

IN THE MATTER OF AN ARBITRATION

BETWEEN:

The Ottawa Hospital

-and-

Ontario Nurses' Association

Grievances re: Schedule change in mental health unit, General site

Lorne Slotnick, Arbitrator

Representing the Employer – André Champagne

Representing the Union – Lori Harreman

Hearing – Ottawa, Ont., July 2 and Sept. 29, 2015, Oct. 3, 2016, and written submissions Dec. 5, 2016

INTERIM AWARD

The matter before me concerns a schedule change implemented in July, 2015, affecting registered nurses who work at the mental health unit of The Ottawa Hospital's General site.

It appears that the unit, known as 4N, has approximately 50 nurses, including both full-time and part-time employees.

I have been appointed to hear both a union grievance and a group grievance challenging the change in schedules. Nurses on the 4N unit previously had a schedule that included both regular 7 ½ hour shifts (called tours in the collective agreement) and extended 11.25 hour shifts in a 2Day/2Night rotation, known in the collective agreement as an "innovative scheduling" plan. The matter in dispute involves a change made by the hospital to put all nurses in the unit on regular 7 ½ hour tours (except for weekend shifts, which remain at 11.25 hours).

The collective agreement consists of the central agreement between participating hospitals and ONA, and a local appendix. The local appendix (Article F) details a voting procedure for introduction and discontinuance of extended shifts on any unit. A vote is triggered when 70 per cent of the affected nurses indicate their willingness to start a different type of schedule or to revert to regular-duration shifts.

One major disputed issue in the case is whether the hospital was required in the circumstances to conduct a vote in the 4N unit before moving the schedule to almost entirely regular shifts in July,

2015. That question cannot be answered without evidence about contested factual issues spanning several years.

At this point, the hospital has been scheduling the weekday 7 ½ hour shifts for nearly a year and a half. Even if the union is successful in stopping implementation of the shorter tours, this proceeding cannot provide any remedy for the schedule that has already been in place since July, 2015.

However, the parties have advised that nurses on the 4N unit have gathered signatures on a petition expressing interest in reintroducing extended tours in a 2 Day/2 Night rotation. The number of signatures may be enough to trigger a vote on the issue, although that remains to be determined. If a vote is triggered, the parties will be required to discuss the logistics of the vote, the threshold necessary for a successful vote, and other issues.

In those circumstances, I believe this proceeding must be held in abeyance while the parties focus on any issues relating to the petition and on the upcoming vote, if required, which will determine the future schedule in the 4N unit. To that end, I have scheduled a conference call with the parties' counsel on Monday, December 19, at which I will expect the employer to raise any issues regarding whether the 70 per cent threshold has been achieved. If there is agreement that the 70 per cent threshold has, in fact, been achieved, I will expect the parties to begin discussions related to the vote, including a time line.

The parties have agreed that I will remain seized to resolve any disputes related to the petition or the vote, as necessary.

A handwritten signature in black ink, appearing to read "Lorne Slotnick", written over a horizontal line.

Lorne Slotnick, Arbitrator
December 16, 2016