

# **In the Matter of an Interest Arbitration**

**Between**

**Grey Bruce Health Services**

(Hereinafter referred to as “the Employer”)

**And**

**Ontario Public Service Employees Union**

**Local 260 – Clerical Unit**

(Hereinafter referred to as “the Union”)

**Board:**

Felicity D. Briggs, Chair

Terry Moore, Union Nominee

John Kuhne, Employer Nominee

**Appearing for the Employer:**

Robert Hickman

Rebecca Cummings

Colleen Saker

Gary Seibel

Peggy Shipley

**Appearing for the Union:**

Adrienne M. Pires

Margaret Closs

Michelle Deschenes

Carolyn Elder

Marni Goss

Julie Pendleton

Grey Bruce Health Services is a health care organization that provides services throughout Grey and Bruce Counties. Its various hospitals are located in Owen Sound, Lion's Head, Markdale, Meaford, Wiarton and Southampton. There are in excess of fifteen hundred employees who provide a wide range of primary and ambulatory care services. There are two hundred and forty three in-patient beds.

This Board was invited to hear and determine the issues that remained outstanding for the full time and part time clerical bargaining unit at Grey Bruce Health Services. There are approximately 87 full time, 73 part time and 51 casual employees in the clerical bargaining unit.

The previous Collective Agreement expired on September 30, 2009. The parties did not agree on the term of the Collective Agreement and therefore, in accordance with the *Hospital Labour Disputes Arbitration Act*, the award will be a two-year Collective Agreement. The parties did agree to a number of other amendments to the Collective Agreement during their negotiations. We incorporate those matters by reference into this decision.

There was no dispute that in previous rounds of collective bargaining these parties have adopted those provisions negotiated at the Central – CUPE Hospital table. In large measure, the Union's proposals were identical to the issues found in the Memorandum of Agreement between the Central Hospitals and CUPE. However, according to the Union some of its proposals were of a local nature.

Many of the outstanding issues were of a monetary nature. While recognizing that improvements were made in the most recent round of Central Hospital CUPE negotiations, the Employer was opposed to any increase in wages or benefits citing recent budget deficits and the *Public Sector Compensation Restraint Act*.

The parties provided the Board considerable information regarding the outstanding matters by way of their briefs and exhibits. We have reviewed those submissions and have taken the facts into account in arriving at our decision. We have also considered the criteria set out at Section 9 of the *Hospital Labour Disputes Arbitration Act*.

We award the following:

**1.) Wages:**

- Add 2% across the board to the salary grid effective October 1, 2009
- Add 2% across the board to the salary grid effective October 1, 2010

**2.) Shift Premium**

Effective October 1, 2009, increase shift and weekend premium by five cents per hour.

Effective October 1, 2010, increase shift and weekend premium by five cents per hour.

### **3.) Vacation Entitlement**

Effective the date of this award, amend Article 17.01 (a) as follows:

1.4 An employee who has worked thirteen (13) years but less than twenty one (21) years shall be entitled to five (5) weeks annual vacation with pay.

1.5 An employee who has completed twenty-one (21) years but less than twenty-eight years of continuous service shall be entitled to six (6) weeks annual vacation, with pay.

Effective the date of this award, amend Article 17.01 (b) as follows:

1.(d) An employee who has worked between 22,425 and 36,225 hours will receive 10% of gross pay in lieu of vacation leave with pay.

1.(e) an employee who has worked more than 36,225 hours but less than 48,3000 hours will receive 12% of gross pay in lieu of vacation leave with pay.

### **4) Health and Welfare Benefits – Full Time only**

Effective the date of this award, Article 18.01 shall be amended to provide for an increase in vision care to \$250.

All other proposals in this article are denied.

We thank counsel for their fulsome submissions. We remain seized in the event that there are implementation difficulties.

Dated in Toronto this 31<sup>st</sup> day of October, 2011.



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Felicity D. Briggs, Chair

“John Kuhne”

John Kuhne, Employer Nominee (Partial Dissent Attached)

“Terry Moore”

Terry Moore, Union Nominee (Concurring)

**PARTIAL DISSENT OF EMPLOYER NOMINEE**

IN THE MATTER OF AN INTEREST ARBITRATION PURSUANT TO THE  
HOSPITAL LABOUR DISPUTES ARBITRATION ACT (HLDAA)  
BETWEEN:

GREY BRUCE HEALTH SERVICES  
AND:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 260

Due regard for the employer's ability to pay is required under HLDAA. The March 2010 Budget Statement of the provincial government made it clear that its fiscal plan would provide no funding for incremental compensation increases for two years of any future collective agreements. Non-represented employees became subject to a mandatory two-year wage freeze. The government expected that unionized employees would also do their part and accept compensation restraint in negotiated settlements. The employer's ability to pay is severely constrained in these circumstances. In addition, the June 17<sup>th</sup> award of arbitrator Kaplan concerning the Participating Hospitals and this union established a precedent that met the provincial government's directives by providing nominal lump-sum payments in lieu of wage increases for a period of two years. The employer proposed to follow this compelling precedent. I would have given greater weight to these factors in contemplation of this Board's decision regarding the monetary issues.

Respectfully submitted,

*John G. Kuhne*

