



**WORKING SESSION OF  
CORRECTIONAL OFFICERS  
and YOUTH FACILITY  
WORKERS'  
VIDEOCONFERENCE**

September 24-25, 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

# **NUPGE Correctional Officers and Youth Facility Workers Videoconference**

**September 24–25, 2020**

## **PARTICIPANTS**

### **BCGEU/NUPGE**

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Shane Rush  
Andrew Stevens  
Danielle Vandervoort

### **SGEU/NUPGE**

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Diane Beaulieu  
Verne Larson  
Kim Picot  
Kevin Sawatzky

### **MGEU/NUPGE**

Michelle Gawronsky  
Chris Drosdoski  
Dylan Almdal  
Charlotte McWilliams

### **OPSEU/NUPGE**

Chris Jackel  
Chad Oldfield  
Janet Laverty  
Michelle MacLean  
Joely Price  
Pete Harding  
Mike Fallon  
Tom Gibson  
Sandra Harper

### **NSGEU/NUPGE**

Benny Singler  
Andrea Hancock  
Rick Wiseman

### **PEI UPSE/NUPGE**

Blair Weeks  
Mark Barret

### **NAPE/NUPGE**

Scott Dwyer  
Steve Roach

### **NUPGE**

Michael Temelini, National Representative  
Bert Blundon, Secretary-Treasurer  
Nadia Ibrahim, National Representative  
Sandra Megeney, Administrative Representative

## **1. Welcome and Introductions**

Bert Blundon, NUPGE Secretary-Treasurer, gave opening remarks. Blundon provided an overview of political developments taking place across Canada of interest to workers in corrections.

Michael Temelini, NUPGE National Representative, welcomed all the participants to the meeting and asked participants to introduce themselves, which they did.

## **2. 2020 Peace Officer Memorial Update**

Drawing everyone's attention to the CPOMA website, <https://www.cpoma.ca/latest-news.html>, Temelini explained that the 2020 Canadian Police and Peace Officers' Memorial Service will be a virtual ceremony this year. It will be livestreamed from Parliament Hill on Sunday, September 27, 2020, at am. The link will be posted online on the CPOMA website: [cpom.ca/live/](http://cpom.ca/live/).

## **3. Political Climate**

Each provincial Component provided a brief overview of the significant political developments that have or will impact correctional workers.

Among the provinces that have NUPGE corrections workers, there is one minority government led by a Premier whose political party of the centre-left has historical ties to organized labour: the government of British Columbia led by Premier John Horgan and his New Democratic Party.

There are 2 minority governments led by Premiers whose political parties have mixed records in their relations with organized labour: Prince Edward Island's government led by Premier Dennis King and his Progressive Conservative Party, and Newfoundland and Labrador's government led by Premier Andrew Furey and his Liberal Party.

There are 5 provinces with majority governments (4 Conservative and 1 Liberal) whose leaders and political parties have been quite hostile to organized labour: Alberta's Premier Jason Kenney and his United Conservative Party, Saskatchewan's Premier Scott Moe and his Saskatchewan Party, Manitoba's Premier Brian Pallister and his Progressive Conservative Party, Ontario's Premier Doug Ford and his Progressive Conservative Party, and Nova Scotia's Premier Stephen McNeil and his Liberal party.

It is a testament to the strength of our union that across Canada, regardless of the specific ideological orientation of the provincial government, the NUPGE correctional bargaining units have been able to secure victories and gains in collective bargaining, with grievances, and in unexpected emergency negotiations during the pandemic.

## **4. CSN Raiding Campaign (OPSEU)**

Participants from OPSEU/NUPGE explained the ongoing attempts by a small group of disgruntled members aligned with the Confédération des syndicats nationaux (CSN) to

raid OPSEU locals. The campaign is to raid border service guards and members of the OPSEU Corrections Bargaining Unit.

## **5. COVID-19 Update**

Participants from each Component provided an update on the impact of the COVID-19 pandemic on provincial correctional workers.

### **Confirmed cases**

On the topic of confirmed cases, Components reported either no cases, or 1 or 2 cases.

### **Health and safety protocols**

A comprehensive discussion took place regarding health and safety protocols such as screening, testing of inmates and staff, quarantine, the use and availability of hand sanitizer, and cleaning practices. There was general satisfaction expressed about the extent of cleaning, and that the various Exposure Control Plans were well managed. But there is no consistency across the country regarding these protocols and plans.

For example, on the question of screening in provinces where the COVID-19 cases have been low, it was reported that there has been no screening of staff or inmates; instead, they were given questionnaires. But in places where the pandemic has been of greater concern, staff and inmates have been screened upon entry. In some cases, a prescreen test is done by staff and then inmates are screened again upon entry, and staff and inmates are issued masks. In some institutions, testing is offered but not mandatory. Yet in other institutions, the COVID test is not mandatory at intake units and assessment centres, but inmates have to isolate before they are moved. In most cases, a positive COVID-19 test results in separation in either a quarantine unit, or for 14 days in an isolation/segregation unit.

There was no report of temperature checks for staff.

Another inconsistent practice across Canada is cleaning, for example, with anolyte disinfectant foggers. Some have reported no fogging, while others report fogging in all centres. In addition to regular cleaning, some participants reported extra cleaning, in some cases, by outside cleaning agencies. Some participants reported that there are very thorough cleaning practices in between breaks and extra cleaning after visits.

Regarding youth detention, one participant reported that youth are admitted to isolation units upon arrival whether they are asymptomatic or symptomatic, with testing done on-site. In some provinces, youth have the right to refuse testing and health care, but are there for 3–4 days.

With regard to recreation for inmates, participants reported limits put in place. As for staff members, one participant reported that workers are now allowed to use gym facilities, which they could not do previously.

With regard to visits and interviews, again there is no consistent standard: during the pandemic, all in-person visits were prohibited, except in some cases, for lawyers. Interviews and court proceedings with inmates are done either by telephone or by video court booths. One participant reported that there was some discussion about hiring a sheriff to staff the booths, because they are short staffed.

There was at least one report of the temporary closure of a facility and the relocation of its inmates.

### **Personal Protective Equipment (PPE)**

A discussion regarding PPE focused mainly on the various policies across Canada, including supplies of masks. Some participants expressed concern and criticism about policies, while others expressed general satisfaction about PPE supplies. There's no pan-Canadian consistency: in some provinces, except for staff who are required to wear masks in isolation units, masks or gloves are available but not mandatory (leading to criticism from corrections workers). In other provinces, the wearing of masks is mandatory; and in some cases, all staff are required to do so. And in some cases where the workers might be at risk of exposure, full PPE is required (mask, eye protection, and gloves). One participant reported that social distancing is promoted instead of mask wearing. Another participant reported, "a bit of bullying towards those who choose to wear masks."

### **Wages and benefits (COVID Pay)**

On the question of wages and benefits during the pandemic, there was no consistent policy across Canada.

Some participants reported that they received no *pandemic pay* (wage increase in recognition of increased work responsibilities during a state of emergency). In one example given, a wage cap was put in place, but lower-paid staff who are not corrections workers were excluded from this. In another example, during summer, when inmate counts decreased due to the pandemic state of emergency, staff were required to use their vacation time.

In contrast, other participants explained that both adult and youth corrections workers received pandemic pay: either as one lump sum following several weeks of work, or as an hourly wage increase.

### **Reopening union offices**

Some union offices are open to all staff, others are closed, and others have access restricted to some staff and executive members with prior email permission. No union offices are open to the public, but in some cases, meetings are by appointment only.

### **Sick leave**

On the question of sick leave, there has been a hodgepodge of policies and practices across institutions and within provinces, with no clear, blanket, or consistent pandemic-

leave policies. In some cases, workers who contracted COVID-19 were sent home and required to use their sick leave in accordance with the terms of their collective agreements, or had hours reduced. This resulted in at least one policy grievance. In other cases, workers were initially accorded a special pandemic leave for some months over the summer. And in other cases, workers were required to top up sick time with banked overtime or earned credits.

The most notable information was reports that in 2 provinces, Ontario and Newfoundland and Labrador, there are de facto presumptive COVID-19 policies. In NL, if a worker tests positive for COVID-19, and believes they contracted it at work, they will receive WCB benefits if they file a claim with WorkplaceNL, and submit with it a Physician's Report (a practice that was automatically implemented without negotiation). WorkplaceNL adjudicates work relatedness and benefit entitlement based on each individual case.

Likewise, in Ontario, COVID is recognized by WSIB as a workplace illness when established by contact tracing. Workers might be eligible for WSIB coverage if a worker files a claim. The WSIB will adjudicate on a case-by-case basis taking into consideration the facts and circumstances.

#### **Infrastructure** (retrofits, plexiglass, flow patterns, and signage)

The topic of infrastructure revealed, once again, there is no uniform pan-Canadian approach, albeit with the exception that all institutions have pandemic-related signage.

In some cases, there have been no major structural changes, including no plexiglass (partly because some parts of the institution such as the control room are equipped with plexiglass already). While in other cases, no plexiglass was added in either or both adult and youth facilities.

Several participants reported that trailers have been installed at various institutions, but there is conflicting debate about what exactly to do with them. In one case, management wanted to have trials by video in these trailers and have court security monitor them, but correctional officers pushed back on this and won. In another case, confirmation is pending when the trailers will be put to use and who will work in them. Concern was expressed about the safety of these trailers.

A noteworthy NUPGE victory with regards to infrastructure is in Ontario: in 2020 OPSEU/NUPGE successfully secured a commitment from the anti-union government of Doug Ford to construct two new jails in Kemptville and Brockville, and to undertake retrofits at the Ottawa Carleton Detention Centre, and expand the St. Lawrence Valley Correctional and Treatment Centre and Quinte Detention Centre.

## **6. Staffing**

A discussion was held about employment levels, with several reports about short staffing in raw numbers and job classifications (hiring classes). In some cases, because

of retirement and resignations, there are dramatic shortages, notably in Manitoba, which reports a shortage of 250 workers. There were widespread difficulties reported in the retention of workers for both adult and youth corrections. Some have reported that there is no attempt to transition part-timers to full-timers. This has resulted in various recruitment campaigns across the country.

Some institutions were able to add extra nursing shifts to the floor, while others experienced a shortage of nursing staff.

A discussion on training revealed a mixed bag: in some instances, there have been no changes to training practices. Others report that the training model for corrections has changed. For example, there were reports that the usual 8 weeks' training have been reduced to 4 weeks. Further, a limited number of trainers would be hired, and the training will take place in separate rooms to maintain social distancing and masks will be required. In another example, online training was dropped to 8 weeks from 12 weeks. Participants from Nova Scotia report that now there is no physical abilities test requirement, and a new policy was implemented, requiring a doctor's note signing off on physical and mental health.

The exception to this gloomy picture is Ontario, where OPSEU/NUPGE was able to secure a decisive and historic victory in spite of the Progressive-Conservative government of Doug Ford and his party's history of anti-union and anti-worker laws and policies. The Ontario Component, OPSEU/NUPGE successfully negotiated 500 new positions across the province, 213 of which will be correctional officers and the rest will be support staff positions such as nurses, and social workers.

## **7. Bargaining Update**

Each Component provided a brief overview of collective bargaining, as follows:

**BCGEU/NUPGE:** The collective agreement expired on April 1, 2019. A new contract took effect January 2022.

**SGEU/NUPGE:** The collective agreement expired in 2016. The union was without a contract until a new collective agreement was offered in 2019, and accepted in January 2020. The contract, a 6-year agreement, takes effect on February 1, 2020.

**MGEU/NUPGE:** The collective agreement expired in 2018. The 2 sides are at the table now. In the meantime, the union launched a legal challenge on the constitutional status of Bill 28, an attempt by the Pallister government to legislate wage controls in contravention of the Charter right to collective bargaining.

**OPSEU/NUPGE:** The collective agreement expires December 31, 2021.

**NSGEU/NUPGE:** The collective agreement expires March 31, 2021.

**PEI UPSE/NUPGE:** The collective agreement expires March 31, 2022.



**NAPE/NUPGE:** In February 2020, a 2-year extension was negotiated for all NAPE bargaining units, effective April 1.

## 9. Other business

### Grievance wins

A brief discussion was held about grievance wins, with specific reference to health and safety. The successful grievances included

- the use of foggers and punch wands;
- the requirement that officers have to be made aware of inmate history prior to transport (this resulted from the assaults of an officer);
- the use of N95 masks in the case of opioids as not being sufficient. (In this case, the union is still waiting to find out what the replacement should be.)

### Oleoresin capsicum (OC) spray

A discussion was held on the use of oleoresin capsicum (OC) spray, also known as pepper spray, a lachrymatory agent used in policing, crowd control, and self-defense.

A question was raised regarding who in the institution carries it on their belt. Reports are that its use, frequency of use, the requirement for prior approval before use, varies from institution to institution, for both adult and youth corrections.

In some institutions, not all officers carry it, and those who deploy it have to explain why. In most adult institutions, corrections officers carry it, with the requirement of justifying its use.

Some COs use foam spray, with minimal questioning, although reports have to be filled out. One participant reported that OC spray is “used very often.” Canisters are registered, and if used, they are weighed, and the canisters remain at the institution.

Participants were in general agreement that there is some self-contamination when officers use the spray, but recovery from contamination is a better option, less invasive, and results in less personal injury. One participant indicated that the use of spray “significantly reduces” staff injury.

## FOLLOW UPS

ISSUE	NUPGE Responsibility	Component Responsibility	Task Completed
Submit Wage Grids to National Office		✓	✓

### **Timeline for Corrections Bargaining Unit – 2019-20**

September 9, 2019: The government eliminates the Offender Transport Unit (provincial bailiffs) within Ontario's Correctional Service. These officers transported accused and convicted inmates. Their duties are transferred to the correctional officer position. The MERC negotiates all affected bailiffs' transition to correctional officer positions, thus avoiding any full-time job losses.

October 4, 2019: The Crown abandons its prosecution of two correctional officers accused of "failure to provide the necessaries of life" contrary to section 215 of the Criminal Code. The Crown tried to hold officers criminally responsible for a death in custody. A conviction would have been a disturbing precedent.

October 31, 2019: The government ends funding of the permanent presence of police officers at several jails. Instead, it expanded use of "field intelligence officers" and "institutional security teams" to reduce crime within jails.

January 15, 2020: Yet another judge blasts the government over appalling conditions in the province's jails, labelling them a "form of deliberate state misconduct."

February 2020: For a third year in a row, correctional staff members take part in community-specific charity fundraising events as part of the [third annual "Corrections Cares about Communities"](#) event. Over \$28,000 and 815 pounds of food were raised.

March 24, 2020: A meeting between OPSEU and the Ministry of the Solicitor General sees the government agree to nine union demands related to COVID-19, including screening all staff before each shift; placing all inmates in intake or isolation units for at least 14 days; and issuing all staff with a surgical mask for their shift.

April 16, 2020: President Warren (Smokey) Thomas warns the Confédération des syndicats nationaux (CSN) to stop trying to raid OPSEU's correctional officers – in the middle of a deadly pandemic.

April 20, 2020: President Warren (Smokey) Thomas tells the Ministry of the Solicitor General to crack down questionable management practices that led to a large COVID-19 outbreak and temporary closure of the Ontario Correctional Institute in Brampton.

April 21, 2020: First Vice-President/Treasurer Eduardo (Eddy) Almeida, a correctional officer, tells the government to listen to frontline workers to limit the spread of COVID-19 within the correctional system.

April 23, 2020: OPSEU convinces the government to begin issuing surgical masks to all workers and visitors in the province's jails to stem the spread of the pandemic.

April 28, 2020: A probation and parole officer was present when a client attending an office in Elliot Lake committed suicide using a gun.

May 7, 2020: During Correctional Services Staff Recognition Week and Probation Officers Week, video messages on the ministry's intranet site took the place of the annual Ceremony of Remembrance in recognition of the Ontario correctional workers who have died in the line of duty.

May 15, 2020: The [2018-21 collective agreement](#) is finalized. It features significant wage increases, improved benefits and increased time off.

June 16, 2020: The government invests \$500 million in the correctional system, hiring 500 new full-time correctional staff and the new jails for Kenora and Thunder Bay. This is the biggest single investment in the system in decades.

July 3, 2020: The Corrections Bargaining Unit publishes its second issue of Corrections Insider, dedicated to busting the myths that CSN is spreading as part of their raiding campaign.

July 6, 2020: President Thomas tells the government to stop stalling and get shovels in the ground to build the new Thunder Bay jail to replace a century-old dilapidated building.

July 27, 2020: Kenora Jail staff save the lives of five inmates who had overdosed on fentanyl over a 24-hour period.

August 20, 2020: OPSEU announces teletown halls for September 9 to discuss CSN's attempt to raid OPSEU's corrections members.

August 27, 2020: Ontario announces construction of two new jails in Kemptville and Brockville, retrofitting the Ottawa Carleton Detention Centre, and expanding St. Lawrence Valley Correctional and Treatment Centre and Quinte Detention Centre.

### **Political climate**

The PEI Government is currently a minority government led by the Conservatives with the Green Party and the Liberals holding seats in the legislature. A Liberal MLA has recently resigned and a by-election will likely occur in October to determine the new MLA for the district. If the Conservatives win the election it is possible that they may have sufficient seats to have a majority. The Speaker though is currently a Conservative.

The Government has been quite functional due to the efforts of the Premier to ensure some level of collaboration. The Government also responded well to the COVID crisis. Relations between the government and PEI UPSE have been functional and courteous in most cases. President Jackson was appointed to the Premier's Council which has a mandate to address the economic future of PEI post-COVID-19. The Premier's Council has been meeting since May. PEI UPSE will submit a position paper on many of the key issues related to post-COVID-19 economic restructuring.

### **COVID-19 Update**

Corrections officers in the province are employing personal protective equipment and procedures as follows:

- Masks
- Gloves
- Handwashing
- Regular cleaning schedule

### **Bargaining Update**

PEI's Corrections Officer are members of PEI UPSE's Civil Service bargaining unit. The Civil contract expires in April 2022.

The wage provisions in the current contract are:

<b>PEI Civil Service Bargaining Unit Current Wage Settlement</b>	
<b>October 1, 2021</b>	<b>0.75%</b>
<b>April 1, 2021</b>	<b>1.0%</b>
<b>October 1st, 2020</b>	<b>1.25%</b>
<b>April 1<sup>st</sup>, 2020</b>	<b>1%</b>
April 1 <sup>st</sup> , 2019	1.25%
October 1 <sup>st</sup> , 2018	1%
April 1, 2018	1%

### **Staffing Update**

Major recruitment efforts are ongoing at the Provincial Correction Centre due to shortages of staff. During the summer to ensure that full-time staff were able to use vacation time, vacant supervisor positions were not filled as the staff, who are the pool for these positions, were needed on the floor. Many shifts did not have a full complement.

Furthermore, as a result of COVID-19, staff members were not driving prisoners to court. Float staff were working in the facility to ensure sufficient staff.



## 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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