



report

National
Union
PROBATION
& PAROLE
OFFICERS
WORKING
GROUP

March 2004 - Ottawa

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March 25th/26th, 2004 – Ottawa

1. Introductions and Opening Remarks

President James Clancy welcomed participants to the second working group session of NUPGE Probation and Parole Officers. Brother Clancy has just returned from Newfoundland and Labrador where the newly-elected government of Premier Danny Williams is set to impose wage freezes and concessions to public service workers across the province. NAPE has signaled to the government that if a new agreement has not been reached by the current contract expiry date of March 31st, 2004, that they will strike. NAPE has eleven bargaining teams, CUPE has six – and they all need to work together as a common front to fight Premier Williams. Brother Clancy advised that the NUPGE Defense Fund may be called upon which will bring in millions from across the country to support what will be a tough fight.

Not to be outdone is the Liberal majority government of British Columbia that is unilaterally changing contract language and downsizing the public service. What happens in one province tends to affect all other provinces. Brother Clancy commented that the trend in government budgets is a swing back to the early 90s where debt and deficit was the order of the day. This trend makes it tougher to achieve decent settlements. PPPs are gaining popularity – in addition to privatization and contracting out.

Brother Clancy spoke with the National Executive Board a few weeks ago on the issue of criminal justice and that we need to look across the board to see what is happening and which classifications of our members are being affected. Criminal justice classifications in each province operate under different ministries.

Ontario – for Youth Justice Workers, Phase I (12-15 year olds) these workers have been under the Ministry of Community and Social Services and Phase II (16-18 year olds) have been under the Ministry of Community Safety and Correctional Services. On August 1, 2003 Phase one Probation services came under the authority of Correctional Services. Then in November 2003 an announcement that as of April 1st, there is a new ministry for all youth – the Ministry of Children and Youth Services. Probation Officers will continue under the same classification; wages remain the same, however job security may be affected. Corrections will still cover adult probation and parole.

Manitoba – Probation Officers are under the Department of Justice and Youth Community Corrections along with Correctional Officers. Parole is done by CSC. At the last round of negotiations in 2003 had a stand alone table due to different responsibilities. Contract work is done by ISSP (intensive support and supervision program), Bail, and COHRUE (criminal organization high risk offender unit).

British Columbia – There are two different ministries covering adult and youth P.O.s. Adults are under the Ministry of Public Safety and the Solicitor General. Youth are under the Ministry of Children and Family Development (open and secure).

Newfoundland & Labrador – Adults are under the Department of Justice, Corrections and Community Service as well as Youth (secure custody). CSC does all the parole in the province. Youth secure custody are in a different bargaining unit. Youth probation is under Child Youth and Family Services.

Prince Edward Island – Adult Probation Officers are under the Office of the Attorney General, Community and Correctional Services (new Youth Probation Officers are starting in June/04). Youth Probation Officers, Youth Justice Workers, Youth Community Workers and Outreach Workers are under the same department.

Saskatchewan – There has been a major overhaul since the introduction of the Youth Criminal Justice Act. Youth are now under the Department of Corrections and Public Safety. This includes Youth Workers (open and closed) and Probation Officers. The Department also covers adult correctional and probation services. Parole is done by CSC (and private contractors).

Dominant Classifications

Prince Edward Island – Youth Justice Workers do Youth probation. In Adult, it is Probation Officers.

Saskatchewan – Youth Workers, also do probation. In Adult, it is Probation Officers.

Ontario – Youth, have Probation Officers for Community; Youth Workers handle open and secure custody. In Adult, are Probation and Parole Officers for Community; in institutions, are Correctional Officers.

Manitoba – Youth and Adult in the Community are Probation Officers. In facilities, open and secure, there are Juvenile Counselors, however, in an institution – you are a Correctional Officer.

British Columbia – Both Adult and Youth Probation Officers fall under the “Social Program Officer” (SPO) classification in the collective agreement. In Adult and Youth Institutions, Security Officer and Correctional Officer are the working level classifications.

Newfoundland and Labrador – Adult Probation Officer. In Youth, Social Workers (open) or Youth Workers (closed – in Adult facility).

Following the preliminary introductions and clarification of classifications and ministries, participants were introduced to the NUPGE website wherein one of the ‘sectors’ has been designated for “Corrections / Criminal Justice”. In this sector, there are articles and reports pertaining to the Justice Community. Participants were encouraged to forward information (articles and reports) to have them posted to this sector website.

2. **Report on 2002 Probation and Parole Working Session**

A copy of the 2002 working session report was contained in all kits for the information of the participants.

3. **Workload / Caseload**

Manitoba – used to have caseload of 120; now have 50 to 65 due to expectations and responsibilities. There are 15 to 20 cases for contract workers (high risk, complex – paid per client).

Ontario – The number of cases is not the only issue. It is resources, as there is not enough funding for staff, programs or rehabilitative needs. This has led to contracting out (offloading of work I.E. – community service work) and for offences (lower end) adult diversion. Caseloads are unmanageable and the government says “limit work” and carve off (administratively close) the low risk cases. This in turn makes for a caseload of more medium and high risk cases. The numbers are reduced, however, what is the impact on community safety? Low risk cases see virtually ‘nobody’ (no intervention) and tend to re-offend and move up into higher risk. Cases are also being limited by virtue of the new Youth Criminal Justice Act causing a reduction in youth actually going to court or receiving extra-judicial sanctions instead of community supervision.

Probation equals a contract between an offender and the Court, monitored by the officer. P.O.s used to be out in the community but now this has changed. P.O.s don't have much time to even see clients.

Depending on what cases are given (Aboriginal, sex offenders, high risk) determines the time required to handle the case. Resources are needed to handle ALL cases to ensure public safety. Enforcement is difficult (victims see no justice) therefore say probation doesn't work. Realistically, how effective can a Probation Officer be – for intervention (for any programs) if there is so little time (or number of times) to see offenders.

British Columbia - In B.C. numbers don't mean anything anymore. Caseload size does not reflect workload since advent of Core Programs, delivery of which has become a major P.O. responsibility. Low-risk probationers, bail, diversion and community work service programs are the responsibility of PO14's. This is a lower classification than P.O.s who supervise medium and high risk offenders, provincial parolees and deliver Core Programs. P.O14's have high caseload numbers resulting in minimal intervention and supervision. Specialization of functions or caseload (eg report writers, sex offenders, domestic) is variable but more prevalent in larger offices.

Saskatchewan – More staff is required to do the workload. When risks / needs assessment is done to determine what core programs or other work is required, then the caseload formula needs to be adjusted. However there is more to a human being than being a risk assessment (more to life). To do more with less = do less with less (tool for work versus not doing job correctly). The public needs to be educated as to what role and work Probation Officers do.

Prince Edward Island – looking for risk/need tool. Parole Officer 1 does medium risk; and Parole Officer 2 does high risk. There are currently more problems with current caseloads (clients). Conditional sentenced cases are treated as high risk. There are no standards in place – what is ‘best practice’ and how do we get back to it?. The government wants to show that P.O.s are the alternative to custody – but this has not equated to more Parole Officers or wages.

Newfoundland & Labrador – With the new Youth Criminal Justice Act – the courts are imposing alternative measures. However with any increase in the number (or workload) of Parole Officers, this is hurting members in corrections.

➤ Hours of Work & Worker Stress/Burnout

Probation Officers work with criminal offenders, some of whom may be dangerous. In the course of supervising offenders, P.O.s usually interact with many other individuals, such as family members and friends of their clients, who may be angry, upset, or difficult to work with. Workers may be assigned to fieldwork in high crime areas or in institutions where there is a risk of violence or communicable disease. Probation officers are required to meet many deadlines, most of which are imposed by courts, which contributes to their heavy workloads.

Ontario – minimum 36-1/4 hours / week. Overtime provision = 5 compensation days per year. Can apply for more compensating time, but there is no overtime pay. Non-support of work of P.O.s by government equals stress. Last five years have seen an increase in stress leave and sick leave (generally related to stress). Sick leave pay is 100% paid for six days, 75% of 124 days.

Saskatchewan – 37-1/3 hours for field staff (compressed work week). Burnout is not as high as for Correctional Officers. Have 15 days per year accumulative sick leave provision. If you take time off, then you come back to higher workload as there is no backfill. Overtime is time off in lieu.

Prince Edward Island – 15 days per year sick leave, with a ceiling of 240 days. If three days off in a row, a doctor’s certificate must be obtained. Currently have only one P.O. on stress leave. Work 37-1/2 hours per week, no overtime pay (time in lieu). There is no backfill on cases.

Newfoundland & Labrador – 35 hours per week (32-1/2 hours in summer). Sick leave provision of 24 days per year accumulative (with 480 ceiling in 20 year period) for existing employees. With new legislation just passed, sick leave is 12 days a year with a ceiling of 240 for new employees. There are 34 P.O.s and, while there are no statistics, narrative reports indicate that between 30 and 50% have been off on stress leave at some point. Overtime is only on approval, and usually time in lieu. There is no backfill when not at work.

British Columbia – work 35 hours per week (5 on, 2 off; 4 on, 3 off). Overtime is only on approval. Sick leave is 6 days per year at 100% of pay, with short term illness up to six months at 75% of pay. Following six months, go on to long term illness. Increased leave

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is being taken for burnout/stress. There is also higher turnover which affects morale and burnout. Stricter management standards for office coverage has resulted in many staff in smaller offices losing a flex schedule thus compromising wellness and morale.

Manitoba – work 36-1/4 hours per week. Sick leave - under 15 years of service, is cumulative up to a cap of 208 with extension to 228; over 15 years of service, is cumulative to 228 with extension to 256; 20 years and over of service is cumulative to 256 with extension to 296 days. Overtime is paid out at time and a half. P.O.s do not take excessive sick leave. Devolution has caused added stress.

4. **Profile of Probation and Parole Officers**

It was generally believed by all participants that unless you organize and speak up for yourself – someone else will get the resources and energy.

A quick survey around the table was taken on the approximate number of Probation Officers:

OPSEU – around 1100

SGEU – 270

PEI UPSE– 16

NAPE – 34

BCGEU – 500

MGEU – 160

Discussion ensued on the fact that Probation (and Parole) Officers are a public representative and politicians don't really know what they do. Governments espouse "tough on crime" – however resources are not there and "what is" tough on crime? The Courts don't back up Probation Officers and police are taking more of a role in whether someone goes to jail, etc.

There are differences between Probation Officers and Parole Officers and clarification and identification is needed in this area as well. Youth Workers (under the new Youth Criminal Justice Act) are taking the 'roles' of Probation Officers – which leads to the question - what is a probation officer? Who are they; what do they do (cost effective; offender effective)? How can Probation Officers show the dollar value (insurance, administration), and the social value (spend more time with offenders than police do) of their role in society. It was noted that police and fire fighters are recognized for their value all the time – but Probation Officers aren't. In fact, even on TV, the positions in the public eye tend to be social workers, police and parole officers.

Education of the public on the differences in the justice system as to who does what is important. "Everyone" in the justice system is seen as essential except for Probation Officers even though they work side by side with other members in the justice community. In fact Probation Officers influence court decisions. Failed probation gets public attention – but not the successes. Successes cannot be identified as this breaches the ethics of confidentiality; and recidivism rates are not well documented.

National President James Clancy summarized:

1. We need to 'tell the story' – outline the work (and value) of what Probation Officers do. This requires someone dedicated to do the task of researching and writing the 'story'.
2. Who do you tell the story to? The story must be distributed to policy makers, Members of Parliament, the media, to human resources, etc.
3. We need to educate on the issue and not criticize government.
4. We need to create a website which is tailored and organized – by topic – for Probation Officers. This would be done via section within section. A 'chat room' (password secure) for participants – or a 'guest book' created with links to the issues – could be created.
5. The current 'Criminal Justice / Correctional Officers' sector on the NUPGE website could have a section pertaining to probation and parole.
6. Labour / management infrastructure is also a vehicle for education; need to advocate for ourselves.

The suggestion was put forward for a meeting of a broader grouping of people (community of interest) – such as: Youth Facility Workers, Correctional Officers, and Probation Officers – and other members working in the Criminal Justice scope.

Youth Criminal Justice Act

Until 1984 Canada had the Juvenile Delinquents Act (more emphasis on the child and specific problems); from 1984 to 2003 the Young Offenders Act (more access to lawyers, plea bargains, and custody); and since April 1, 2003 the Youth Criminal Justice Act (more emphasis on diversion alternatives, community sentencing, and non-custody).

With the new YCJA, there are less youth in remand and custody units across the country are being closed. The YOA saw inconsistency of sentencing, and the YCJA is seeing virtually no incarceration.

Probation Officers are losing their input into the decision-making process as to who goes to jail, gets charged, gets released, etc. Police now have a greater role in discretionary decisions as to whether to bring the youth to Court. It is unclear and vague as to how far the police can go in their discretionary action. The Crown also has more discretion as to whether to proceed with the case.

The term "youth worker" covers generic roles versus that associated with Probation Officer. The Act is being applied to 'all' youth, regardless of personal circumstances (social, drug abuse, culture, poverty, etc.). Restorative justice works in certain communities but in fact is reducing jobs because much of the work is being done on a voluntary basis or by other agencies. Probation Officers need to position themselves as to their role under YCJA.

P.O.s have become passive as they are glad to see some of the workload go and don't want add-ons to their existing workload. This passivity has resulted from decades of overwork. NGOs do not have to deal with the youth who 'fit' into the custody system (sex

offenders, gang members, violent offenders) – but P.O.s do have to deal with them. Agencies are making money, both federally and provincially.

There is no tracking system in place as to the benefits of Non-Government Organization's or P.O. efforts. Sentencing is not consistent (from one community to another and from one province to another). Community services are also not coordinated or consistent.

Youth crime/justice could become a button to push for the upcoming federal election. There is a need to reinsert the role of P.O.s back into the 'hub' of the model. P.O.s are professionals / specialists and are Officers of the Court. There is currently no center to coordinate the whole process.

The public needs to know what is happening in their communities. Youth with mental health, developmental, or behaviour difficulties – need specialized handling, not regular classrooms, and the parents need support as well.

There is a definite lack of supports or resources in the new YCJA. P.O.s are the option to coordinate and tie-in what is needed. We need to show the cost-effectiveness of utilizing a P.O. versus an agency. We need to provide solutions to changing or modifying the Act – with the inclusion of P.O.s. What is 'real' in the field needs to be identified.

Privatization / Devolution

It was reported that in Saskatchewan, Aboriginal Justice Committees are seeking more probation positions, with no accreditation, and under the control of Band Council. The John Howard Society has developed alternative programs (which is politically advantageous).

In Manitoba, the devolution of Probation Services to Aboriginal organizations was among the recommendations of the Aboriginal Justice Implementation Commission and one that the Department of Justice of the Province of Manitoba endorses and intends to implement. The Metis Justice Institute was created in July of 2003. There currently is an over-representation by Aboriginals in the probation system. Aboriginals need more say with regard to their community, however, Probation Officers have not been consulted in the process (30 to 40% of staff are Aboriginals). More restorative measures are wanted by the Aboriginal community, but were told they will stay under the Ministry of Justice.

There are many problems associated with devolution. Positions need to be unionized versus under the control of Band Council. There needs to be an enhancement of Aboriginal services, but there is a perception that not enough pilots or other initiatives that would attempt to deliver programs in a more aboriginal oriented manner - have been tried - or researched as to their effectiveness before any more major moves occur. There is also clear potential in the community justice forums in terms of alternative forms of justice that could be broadened and enhanced for the aboriginal community as opposed to the more radical sweeping broader changes that devolution speaks to.

In British Columbia, for several years some responsibilities have been passed over in varying degrees to First Nations. Recent attempt by Ministry of Children and Families to Probation & Parole Working Session – March 2004 – page 7

devolve services to regional authorities and First Nations has been a disaster and recently was postponed for 2-3 years.

In Newfoundland and Labrador, the government is floating 1000 layoffs which may impact Probation Officers. There is a chipping away of programs and the work of P.O.s.

In PEI re-employment of youth workers from the centres have impacted on the P.O.'s work responsibilities. Also, the new Youth Probation Officers have taken the Youth supervision away from the Adult P.O.s.

Negotiations

MGEU – in negotiations now for ISSP and Bail. The employer's first position was menial and insulting as if the positions were not important to the system. There is no educational component attached to these positions.

For Probation Officers, negotiations have just been concluded with an 18% wage increase (stand-alone), window of 75, excessive caseload language, and civil liability protection. Bargaining team members were able to craft strategies prior to negotiations which achieved success.

BCGEU – As of April 2003, a 3.2% wage increase came into effect (page 200 of collective agreement) which brought the working salary to \$58,329.27. The BC government and BCGEU agreed to a two-year extension of the contract which saw no wage increases and no concessions (expires March 31, 2006).

NAPE – With only 34 probation officers in NAPE, discussions centered on how to achieve a wage increase when such a small group.

PEIUPSE – The collective agreement expires at the end of March 2004. The PEI government is reporting a \$83 million deficit. Wage freezes are being suggested by the government. This union does not have the right to strike. There may be layoffs, no call-backs, and no hiring of casuals.

SGEU – Are currently into negotiations. Contract expired October 31st, 2003.

OPSEU – Contract expires December 31st, 2004. Working level for Probation Officer is currently \$51,900 - \$62,700. P.O.s went up one grid during last contract. Bargaining process begins in May 2004.

Other negotiations: - With the introduction of the YCJA and Youth Justice diverting to a new ministry (Children and Youth Services), there are ongoing negotiations between the employer and OPSEU as to which Probation Officers are affected and what language applies from one ministry to the other (roles changing). Memorandums of Agreement are being negotiated which will help protect job security and mobility as well as manage the application of the Collective Agreement during certain phases of the Ministry's Youth Justice Services transition.

Peace Officer Status

Probation Officers in all provinces (at present meeting) have peace officer status except for the Ontario Adult system. A study was commissioned by the ADM of Community Corrections in Ontario to look into this matter.

Health and Safety

OPSEU – Have Workplace H & S (Safety and Security) document – which was recently reviewed and revised. Weapons still coming into offices. Need metal detectors. Now doing community risk assessment that highlights safety in community as well as at the worksite. A Private Members Bill on the protection of personal information (i.e. driver's licence showing no address) was defeated approximately 4 yrs ago, so Probation Officers not protected.

SGEU – have weapons and gangs but nothing major to report. Are currently following the OPSEU H & S document.

PEIUPSE – no incidents to report. H & S Act followed.

NAPE – Are also utilizing the OPSEU H & S document as a guideline. In Newfoundland and Labrador the offenders are escalating and there is more physical abuse (holes in walls, etc.).

BCGEU – There was a major incident as a result of a layoff in the Ministry of Environment which prompted safety measures. Management sees “open office” design as the future based on safety rather than economic reasons due to secure interview rooms. P.O.'s are opposed to open offices due to confidentiality and noise level concerns. Interestingly the only recent serious attack on staff occurred in the parking lot - making office design irrelevant.

MGEU – Have plexi-glass and individuals in offices – but no process. There is a misconception of safety with the usage of Kevlar vests. There are a lot of gang turf wars (i.e. reporting to P.O. in another's turf, therefore trespassing); lots of threats.

Wrap-Up

Sister Bean thanked the participants for their participation and input. A draft set of minutes will be sent to participants for editing, prior to the final minutes being distributed and put on the NUPGE website.

List of Participants

National Union of Public and General Employees

James Clancy, National President
Marie Bean, National Representative
Mike Luff, National Representative

Newfoundland & Labrador Association of Public & Private Employees

Fran Cumby

PEI Union of Public Sector Employees

Jim Beaton

Ontario Public Service Employees Union

Gord Longhi
Bob Eaton
Sandra Harper

Manitoba Government & General Employees' Union

Brian Chivers
John McGurran
Roger Bates
Jan Malanowich

Saskatchewan Government and General Employees' Union

Gregg Bathgate

B.C. Government & Service Employees' Union

Byron Howard

(Regrets from Catherine Brunette, NSGEU)