

IN THE MATTER OF AN ARBITRATION

BETWEEN

William Osler Health System

("Hospital")

and

Teamsters Local 419

("Union")

**Re: Program Assistant Classification Grievances H-0162, H-0559,
WOHS004-2011, H-3718, H-3721, H-0161, H-3797,
H-0163, H-0164, H-0158, H-0352.**

SOLE ARBITRATOR: James Hayes

APPEARANCES

(not on all dates)

For the Union

Tim Oribine
Michael Downes
Sandra Vernon
and others

For the Hospital

John Cox
Katherine Calder
Stephen Millar
Vin Berman
and others

Mediation/Arbitration conferences were held. Written submissions were received.

AWARD

1. These grievances, relating to the Program Assistant classification, originated with a predecessor bargaining agent. They have an unfortunate history extending over a five-year period since the first grievance was filed on December 9, 2011.
2. The parties met in mediation in January 2014 at which time Minutes of Settlement were executed and it was agreed that I would remain seized.
3. Subsequent related grievances were assigned to me for resolution.
4. Commitments made by the Hospital to post positions in early 2014 were not carried out. The Hospital experienced contemporaneous internal challenges that were said to be beyond the reach of labour relations personnel. There were further delays concerning wage grid proposals extending into 2015. There has been a lot of water under the bridge. Hospital personnel responsible for these grievances have changed over time. There has been subsequent collective bargaining.
5. All of these developments have made practical resolution of these grievances difficult.
6. Both parties have confirmed that the remaining issues relating to these grievances should be decided summarily without further delay.
7. Accordingly, they have agreed that the Award should issue in the nature of a bottom-line decision as the product of an informal med/arb process where evidence was not called.
8. Having considered the representations of the parties, I direct the following:

- a. The incumbents shall retain their postings.
 - b. Any related service in a non-union capacity shall be recognized for purposes of seniority.
 - c. The Hospital shall create one more Program Assistant position, at a location to be designated by the Hospital, for assignment to Sandra Vernon. Pending Ms. Vernon's return from her current leave of absence, the new position will be backfilled by no later than 30 days from the date of this Award.
 - d. The wage grid for the Program Assistant position, effective October 10, 2013, shall be: \$24.04 (Step 1); \$24.94 (Step 2); \$25.87 (Step 3); \$26.80 (Step 4).
 - e. Program Assistants will be entitled to any increases awarded to the classification after October 10, 2013.
 - f. Program Assistants shall be placed at the appropriate Step on the wage grid having regard to their seniority. If their current wage rate falls between Steps, they shall be placed at the next Step above.
 - g. Program Assistants will be compensated for any shortfall in wages received after October 10, 2013.
 - h. Program Assistants currently receiving a wage rate above Step 4 will be red-circled.
 - i. Program Assistants will be compensated for the period prior to October 10, 2013 as follows: Full-time (\$1,000); Part-time (\$500).
9. I remain seized to the extent necessary.

Dated at Toronto this 6th day of April, 2017.


James Hayes