



# Research Request

## **Components Responses to Corrections Research Request for OPSEU**

March 30, 2020

The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 390,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

Larry Brown, President

Bert Blundon, Secretary-Treasurer

## **BCGEU**

**1. Are your support staff designated Essential Workers? Are any of those classifications working remotely? i.e.. Records clerks, admin, social workers etc.**

- BCGEU: Unknown at this time.

**2. Are any of the staff, inmates or professionals being actively screened? If so, please provide details**

- BCGEU: New intakes are being screening immediately by health care personnel to determine if symptomatic. If healthcare feel there is a need to test, the inmate will be isolated or placed in an appropriate living unit until test results confirm health status. If confirmed as COVID, the inmate will remain quarantined until cleared by health care. This means they may be isolated individually and/or in a designated living unit.

**3. Are you performing secure to secure inmate transfers?**

Yes. However, direction is that only essential transfers take place (i.e to address overcrowding, to attend a court date, or transfer to the Federal system). Unfortunately, the reasons for transfers as of late is not adequately communicated to front-line staff resulting in work-refusals under the Ontario Labour Relations Act – most, if not all, have been deemed as ‘no right to refuse’.

- BCGEU: No, other than essential transfers e.g. medical.

**4. Members who are told to self-isolate? Or, members who are ill? How are they being paid?**

- BCGEU: Members are being paid short terms disability benefits of 75% pay. We are currently trying to get full pay for our members but we are not sure at this time.

**5. Please describe any other safety precautions related to COVID-19 in your province?**

- BCGEU: Employer responses.

Consistent with normal practice, inmates will be placed in living units taking into consideration such things as their risk rating, programmatic needs and no contact details. Where possible inmates will be single bunked.

Re social distancing, we will continue to follow the recommendations of the Provincial Health Officer, keeping in mind that her advice is within the community

context. Correctional centres are akin to hospitals and long term residential care facilities and social distancing may look different and/or be limited.

Numbers of inmates congregating will be minimized to the degree possible.

Musters will continue as per usual, keeping in mind social distancing where possible. Some muster locations have been changed to a larger space. If staff have efficient and effective suggestions they should be encouraged to share them with their supervisor.

Non-essential close contact training will not take place until further notice.

## **MGEU**

### **1. Are your support staff designated Essential Workers? Are any of those classifications working remotely? i.e.. Records clerks, admin, social workers etc.**

In Manitoba, nearly every job in government is deemed essential by our Essential Services Act. Additionally, our government has starved departments across the board of resources, making staffing an issue at most times. Our essential services legislation really only applies to work stoppages. What we have seen so far is that all facets of Corrections are essential. Efforts to allow people who can do their work remotely to do so are being explored. Some areas (such as programs) have been cancelled, and those staff are being deployed into other areas. As they start to see staff getting sick and needing to be away, the resources are going to be even more taxed.

### **2. Are any of the staff, inmates or professionals being actively screened? If so, please provide details**

The testing protocol remains the same as it does for the general public. Staff who develop symptoms are being asked to stay home. Passive screening for visitors is in place. All contact visits are suspended, with only visits through glass being allowed. Increased surface cleaning is being done. Legal Counsel have been asked to use phone contact as much as possible to limit needing to attend the institutions. There is no active screening in place at this time. Inmates are not being tested unless they also meet the public health guidelines for testing and isolation. The testing will be done by medical staff upon direction from Manitoba Health, and the tests sent out to the lab. Staff would have to go to a community testing site after being referred by Health Links. Manitoba is not actively testing except for cases where travel was involved.

### **3. Are you performing secure to secure inmate transfers?**

Yes. However, direction is that only essential transfers take place (i.e to address overcrowding, to attend a court date, or transfer to the Federal system). Unfortunately, the reasons for transfers as of late is not adequately communicated to front-line staff resulting in work-refusals under the Ontario Labour Relations Act – most, if not all, have been deemed as ‘no right to refuse’.

This is the same in Manitoba. Transfers are only happening if absolutely necessary. One of our Youth Centers has been identified as an isolation location, and should the need arise sick inmates will be transferred there, with the remaining youth being moved to the other youth center.

**4. Members who are told to self-isolate? Or, members who are ill? How are they being paid?**

Currently, anyone needing to be off for self-isolation, or because they are sick, are needing to use either sick time, or other banks of time. If the member has no time to use, then they would utilize the EI sick benefits available to them. We have pushed our government to provide a presumption for Workers Compensation purposes that if a front-line worker is infected, that they be provided benefits from WCB.

**5. Please describe any other safety precautions related to COVID-19 in your province?**

The Ministry has actively sought to reduce our inmate count. To date, they have reduced our provincial count by about a 1000 – by transferring to the Federal system, providing intermittent inmates with Temporary Absences, reducing court appearances. The Ministry has cancelled all family visits and volunteers. The Ministry has had open dialogue with the union members, resulting in many one-off phone calls and/or formal tele-conference calls. We are continually advocating for an institutional implementation of pandemic plans, active screening of all staff, visitors, and inmates.

Additionally, the Ministry has provided each Local President with 40/hr week paid leave to assist with local labour relations issues that may occur. This is interim until the pandemic is deemed to be over.

The Department is making attempts to release inmates who are near the end of their sentences and do not pose a risk to the community are being released where possible. Intermittent sentences have been suspended. Community Custody Youth have been released. All contact visits have been cancelled. Any volunteer based programs have been suspended. Reductions in counts will see some time to materialize, as there are still new admissions (although, they are not accepting anyone with symptoms). Visitation has not been cancelled completely at this time due to fears of inmate uprisings that have happened in other jurisdictions. The employer has advised they are watching other jurisdictions closely, and will make decisions on that issue. We have stressed that we believe visitation should be cancelled, and phone access could be increased or provided free to inmates.

Additionally, we are seeing an instance where the Province has decided to close one of our Provincial facilities (The Dauphin Correctional Centre). This has resulted in a number of staff needing to relocate to other facilities within the province. It is set to close by the end of May. We have been steadily pushing them to reverse that decision, but we have also asked that they delay the closure for now, as members who need to move cannot safely look for new houses, sell their houses, go to banks for mortgages, and find information about schools or enroll. Additionally, the job market for those staff who elected to take a separation with severance in lieu of a transfer, now have very

limited job prospects given the closure of many businesses. We are awaiting a response on this.

The Department has also ordered some sanitizing foggers, with the plan being to have one in each institution. It is an Environize BURE ULV Fogger, that uses a Hypochlorus Acid solution, that does not require wiping or rinsing after, and is non-toxic. Training will be taking place shortly, and they will be used in the institutions going forward. Once I get an update on this, I can most certainly share.

## **OPSEU**

### **1. Are your support staff designated Essential Workers? Are any of those classifications working remotely? i.e.. Records clerks, admin, social workers etc.**

In Ontario, our support staff are deemed as essential, at this point. None are working remotely. We have asked for consideration for these members. No response at this time.

### **2. Are any of the staff, inmates or professionals being actively screened? If so, please provide details**

Staff and professional visitors are not consistently being actively screened. They are being, what the Employer refers to as 'passively' screened – meaning signage is posted in various parts of the institutions reminding staff to self-monitor, and, report, if necessary. Inmates are – for the most part – actively screened, however, without temperature checks.

### **3. Are you performing secure to secure inmate transfers?**

Yes. However, direction is that only essential transfers take place (i.e. to address overcrowding, to attend a court date, or transfer to the Federal system). Unfortunately, the reasons for transfers as of late is not adequately communicated to front-line staff resulting in work-refusals under the Ontario Labour Relations Act – most, if not all, have been deemed as 'no right to refuse'.

### **4. Members who are told to self-isolate? Or, members who are ill? How are they being paid?**

We have been told that all staff will be paid, using either sick credits, or, the Ministry covering wages outright if the member does not have the sick credits available. However, we have not seen this in writing yet. We have had some situations where members without the above criteria, but, for other reasons (i.e. they are already immuno-compromised, spouse is pregnant, etc.) and, these members are being booked of as Leave Without Pay. We are seeking further clarification of these members.

### **5. Please describe any other safety precautions related to COVID-19 in your province?**

The Ministry has actively sought to reduce our inmate count. To date, they have reduced our provincial count by about a 1000 – by transferring to the Federal system, providing intermittent inmates with Temporary Absences, reducing court appearances. The Ministry has cancelled all family visits and volunteers. The Ministry has had open dialogue with the union members, resulting in many one-off phone calls



and/or formal tele-conference calls. We are continually advocating for an institutional implementation of pandemic plans, active screening of all staff, visitors, and inmates.

Additionally, the Ministry has provided each Local President with 40/hr week paid leave to assist with local labour relations issues that may occur. This is interim until the pandemic is deemed to be over.

We hope you are all healthy and managing well given the current global pandemic. We look forward to your responses.

## **NSGEU**

In Nova Scotia our folks are deemed essential and I am not clear on anyone working from home or remotely, at this time. We may have some admin or payroll folks maybe, but I'm not 100% sure. On my next conference call with employer, I will inquire on any numbers.

As for the rest of the answers, I will send these to the local leadership of our facilities for input. They will respond as they can and I'll put together a response asap.

Appreciate all the support NUPGE provides and OPSEU by setting an example. I've only come into Corrections in the last few years through my staff Union role and at a time like this, I really am thankful for the leadership OPSEU has within its ranks of Correctional Services. You all provide a national service to our members.

## **NAPE**

### **1. Are your support staff designated Essential Workers? Are any of those classifications working remotely? i.e. Records clerks, admin, social workers etc.**

In NL at our largest institution in St. John's our support staff have also all been deemed essential and expected to report to work as per usual. Classification Officers have been moved from their regular office space within the prison and transferred to the program trailer (Programs have been cancelled so this space is now available – This is an area still on prison grounds but not connected to the main prison) All interaction between inmates and Classification Officers are being conducted over the telephone instead of a face to face meeting. No change in practice to any of our other support staff.

### **2. Are any of the staff, inmates or professionals being actively screened? If so, please provide details**

Staff and other professionals are not actively screened. They are instructed to stay home when they are sick, self-monitor and report when necessary.

There has been a questionnaire developed for any new admission to the St. John's Lockup. This is designed to assess the inmate's level of risk. It asks questions ranging from recent travel to current health status/ symptoms. As of now the intention is that those who score high be swabbed and tested for the virus. Temperature checks are not being performed regularly. Those who do not present immediate concerns will still be held at the lockup for 14 days prior to their transfer to the main facility at H.M. Penitentiary. If overcrowding becomes a concern, a larger quarantine unit will be identified at the main facility to minimize the risk of spread. Also, to reduce the spread, access to the Penitentiary has been restricted. All visits for inmates have been cancelled as well as programs conducted by outside organizations such as John Howard Society and volunteers.

### **3. Are you performing secure to secure inmate transfers?**

We are still conducting transfers when necessary but the number of transfers have been limited extensively. A large portion of transfers that take place in NL are for remand inmates to attend court. Since the COVID-19 pandemic the courts in NL have begun conducting the majority of their proceedings via video conference (i.e. pleas, bail reviews, sentencing, etc.) eliminating the need for many of our transfers. Overcrowding has not been of concern for NL as the courts have been granting bail to accused at a much higher frequency. There has also been an increase in the number of T.A. being granted especially for those serving intermittent sentences. Routine transfers of new admissions from the St. John's Lockup to the penitentiary are being time delayed by 14 days to minimize the likelihood of an infected new admission bringing the virus into the larger main facility at HMP.

#### **4. Members who are told to self-isolate? Or, members who are ill? How are they being paid?**

On March 14, 2020 the Government of NL announced that anyone returning from outside the country will be compensated during their mandatory 14-day self-isolation. They stated Public Sector employees will be paid as usual and that compensation will be provided to private sector employees as well once they've submitted the required supporting documentation. To our knowledge though, this compensation only applies to those self-isolating due to travel outside the country. If a staff person was to self-isolate due to coming into contact with a known case of COVID-19 or they contracted COVID-19 their pay would come from their own sick leave banks. If the employee has exhausted all their sick credits then they would be approved special leave without pay. For an income, they would then be expected to apply for sick benefits through the federal government's employment insurance. As of today's date, the NL government has not stated that employees will be compensated to self-isolate other than those related to travel outside of the country. If an employee cannot come to work due to being immuno-compromised, spouse pregnant, childcare issues, etc. they would need to have sufficient leave banks to ensure their pay is not disrupted. Without available leave, there is no obligation at the moment for the employer to grant an employee time off with pay. It is more likely that the employee would be required to avail of regular employment insurance benefits and be issued a ROE. As the pandemic unfolds this may likely change so further clarification is needed for us as well.

#### **5. Please describe any other safety precautions related to COVID-19 in your province?**

Newfoundland has also sought to reduce the inmate count. Intermittents have been granted Temporary Absences and those inmates serving straight time sentences and eligible for TAs are being actively reviewed. The court system has been granting bail at a higher frequency reducing the number of remand inmates in the system.

With the cancellation of many of the inmate services (Recreation, Visits, Programs) the staff who were working full time in these positions have been reassigned duties as they are still deemed essential and expected to come to work. With an increased availability of staff cleaning processes have been enhanced significantly to ensure cleaning/disinfecting of high traffic areas and surfaces often touched by hands. Multiple inmates have been identified as cleaners and are supervised by a correctional officer. They clean/disinfect handrails, door knobs, washrooms, work stations, elevator buttons, etc. Multiple times throughout the day. Hand sanitizer dispensers have been installed throughout the prison.



## NATIONAL UNION OF PUBLIC AND GENERAL EMPLOYEES

- B. C. Government and Service Employees' Union (BCGEU)
- Health Sciences Association of British Columbia (HSABC)
- Health Sciences Association of Alberta (HSAA)
- Saskatchewan Government and General Employees' Union (SGEU)
- Manitoba Government and General Employees' Union (MGEU)
- Ontario Public Service Employees Union (OPSEU)
- Canadian Union of Brewery and General Workers (CUBGW)
- New Brunswick Union of Public and Private Employees (NBU)
- Nova Scotia Government and General Employees Union (NSGEU)
- PEI Union of Public Sector Employees (PEI UPSE)
- Newfoundland & Labrador Association of Public and Private Employees (NAPE)

The National Union of Public and General Employees is an affiliate of the Canadian Labour Congress and a member of Public Services International.

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