



LBED Divisional Executive Minutes

Divisional Executive Meeting
January 26 & 27th, 2012
100 Lesmill, OPSEU Head Office

Attendees	Denise Davis, Chair Tracy Vyfschaft, Vice Chair Colleen MacLeod, Secretary/Treasurer Jennifer Van Zetten, Health and Safety Committee Chair Susan Lusty, Pension & Benefits Committee Chair Rick Woodall, Anti Privatization Committee Chair Felicia Fahey, Education and Communications Committee Chair
Call to order 9:30 AM.	
1: Adoption of Agenda	
Discussion	OPSEU Website correction added to agenda
Motion by:	Lusty, Motion to adopt agenda as amended
Seconded by:	Vyfschaft
Response:	Carried
2: Previous Minutes	
Discussion	Review of November 2011 minutes
Motion by:	Vyfschaft, Motion to adopt November minutes
Seconded by:	Woodall
Response:	Carried
3: Matters arising from minutes	
Discussion	All minutes from April 2011 through November 2011 have been adopted and approved for distribution
Response	All committee chairs must ensure all reports are sent for inclusion in these minutes.
Officer Reports	
4: Chair Report	
Discussion	Report presented by: Davis
REPORT:	<u>Pay Equity Committee</u> The fourth Pay Equity newsletter was posted with updates. Since November the Committee has met 11 days to evaluate questionnaires. Future meeting dates are February 1 st , 2 nd and 3 rd , February 15 th , 16 th and 17 th , February 29 th

and March 1st and 2nd. As previously advised we will be giving periodic updates through notices posted in the workplace, on the OPSEU website (www.opseu.org) and through the LCBO intranet.

Employment Equity Committee

The Committee is continuing discussions on several important issues, including accessible washrooms, customer accessibility to retail cashier counters such as accessible pin pads, and cash station aisle ways. The Committee presented pictures to the employer showing how other retail outlets have specific cash aisles that accommodate wheel chairs and scooters and where a wheelchair sign is on top of the cash aisle.

We have been reviewing the Employers policies and have been advised that the existing Workplace Harassment and Discrimination (WDHP) booklet is currently being revised to include the harassment component of Bill 168 and there are plans to include a piece on sexual orientation and ageism. No date has been set for completion.

The Committee also will produce and submit regular articles to the Echo regarding The Ontario Human Rights Commission's Policies such as Age Discrimination, Sexual Orientation, Family Status and others. If you require information you can access the Ontario Human Rights Commission website at www.ohrc.on.ca

Collective Agreement update

It was determined that August 28, 2009 is the ratification date and grievances were settled accordingly. We met with the employer on December 5, 2011 to sign the Collective Agreement. The Collective Agreement will be printed and a copy of the pocket size Collective Agreement will be given to all members in the very near future.

Provincial Labour-Management Committee meetings

Past minutes from the committee meetings have been agreed upon and will be going out to all work locations on January 27, 2012. Meeting dates for this year are, March 6th , May 10th , September 20th , and one more date will be scheduled before the end of the year.

There will be a continuous review of the flow of information between the Regional Labour Management Committees, the Local Labour Management Committees and the Provincial Labour Management Committees to ensure that all committees have the support that they need and are functioning. All Committees are arranging meetings dates with the employer for 2012. If Local Presidents have labour relations, issues please forward to your Labour Management Chair.

Public Services Foundation of Canada Commission on Quality Public Services and Tax Fairness

We all know public services are under attack and it is time we talk about McGuinty's cuts and what we could do instead. To start the conversation, the Public Services Foundation of Canada is conducting its own inquiry, which is titled the Commission on Public Services and Tax Fairness. The Commission is visiting more than a dozen communities across Ontario in January and February where they are listening to expert testimony from community leaders, front line providers and clients of public services, local business leaders and others. They will gather evidence and make recommendations to the Finance Minister in time for this year's provincial budget.

I was asked to make a presentation with recommendations to Judy Wasylycia-Leis the Chair of the Public Service Foundation of Canada on January 19, 2012.

**Public Services Foundation of Canada Commission on Quality
Public Services and Tax Fairness
CAW Hall-1425 Philip Murray Blvd
Oshawa– January 19, 2012**

The Liquor Board Employees Division of OPSEU represents approximately 6,800 employees who consist of Permanent fulltime, Casual and Seasonal bargaining unit employees working in more than 600 retail outlets, five Logistics facilities and one Head office, which is located on 55 Lakeshore Boulevard, Toronto.

The Liquor Control Board of Ontario (LCBO) also hires up to 3,000 Fixed term employees during the Christmas and the summer period.

The LCBO is a publicly owned agency that controls the alcohol distribution system in Ontario. In their most recent fiscal year, 2010-2011, their sales were \$4.6 billion and they paid a dividend of \$1.6 billion to the people of Ontario. This money, together with HST, excise taxes and payments to local municipalities amounts to \$2.3 billion per year for the public coffers.

As we know, alcohol is a dangerous substance and we all know the consequences of its abuse. As a public agency, the LCBO has a mandate to sell alcohol responsibly by blocking sales to underage teens by checking ID 25 years of age and under. It is also a mandate to monitor and refuse a sale to intoxicated customers and third-party purchasers.

The LCBO staff is fully trained to monitor who is buying alcohol and refuse those that should not be served. It is a mandatory requirement of their job and they do not overlook this responsibility just to make a sale.

Each year, LCBO employees refuse to serve thousands of people who are under-age or intoxicated and contribute to keeping our communities safe. LCBO retail staff challenged more than 2.6 million customers who appeared to be underage or intoxicated and refused service to 155,000 customers (82 per cent for reasons of age).. We are supported by MADD and the Police Association.

Surveys have shown that the public acknowledge and support the work that the LCBO and its employees do to maintain social responsibility and feel that the LCBO does a good job and are opposed to the privatization of the LCBO.

Even though the LCBO is well regarded, we continue to have threats of Privatization through various ways. "Every time an Ontario government needs quick cash, they raise the possibility of selling the LCBO.

Now we already have privately run Agency stores in Ontario in addition to our publicly owned stores. These Agency stores short-change Ontario communities.

They do not provide the same level of service and selection as a real LCBO store. Whereas the Public LCBO stores provide first class service and selection and make a bigger contribution to the local economy.

By replacing Agency stores with real LCBO outlets, it would generate millions more in provincial government revenue to pay for health care, education and public services rather than profit-oriented businesses that want to maximize their sales and their own wealth.

“It’s unbelievable that at a time when the province is running an operating deficit and cutting services that the government continues to allow many of these privately-owned and operated Agency stores to stay in business. The profits they are earning could be returned to the provincial treasury. Our public assets work effectively and generate billions every year for our schools and hospitals.” Our publicly owned asset is valuable and in the interest of all Ontarians is best served by its public ownership. These are publicly owned assets that we need to maintain over the long run.

“From both a profit and a safety standpoint, it is nothing but a foolish move to privatize the LCBO and it would ultimately hurt this province.”

Recommendations to the Commission.

1. Repatriate the Agency stores to be publicly run. Bring back the revenues/dividends to support our public services.
2. Do not allow sales of alcohol beverages in Convenience stores. Keep the communities safe and the profits coming back to the public citizens
3. Convenience in services- Allow LCBO retail stores to be more convenient by opening up earlier and staying open later. Allow LCBO stores to be open on statutory holidays like the Agency stores.

5: Treasurers Report

Discussion	Report presented by: MacLeod												
REPORT:	<p style="text-align: center;">Bank Reconciliation LBED Division Of OPSEU</p> <p><u>Business Chequing Account</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Balance forward Sept 30, 2011</td> <td style="width: 40%; text-align: right;">\$<u>441.29</u></td> </tr> <tr> <td style="padding-left: 40px;">Credits</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td style="padding-left: 40px;">Debits</td> <td style="text-align: right;">\$75.00</td> </tr> <tr> <td style="padding-left: 80px;">Nov 24, 2011 Cheque #6*</td> <td style="text-align: right;">\$0.60</td> </tr> <tr> <td style="padding-left: 80px;">Nov 30, 2011 Service Charge</td> <td style="text-align: right;"></td> </tr> <tr> <td>Balance as of Nov 30, 2011</td> <td style="text-align: right;">\$<u>365.69</u></td> </tr> </table>	Balance forward Sept 30, 2011	\$ <u>441.29</u>	Credits	\$0.00	Debits	\$75.00	Nov 24, 2011 Cheque #6*	\$0.60	Nov 30, 2011 Service Charge		Balance as of Nov 30, 2011	\$ <u>365.69</u>
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Daily Interest Savings Account

Balance Forward Sept 30, 2011	<u>\$4181.74</u>
Credits	\$0.00
Debits	\$0.00
Balance as of Nov 30, 2011	<u>\$4181.74</u>

* Cheque #6 was written and approved by the Officers in accordance with the LBED Policy 06/10 - A gift card was purchased by Denise Davis and delivered to the member.

900 DAY POOL

The 900 day pool invoice is prepared by the LCBO according to the time off billed to Dept 858 of the LCBO. Currently the LCBO provides invoices approximately three (3) months after the member's time has been taken. Amounts below are after LBED review and the employer has returned flagged corrections.

Be advised these numbers are an estimation based on the date of this report and may be subject to change.

The amount of days charged to the 900 day pool in **Aug 2011** was **55.875** days.
The amount of days charged to the 900 day pool in **Sept 2011** was **62.906** days.
The amount of days charged to the 900 day pool in **Oct 2011** was **38.718** days.

6: Vice Chair/Grievance Committee Report

Discussion Report presented by: Vyfschaft

REPORT:

The Grievance Committee last met January 10, 11 2012.
The Committee reviewed appeals submitted from members since the last meeting, as per : exert-

LBED bylaw: 6.10.3- The Grievance Committee has the authority to review grievances (individual, group or Union) with the view to ascertaining, in a manner that is not arbitrary, discriminatory or in bad faith, which grievances should not be scheduled to proceed to arbitration (shall proceed to arbitration), in accordance with the terms set out in the Collective Agreement. The Committee shall have the authority to withdraw a grievance, subject to the affected member's right to appeal such a decision.

A number of cases were reviewed. During the process of reviewing the case files, the Committee noticed that there is a lack of information included in the files. This lack of information makes it difficult to ascertain the "meat and potatoes" of some cases. When Stewards forward files, please remember to include notes from Stage 2 and Stage 3, as well as any side notes.

Val Patrick and Chair Denise Davis recently met with the employer to discuss outstanding Policy grievances. Committee was given an update.

Scheduling of discharge grievances was discussed.

Two recent arbitration cases were reviewed, Allen and Cummings.

Next meeting is scheduled for March 27/28, 2012

Summary of Open Grievances as of Jan. 9, 2012

Accommodation- 18

Anniversary date-6

Assignment-Assignment, Job Posting, Seniority-10

Attendance Credits, Discrimination-2

Bargaining Unit Work-47

Benefits-12

Bullying, Discipline, Harassment-12

Call Back-1

Casual Benefits Denial-3

Classification-3

Clothing Allowance-1

Compliance With Settlement, Overtime Payment-1

Discipline-95

Discrimination-51

Dismissal-32

Displacement, Hours Of Work, Management Rights, Posting Of Notices,
Transfer-1

Employment Equity, Health & Safety-1

Employment Status-1

Expenses-1

Harassment-35

Health & Safety-18

Hours Of Work-28

Job Competition-26

Job Posting-34

Job Security-2

Leave – Bereavement - Jury Duty, Discrimination-4

Letter On File, Pay-4

Local Agreement-4

Management Rights-12

Meal Allowance-12

Medical Certificate-3

Memorandum of Agreement, Harassment-4

Ontario Human Rights Code-4

Overtime-51

Pay-16

Pension-1

Performance Appraisal, Recognition-1

Premium Pay-7

Promotion-4

Recognition-6

Rest Period-3

Retroactive Pay-3

Return to Work Protocol, Scheduling-1

Salary-4
 Scheduling-18
 Seasonal Employment-7
 Seniority-18
 Shift Premium-2
 Shift Schedule-11
 Sunday Opening-2
 Suspension-1
 Training, Training-5
 Transfer-4
 Unfair Labour Practice-1
 Vacation-6
 Wages-4

Committee Reports

7: Health and Safety Committee Report

Discussion	Report presented by: Van Zetten
REPORT:	<p>There continues to be numerous outstanding minutes to be signed off with the employer, from 2010-2011 this was to be cleared up via email with AlKarim and has not taken place. We have been told there should be three sets of minutes ready for Feb 2, 2012 meeting.</p> <p>As well as outstanding minutes we have outstanding agenda items that the committee is pressuring the management side to address .The lack of consistency, and accountability from the management on these issues seize to amaze us how this employer says Health and Safety is one of our core pillars of the organization. Examples on outstanding agenda items are as follows... Nov 7,2007 Asbestos in the workplaces and forming committees and having minutes to meetings however this does NOT qualify for them to be certified unless we can get members to call in the MOL to make an order in the workplace we can use to benefit the members that work in the places that contain asbestos . Bonar Bins and Armor car service.</p> <p>There is also Bill 160, which we have added to the agenda, which in hindsight says even with less than 20 workers in the workplace there has to be training</p>

for the Health and Safety Reps in the Workplace. This does not necessarily qualify them to be certified, however it does give them training on site specific issues (racking in retail, asbestos, work refusals, hazards, etc, filling out Health and Safety Reports appropriately, and MOL visits and orders).

The committee is not having any trouble holding the LCBO feet to the fire and pounding away for answers, we are holding them accountable on much process and with many thanks to members to hold managers accountable in the Regions with MOL visits and calls and follow up.

As the committee has worked on the Work Refusal process with staff Alison, the echo will lay out the process of a Work Refusal. Step One tell immediate supervisor manager, identify if need be step 2 call the ministry if you still believe it is a danger. (This is your Right and the Right of your co-workers)!

1. Accommodations for alternative work.
2. The Investigation.
3. Reprisals.
4. Labour Relations. Getting your Local President Involved if it becomes a Labour Relations Issue.
5. The Complaint Process on Reprisals.

In the echo, we worked on Work Refusal, for the upcoming issue and would like to get one set up for asbestos. Mol Visits and much more.

Still working on having Locals forward to the committee work refusals, MOL orders and visits, as it is imperative we know what is happening in our Locals.

As well as Presidents and our designee appointing the health and safety reps and committee members as this is imperative to have members appointed by their Trade Union.

No One Deserves to go to Work and Be injured, it is all of our responsible to work safe.

Respectfully submitted,

Jennifer Van Zetten
Rob Mithrush
Lynn Graham

8: Education and Communications Committee Report

Discussion

Report presented by: Fahey

REPORT:

The committee wrapped up the Anti-privatization hard copy echo contest, the winners were announced in the December edition of the Echo. The winner of

the ipad was Scott Cameron, Store 367, Windsor and the winner of the Nintendo Wii was Shawn Zimmerman, Store 192, London. Congratulations to both members and keep wearing those buttons.

The committee also put another Echo out in Dec. that focused on Wellness, which had articles about benefits and pensions. Future echo's will have articles discussing equity issues, collective bargaining tools, health and safety issues, as well as grievances issues. The committee continues to encourage members to submit articles and or pics to the committee for future editions.

The Facebook group was removed from the internet due to a lack of control and privacy issues. The group could not be maintained within the following parameters: It needed to be a closed group that did not allow for comments but rather just posts for information. The group was formed with the intent of being a source of information for lbed members, where the divisional committees could post information on upcoming events or current events that pertained to the workplace. Facebook, however only had the following options:

- It could be a closed group but had to allow comments or
- it could be a page with no comments but had to open;

neither of these options were acceptable to the Divex so as a result the group was closed until further notice.

The committee will be working on a labour management educational tool for members at the next meeting. The recent MOL training will be the basis for the tool.

Meetings for the next year will be scheduled at the upcoming meeting.

Felicia Fahey
Chair E&C Committee

9. Pension and Benefits Committee Report

Discussion

Report presented by: Lusty

REPORT:

Benefits Meetings: Jan 31, 2011, Mar 14, 2011, May 20, 2011, Jan 11, 2012

Accommodation Meetings: June 13, 2011, Oct 17, 2011, Nov 29, 2011,

EAP Meeting: Nov, 29, 2011

BENEFITS:

At the beginning of 2011 we had a benefits meeting where we discussed casual benefits issues about the dental and how they received one thousand dollars every Jan 1st and that is for the whole year. It became confusing with the members that prequalified and the ones that didn't. We asked the LCBO to clarify with a memo to members. We also had it posted in the ECHO.

We also discussed tendering GWL and we are moving forward on that.

We are looking to have a joint training session with the LCBO so we are all on the same page.

CASUAL BENEFITS:

- Letter to casual employees who qualify for participation in the Casual Benefit Plan for the first time effective April 1, 2012 (222 employees);
- Letter to casual employees who re-qualify for participation in the Casual Benefit Plan effective April 1, 2012 (694 employees); and
- Letter to casual employees who did not re-qualify for participation in the Casual Benefit Plan effective April 1, 2012 (108 employees).

Total number of participants in the Casual Benefit Plan effective April 1, 2012 is therefore 916 .

Also for your information, 784 casual employees met the seniority criteria, but did not make the 1300 hours in 2011.

ACCOMMODATIONS:

The committee met on June 13th with Chairs of committees and OPSEU staff to go over the new LCBO Accommodation policy that they had produced. We wanted different perspectives on different issues arising from this policy. Health and Safety, Benefits, and Equity were all involved in going through all the different aspects of the document and give their ideas to the committee to take forward.

We have had 3 meetings, 2 with the employer and we have given them our combined information as to what we think needs to be changed or enhanced in the policy to make it better for the members.

EAP:

We have had one meeting with the EAP chair to have her meet with the LCBO and Human Solutions. There was a presentation given on all the services that Human Solutions provides and how to access them.

Submitted on behalf of Committee,
Susan Lusty - Chair

10. Anti-Privatization Committee Report

Discussion	Report presented by: Woodall
REPORT:	The Anti-Privatization Committee wishes to report our objectives for the year 2012. These are listed below: <ul style="list-style-type: none">- Meeting with Dwight Duncan- Beer Framework Agreement Campaign

- Convenience Store Campaign
 - MADD
 - Ontario Chiefs of Police
 - Centre for Addition and Mental Health
 - Craft Brewers Association
 - Ontario Wine Council
- Beer Store Video
- Meeting of NUPGE Liquor Components
- Letskeepitpublic.ca Web Page
- Agency Store Campaign

We will advise the DIVEX at our next meeting our schedule and a budget once the committee meets and formulates an action plan along with our campaigns officer.

Rick Woodall – Chair

Kevin Herbert – Vice Chair

Kristine Fiore

Guest Speaker Smokey Thomas

Discussion	President Smokey Thomas provided the Div-Ex with an OPSEU update.
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Response	
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On-going Business

a) Sick Credit Pool

Discussion	Jean Chaykowsky and Val Patrick joined the Div-Ex at 10 am. Sick credit pool was established for members to get help when all sick and vacation credits are exhausted. Members must know that Unemployment Insurance must also be exhausted prior to applying. PPT and Casuals are not able to access the pool.
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Response	Information on the Sick Credit Pool to be forwarded to the Education and Communication to be put in the ECHO.
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b) Compassionate E-Time form

Discussion	Will postpone discussion until next meeting
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Response	
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c) Sunday Pay for LBED meetings

Discussion	Discussed that LBED does not pay for Sunday meetings as per the LBED policy #05/07.
Response	The Divex is of the understanding that OPSEU may cover for Sundays when members attend educationals, etc. Members should confirm this with their OPSEU staff or Executive Board members
d) Status of LBED Facebook page	
Discussion	The Facebook group was removed from the internet due to a lack of control and privacy issues.
Response	Further discussion will take place
e) Status of Divisional 2011 meeting minutes	
Discussion	Minutes and Bylaws not completed yet or sent to the President's office for approval
Response	Staff still editing and proofreading, update next meeting
f) Bargaining timelines & support	
Discussion	Need to have the bargaining surveys sent out to all Local's as soon as possible
Response	Rob Field to work on further details, prepare a bargaining survey and arrange meeting dates for the Pre-Bargaining conference.
New Business	
1. Casual Hours	
Discussion	Employer is relentless in cutting hours. Employer advised that stores look like they are going out of business and employees and stores need more staff. Employees are not expected to do the work of two people and there is even more risk of being injured when the workplace does not have sufficient staff.
Response	
2. OPSEU Executive Board Dues Increase proposal	
Discussion	Discussion regarding correspondence from OPSEU to LBED members
Response	
3. Employer Investigations	
Discussion	Workplace Investigations take far too long. Very stressful for all employees
Response	Will need to review the employer's process and timeframes.
4. OPSEU Website corrections	
Discussion	LBED information is in correct.
Response	Communications Committee to review and complete edits and corrections
Adjournment	
Moved by: Seconded by:	Lusty Woodall @3:30pm CARRIED