

IN THE MATTER OF THE HOSPITAL LABOUR DISPUTES ARBITRATION ACT
AND IN THE MATTER OF AN ARBITRATION

BETWEEN:

PARTICIPATING NORTHERN GROUP HOSPITALS

(Hereinafter referred to as “the Employers”)

and

THE CANADIAN AUTO WORKERS

On its own behalf and on behalf of its Locals 229 and 1120

(Hereinafter referred to as “the Union”)

RE: RENEWAL COLLECTIVE AGREEMENTS – OCT. 11, 2012 TO OCT. 10, 2014

Arbitrator: Peter F. Chauvin

Appearances for the Union:

Andy Savela
Kari Jefford
Rob Giovagnoli

Appearances for the Employer:

David McCoy
Adam Brown

AWARD

[1] The parties agree that I have been duly constituted as the Arbitrator in this matter pursuant to the *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H. 14, as amended (“HLDAA”), and I have the jurisdiction to settle the provisions of the renewal collective agreements between them.

[2] I was appointed by a Memorandum of Conditions between the parties dated September 12, 2012 which sets out the terms of my appointment, the 9 Hospitals that constitute the Participating Northern Group Hospitals, and the 14 bargaining units within those 9 Participating Hospitals that are subject to this process.

[3] The 9 Participating Northern Group Hospitals are: Atikokan General Hospital, St. Joseph’s General Hospital, Geraldton District Hospital, Manitouwadge General Hospital, Wilson Memorial General Hospital, Nipigon District Memorial Hospital, Sault Area Hospital, St. Joseph’s Care Group – Sister Margaret Smith Centre, and Lady Dunn Health Centre.

[4] This Award establishes the provisions of the renewal collective agreements for 14 different bargaining units at those 9 Participating Hospitals that are represented by CAW Locals 229 and 1120. Approximately 1,300 service, clerical, skilled trades and engineering staff are employed in those 14 bargaining units. All of the 14 collective agreements for those bargaining units expired on October 10, 2012.

[5] Negotiations occurred on October 22 to 26, 2012. Conciliation occurred on January 25, 2012.

[6] Through the course of negotiations the parties were successful in resolving many issues. However, a number of issues could not be resolved. As a result, the parties seek resolution of those issues that remain in dispute through this interest arbitration process.

[7] The items remaining in dispute between the parties consist of wages, shift and weekend premiums, vacation entitlement, vision care, and an Employer proposal to reduce sick leave payments. There are also several outstanding local issues that are specific to individual bargaining units.

[8] In determining the outstanding issues, I have been guided by the legislative criteria set out in the *HLDA* including the following:

1. The employer's ability to pay in light of its fiscal situation.
2. The extent to which services may have to be reduced, in light of the decision or award, if current funding and taxation levels are not increased.
3. The economic situation in Ontario and in the municipality where the hospital is located.
4. A comparison, as between the employees and other comparable employees in the public and private sectors, of the terms and conditions of employment and the nature of the work performed.
5. The employer's ability to attract and retain qualified employees.

[9] In addition to considering and applying the aforementioned statutory criteria, it is typical in these types of matters for an Arbitrator or a Board of Arbitration, in assessing the various demands of the parties, to apply the well accepted "replication principle" and the notion of "total compensation" in attempting to discern what these parties, in a free strike/lockout bargaining environment, would likely achieve in all of the prevailing circumstances. Those circumstances include, among others, the general economic realities of the times covered by the term of the collective agreement as well as the employees' legitimate expectations from comparing their wages and working conditions with other similarly situated employees, within the context of their industry as a whole.

[10] Recent interest arbitration awards in the healthcare sector have been influenced by the economic situation in Ontario, which also appropriately informs the disposition in this Award.

[11] Each of the 14 renewal collective agreements will consist of all of their existing terms and conditions, except as modified below, and all central and local items previously agreed to by the parties during their negotiations.

[12] I award the following regarding the items in dispute:

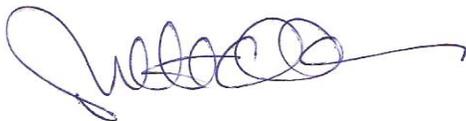
Term: Two (2) years

Wages: Year 1 0%
Year 2 0%

[13] I make no award on all other issues in dispute, save for the two outstanding local issues pertaining to the Manitowadge General Hospital's paramedical employee bargaining unit. These issues are referred back to Arbitrator Harris as per his Award in the matter of the Manitowadge General Hospital and CAW, dated October 26, 2011.

[14] I remain seized of these matters in accordance with subsection 9(2) of *HLDA* until new collective agreements for each of the 14 bargaining units are signed and in effect between the parties.

Signed this 1st day of February, 2013.



Peter F. Chauvin, Arbitrator