

Crown Employees
**Grievance Settlement
Board**

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**Commission de
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*des employés de la
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GSB# 2003-2371
UNION# 2003-0999-0031

IN THE MATTER OF AN ARBITRATION

Under

THE CROWN EMPLOYEES COLLECTIVE BARGAINING ACT

Before

THE GRIEVANCE SETTLEMENT BOARD

BETWEEN

Ontario Public Service Employees Union
(Union Grievance)

Grievor

- and -

The Crown in Right of Ontario
(Management Board Secretariat)

Employer

BEFORE

Felicity D. Briggs

Vice-Chair

FOR THE UNION

Cameron Walker
Supervisor of Contract Enforcement Unit
Ontario Public Service Employees Union

FOR THE EMPLOYER

David Strang
Acting Associate Director
Management Board Secretariat

HEARING

November 4, 2003.

ORDER

A hearing was held in Toronto with respect to disputes that have arisen following the recent power outage that affected most of Ontario. On October 30, 2003 the Union filed a policy grievance that stated:

The Union grieves that some of its' Union members were not appropriately compensated/credited during the period of August 14-24, 2003 (Provincial Power Shortage).

At the hearing the parties agreed to the following:

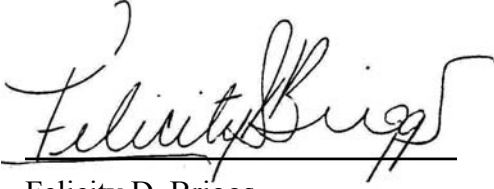
1. A widespread power outage occurred on August 11, 2003 at 4:11 p.m.
2. The premier declared a provincial emergency at approximately 10:00 p.m. on August 14, 2003 under The Emergency Management Act.
3. The provincial emergency was lifted on August 22, 2003.
4. During this emergency Ontario government ministries were asked to contact their employees and to advise the employees not to attend work unless specifically asked to do so by their managers.
5. Employees were advised that the government of Ontario would pay regular full and part-time classified and unclassified employees for the days they were requested not to report to work during the power emergency.
6. Irregularly scheduled and unclassified employees were advised they would be paid based on a schedule estimate using the average number of hours worked per week over the 13 weeks prior to the power emergency and that any adjustments would be made as necessary in the following pay period.
7. There is no dispute between the parties that the period of August 14 to August 24, 2003:
 - (a) Was not a strike or a lockout and that Essential and Emergency Services Agreements under CECBA did not apply to this period;
 - (b) Was not a declared public holiday.

The parties further agreed:

 - (i) Vacation credits previously requested and approved for this period remain as vacation time;
 - (ii) All the provisions of the Collective Agreement continued to apply;
 - (iii) Previously scheduled compressed work week credits and accrual remain unaffected.
8. The parties will meet to discuss individual grievances. Vice Chair Briggs will remain seized of any grievances which remain unresolved following these discussions.
9. The Union agrees to provide the Employer with the outstanding grievances by December 12, 2003.
10. The Union and Employer agree to continue to waive timeliness with respect to these grievances.

The parties agreed to have this issued as a consent order. As requested by the parties I remain seized of any outstanding matters in this regard.

Dated in Toronto this 7th day of November, 2003.

A handwritten signature in cursive script, reading "Felicity Briggs", written over a horizontal line.

Felicity D. Briggs
Vice-Chair