

CHANGES IN OPERATIONS OF DRINKING WATER AND WASTEWATER/SEWAGE SYSTEMS

CUPE

WHAT HAS CHANGED?

As part of its COVID-19 response, the Ontario government has brought in Ontario Regulation 75/20, which makes disturbing changes to how water systems are operated and tested in the province. The changes are a threat to the safety of our drinking water. The rules and requirements of the Safe Water Act were created after the Walkerton disaster, which was caused in part by unqualified individuals operating a drinking water system, and these new changes allow municipalities to override collective agreements and allow unqualified people to operate water systems.

WHO CAN OPERATE A WATER SYSTEM?

Under this new regulation, anyone can operate a water system who has been certified as recently as 2015 to operate a water system. Also, anyone who has previously managed a given type of system will be permitted to operate it.

CERTIFICATES EXTENDED

Certificates that would have expired during the emergency period are extended to either 180 days after the certificate would have expired, or 90 days after the regulation is revoked, whichever comes later.

CHANGES TO WATER TESTING

Certain drinking water tests may now be performed by people who are not certified operators or certified water quality analysts. They must have been trained by someone who is a certified operator, must work under the supervision of a certified operator, and must immediately advise the supervising operator of the results of the test.

REGULATION 75/20 AND MY COLLECTIVE AGREEMENT

Drinking water and wastewater/sewage system operators are authorized by this regulation to disregard collective agreement provisions respecting work deployment or staffing, including lay-off, seniority, and bumping, as long as it is required to ensure the provision of safe drinking water or to ensure sewage works are properly operated.

Under the regulation, authority given to employer includes:

- Identifying staffing priorities and developing redeployment plans without needing to comply with collective agreement provisions. Those plans can include:

- > Re-deploying staff within locations in or between systems,
- > Changing the assignment of work, including assigning non-BU EEs or contractors to perform BU work,
- > Changing the scheduling of work or shift assignments,
- > Deferring or cancelling vacations and other leaves, even if the leaves are statutory,
- > Employing PT or temp staff or contractors, including for the purpose of performing BU work,
- > Using volunteers to perform work, including BU work, and
- > Providing appropriate training or education as needed to staff and volunteers to achieve the purpose of the redeployment plan.
- Conducting skills and experience inventories of staff to identify alternative roles in priority areas
- Requiring information from staff or contractors about availability to provide services to the agency or the municipality
- Requiring and collecting info from staff and contractors re likely or actual exposure to COVID-19 or other health conditions Providing supports to staff and contractors to enable them to carry out their duties
- Suspending the grievance process re any matter referred to in the regulation for the duration of the regulation.

What should my local do?

- Keep detailed accounts of an employer's use of powers given by this regulation wherever the collective agreement is violated. This evidence will be crucial in any future legal proceedings or in negotiations with the government.
- Insist that employers using these powers explain in writing why they feel it is necessary to override the collective agreement.
- File grievances. Although the new regulation allows employers to "suspend" the grievance process, it does not prohibit grievances.
- Keep your CUPE National Staff Representative informed of violations. It is imperative that we track these violations and your staff rep may be asked to provide updates at any time.