

IN THE MATTER OF AN EXPEDITED ARBITRATION

BETWEEN:

ONTARIO POWER GENERATION

(“OPG”)

-and-

POWER WORKERS’ UNION

(“PWU”)

Re: OPG-PSA-398 and OPG-PSA-410

CHIEF ARBITRATOR: John Stout

APPEARANCES:

For OPG:

Tom Moutsatsos, Hicks Morley
Stephanie McLoughlin, Hicks Morley

For the PWU:

John Monger, Paliare Roland
Jessica Latimer, Paliare Roland

SUPPLEMENTARY AWARD

1. This award is supplementary to my September 7, 2021, award with regards to grievances OPG-PSA-398 and OPG-PSA-410.

2. I was contacted by PWU counsel on September 27, 2021, seeking directions related to shift schedules for the P2171 outage and other issues related to implementing my orders. OPG counsel responded on October 4, 2021, and PWU counsel filed submissions in reply on October 14, 2021.

3. On October 18, 2021, I issued an email, wherein I provided further direction to the parties. Subsequently, PWU counsel sought additional clarification and a brief award. OPG Counsel did not object:

- If augmented staff is utilized on a different work schedule from PWU staff, then OPG shall explain why they need to work different schedules.
- I am not ordering OPG to alter the work schedules in the middle of this outage. The Fleet Agreement recognizes that in some circumstances augmented staff will work a different schedule. However, if at the end of the outage it is determined that PWU staff ended up working less than the augmented staff then damages may be payable. OPG may wish to consider altering the schedules on their own account to mitigate any potential cost consequences.
- The “relevant outage window” is the period when augmented staff and PWU staff are working on the same work program during the same calendar period when both are at work. If OPG does not utilize augmented staff for mobilization, then that period is not part of the relevant outage window.
- The goal is to ensure that the hours worked by PWU staff will not be less than the hours worked by augmented staff. The comparison is not on a day by day or individual by individual basis. The assessment is global over the relevant outage window.
- OPG is to provide the hours/schedules actually worked during the outages. OPG is to also provide data for all hours worked at premium rates and equivalency based on those numbers.

4. I remain seized of any issue fairly raised by the grievances, including implementing my orders.

Dated at Toronto, Ontario, this 16th day of November 2021.

A handwritten signature in dark ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

John Stout – Chief Arbitrator