

**IN THE MATTER OF A MEDIATION/ARBITRATION
RE: ESSENTIAL SERVICES**

BETWEEN:

**The Ontario Public Service Employees Union
(the Union)**

AND

**The Crown in Right of Ontario
represented by Management Board of Cabinet
(the employer)**

DECISION

Re: Finalization of essential services agreements

Having regard to the presentations and submissions of the parties, I hereby order as follows:

1. Stages 1 and 2 of Appendix "A" and "B" of the document entitled "Conditions for the 2001-2002 OPS-OPSEU Essential Services and Collective Agreement Negotiations" will proceed, and will be deemed to be satisfied, according to the following timetable and directions:
 - a. The union will use its best efforts to ensure that there is a union worksite representative in place at each worksite as soon as possible, and in any event, will provide a list of worksite representatives, for each worksite, no later than the close of business on March 1, 2002.
 - b. The worksite management and Union representatives will meet, review and revise the lists where necessary, as soon as possible, and in any event finishing no later than noon on March 4, 2002. If they cannot agree upon the eligibility lists, they will immediately forward their respective positions to the bargaining unit negotiating teams outlining the areas of dispute and their respective positions no later than noon on March 4, 2002.
 - c. All disputes arising from the process described in paragraph (b) will be submitted to mediation/arbitration on March 4 and 5, 2002.
 - d. On March 6, 2002, an ordered list of all names of essential and emergency workers will be created using a draw jointly conducted by worksite Union and management representatives, to ensure random selection. The number of essential and emergency bargaining unit employees required in accordance with the essential services agreement will be selected starting from the top of the list of ordered names. In the selection of essential and emergency service workers, the proportion of classified and unclassified employees chosen will be matched with the proportion of classified and unclassified employees at the "worksite".
 - e. Any remaining disputes between the parties as to the essential services agreement will be subject to mediation/arbitration on March 7 and 8, 2002. The order of presentation of disputes will start on March 7 with those concerning Correctional Services.

- f. Step 7 of Phase 2 will occur on March 12, 2002.
 - g. Step 8 of Phase 2 will occur on March 13, and 14, 2002
2. The union is directed to communicate this order by posting it on its website and distributing it to all Local Presidents or next highest-ranking officer by the end of business on February 22, 2002.
 3. Unless specifically modified in this order, all provisions of the Conditions document and its appendices continue to apply.
 4. I will remain seized to deal with any problems implementing the above order unless otherwise agreed by the parties.

Dated at Toronto this 21st day of February 2002.



Kathleen G. O'Neil
Mediator/Arbitrator