

AREA 6 NEWS

Official Publication of OSBCC Area 6

Area 6 Meeting

The next Area 6 Executive Meeting is being set for Monday May 16, 2016 starting at 5:30pm. The meeting will be held at CUPE 1479 office at 212 Camden Rd. in Napanee.

Member Spotlight

If you or anyone you know in your local has been recognized for something outstanding or has a special talent we would like to hear about it and start a *Member Highlights* section.

lizjamescupe1479@gmail.com



Union Involvement

We are all “the union”. If you have any spare time and you would be interested in volunteering your time you should contact your Executive. There are many ways to get involved!

Illness of a Critically Ill Family Member or Child

If anyone is in the unfortunate circumstance where they need to apply for the leave you must apply for EI benefits and submit proof to the board that your claim has been approved through Employment Insurance. Once this information is submitted you will be topped up for 8 weeks to 100% of your wages.



Support for other locals without contracts

March 29th CUPE Local 1022 held a very well attended rally outside the Anne St. board office just before a Board Meeting was going to take place. The rally was attended by Fred Hahn, CUPE Ontario President, members of OPSEU, CUPE 1479, OECTA, ETFO and hundreds of members from CUPE 1022.

April 20, 2016 20:08 ET

CUPE heralds major court victory in Bill 115 charter challenge

TORONTO, ONTARIO--(Marketwired - April 20, 2016) - CUPE's 55, 000 education workers are lauding a significant Ontario Superior Court victory, after several unions challenged the constitutionality of Bill 115. The court challenge was filed in 2013 after Bill 115 stripped workers in the education sector of their rights to bargain collectively. The challenge was postponed in 2014 at the request of the province, and resumed in December, 2015.

"CUPE's position has always been that Bill 115 violated our basic Charter rights," said Terri Preston, chair of the union's education sector coordinating committee. "We saw it as a threat to all Canadian workers, and we couldn't let it pass unchallenged. The court validated our position that this Bill was a gross overreach that trampled basic freedom-of-association rights."

"After this lawsuit was initially filed, the Supreme Court of Canada (SCC) ruled in the Saskatchewan Federation of Labour case that workers have a constitutional right to strike," said Fred Hahn, president of CUPE Ontario.

"CUPE was a lead union on that SCC case, and victory there gave us great confidence in our case here. We are thrilled the Superior Court has agreed that the government's approach to collective bargaining was 'fundamentally flawed'."

Significantly, in his ruling Justice Lederer wrote that the impact of this flawed piece of legislation was "not just on the economic circumstances of education workers but on their associational rights and the dignity, autonomy and equality that comes with the exercise of that fundamental freedom."

"This couldn't send a clearer message to governments that they ought not interfere in free collective bargaining," said Preston. "It's a terrific ruling for education workers in Ontario and in building on the existing case law, for all Canadian workers."

Justice Lederer made no ruling on remedy, obliging the parties to meet to try and reach agreement. If agreement is not reached on remedy, the matter will be referred back to him. "We will meet with the other unions with whom we engaged in this court challenge to discuss what we want to see by way of remedy," said Hahn. "We will continue to work together to preserve basic collective bargaining rights. We call on the Liberal government to accept this

ruling and put any thought of a costly appeal out of their minds. Now they must spend time, energy and resources on remedy, and on strengthening the public education system in Ontario."

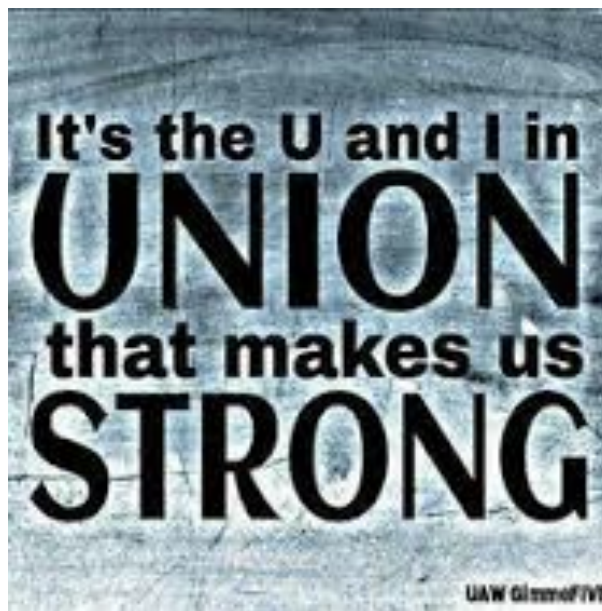
The parties to the challenge, alongside CUPE, were the Elementary Teachers' Federation of Ontario (ETFO), the Ontario Secondary School Teachers' Federation (OSSTF), and the Ontario Public Service Employees' Union (OPSEU). UNIFOR also had intervenor status.

CUPE represents 55, 000 education workers in Ontario, including custodians, administrative and clerical staff, educational assistants, instructors, tradespeople, early childhood educators, and many more, across all four school board systems (English and French, Catholic and public).

CONTACT INFORMATION

Andrea Addario
CUPE Communications
(416) 738-4329

Craig Saunders
CUPE Communications
(416) 576-7316



Violent Incident Report forms

The **Violent Incident Report Form** is completed anytime staff encounters a violent incident involving a person (adult or child) in the workplace. Any attempted or actual violent incident in which cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury. Violent incidents require the completion of the Violent Incident form, which is then given to the immediate supervisor for signing. If you are told that your administrator will not sign the form you can contact an Executive member of your local or send it in without a signature. To save time, if you work with a student who may exhibit frequent violent behaviours you may wish to do one form per day or week stating how many times a particular type of incident occurred. For example: punch x2, bite x3 and date & time. If you are injured due to a violent act you need to also fill out a WSIB Form 6.



Who should complete the Violent Incident Report Form?

The staff member involved in the incident should complete the form.

What happens to these forms?

The form is given to the Supervisor, who will sign and send a copy to the Joint Health & Safety Chairs and Student Services.

Why should I complete this form?

The Health & Safety committee uses the information to track safety concerns; they may use the information to track a repeat offender; and the information can be used to plan for future staff training, staffing compliment and/or to develop a safety plan.

The government has released their Violent Incident statistics. Here is the link:
<http://www.edu.gov.on.ca/eng/policyfunding/memos/>

You should go and have a look. When looking at Algonquin and Lakeshore there is a huge jump in incidents in the last year, but that is due to a push on filling out the forms by the union and board, it isn't that incidents rose that much.

Benefits Meeting:

Executive members of CUPE 1022, 1479 & 1480 attended a Leadership Benefits Meeting on April 8th in Toronto. Laura and Liz also attended an OSBCC

Leadership meeting on April 7th in Toronto.

The Benefits Committee has met 7 times since the OSBCC Leadership meeting in February. Collecting all the data is a very complex task. All the benefit plans across the province are so different. Some people have 100% employer paid benefits, some pay 10% like us and others have no benefits at all or pay up to 50% of the costs. The amount of coverage and deductibles vary widely as well. Another issue that is proving to be problematic is the fact that many boards have yet to submit their benefit costs to CUPE. Due to this fact CUPE has written a letter to the government requesting an extension to the May 2016 deadline to submit



our decision to either take part or not in the provincial wide benefits trust. We will keep you posted on any developments.

MORE detailed information can be found in the latest update from the OSBCC. Don't forget to fill out your questionnaire sent out. it is important the OSBCC know exactly what they are working towards for everyone.

Privatizing Hydro One will drive up rates.

That's bad for consumers, bad for business and bad for the economy. The more our electricity system gets privatized, the less we'll be able to count on the Ontario Energy Board (OEB) to prevent rate increases. Email your MPP and let them know you don't support and can't afford the sale. There is a petition form on Facebook OSBCC Area 6 page if you would rather just fill out the predesigned one and send it in.

Hydro prices are insane, they increase but not our wages! Anyone interested in a rally contact lizjamescupe1479@gmail.com

**Hydro privatization
HISTORIC SELLOUT
BETRAYS THE
PEOPLE OF ONTARIO.
IT MUST BE STOPPED!**



PREMIER KATHLEEN WYNNE
A respected leader makes
an appalling decision.

Education Opportunities for Stewards and Executives

May-3

Belleville

- Stewards Learning Series
- What's Our Duty?

May-6

Belleville

- Stewards Learning Series
- Understanding Mental Health
- Psychological Hazards in the Workplace



May-10

Belleville

- Stewards Learning Series
- Creating Accommodation Friendly Workplaces

May 14 & 15 Kingston

- Stewards Learning Series
- Literacy Awareness for Stewards
- Note Taking
- Resolving Grievances Without Going to Arbitration
- Health & Safety - An Introduction
- Parliamentary Procedure/Recording Secretary (combined)
- Financial Officers

May-17

Belleville

- Stewards Learning Series

- Handling Discipline & Discharge

May-31

Belleville

- Stewards Learning Series
- Representing Members in Front of Management

Jun 4 & 5– H&S Modules – Violence in the Workplace, Psychosocial Hazards, Harassment

June 11 & 12

Belleville

- Health & Safety Modules (NEW)
- Violence
- Psychosocial Hazards
- Health & Safety & Harassment

Available in Belleville:

Sept 9- Challenging Racism

October4- Creating Gender equality

Oct 15 & 16 – Intro to Health & Safety

Oct 18th- Notetaking

Oct 25- Health and safety Module

Nov1 -Stewards need to know

Nov 8 -Handling Grievances

Nov 15-Disability issues for stewards

Nov 29th- Being ally for equality

Sept 17 & 18

Belleville

- WSIB Level II - Benefits & Services

The Tuesday courses in Belleville will start at 5:30 and end at 8:30. The cost is 5 for 50 or 30.00 dollars each. Location is 135 Cannifton Road in Belleville. Wsib will be starting at Friday night 6-9 and then Saturday and

Sunday and the cost is 75.00 lunch provided. Understanding Mental Health & Psychological Hazards course is all day at 75.00 with lunch provided as well as Jun 11 & 12 H&S Modules. Intro to Health & Safety is all day Saturday and half day Sunday and cost is 75.00 lunch provided.

Groundbreaking WSIAT Decision for Educational Assistants!



Ground breaking WSIAT decision for Educational Assistants! A worker from the Niagara District School Board won a WSIB appeal for mental stress due to repeated attacks suffered in the workplace!!! Huge win for her and it helps to set precedence for others in the future!!!

The worker appealed a decision of the ARO, which denied her claim for mental stress, with an accident date of April 1, 2011. The worker, an educational assistant, attributed her mental stress to dealing with a particularly difficult student who continually physically assaulted her in the course of her employment.

If you would like the full decision you can search the internet with this information:

WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL

DECISION NO. 177/16

Court Bulletin

Main Content

Ottawa Catholic School Board Fined \$250,000 in Death of Maintenance Worker

https://news.ontario.ca/mol/en/2016/03/ottawa-catholic-school-board-fined-250000-in-death-of-maintenance-worker.html?_ga=1.155667451.1704322116.1461420172

March 31, 2016 4:30 P.M.

Ministry of Labour

OTTAWA, ON - The Ottawa Catholic School Board pleaded guilty and has been fined \$250,000 in the death of a maintenance worker.

The death took place on January 9, 2015, at the board's St. Nicholas Adult High School located at 893 Admiral Avenue in Ottawa. The worker was employed by the board and worked at a number of different schools; on this day the worker was assigned the task of replacing a safety cage on a ceiling light in the school's gymnasium.

The worker was working alone, and was provided with a van, a trailer with a ramp and a portable aerial device (a type of lifting device), all owned by the OCSB. Upon arrival, the worker shoveled snow out of the way, opened the trailer and lowered the ramp, which was attached to the end of the trailer. The ramp was wood with a metal plate. The ramp stood about 13 inches high at the trailer and sloped down to the ground; the length of the ramp was about 7 feet, three inches.

The angle of the ramp was about eight degrees. The manual for the aerial device indicated that the aerial device should not be rolled down an incline greater than five degrees.

The aerial device was in two parts. One part had the battery and basket and was on a dolly; the other part was on four wheels and had a metal mast folded together on one side of it. The mast end of the aerial device, which was the heavier side of the aerial device, was on the lower side of the ramp, and pointed down toward the ramp and not toward the van.

While rolling the aerial device with the mast down the ramp, the aerial device tipped over and struck the worker fatally.

The OCSB pleaded guilty to failing as an employer to take every precaution reasonable in the circumstance for the protection of a worker. It failed to ensure that:

- the angle of the ramp was five degrees or less;
- the ramp and the ground surface were free of ice or snow;

the aerial device with the mast was rolled down the ramp with the mast on the upper or high end of the ramp (toward the van) to lessen the possibility of it tipping;

another worker was present to assist the worker.

The guilty plea was accepted in Ottawa court and Justice of the Peace Jacques Desjardins imposed a fine of \$250,000 in the courthouse at 100 Constellation Crescent, Ottawa, on March 31, 2016.

In addition to the fine, the court imposed a 25-per-cent victim fine surcharge as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

Court Information at a Glance

Location:

Provincial Offences Court/Ontario Court of Justice
100 Constellation Crescent
Courtroom 102
Ottawa, Ontario

Judge:

Justice of the Peace Jacques Desjardins

Date of Sentencing:

March 31, 2016

Defendant:

Ottawa Catholic School Board
893 Admiral Avenue
Ottawa, Ontario

Matter:

Occupational health and safety

Conviction:

Occupational Health and Safety Act
Section 25(2)(h)

Crown Counsel:

Brian Fukuzawa

Media Contacts

Janet Deline

Communications Branch

416-326-7405

Toronto Star Op-Ed: Ontario labour laws failing vulnerable workers (Chris Buckley, May 1, 2016)

On May 1, 2016, OFL President Chris Buckley published an opinion column in the Toronto Star, arguing that the striking Fresh Taste produce workers are a poster case for labour law reform in Ontario.

Read the full column below and support the **solidarity rally** for Fresh Taste workers this **Thursday, May 5 at 7:00 am**: <https://www.facebook.com/events/998145943601530/>

Learn more about the OFL's "Make It Fair" campaign at: www.MakeItFair.ca

**Ontario labour laws failing vulnerable workers
Ontario's outdated labour laws can do little to remedy the dramatic power imbalance that exists between well-heeled company owners and their employees**

By: Chris Buckley Published on Sun May 01 2016

This week, a new study found widespread workplace abuse facing Chinese restaurant workers in Toronto. The story revealed the seedy underbelly of a food service industry that many of us take for granted when we treat the family to a night out, but what do we know about the workers who bring us the food we put on our tables at home?

At nearly every stage of food production, from picking to packing to plating, there are appalling stories of vulnerable and precarious employees who barely earn enough to buy the food they serve.

Right now, in an industrial plaza tucked in the shadow of Toronto's Gardiner Expressway, there is another story breaking that exposes the legislative shortcomings that are failing workers even further down the food chain.

A group of 12 Tibetan produce pickers, working for Fresh Taste Produce out of the Ontario Food Terminal, are one week into a strike as they fight for their very first collective agreement. Almost every one of them is a refugee, who came to Canada after a decades-long flight from persecution that left their families stateless. They are not people who are accustomed to having the law on their side but their stories are similar to many people who seek asylum and new opportunities in Canada.

These immigrant workers start their warehouse shifts while the city sleeps, sorting the produce you find at your local big box grocery store for wages that range from \$14 to \$17 an hour. Some have worked there for 19 years. Without a union, many haven't had a raise in nearly a decade and all of them earn wages well below the other workers at the terminal who benefit from union protection.

Last November, these workers took the bold step of voting to join a union. It was a process that they rightly expected to end with a contract but, after five months of seeking wages, benefits and pensions on par with their counterparts, they are still without a first contract. Their only recourse was to go on strike, while the law allows their indifferent employer to simply bus temp agency workers past them to do their jobs.

The use of replacement workers undermines what little leverage the law gives employees and the hardship of strike pay wears at their resolve. With no automatic mechanism to bring both parties to an arbitrated settlement, callous employers can simply play the waiting game. That is what happened at Crown Metal Packaging, which left striking workers dangling on a North York picket line for over two years.

It is a frequent scenario that illustrates just how little Ontario's outdated labour laws can do to remedy the dramatic power imbalance that exists between well-heeled company owners and the increasingly precarious employees who work for them.

While in principle, most workers in Ontario have the right to associate for the purposes of collective bargaining; in practice they face barriers at every step of the process, not to mention bullying, intimidation and harassment from their employer.

Since the mid-1990s, Ontario has seen a dramatic growth in income inequality. During that time, anti-union legislation has given employers in the public and private sectors more confidence and scope to undermine the influence of employees over their working conditions by subverting their ability to join a union and collectively negotiate at the bargaining table.

It is time to restore balance and fairness to Ontario workplaces.

For the first time in over 20 years, the Ontario government has opened up the laws pertaining to employment standards and labour relations across the province. In doing so, it has given hope to many Ontario workers, like the 12 Tibetan refugees who are standing up to Fresh Taste Produce. They work alongside unionized employees whose superior salaries and job security provide daily evidence that union membership can be a pathway out of poverty. One of the Fresh Taste workers recently said, “Before the union, we were worried about losing our jobs, but now we know that we can support each other and we have the confidence to stand up for our rights.”

He and millions of other Ontario workers are counting on the Wynne government to overhaul the Labour Relations Act and make it fair for everyone.

Chris Buckley is president of the Ontario Federation of Labour.

Judge dismisses assault charge against teacher

(see next page for story)





By [Emily Mountney-Lessard](#), The Intelligencer
Thursday, April 28, 2016 4:08:14 EDT PM

BELLEVILLE - A round of applause broke out in a Belleville courtroom Thursday afternoon after Justice Stephen Hunter dismissed an assault charge against Picton woman Krista Cole.

Cole was charged nearly a year ago by Belleville Police after an investigation into an alleged use of force by the educational assistant on a young Prince Charles Public School student. The matter went to trial Thursday where Cole pleaded not guilty to the assault charge. A few hours later, Hunter dismissed the charge altogether.

Cole was charged on May 20, 2015 after an incident at Prince Charles Public School in Belleville, part of the Hastings and Prince Edward District School Board, where a six-year-old girl was pulled, by her ankles, from one room into a hallway.

During the trial, which lasted only a few hours, Cole testified the girl had entered a room – known as the hub – that she was not supposed to be in.

Cole told the court she works with special needs students or students who require segregation from other students, due to volatile behaviour or violent outbursts. On the day of the incident, she said, she was working with a young male student. Students are often rewarded for positive behaviour with a visit to the hub, where they can play or have a break from school work.

The male student, Cole said, had reached his goal for the day and was being rewarded with a 15 to 20 minute break in the hub. Also in the hub at the time was another male student with another adult.

While the two boys were on their break inside the hub, the young girl at the centre of the investigation also came into the hub – but she was supposed to be in her classroom.

Cole said she spoke to the girl and told her she couldn't be in the room. The girl refused to leave and, instead, dropped to the ground.

"I was going to pick her up and she started flailing her arms around," Cole said. "I went and picked her up by the ankles and pulled her out the door."

"I was not going to reinforce her negative behaviour," Cole said, adding the girl has a history of hitting or attempting to hit people. She stated she was worried the situation could get "out of hand" if she allowed the girl to stay in the room.

"She could not be in there (the hub) because it was not her time."

She told Hastings County assistant Crown attorney Gerry McGeachy she didn't "call out" for help because often when staff call the school office there is no one available or they take a long time to get to the room.

Defence lawyer Ed Kafka said a CCTV video of the incident obtained by Det.-Sgt. Brad Lentini "demonstrates the girl was determined to get in the hub" and after being removed from the room "she bounces right up and tries to go in another door."

“I’m satisfied there was nothing unreasonable,” said Hunter at the conclusion of the trial, adding the removal of the girl from the room was done gently with no apparent anger.

“There is absolutely no doubt that it was nothing more than reasonable.”

Kerry Donnell, communications officer for the school board, said “student safety is always our first priority. This remains as a confidential employee matter” and the school board has its own processes to follow.

EMountney@Postmedia.com

CUPE ONTARIO 53rd ANNUAL CONVENTION Toronto Sheraton May 25 - 28, 2016

Registration May 24th 1pm

School Board Caucus May 24 3:00-4:30

Conference begins May 25th

See you there!