

IN THE MATTER OF AN ARBITRATION

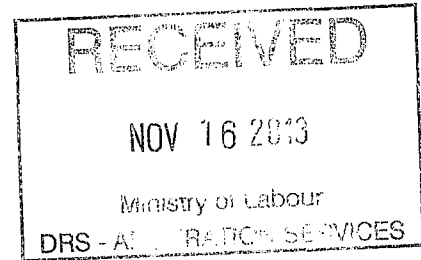
BETWEEN:

Ontario Agency for Health Protection and Promotion

(Public Health Ontario)

and

AMAPCEO



Before: William Kaplan
Sole Arbitrator

Appearances

For the Employer: Lauri A. Reesor
Kate K. Shao
Hicks Morley
Barristers & Solicitors

For the Association: Cathy Lace
Adriel Weaver
Goldblatt Partners
Barristers & Solicitors

The matters in dispute proceeded to a hearing in Toronto on November 12, 2018.

Award

A May 31, 2017 Letter of Understanding provides as follows:

The parties agree that the following individual appeals will be referred to the Dispute Resolution Process. The parties agree that with respect to the five individual remaining classification disputes below, the position in which the individual currently resides has been evaluated and classified correctly. In each dispute, the arbitrator will determine whether the job content performed by the individual has been properly described and evaluated, and the remedy will be restricted to determining the proper classification of the individual employee having regard to the job content and evaluation.

- Senior Research Coordinator (A167) K. Adomako
- Surveillance Analyst (A168) L. Newman
- Geospatial Analyst (A116) S. Johnson
- Research Technician (A155) R. Higgins
- Outbreak Coordinator (A134) E. Kristjanson

As referred to above, the parties entered into a comprehensive Dispute Resolution Process.

Both parties filed detailed mediation/arbitration briefs, reply briefs, and extensive will say statements in advance of a mediation/arbitration held in Toronto on November 12, 2018.

At the mediation/arbitration, it was possible to resolve the Adomako, Newman and Johnson appeals to the satisfaction of the employer, the Association and the individuals. Unfortunately, no agreement could be reached with respect to the Higgins and Kristjanson challenges. Those individual appeals, therefore, proceeded to a hearing and counsel for both parties made submissions. It is worth observing that considerable resources were directed to ensuring that these challenges were fully detailed and argued.

As is directed by the agreed-upon Dispute Resolution Process, a bottom line decision is now being issued. This decision follows the most careful review of the written materials together

with the submissions made at the hearing. One can only conclude, in both cases, that the job content being performed by each of the individuals has been properly described and valued in respect of each of the disputed factors. Ms. Higgins and Mr. Kristjanson are, therefore, properly classified. There is no basis for reclassification in either instance. Accordingly, both appeals are dismissed.

DATED at Toronto this 16th day of November 2018.

"William Kaplan"

William Kaplan, Sole Arbitrator