

# A | M | A | P | C | E | O MEMBER NEWS

Association of Management, Administrative and Professional Crown Employees of Ontario

[www.amapceo.on.ca](http://www.amapceo.on.ca)

## Call for New Bargaining Team Members

Expressions of interest are being sought by the Board of Directors for the new Bargaining Team to negotiate the next Collective Agreement. Negotiations are expected to begin in early 2006 for the remaining items not covered by the short-term bridging agreement that was ratified last May.

If you are interested in serving on the next Bargaining Team, please contact President **GARY GANNAGE** ([gannage@amapceo.on.ca](mailto:gannage@amapceo.on.ca) or by phone at ext 2707) and provide some basic background information for the Board's consideration (e.g., relevant skills and experience, reasons for interest, OPS work history, etc.).

*Deadline:* Friday, **September 30, 2005.**

## Challenges for the Year Ahead

*Gary Gannage, President*

I hope you were able to get away for a vacation this Summer or otherwise take a break from work. Although many OPS offices do not slow down over July and August, the combination of good weather, children being off school and the fact that the Legislature is not sitting provide an opportunity for many of us to take some time away from the workplace and, hopefully, to think about something other than briefing notes, stakeholders and "transformation".

The pace inevitably quickens with the return of Fall, however, as we gear up to deal with the issues of the year ahead. For AMAPCEO members, there are three major challenges that we will have to confront as we move into the Fall.

The *job evaluation project* continues, of course, entering perhaps its most critical phase this Fall: preparing job descriptions and applying the new job evaluation plan to all jobs in the bargaining unit. Employees and managers will receive draft job descriptions to review sometime between September and December. The members of the joint employer-AMAPCEO steering committee are now working to a revised completion date of January 31, 2006. The most recent update, including Q&A's, was posted on the AMAPCEO website in late August; I would encourage you to take a look at it if you have not already done so.

The next round of *collective bargaining* is

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## Call for Nominations: Fall Elections

It is time, once again, for the Elections and Credentials Committee to call for nominations in AMAPCEO's Fall election cycle. Approximately one-half of all elective positions in the Association are now open for nomination.

The deadline for all nominations is 12:00 noon on Friday, **September 30**, by which time a nomination form must be received at the AMAPCEO offices. The nomination form and full details on the avail-

able positions, their responsibilities and the nomination and election process are posted on the AMAPCEO website. The term of office for all positions is two years and incumbents are eligible for re-election.

At the central level, the terms of five members on the nine-member Board of Directors expire this year: Secretary, Treasurer and three Directors. In addition, two positions on the five-member Audit Committee are up for nomination.

For the Board and Audit Committee, if there are more candidates nominated than available positions, an election is held at the Annual Delegates' Conference (ADC), which is scheduled for Friday and Saturday, December 2 and 3, in Toronto.

This year, for the first time, the Provincial Council has authorized the Elections and Credentials

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## News from the Board and Council

At meetings in May, June and August, the Board of Directors appointed a number of new AMERC Representatives: **MICHAEL HALL** (Economic Development and Trade) **ANNA DIVIZIO** (Transportation); **HEATHER OWENS** (Citizenship); **ELIE NASSIF** (Labour); and **RANDY MCCUNN** (Attorney-General). An AMERC (AMAPCEO -Ministry Employee Relations Committee) is appointed in each ministry under the Collective Agreement.

At its June meeting, the Board appointed the following Workplace Representatives after the members had successfully completed Basic Workplace Rep training: **MARK KITELEY** and **BENNETT MCCARDLE** (Tourism & Recreation); **JOHN LILY** (Corrections); **JAMES PERTTULA** (Economic Development & Trade); **HILARY SALTER** (Health); and **STAN SOSIN** (Finance). Workplace Representatives, of whom there are approximately 100, are trained colleagues in the workplace who can provide advice and assistance to members about the Collective Agreement.

The Provincial Council, acting on a recommendation from the Board, voted in June to recommend the re-appointment of **HUGH MACKENZIE** as AMAPCEO's nominee to the Ontario Pension Board, which administers the Public Service Pension Plan. Mackenzie's current three-year term expires in September. His nomination has been forwarded to the government for appointment by Order-in-Council.

Also in June, the Council elected **MICHAEL SEEGER** (Health/Kingston) to a vacancy on the Audit Committee following the resignation of **MICHELLE BLOUIN** (Health/Ottawa).

The Provincial Council approved a new by-law in June (By-law 7) to address the issue of AMAPCEO elected representatives who are on leave or secondment outside the AMAPCEO bargaining unit during their term of office. Under the provisions of the by-law (which have now been extended by the Board of Directors to all appointed positions, including AMERC and Workplace Reps), any activist whose leave, acting assignment or secondment outside the bargaining unit is longer than 31 days is required to stop performing his or her AMAPCEO duties until the completion of the leave. The intention of the new rule is to address perceived conflicts of interest and conflicts in time commitment on the part of an Association official who is not in either the workplace or the bargaining unit to represent members.

The Council also addressed in June the need for a policy on how to adjust the compensation AMAPCEO pays to its four elected executive officers. Henceforth, the compensation paid to the President, Vice-President, Secretary and Treasurer will be adjusted by the same rate, and at the same time, as the across-the-board economic adjustments that are negotiated for the general membership.

## Update on Policy Disputes

In addition to disputes or grievances that individual members can pursue against the employer for violations of the Collective Agreement, AMAPCEO as an organization is entitled to file Association policy disputes on behalf of all members, particularly in cases where fundamental policy issues are involved that require clarification or rectification or that impact on the rights of the Association. Here is a brief update on three such issues.

*Vision care.* AMAPCEO argues that, when the government de-listed eye examinations from OHIP coverage in November 2004, the cost of such examinations should have automatically been covered for AMAPCEO employees under Article 34.2(c), which states that the plan covers "100% of the cost of diagnostic procedures and radiology". (Eye exams are described as a "diagnostic procedure" in the OHIP fee guide.) This dispute is still in arbitration, with dates scheduled for September and October. A decision is not expected until later this year or early in 2006.

*Bargaining Unit Integrity.* This dispute was filed in 2002 in response to numerous complaints from members about the widespread use by the employer of fee-for-service or transfer payment agency consulting staff who do not appear on the OPS payroll but who are performing bargaining unit work. The Provincial Auditor subsequently criticized the government on the same matter. The employer has conceded the merits of the dispute, i.e., that there are consultants doing AMAPCEO work, but the parties are still in arbitration, engaged in disclosure of positions on a ministry-by-ministry basis and analysis by AMAPCEO staff of the vast amount of material disclosed.

*Bill 7.* This issue is not formally a dispute, since the parties agreed to try to informally negotiate a settlement (although either side is entitled at any point to take the matter to the Ontario Labour Relations Board for resolution). When the previous government introduced amendments to the *Crown Employees Collective Bargaining Act* by way of Bill 7 (in 1995), one of those amendments permitted the Ministry of Finance to exclude from the AMAPCEO bargaining unit approximately 200 employees. In subsequent discussions, it was agreed that the parties would try to negotiate a settlement, but that in the meantime, the affected employees would be covered by the provisions of the AMAPCEO Collective Agreement with the exception of being required to pay membership dues and being required to strike or be locked out. The ministry, however, will be required to reimburse AMAPCEO for retroactive dues if the employees are found to be properly in the bargaining unit. There appears to be a willingness on the part of the ministry to resolve matters sooner, rather than later, although a settlement is not likely until after this Fall.

## Book Review

### Time's Up! Mandatory Retirement in Canada

Edited by C. T. (Terry) Gillin, David MacGregor and Thomas R. Klassen  
(James Lorimer & Company, 2005, 326 pages)



Although the Government of Ontario has now introduced legislation to eliminate mandatory retirement in this province, the debate over the merits of the legislation has hardly ended. (Bill 211: Ending Mandatory Retirement

Statute Law Amendment Act received first reading in the Legislature on June 7, 2005.) *Time's Up!*, a useful contribution to the discussion, has just been published by a number of Canadian academics and, although the point of view of the editors is summed up in the dedication ("To all involuntarily retired workers in Canada"), the twelve essays in this volume present a broad range of arguments that are both balanced and comprehensive.

One of the editors, Tom Klassen, who is an Assistant Professor in Political Science at York University, is a former member of AMAPCEO. He was a senior policy analyst in the then Ministry of Colleges and Universities before he left the OPS for a career as a university teacher and researcher.

One of Klassen's two essays ("Forced retirement: Organized labour's predicament", written with graduate student David Forgione) examines, for the first time, the role of Canadian unions in the mandatory retirement debate and the contradictions within the labour movement on this issue.

Klassen notes that those unions in favour of mandatory retirement typically support it for three reasons: it creates jobs and promotions for younger workers; it protects pension benefits; and it protects older workers (by encouraging employers to tolerate "less productive" employees since they are soon to retire by a definite date). The Canadian Labour Congress, the Canadian Auto Workers and the National and Ontario offices of CUPE have been prominent in defending mandatory retirement.

Klassen points out that, notwithstanding the policies of these national/provincial unions, locals of some of the same unions often support individual member grievances against forced retirement. Other unions, such as the United Food and Commercial Workers Union, have no policy on mandatory retirement and do not oppose legislation to eliminate it.

Still other unions, such as the Canadian Media Guild, the Canadian Association of University Teachers (CAUT) and AMAPCEO, explicitly support the elimination of mandatory retirement, with certain caveats with regard to the maintenance of existing retirement options for those who want to retire early or at age 65.

The University of Toronto's Morley Gunderson and Douglas Hyatt, in "Mandatory retirement: Not as simple as it seems", provide perhaps the most cogent argument in favour of the view that governments should leave the matter to "private parties" to negotiate, either in the form of personal contracts or between employers and unions. While the authors acknowledge a need for governments to address the potential for discrimination based on age in most other situations, they examine and dismiss most of the major arguments for legislating a ban on mandatory retirement. Their preference is to permit mandatory retirement if negotiated, but only if it is accompanied by the protection of a pension and retirement plan, and possibly by a collective agreement.

The principal argument offered against mandatory retirement is rights-based, i.e., that there can be no justification for discrimination on the basis of age and that removing such protections at the age of 65 is arbitrary and unfair. The Supreme Court of Canada acknowledged this in its 1990 ruling in *McKinney v. University of Guelph*, but concluded at that time that it was a reasonable limit under the Charter, justified by socio-economic reasons.

Other essays in the book take issue with many of these socio-economic reasons, addressing the particular circumstances affecting universities (the book is published as part of a CAUT series); changes in judicial interpretations; demographic change as it relates to retirement; economic assumptions; the experiences of women; and an analysis of the social construction of "old age", showing how the way we talk about aging reveals much about social and political agendas.

One of the arguments AMAPCEO made in its October 2004 submission supporting the elimination of mandatory retirement is that such a move would expand the range of choices for both employers and workers, recognizing that the interests and needs of individuals vary. (For a copy of our submission, please visit the website and click on "Briefs and Reports".)

The other important point we made is that, quite apart from the benefits to individuals who are nearing the age of 65, elimination of mandatory retirement would strike a blow against ageism generally, promoting a more positive image for aging people in our society.

As Ryerson University's Terry Gillin writes in his Introduction to the book, "Ageism is not essentially different from racism, sexism, homophobia and other forms of discrimination. Those who experience arbitrary discrimination are denied fair opportunities and are demeaned. ... [A]ll adult age groups, including older adults themselves, share a number of negative stereotypes of the old and are likely to discriminate against them.... [These stereotypes] include assumptions that they are less educated and less motivated than younger people, and that aging necessarily results in a decline in intelligence and ability, lower work performance, poor adaptability to change and less capacity for retraining.

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## Briefly Noted: Recent Media & Other Reports

### Employees Are More Productive When Praise is Given...But Skip the Plaque

A new study has found that employees want their work to be appreciated and their efforts to be recognized.

The study, developed by Creative Group, a marketing, advertising and web publishing staffing service, found that 76 per cent of employees surveyed said their companies' efforts to recognize employee achievements were effective and made them more motivated and productive. Thirty-five percent believe their companies are very effective at acknowledging staff contributions.

"Money is not the only form of appreciation that motivates employees," says Tracey Fuller, Executive Director of Creative Group. "Respondents mentioned that they liked receiving public praise and getting time off for putting out extra effort."

"Staff members who know their contributions make a difference, and are rewarded, are more engaged and ultimately more productive on the job."

According to author Bob Nelson, however, who wrote *1001 Ways to Reward Employees*, rewarding employees today should be less about plaques and occasional award events than about the need for more important, but less tangible, *ongoing* recognition. "Workers say: 'Ask my opinion. Let me know what's going on. Involve me in decisions. Back me up when I make mistakes. Give me some autonomy.' It's more about how people are treated every day at work – about being given interesting, meaningful work and being shown its context and value to the organization".

Nelson also notes that "employers still need to pay people as best they can. Recognition programs aren't substitutes for money".

[Source: *Globe and Mail*, June 17 and August 10, 2005]

### Are You Taking Your Vacations?

A recent study has found that 24 per cent of Canadians don't use up all their allotted vacation time.

Expedia.ca, an Internet travel company, conducted a survey to look at the significant number of Canadians who don't take vacations, but would rather spend their time-off cooped up in their offices.

Canadians get an average of three weeks of holidays, but an average of three days a year go unused — which adds up to about 40 million days each year. Given an average \$20-an-hour salary of a full-time employee, Canadians give back about \$6.4 billion a year to their employers.

The survey also found that some employees book holiday time, but don't always take it and that 23 per cent of Canadians will cancel or postpone their vacations due to work.

An astonishing 58 per cent take their vacation time, but they don't leave the office behind. They check in with the office at least once or twice a week during vacation.

[Source: *Globe and Mail*, July 6, 2005]

### How Many Managers Does it Take to Frustrate an Employee?

The *Wall Street Journal* recently wrote about a phenomenon that is all too familiar to many AMAPCEO members: the constant turnover among senior managers who move from one department to another and who rarely stay in one place for any length of time. The lack of stability and the changing expectations caused by a rapid rotation in management ranks (including Managers, Directors, ADMs and Deputies) can have a significantly negative impact on the work and careers of professional staff.

Among the potential problems identified if you have too many managers coming and going: "You must keep proving yourself to bosses who don't know your track record. You must adjust to new management styles, new marching orders, new ways of handling administrative tasks. You spend months getting used to the new regime; then it changes". Performance reviews are conducted by people who barely know you and your work. Endless hours are spent in meetings to redefine goals, objectives and missions.

There is also often a sense, as many members have commented to AMAPCEO, that new managers have an immediate animus against the existing procedures, policies, organization of work and relations with stakeholders, with the result that anyone questioning a manager's "new" ideas (which may well have been tried before) is branded "resistant to change".

The *Journal* article offered a number of possible solutions, ranging from making a special effort to get to know each new manager to simply quitting and moving to another job. One suggestion the article does not discuss is having a good Collective Agreement to provide reasonable and consistent rules that can protect employees against the kind of arbitrary decision-making that can ruin careers and lives.

[Source: *Wall Street Journal*, August 26, 2005]

## Merrill Lynch Settles Overtime Suit

Readers will recall our article in the last issue describing the new hours of work (overtime) provisions in the AMAPCEO Collective Agreement. We noted, at that time, a long-held view among many senior managers in the OPS that to insist on overtime is somehow "unprofessional" and that comparable professional employees in the "real world" (aka the private sector) would never think of claiming overtime.

At least one private sector employer in the United States has recently reached a different conclusion, with a little help from a threatened lawsuit. *The New York Times* reported in August that Merrill Lynch and Company recently paid \$37 million to settle a claim that it had been shortchanging its employees in California (including financial planners, advisors and brokers) by refusing to pay overtime. The affected employees typically worked "very long hours" and, under both California and federal legislation, should have been entitled to overtime payments if they worked longer than eight hours in a day or more than 40 hours in a week. The outcome with Merrill Lynch is expected to result in settlements with other firms, including Smith Barney and Morgan Stanley, and to clarify working conditions going forward.

Although the new AMAPCEO Collective Agreement was ratified last May, the revised hours of work provisions only became effective on August 15. For the first time, the employer has made it clear that "managers cannot request or permit employees to work overtime without compensation". The full text of the employer's directive is posted on the AMAPCEO website under "What's New".

[Source: *The New York Times*, August 10, 2005]

## Gen X Dads Spend More Time with Their Children

In the March issue, we reported on recent research that indicated that younger employees attach the same value to what their older colleagues want in their work expectations and priorities, specifically work-life balance, vacation entitlements, benefit plans and pensions. A recent trend on the part of many employers has been to discount the appeal of traditional benefits, such as pension plans, vacations and other programs, for younger workers who, it is alleged, prefer to move frequently from one employer to another to pursue career advancement, with little concern for job security or longer-term considerations.

Such theories have encouraged employers to argue, for example, for defined contribution pension plans instead of defined benefit plans and have led to the offering of cafeteria-style benefit programs, in which employees who want more vacation must purchase additional time at the expense of other benefits, such as group insurance or LTIP.

Another recent study, this one conducted by the New York-based Families and Work Institute, also takes issue with the view that younger employees do not value traditional benefit plans. The study reveals that younger fathers, in their late 20's and early 30's, are spending even more time with their children than their baby boomer fathers and that boomers are more apt to define themselves as "work-centred", while younger workers tend to be more "family-centred" or devoted equally to work and family. These findings suggest, among other things, that initiatives such as flexible working arrangements, including flex-time, compressed work weeks and telecommuting, have broad support and should be part of an employer's recruitment and retention strategies.

[Source: *The New York Times*, June 17, 2005; [www.familiesandwork.org](http://www.familiesandwork.org)]

## Union Wins Damages for Employer's Failure to Consult

An arbitration board decision in February awarded damages to a union because the employer, West Park Healthcare Centre in Toronto, failed to consult on restructuring plans as required by the collective agreement. The collective agreement specified that the union, Local 1 of the Service Employees International Union (SEIU), must be consulted as part of the planning process for any restructuring affecting employees *before* any plans are finalized.

The restructuring involved reassigning sixteen members of the bargaining unit and reducing the size of the unit by ten positions. The hospital had sent notification of the plan to affected patients, staff and volunteers, but had not notified the union. When SEIU, after learning of the plan, asked that it be put on hold until it could be discussed as required by the collective agreement, the employer refused and proceeded to implement the restructuring.

West Park acknowledged at arbitration that it had breached the collective agreement, so the only task for the arbitration board was to determine the appropriate remedy. The board held that, since the hospital had deliberately breached the agreement and persisted in its breach after being warned by the union, a public acknowledgement of the breach by the employer was insufficient. The board ruled that SEIU deserved damages for injury to its reputation as an effective bargaining agent: "The union was not only marginalized; to all intents and purposes, it was ignored. The rights of the union and the employees have intrinsic value and compensation is warranted for their deprivation".

The board pointed out that it was not just the reassigned employees who were negatively affected, but all employees in the bargaining unit, since "the message was clear that the union

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## Workplace Briefs



A few noteworthy items related to the OPS workplace.

**COC and WIN:** Although AMAPCEO employees gained an additional Compensation Option Credit (COC) in the last round of bargaining, the WIN system does not yet reflect the additional credit (previously known as "MCO Days").

Members are advised that they are still entitled to the credit - now - but will simply have to record it later when the system is able to accommodate the change. Additional information has been posted on the website.

**SIN:** Government Services Minister **GERRY PHILLIPS** announced in August that the Government is removing use of employees' Social Insurance Numbers on health insurance claims. The change apparently is targeted to take effect on November 1 of this year. In addition, the government is reviewing the use of the SIN across government "to ensure use only when legally required".

AMAPCEO has argued for years that the Employer should abandon using the SIN as the principal employee ID. The government's announcement accompanied the submission to the Information and Privacy Commissioner of a privacy review prepared by Deloitte and Touche LLP. A copy of both the media release and the full report have been posted on the Ministry of Government Services website.

**P4P:** The Employer has announced that it is targeting the September 8 paydate for payment of lump sum pay for performance bonuses to those AMAPCEO employees who are due to receive them.

## AMAPCEO Welcomes Chaplains

As reported in previous editions of *AMAPCEO Member News*, a recent agreement with the Employer has resulted in 600 new positions being added to our bargaining unit from the ranks of excluded colleagues. A warm welcome to all new members, in particular the 40 Chaplains who work primarily in Health, Corrections and Community & Social/Children & Youth Services, all of whom are now members of the AMAPCEO unit.

The media have made much of the Canadian Auto Workers' efforts earlier this year to become the first union to organize clergy (in the United Church of Canada), but AMAPCEO is honoured to be the first union to provide representation to Chaplains in the OPS and, we believe, in Ontario.

## AMAPCEO Staff News

AMAPCEO is happy to announce the birth of two new Ontario citizens.

Labour Relations Specialist **BURKE MOFFAT** and his wife Alejandra welcomed a baby boy, Oscar Ignatius, into their family on June 12. Burke will be taking a parental leave starting Sept. 19 and returning to AMAPCEO in May 2006.

Senior Administrative Officer **FARRAH CHARANIA KARIM** and her husband Shafeen welcomed a baby girl, Nadia, into their family on August 14.

AMAPCEO wishes both Burke and Farah all the best with their new bundles of joy.

While Farrah is on maternity leave, her duties are being handled by **SANDRA FRANCIS**, who is on leave from her position as a Human Resource Services Representative at the Ministry of Community Safety and Correctional Services. Sandra brings with her a wide range of HR and labour relations skills.

Sandra can be contacted at the AMAPCEO office (ext. 2726 or by e-mail at [francis@amapceo.on.ca](mailto:francis@amapceo.on.ca)).

AMAPCEO says goodbye to two summer students, **ALISA MITCHELL** and **JEFFREY WALKER**. We thank them for their assistance in helping us organize and archive documents, and wish them the best of luck as they head back to school this fall.

## Hydro One Strike

The strike of 1,000 professional employees at Hydro One was in its thirteenth week at the time this newsletter was going to press. The affected employees include engineers, supervisors, accountants and information technology professionals. Hydro One is the transmission company that operates the electricity grid across the province.

As many members know, AMAPCEO has close ties with the Society of Energy Professionals, the bargaining agent that represents the staff of Hydro One: we represent similar employees, both organizations are founding members of, and participate on the steering committee for, the national Professional Employees' Network, and we have a history of sharing information from the time of AMAPCEO's founding in 1992.

Hydro One management is insisting on longer hours of work, as well as a two-tier salary and benefits package that would see new hires paid at lower salary ranges and eligible for different benefits. The Society of Energy Professionals, which had a negotiated system of binding arbitration with Ontario Hydro, has been required to negotiate separate collective agreements with each of the Ontario Hydro successor companies. Talks between Hydro One and the Society broke down in May.

## Responsibilities of AMAPCEO Elected Positions

Here is a brief description of the duties of some positions for which nominations are now open (see first page). Please visit the website for more information, including a nomination form.

*Member, Board of Directors (Director).* The Board of Directors is responsible for “the management of the affairs of the Association” and consists of nine members: President, Vice-President, Secretary, Treasurer and five additional Directors. Terms are staggered so that the Secretary, Treasurer and three Directors are elected one year and the President, Vice-President and two Directors are elected the next year. Members of the Board are also members of Provincial Council and the Annual Delegates’ Conference (ADC) and typically sit on one committee. The Board meets monthly, the Council meets six times each year and the Conference meets annually. Meetings are held in Toronto and members receive paid leave and reimbursement of expenses to attend meetings.

*Secretary of the Association.* The Secretary acts as secretary of the Executive Committee, Board, Council and ADC and is responsible for preparing agendas and minutes of meetings. The Secretary is also one of four signing officers and is an *ex officio* member of the ADC’s Resolutions Committee.

*Treasurer of the Association.* The Treasurer is the chief financial officer of AMAPCEO, is one of four signing officers and sits on the Executive Committee, Board, Provincial Council and ADC. The Treasurer is an *ex officio* member of the Finance Committee and serves as an advisor to the Audit Committee.

*Chapter Chair.* AMAPCEO consists of 24 regional and ministry Chapters, through which members participate in elections. Each Chapter Chair presides over Chapter meetings, including the Chapter Executive Committee, and acts as a communication link between the AMAPCEO office and the Chapter membership. Chapter Chairs sit on Provincial Council and are automatically members of the ADC. Chairs of ministry Chapters are also automatically members of their ministry AMERCs.

*Delegate.* The Delegates’ Conference is AMAPCEO’s highest governing body, responsible for electing the Board of Directors, approving the annual budget, authorizing membership dues, adopting amendments to the Constitution and By-laws and approving bargaining priorities. In addition, Delegates are automatically members of their Chapter Executive Committee.

## Results of Spring Elections

Following elections this past Spring, AMAPCEO welcomes five new Chapter Chairs. **ROGER NEWELL** and **ADAM SOCHA** had been acting in that capacity and are now confirmed, respectively, in the Community Safety and Corrections Chapter and the Energy and Environment Chapter. **JAMES TREGONNING**, who has been a Delegate from the Ministry of Health & Long Term Care, was elected Chair of that Chapter, succeeding **MYRNA LYNCH**, who chose not to seek another term.

**STEVE SMITH** (MCSS/MCYS), who has served on the Board of Directors, the Negotiating Team, and as a Delegate, has accepted the position of Chair of the Peterborough/MNR Chapter, succeeding **CATHERINE MILLER**, who was elected to the Board last year. Finally, **DAN SKWAROK** (OPGT/MAG), who has been a long-time Delegate from Sudbury, was elected Chair of the Sudbury/MNDM Chapter. Congratulations to all and special thanks to Myrna for her many years of service as Chair and as a member of the Ministry of Health AMERC.

## Time's Up! Mandatory Retirement in Canada

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"The most pernicious aspect of ageism is that it becomes systemic; built into the organization of our lives and taken for granted, as if these social arrangements were natural."

*Time's Up! Mandatory Retirement in Canada* is a stimulating volume that helps to clarify a topic that, so far, has produced more heat than light.

## Union Wins Damages for Employer's Failure to Consult

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could not protect them when the need arose". The board ordered \$10,000 in damages to the union and \$1,000 to each of the affected employees.

AMAPCEO's collective agreement includes strong language around prior disclosure and consultation in advance of pending restructuring, surplusage or other organizational changes that could potentially affect AMAPCEO employees. Article 12 requires not less than two weeks' notice to the President of AMAPCEO of any workplace changes, with the ability of AMAPCEO to provide comments (and potentially reverse or amend the proposal) or seek a meeting to clarify matters. In addition, Article 27 requires four weeks' advance notice to the Association of potential surplusage. In the event of a breach by the employer, the matter ultimately may be taken to arbitration.

[Sources: [www.emond-harnden.com](http://www.emond-harnden.com); Articles 12 and 27 of the AMAPCEO Collective Agreement]

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## Watch for Bargaining Survey

Once again, AMAPCEO will be surveying its members to seek their views on collective bargaining priorities and proposals for the next round of negotiations, scheduled to begin in early 2006. This survey will be the fourth web-based survey we have conducted and the link to the survey will be distributed to members via e-mail in mid-October. Please watch for your e-mail notification and take the few minutes required to complete the survey. Because of the size and cohesive nature of our bargaining unit, the views of members really do determine the bargaining proposals, which ultimately are voted on by the Delegates' Conference.

## Challenges for the Year Ahead

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expected to begin in early 2006, with our current Collective Agreement due to expire on March 31, 2006. Whereas the last set of negotiations resulted in a short-term bridging agreement that focused on a few narrow issues (e.g., salary increases for 2004 and 2005; an extra COC/MCO day; and major improvements in overtime compensation), the next round will deal with a broader range of matters: the impact of the new job evaluation system on salary levels; non-salary items; and benefits. Please watch for the upcoming bargaining survey, which is expected to be distributed electronically in October, since it represents the best opportunity for individual members to provide input into determining our bargaining priorities, as well as a chance to submit bargaining proposals.

Finally, a number of AMAPCEO members may be affected this year by potential *divestments, transfers of work and other transformation initiatives*. For instance, as previously reported in this newsletter, the establishment of Local Health Integration Networks (LHINs) by the Ministry of Health and Long Term Care will have a likely impact on the work of colleagues in the ministry, although we do not yet know the precise outcome, given that LHINs are just now starting to operate.

In addition, two ministries are expected to be affected by the agreement between the federal government and Ontario to "harmonize" the delivery of services, specifically the proposal to create a single administration of corporate income tax (which will affect AMAPCEO employees in the corporate tax division of Finance) and the proposed Labour Market Development Agreement (affecting staff in the Ministry of Training, Colleges and Universities). Under the LMDA, a number of federal civil servants would actually transfer to the OPS – a reversal of the usual flow, in which our members typically are divested to another employer.

AMAPCEO members have the strongest job security and redeployment provisions in the OPS, the result of hard bargaining in the past. As we approach the challenges of the future, we must remain vigilant to preserve what we now have, try to make improvements where necessary, and ensure that those of our members who are impacted by divestments are treated in a humane and fair manner.

## Call for Nominations: Fall Elections

*Continued from page 1*

Committee to call for nominations for Delegate-at-Large to the ADC. Up to ten such non-voting positions may be available; final election is by Provincial Council.

All but two of AMAPCEO's 24 Chapters have Delegate and/or Chapter Chair positions to fill – a total of 54 Delegates and 12 Chairs. The other 12 Chapter Chairs and 44 Delegates have continuing terms; some positions were filled in the Spring election period and others have another year to serve in their terms. Delegates are elected on the basis of one Delegate for every fifty members. (In addition, Chapter Chairs and members of the Board are automatically Delegates.) Because of membership growth, seven Chapters have each gained one new Delegate position this year.

Please consult the list posted on the website to determine which positions are open in your Chapter. For Delegates and Chapter Chairs, if there are more candidates than vacancies, a mail-ballot election will be held among members of the Chapter in early October. The Elections and Credentials Committee, which is an arm's length committee of the ADC, supervises all elections; the chair of the committee, **RAY WRIGHT** (MTO/Sault Ste. Marie), acts as the Chief Returning Officer. If you have any questions about the nomination and election process or the responsibilities of any of the positions, please contact **MICHAEL MOURITSEN**, Director of Operations and Planning, at the AMAPCEO office (ext 2724 or by e-mail at mouritsen@amapceo.on.ca).