



MEMORANDUM:

TO: Whom it May Concern

FROM: Tim Hadwen, General Counsel, Legal Services

DATE: February 21, 2002

RE: **REGULATED HEALTH PROFESSIONALS**

I understand that questions have been asked about the right of Regulated Health Professionals (including nurses) to participate in a possible Ontario Public Service strike.

All employees represented by OPSEU in the Ontario Public Service have the right to strike in accordance with the provisions of the Crown Employees Collective Bargaining Act. All employees in the OPSEU bargaining units, including Regulated Health Professionals (such as nurses, physiotherapists, psychometrists, etc.) have the right, once a legal strike commences, to cease going to work and engage in picket line activity. The exception is that essential services agreements must be complied with. But, other than essential services, unionized Regulated Health Professionals in the OPS have the legal right to strike.

None of the Regulated Health Professions Act, the Regulated Health Professions Code or statements by any College says otherwise. For example, the College of Nurses document (Common Questions About Nurses and Job Actions) states, at page 4, "Should I inform my clients that I may participate in a strike? Yes you should inform your clients that you might participate in a strike and provide them with as much factual information as you can about what they can expect in the event of a strike. You should not, however, involve clients in political issues regarding labour disputes or encourage them to take sides." Regulated Health Professionals should certainly review the full document.

Regulated Health Professionals are able to take bereavement leave, maternity leave, and exercise the legal right to strike because the employer is aware of these possibilities and has responsibility to make alternate arrangements for patient care (including essential services agreements).

Outside the Ontario Public Service, that is outside the coverage of the Crown Employees Collective Bargaining Act, with its right to strike in essential services regime, the labour relations of Regulated Health Professionals are governed as follows:

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- Those employed in Public Hospitals and nursing homes and homes for the aged are covered by the Hospital Labour Disputes Arbitration Act, which removes the right to strike and requires binding interest arbitration (HLDAA does not apply to the OPS);
- Regulated Health Professionals employed in public health units, the Victorian Order of Nurses and similar agencies are covered by the Ontario Labour Relations Act and not HLDAA, and they also have the right to strike.

I hope this is of some assistance.

A handwritten signature in cursive script that reads "Tim Hadwen".

Tim Hadwen
General Counsel