

IN THE MATTER OF AN ARBITRATION

BETWEEN:

COMMUNITY LIVING TORONTO

(the “Employer”)

-AND-

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 2191

(the “Union”)

**AND IN THE MATTER OF AN APPLICATION UNDER THE PAY EQUITY PROCESS
FOR ADJUDICATION OF CERTAIN DISPUTES**

ARBITRATOR

ROBERT J. HERMAN

APPEARANCES

FOR THE UNION

**HELEN GIBB-GAVEL
TERRI NOLAN
AMAR BAJWA
VERILINE HOWE
SANDRA LEE
FREDRICA HENRY-POTTINGER**

FOR THE EMPLOYER

**ANDRE NOWAKOWSKI
ROSE CUTAJAR
HILARY ADAMS
SUNDAY CUETANOVIC
MICHELLE MCDONALD
DINATIL FARIA**

**MEDIATIONS WERE HELD ON MARCH 14 AND APRIL 4, 2018, AND A HEARING
HELD ON OCTOBER 1, 2018, FURTHER WRITTEN SUBMISSIONS WERE
RECEIVED ON OCTOBER 5 AND 12, 2018**

AWARD

1. In Minutes of Settlement (the “Minutes”) dated May 31, 2017, I was selected as the Pay Equity Adjudicator and was given specified jurisdiction over certain aspects of the Pay Equity process. Paragraph 4 of the Minutes states in part that “The Pay Equity Adjudicator, may, at any time of his/her own choosing or at the request of one of the parties, determine that a disputed item requires a final and binding decision by the Pay Equity Adjudicator and issue such a decision. The Pay Equity Adjudicator shall document any such decision to the Parties, but the Pay Equity Adjudicator is not required to issue written reasons for such decision.” The instant decision is issued pursuant to my authority under the Minutes.

Banding

2. With respect to the appropriate Banding, the Employer’s proposed Banding and grade structure will apply. It utilizes 10 grades, each with the same width, and appears reasonable on its face and in practice, and better takes into account the recently agreed-upon weighting and scales, while the Union’s proposed Banding utilizes more points at the upper end than are available under the agreed upon weighting system.

Sub-Factors Ratings

3. There are a number of disputes over the rating of particular sub-factors for a

number of positions, and they appear to be set out in the email from Employer counsel dated August 30, 2018, in the Employer's written Brief on October 1, 2018 (at pp. 9-11), and in Tab 7 of the Employer Binder dated October 1, 2018. However, because the materials and submissions of the parties are not entirely clear with respect to whether consensus was reached at any point on ratings for specific sub-factors for certain positions, I reserve the right to amend any of the following ratings should it turn out consensus had been reached (and not later disputed through the reconsideration process) in respect of any of them dealt with below.

4. Ratings disputed before and after reconsideration

The ratings for Contacts shall be as follows:

Support Worker II Treatment	3
Support Worker III Treatment	3

The ratings for Judgement shall be as follows:

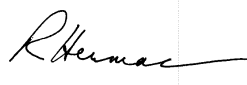
Support Worker I	2
Support Worker II	2
Support Worker III	3
Support Worker II Treatment	3
Support Worker III Treatment	2
Housekeeper II	2
Maintenance Worker I	2
Maintenance Worker II	2
APSW Assess. Coordinator	3

5. Previously agreed upon ratings disputed after reconsideration

A significant number of ratings previously agreed upon by the Joint Pay Equity Committee ("JPEC") were disputed through the reconsideration process. I am not persuaded that the new material before the JPEC or submitted to me justifies different ratings, so all ratings that became disputed through the reconsideration process will not be changed from what the JPEC originally concluded were appropriate ratings for the various positions and sub-factors, except as may have been amended above.

6. I remain seized to deal with matters inadvertently missed or that may arise with respect to the Pay Equity Process, including matters that may arise from the instant Award.

Dated at Toronto this 24th day of October, 2018



Robert J. Herman - Arbitrator