

IN THE MATTER OF AN INTEREST ARBITRATION

BETWEEN:

The Participating Hospitals

and

OPSEU

Before:

William Kaplan, Chair
Brett Christen, Hospitals' Nominee
Joe Herbert, Union Nominee

Appearances

**For the Participating
Hospitals:**

Carolyn Kay
Hicks Morley
Barristers & Solicitors

David Brook
David McCoy
Sadia Bekri
Philip Cifarelli
Joyce Chan
Ontario Hospital Association

Bree Gaber Quinte Health Care
Bryan McNevin Collingwood
General & Marine Hospital
Kelly Hanselman North Bay
Regional Health Centre
Susan Sedgman Royal Victoria
Regional Health Centre

Peter Kronenberg South Huron Hospital
Association
Jim Tsourgiannis Mackenzie Health
Participating Hospitals Bargaining Committee

For the Union:

Michèle Dawson Haber
Senior Research Officer
Marc Casey, Negotiator
Robert Hickey, Consultant
Karen Marchesky, Research Officer
Rachael Williams, Research Officer
OPSEU

Sandi Blancher, Chair
Betty Palmieri, Vice-Chair
Brenda Allan
Adrian Balojin
Steve McCaw
Kelly Richmond
Bev Weaver
Members of the Bargaining Team

The matters in dispute proceeded to a hearing held by Zoom on June 23, 2022.

Introduction

This Board of Interest Arbitration was consensually convened to resolve the outstanding issues in dispute and resolve the Central Collective agreement between 49 Participating Hospitals and OPSEU, the representative of 12,536 employees in 59 bargaining units. The members of the various bargaining units are diagnostic, therapeutic and rehabilitation professionals working in a wide variety of classifications. The previous collective agreement expired on March 31, 2022. Notice to bargain was given on December 3, 2021. On March 30, 2022, the parties signed the Memorandum of Conditions for Joint Bargaining. Bargaining took place in April and May of 2022 and mediation followed. The No Board was issued on May 27, 2022 and the outstanding matters in dispute proceeded to a hearing by Zoom on June 23, 2022.

In determining the outstanding issues we are constrained by Bill 124, *Protecting a Sustainable Public Service for Future Generations Act, 2019*. In addition, there are governing statutory criteria, as well as normative ones, especially replication – the replication of free collective bargaining – that have been taken carefully into account along with the submissions fully detailed in the parties’ briefs and accompanying exhibits. Mention must also be made of the extraordinary contribution these employees have made to the health care system and the people

of Ontario during the COVID pandemic. As the Participating Hospitals acknowledged in their brief, these employees “have been critical to supporting the response to the pandemic [and] have worked together to ... perform their roles in challenging circumstances that they have never faced before”

The Central Collective Agreement settled by this award shall consist of the prior unamended terms of the previous agreement, the items agreed to in bargaining and the terms of this award. Any union or Participating Hospitals’ proposal not specifically addressed in this award is deemed dismissed. However, we note that during central negotiations the parties discussed the application of consecutive weekend provisions to part-time employees. The parties agreed that notwithstanding the preamble contained in Article 17.05 (b), regular part-time consecutive weekend provisions are appropriate for local bargaining effective the 2022 round of local bargaining. As well, the parties discussed time off between a call back and a scheduled shift and confirmed that the issue is also appropriately local effective the 2022 round of local bargaining.

Award

Term

As agreed: April 1, 2022 to March 31, 2025.

Wages

April 1, 2022: 1%

April 1, 2023: 1%

April 1, 2024: 1%

Additional Compensation (Remainder)

Effective April 1, 2022

Increase evening premium by 11 cents.

Increase night premium by 14 cents.

Increase weekend premium by 15 cents.

Effective April 1, 2023

Increase evening premium by 5 cents.

Increase night premium by 4 cents.

Increase weekend premium by 3 cents.

Six weeks vacation after 20 years for full-time employees and the corresponding improvement for part-time employees.

Effective April 1, 2024

Increase evening premium by 2 cents.

Increase night premium by 1 cent.

Increase weekend premium by 5 cents.

Introduce Health Spending Account for Full-time active employees of \$100.

Notice of Elimination of a Position

Add:

11.03 (B) Elimination of a Position

In the event of the elimination of a vacant position or in circumstances where the Hospital decides not to fill a vacated position, the Union will be provided with notice at the time the decision is made.

The Hospital shall meet with the local Union to review the following:

- i) The reasons causing the elimination
- ii) The service the Hospital will undertake after the elimination
- iii) The Union's proposed possible alternatives to the elimination, if any

Reopener

We remain seized with respect to a reopener on monetary proposals in the event that OPSEU is granted an exemption, or Bill 124 is declared unconstitutional by a court of competent jurisdiction, or the Bill is otherwise amended or repealed.

Conclusion

At the request of the parties, we remain seized with respect to the implementation of our award.

DATED at Toronto this 7th day of July 2022.

“William Kaplan”

William Kaplan, Chair

“Brett Christen”

Brett Christen, Participating Hospitals’ Nominee

“Joe Herbert”

Joe Herbert, Union Nominee