



## UNION INFO–August 2010

### Overtime Policy grievance decision

From May to November of 2009, UCCO-SACC-CSN filed thirty-one (31) policy grievances in relation to the employer's new overtime policy.

Seven (7) of the grievances claimed that the National Overtime Policy violated clause 21.10 of the collective labour agreement (the C. A.).

Twenty-four (24) of the grievances claimed that the employer violated the C. A. by rescinding local overtime arrangements.

In his decision dated August 13, 2010, adjudicator Renaud Paquet denied the above cited seven (7) grievances and declared that he did not have jurisdiction to hear the above cited twenty-four (24) grievances.

What does this decision mean for correctional officers across the country?

Given that the employer has unilaterally imposed its overtime policy, which will allegedly attain equitable distribution of overtime over a one year period, correctional officers will be in a position to evaluate if this is indeed the case, as of November 2010. If not, then correctional officers will have to grieve inequitable allocation of overtime.

With the policy grievances before the adjudicator the union attempted to avoid multiple individual grievances as of November 2010 by arguing that the employer could not rescind local overtime arrangements. The adjudicator did not accept this argument and decided that local arrangements do not form part of the C.A. Given that the adjudicator's authority stems from the C.A., he thus concluded that he did not have jurisdiction.

The seven (7) grievances that claimed the National Overtime Policy violated clause 21.10 of the C.L.A. could not be demonstrated and thus was not, as the employer currently withholds the information required. This will be a problem come November, as it is likely that the employer will continue make it as difficult as possible for correctional officers to evaluate the equitable distribution of overtime across Canada.

UCCO-SACC-CSN will do what is necessary to ensure that the equitable distribution of overtime is respected at all institutions. To this end, correctional officers should expect a coordinated response as we approach November 2010.

# I'm On Board



## negotiations 2010