



Justice

Correctional Services Division
810-405 Broadway, Winnipeg, Manitoba, Canada R3C 3L6
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July 21, 2021

Kevin Walby
515 Portage Avenue
Winnipeg MB R3B 2E9

Re: Your Access Request under the Freedom of Information and Protection of Privacy Act – Our File: # 2021-260

On June 21, 2021, Manitoba Justice received your applications for access under *the Freedom of Information and Protection of Privacy Act* (FIPPA) for the following:

FIPPA # 2021-260: "I am requesting all records documenting the number and nature of grievances related to COVID-19 submitted by prisoners and prison staff in your correctional institutions. From October 1, 2020, to December 2020."

One of the purposes of FIPPA is to allow any person a right of access to records in custody or under the control of a public body, subject to limited and specific exemptions, which are set out in the Act.

Access is granted in full to the records. Policy Grievance filed for all of the Correctional Centres. Grievance form states: *The Union hereby grieves that the Employer is failing to properly protect Correctional staff employed in institutional settings by not providing full medical personal protective equipment (PPE) related to COVID-19 and exposing them to unnecessary risk, contrary to provisions of the Workplace Safety and Health Act, and the Collective Agreement. In doing so, the Employer is not acting in a reasonable manner, in good faith, and in a manner consistent with the Collective Agreement as a whole.*

72 individual grievances were received. The common theme is that the employee was required to self-isolate even if they did not have symptoms and tested negative for COVID.

- *71 individual grievances. The subject of the grievances was written: I hereby grieve that the Employer assigned me to work exposing me to a positive case of COVID-19 and then directed me to stay away from the workplace for a 14-day period while I was asymptomatic and tested negative for COVID-19, resulting in me having to utilize my sick leave bank/vacation / banked overtime / compensatory leave or go without pay. The redress sought (not sure if you require this detail) is:*
 - *That any sick leave credits/vacation/banked overtime/compensatory leave used to be credited back to my appropriate bank;*
 - *That I will be retroactively placed on paid administrative leave during the period of self-isolation;*
 - *That I will be made whole with full redress;*
 - *Any other remedy that an arbitrator finds fair and just;*

- *1 individual grievance. The grievance is seeking a similar redress in that the employee wants the sick leave returned and to receive paid administrative leave.*

Subsection 59(1) of FIPPA provides that you may complain about our decision respecting your request for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to the Manitoba Ombudsman, 750-500 Portage Avenue, Winnipeg, Manitoba, R3C 3X1; telephone: (204) 982-9130 or toll-free at 1-800-665-0531.

If you have any questions, please get in touch with Mr. Rodrigo Thome, FIPPA Access and Privacy Coordinator, at (204) 945-7806 or by mail at 1110-405 Broadway, Winnipeg, MB. R3C 3L6.

Yours truly,

Todd Clarke
Associate Deputy Minister and
Access and Privacy Officer

c. R. Thome, FIPPA Access and Privacy Coordinator