



A Newsletter for the OPSEU Members of Public Health Ontario

Sisters and Brothers:

We appreciate your patience while we waited for Arbitrator Gerry Lee's Award. As you will see when you read it, he was faced with some complex decisions based on the makeup of our bargaining units, which took some time to sort out in the Award. It also didn't help that our hearing occurred during the summer.

When the brief was put together in preparation for our July 30th hearing, we were operating under three assumptions. First, that the Employer wanted the Arbitrator to rule on its proposal to delete Article 15.2 (Special/Compassionate leave) from the collective agreement. Second, that the Arbitrator's Award would be for a two-year term only, and third, that he would not be able to award wage grids to scope and post-scope employees.

We reached agreement on the hearing day with the Employer on each of these three points. On Article 15.2, the Employer agreed to withdraw its proposal in light of the fact that it was going to be interpreted by a rights arbitrator the very next day. On the other two issues, the parties agreed to let Arbitrator Lee award a three-year term and also agreed to put their proposals for scope/post-scope grids before him for his determination.

These agreements with the Employer were positive developments for the Union! Of course, we definitely were nervous at the prospect of an Arbitrator deleting Article 15.2 from our collective agreement (though we didn't believe he would do it), so we were happy when that came off the table. We had also been pushing for a three-year term because we believed we could achieve a better result over a longer time-frame. Finally, it became clear to both sides that scope and post-scope employees simply could not go another contract without having wage grids in the collective agreement.

The Union tabled the wage grids worked on by a subcommittee of the bargaining team plus representatives from the scope group, which would have resulted in increases for most incumbents, along with step progression every year. The Employer surprised us by tabling wage grids that we had not seen before. The Employer's wage grids proposal had a number of placement (some of them higher, as the Arbitrator points out) and title differences that it argued were more internally consistent to other classifications in the bargaining units. As you will see in the Award, the Arbitrator was convinced by these arguments. Overall, it is the Team's view that the success of the Employer's wage grids is not a bad outcome. Our most important objective for this group – the achievement of wage grids for scope/post-scope classifications – was accomplished. Now the collective agreement will contain wage grids for all members in our bargaining units. Members below the max will enjoy step progression worth 3% - 5.7% per year. We can use our current Article 26 (Classification Committee) if any problems arise between now and when we begin a new round of bargaining. Of course, the fact that this group of employees will not see either percentage wage increases or a lump sum payment for 2013 is a disappointing result, but the Arbitrator was convinced that movement to a grid was improvement enough.

Non-lab, non-scope/post-scope employees received increases of 1%, 1%, 1% and 1% over the first two years. We were hoping for better than this because of what this group was awarded previously. Although the Arbitrator did acknowledge their sacrifice in the last round, in the end he awarded minimal increases split into four six-month payments. We are unhappy with the 0% wage increase for 2013 and realize the lump-sum payment is a small consolation.

Finally, for lab employees who have been grossly underpaid for years, the Arbitrator awarded some small extra measures to get this group closer to hospital rates. These classifications achieved good progress towards hospital rates in the last round, but in this round, even with Lee's Award, a significant wage gap remains.

LA's, MLT 2's and MLT 3's will see a 6.9% increase over the three years (2%, 2% and 2.75%, compounded). MLT 1's do not receive any general wage increases in the first two years but do receive 2.75% in year three. Those who are currently at the max step will benefit from two new steps being added to their grid, effective April 1, 2012. Step 8 and step 9 each add 3% to the current max rate. Therefore, an MLT 1 at the max rate on April 1, 2012 will see a 9% compounded increase by the end of the contract. An MLT 1 one step below the max will receive a compounded increase of 5.8% and all other MLT 1's will receive the 2.75% increase for 2013 only.

The addition of the two extra steps at least matches the number of steps Lab Technologists have in hospitals. This will make our goal of achieving wage parity easier in the next round. We believe the Arbitrator should have done more. MLT 1's will still be 6% behind their hospital counterparts by the end of the contract. LA's and MLT 2's will still be 3.5% behind their hospital counterparts.

As was the case for the other lab employees, the Union proposed hospital parity for MLT 4's. We don't really know why, but for some reason the Arbitrator awarded full parity (8.6% in 2012) for MLT 4's, which is a great outcome for this classification. This classification now has no remaining gap compared to hospital Charge Technologists.

The Arbitrator's Award also includes a reference to Schedule A, which is all the items we were able to sign off during bargaining. Be sure to read this Schedule if you want to understand what else in your agreement is changing. For those of you who have been asking about the EI Rebate payment, you will see that this is one of the things we agreed to in bargaining. Effective the date of the award,

all current employees will be entitled to a lump sum payment from the Employer in lieu of the EI Rebate.

In conclusion, interest arbitration, like bargaining, usually results in a compromise between two opposing positions. While we obviously did not get all that we wanted, we think the Award is a reasonable compromise. Each of our three employee groupings in our bargaining units received some sort of increase without the Union having to take any concessions. In an environment where other unions are settling for zeros, we don't think we've done too badly. We also were pleased by the degree of cooperation we were able to achieve with the Employer. We obviously didn't agree with each other's positions most of the time, but we were able to accomplish a respectful dialogue and explore opportunities for some common ground. We hope that this respectful and cooperative relationship will filter down to lower-level management so that the working environment of all of our members can be improved.

The three of us are available to answer your questions. It would be best if you could email us so we are not interrupted at work and so that we can consult with our Negotiator, Anastasios Zafiriadis, if we don't know the answer.

In solidarity,

Your Bargaining Team

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