

IN THE MATTER OF AN ARBITRATION
BETWEEN

PARTICIPATING HOSPITALS

(“the Hospitals” / “the Employers”)

LAKERIDGE HEALTHCARE CORPORATION

(“The Hospital” / “The Employer”)

- AND -

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 348

(“the Union”)

CONCERNING LOCAL ISSUES UNDER THE *HOSPITAL LABOUR DISPUTES
ARBITRATION ACT* FOR COLLECTIVE AGREEMENTS FOR THE PERIOD
MARCH 31, 2006 TO APRIL 1, 2009

BOARD OF ARBITRATION :

Christopher Albertyn – Chair

Angelo Pesce – Hospitals’ Nominee

J. Cameron Nelson – Union Nominee

APPEARANCES

For the Union:

Michèle Dawson Haber, Research Officer

Barry Casey, Staff Representative

Leslie Sanders, Local President

Lisa Madden

Julie Miller

Larry King

For the Hospital:

Shane Smith, Counsel

John Harris, Manager Labour Relations

Mike Smith, Manager, Laboratory

Hearing held on July 12, 2007.

Written submissions thereafter.

Executive sessions held on July 12, 2007 and August 27, 2007.

Award issued on October 1, 2007.

AWARD

1. This is an interest arbitration under the *Hospital Labour Disputes Arbitration Act*, in respect of a collective agreement effective from March 31, 2006 to April 1, 2009.

2. The parties bargain centrally. The parties agree which issues are to be determined centrally. Those issues that are not agreed to be determined centrally are dealt with in local negotiations. The issues negotiated locally, which are not resolved, are the subject of this award for the hospitals and local unions referred to herein.

3. This award concerns certain items agreed between the Hospital and the Union and it concerns an issue (uniform allowance) which required our determination.

4. The parties made their submissions in writing supported by written briefs. We have carefully considered all of the submissions, taking account of all of the relevant statutory and jurisprudential factors, particularly demonstrated need,

comparability and replication.

5. Unless otherwise stipulated, the award is effective from the date of the award.

Agreed upon items

6. As requested by the parties, all items agreed by the parties themselves are incorporated into their local collective agreements. In addition, the parties have agreed upon the following issues.

7. Article E.03 is amended to read:

Wherever operationally feasible, the Hospital agrees to schedule so as to provide the weekend off before and after one or more week's vacation.

8. Effective June 1, 2007 the following amendments will apply:

- In Article H.01, \$0.35 per km is changed to \$0.40 per km;
 - In Article H.02, \$0.40 per km is changed to \$0.45 per km.
9. The language of Articles A.02(b) and A.03 remain unchanged.
10. A Letter of Understanding will be appended to the local collective agreement, in the following terms:

Letter of Understanding re. Part-time Availability for Work

It is understood that part-time employees shall be scheduled for work based on operational requirements in accordance with the provisions of the collective agreement.

The application of Article D.20 and the indication of availability is only applicable to those shifts which become available after the schedule has been posted.

11. The first sentence of Article D.14 is amended as follows:

Employees not regularly scheduled to work Monday to Friday shall

receive two (2) days off attached to either of Christmas and Boxing Day, or New Year's Day, on an alternate year basis unless other arrangements are made by mutual agreement.

Uniform allowance

12. What remain unresolved between the parties are the proposed amendments to Article J.03a) Hoovers and Article J.03b) Uniform allowance. After careful consideration, we have decided to refer these matters back to the parties to resolve themselves, within three months of the date of this award. If they fail to resolve the matters, they are to advise us, and we will issue an award which determines the matters.

13. We remain seized to address the outstanding issues concerning hoovers and uniform allowance.

14. We remain seized with respect to the implementation of this award.

DATED at TORONTO on October 1, 2007.



Christopher J. Albertyn

Chair: board of arbitration

I concur.

“Angelo Pesce”

Angelo Pesce

Hospitals’ Nominee

I concur.

“J. Cameron Nelson”

J. Cameron Nelson

Union Nominee