

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

BETWEEN:

PARTICIPATING WESTERN GROUP HOSPITALS

(Hereinafter referred to as “the Employers”)

and

THE CANADIAN AUTO WORKERS

**On its own behalf and on behalf of each of its Local Unions listed in the
Memorandum of Conditions**

(Hereinafter referred to as “the Union”)

Arbitrator: Peter Chauvin

Appearances for the Union:

Katha Fortier, Director of Health Care
Tullio DiPonti
Rusty Sproul
Bill McLachlan

Appearances for the Employer:

Phillip Cifarelli,
Amy Sproule-Jones

AWARD

[1] The parties agree that I have been duly constituted as 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 August 30, 2012 which sets out the terms of my appointment, the 7 Hospitals that constitute the Participating Western Group Hospitals, and the 14 bargaining units within those 7 Participating Hospitals that are subject to this process.

[3] The Participating Hospitals are: Grand River Hospital Corporation, Groves Memorial Community, Hotel-Dieu Grace (Windsor), Leamington District, St. Mary’s General (Kitchener), South Huron Association, and Windsor Regional. These 7 Participating Hospitals range in size from 19 to 500 beds, and are located in distinct municipalities in western Ontario.

[4] This Award establishes the provisions of the renewal collective agreements for the 14 different bargaining units at these 7 Participating Hospitals that are represented by CAW Locals 302, 1106 and 2458. Approximately 3,000 service, clerical, skilled trades and engineering staff are employed in these 14 bargaining units.

[5] With the exception of the collective agreement regarding the service workers bargaining unit at the Leamington District Hospital, which expired on September 30, 2012, all the other 13 collective agreements expired on March 31, 2012.

[6] Negotiations occurred on November 26 to 30, 2012, and January 17 and 18, 2013. Conciliation occurred on November 30, 2012.

[7] This is the first attempt by these parties to freely negotiate collective agreements regarding the Participating Western Group Hospitals. 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 these issues that remain in dispute through this interest arbitration process.

[8] The items remaining in dispute between the parties are: wages, premiums, allowances, vacation entitlement, and health and welfare benefits. The Employers have proposed reductions to sick leave payments and early retirement allowances, and a freeze to all forms of compensation. There are also several outstanding issues that are specific to the 7 Participating Hospitals and their 14 distinct bargaining units.

[9] In determining the outstanding issues, I have been guided by the legislative criteria set out in the HLDAA, 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.

[10] 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.

[11] 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.

[12] Each renewal collective agreement at the 7 Participating Hospitals will consist of all of their existing terms and conditions, except as modified below, and all local and central terms previously agreed to by the parties during their negotiations.

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

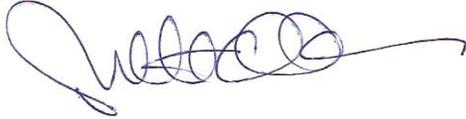
1. Term - Two (2) years.
2. Wage Increases

Year 1	0%
Year 2	0%

[14] I make no award on all other issues in dispute.

[15] I remain seized of these matters in accordance with subsection 9(2) of HLDAA until new collective agreements for each of the 7 Hospitals and 14 bargaining units are signed and in effect between the parties.

Signed at London, this 24th day of January, 2013.



Peter F. Chauvin, Arbitrator