the emergency meeting being held by CUPE. At this one day meeting we found out that CUPE was asking all of their school board locals to participate in a process that would involve

“dual bargaining”. This would mean that there would be bargaining at the provincial level and another that would allow for local bargaining through normal negotiations with the local school boards on local issues. Locals could advise CUPE if they did not want to buy into the provincial process. CUPE also advised the attendees at this meeting that if there was no progress at the central bargaining table everything would revert back to local bargaining.

There were nine items identified by CUPE for central bargaining:

- Staffing levels
- Wages/Benefits
- Funding for general interest instructors
- Square footage
- Hours of work for EAs
- Professional development
- Violence
- Common Expiry Date of Collective Agreements
- Supervision

The dates to commence this process are to be held between January 28<sup>th</sup> and May and OSSTF also has several dates scheduled.

According to CUPE School Boards are being brought to the table and cooperating because the Ministry is promising the money to fund the central agreement.

**On Tuesday, February 26, 2008** a representative from COPE Ontario attended a meeting at Queens Park. This meeting was called by Kathleen Wynne, Minister of Education to speak to all Unions, except CUPE and OSSTF, representing school board support staff (office, clerical, technical, educational assistants, professional [P.S.S.P.], cleaners and maintenance).

At this meeting the Minister advised the Unions of the Ministry of Education’s desire to facilitate a central bargaining process for another four years of labour peace. This would be done by getting major irritants off the bargaining table that are of common interest to all the various Unions. This process would not replace local bargaining or local issues but would enhance the process. This would be achieved by settling common interests at a central bargaining table. At this central bargaining table there would be representatives from the school boards and representatives from the Unions.

**On Tuesday, March 18, 2008** a representative from COPE Ontario attended a meeting and was advised that the Education Minister would be setting up meetings for COPE and the other Unions who attended the meeting of February 26<sup>th</sup>. Two days were scheduled - March 31<sup>st</sup> and April 2<sup>nd</sup> and a third date has been added for April 23<sup>rd</sup>. One of the COPE Ontario Representatives and a member of the COPE Ontario Executive Board attended these meetings. Additional updates will be sent out to the Education Sector Locals when there is information to report to them.

Submitted By: Janice Best

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## Winter/Spring Educational Workshops for 2008

Workshops may be scheduled in the evening upon request, in order to accommodate members who may be unable to attend during the week or on weekends. Individual workshops may also be scheduled for bargaining units upon request and at a location convenient for the members of the bargaining unit.

**Please note:** Ten (10) Registrants are required for all workshops. All registrations must be received five (5) days prior to the scheduled workshop.

**COPE Ontario is a Fragrance-Free workplace.**

<u>Workshop</u>	<u>Date/Time</u>	<u>Location</u>
Human Rights & the Duty To Accommodate	May 8 & 9, 2008 9:00 a.m. – 4:30 p.m.	COPE Ontario Head Office
Conflict Resolution	June 5, 2008 9:00 a.m. – 4:30 p.m.	COPE Ontario Head Office
Dealing with Management	June 21, 2008 9:00 a.m. – 4:30 p.m.	COPE Ontario Head Office

For more information regarding the scheduling of workshops, please contact Maureen O’Halloran, Staff Representative or Endera Singh at 416-703-8515, ext. 223; fax: 416-703-8520; email: [esingh@copeontario.ca](mailto:esingh@copeontario.ca).

## LEGAL BRIEFS

### “Time Keeps on Slipping Into the Future”

With the changeover to daylight saving time and the timely arrival of spring it might be considered timely to review some issues of time which arise under a collective agreement. Although it's not often thought of time is crucial to many issues which may arise. The first and primary application of time by a collective agreement is its duration, the period during which it has force and effect and rights arising under it may be enforced. A collective agreement deals with time in many other ways, such as counting of service for calculation of vacation and other benefits. Does it require 'active' service or simply in the service of employment? Is seniority accrued from date of employment, date of permanent employment or some other triggering event? Is seniority the period of employment from that triggering event or is it calculated on the basis of hours worked? The pay period is defined in the collective agreement. Are you paid bi-weekly, weekly, monthly? Are you paid based on hours worked or salaried on an annual or other basis? Does your agreement provide for hours of work on a daily or weekly basis? Does it provide for minimum or maximum hours worked in a day, per shift or weekly? All of these questions can be answered by reading your collective agreement and each collective agreement may provide a different answer to one or more of these questions.

Just from the instances of the application of time mentioned above, which are not comprehensive, it is apparent how crucial it is for you to read and know your collective agreement. One application of time not mentioned is the time frames provided in the grievance and arbitration provisions. These provisions generally impose time

constraints on when a grievance must be filed when it may be advanced through the steps of the grievance procedure and when it must be referred to arbitration.

These time limits are critical. The Labour Relations Act allows Arbitrators the authority to relieve against time limits in the grievance process, where such relief will not prejudice the party against whom it is being sought. The 1995 changes to the Act removed the arbitration process from this section and the Courts have interpreted the deletion of the words 'or arbitration' as meaning that Arbitrators while having the jurisdiction to relieve against time limits in the grievance procedure cannot relieve against time limits in the arbitration procedure. Whether the referral to arbitration forms part of the grievance procedure or the arbitration procedure will depend on the wording in your collective agreement. In the vast majority of cases it will be found to be part of the arbitration procedure and any time limits applying to the referral will be found to be mandatory. Any failure to refer the matter to arbitration within the time specified will result in the grievance being lost. An individual grievance being lost for this reason could leave the union open to a finding that they breached their duty of fair representation.

Pay attention to those time limits. You may the employer in writing to waive the time limits while you consider the merits of the grievance. Do not wait on their reply to such a request. No reply means no. In the absence of a written consent from the employer to waive the time limits refer the matter to arbitration as prescribed in the collective agreement

Submitted By: Sean Clancy

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## JOB VACANCY – BILINGUAL UNION REPRESENTATIVE

The Canadian Office and Professional Employees Union, is seeking a union representative to provide servicing to its locals, primarily in Northeastern Ontario. The ideal candidate will currently reside in the region or be prepared to travel frequently to Northeastern Ontario.

### Job Duties:

- Negotiate collective agreements in a variety of public and private sector settings in both official languages
- Prepare and present grievances, up to and including arbitration hearings in both languages
- Provide labour education to affiliated local unions
- Evening and some weekend work is required
- Overnight travel is a requirement

### Requirements:

- Must be fluently bilingual in English and French (applicants will be tested)
- Valid driver's license
- Possess a late model vehicle in good running order
- Solid labour relations background as a union activist, officer or staff person and Knowledge of the Ontario Labour Relations Act, Employment Standards Act and other relevant legislation

Salary and benefits are in accordance with the staff collective agreement.

Interested applicants should mail or fax their resume to:

Director, COPE Ontario

555 Richmond St. W., Suite 709, P.O. Box 1202  
Toronto, Ontario  
M5V 3B1  
**Fax: 416-703-8520**  
**E-mail: copeontario@execulink.com**

## **JOB VACANCY – TEMPORARY POSITION – UNION ORGANIZER**

The Canadian Office and Professional Employees Union, is seeking an organizer to work out of its Toronto office. The position is for a period of one year.

### **Job Duties:**

- Meet with prospective members individually or in group settings to explain the benefits of joining COPE
- Contact prospective members
- Prepare organizing material for distribution
- Distribute organizing material at targeted locations
- Collect membership cards from prospective members
- Maintain an organizing data base
- Evening and weekend work will be required
- Overnight travel may be required

### **Requirements:**

- Valid driver's license
- Late model vehicle in good working order
- Knowledge of the Ontario Labour Relations Act, particularly as it relates to organizing and certification

Salary and benefits

Interested applicants should mail or fax their resume to:

Director, COPE Ontario  
555 Richmond St. W., Suite 709, P.O. Box 1202  
Toronto, Ontario  
M5V 3B1  
**Fax: 416-703-8520**  
**E-mail: copeontario@execulink.com**

## **COPE ONTARIO EXECUTIVE BOARD**

Carol Baker	President
Elaine Sinha	Treasurer
Gail Everall	Secretary
Janice Best	Director

## Vice-Presidents

Angela Stewart  
Dan Rogers  
John Tonelli  
Lynda Penny  
Mary Stalteri  
Lin Pennesi

Cheryl Norton  
Lori Allen  
Kelly Casswell  
Maria Kullman  
Moira McMillan  
Robin Kers

## PICTURES FROM OUR ORGANIZING WORKSHOPS



## CANADIAN OFFICE AND PROFESSIONAL EMPLOYEES' UNION ONTARIO

### HEAD OFFICE - TORONTO

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