

**OLRB FILE NO.: 3151-12-PS**

**In the matter of an Application under the  
the *Public Sector Labour Relations Transition Act, 1997***

**BETWEEN:**

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION**

**(Applicant/OPSEU)**

**- and -**

**ST. JOSEPH'S CARE GROUP**

**(Responding Party/SJCG)**

**- and -**

**UNIFOR**

**(Responding Party/Unifor)**

**- and -**

**ONTARIO NURSES ASSOCIATION**

**(Responding Party/ONA)**

**-and-**

**Service Employees International Union, Local 1 Canada**

## MINUTES OF SETTLEMENT

WHEREAS OPSEU filed an Application at the Ontario Labour Relations Board (the Board) under PSLRTA (OLRB File No. 3151-13-PS);

AND WHEREAS the Parties wish to fully and finally resolve the Application;

The Parties therefore agree as follows, and request that the Board issue the necessary declarations and orders:

1. The Parties will request that the Board order a representation vote among non-union Paramedical and Professional employees employed by SJCG in the City of Thunder Bay, as described in the following bargaining unit description:

All Paramedical and Professional employees including but not limited to Audio Technician, Audiologist, Foot Care Attendant, Chiropodist, Dietitian, Exercise Specialist, Family Therapist Foot Care, Hearing Instrument Technician, Occupational Therapist, Pharmacist, Pharmacist Assistant, Pharmacy Technician, Psych Associate, Psychologist, Psychometric Technician, Psychometrist, Physiotherapist, Registered Resource (Clinician), Social Worker MSW, Social Worker BSW and Speech Language Pathologist] employed by St. Joseph's Care Group in the City of Thunder Bay, save and except co-ordinators and supervisors and persons above the rank of co-ordinator and supervisor, individuals employed at the Behavioural Sciences Centre, medical staff, physician assistants, Quality Assurance/Program Evaluation Personnel, Spiritual Care Personnel, interns and students, and employees of St. Joseph's Care Group covered by a subsisting collective agreement.

2. All non union Paramedical and professional employees who are described in the bargaining unit description, and employed by the SJCG as of the day

before the vote, are entitled to vote. The vote will be a "yes/no" choice as to whether the employees wish to be represented by OPSEU.

3. The Parties agree to request of the Board that the representation vote take place on March 1, 2017 at St. Joseph's Hospital, 35 Algoma Street North, Thunder Bay, Ontario and at Thunder Bay Regional Health Sciences Centre, 980 Oliver Road, Thunder Bay, Ontario . The vote will take place in Conference Room 1 at St. Joseph's Hospital from 8:00 to 9:00 a.m. and from 4:00 to 5:00 p.m., and in the Emergency Base Hospital Room #2802 at the Thunder Bay Regional Health Sciences Centre from 12 to 2:00 p.m.. Employees will be permitted release from work to travel to the polls to vote as necessary if they are scheduled to work at the time of the polls.
4. In accordance with the Board's normal vote procedures, OPSEU and the Employer will each be permitted to appoint one scrutineer for each vote location and one agent for the vote count. The parties will advise of the identity of their scrutineer and agent prior to the vote date.
5. Six weeks prior to the representation vote, the Employer shall provide OPSEU with the names, addresses and home telephone numbers and work email addresses of employees included in the description of the bargaining unit.
6. At least two weeks prior to the representation vote, the Employer will provide the Board with an updated voter's list.
7. SJCG shall prepare a voters list and file it with the Board.
8. During the two weeks prior to the vote, OPSEU will be permitted to hold two information sessions in each week in Conference Room 3 at St. Joseph's Hospital at times mutually agreed to between OPSEU and SJCG prior to the commencement of the two-week period. Each information meeting will be a maximum of 60 minutes long. Employees may attend these sessions during their non-working hours. OPSEU will be permitted to hold one information meeting during the two weeks prior to the vote at the Thunder Bay Regional Health

Science Centre a maximum of 60 minutes in length in a time period between 12 and 2:00, to be determined prior to the commencement of the two-week period prior to the vote.

9. The Parties agree that the voters in the representation vote will be asked whether or not they wish to be represented by the Ontario Public Service Employees' Union in their employment relations with SJCG, in accordance with the Board's generic ballot and the attached Vote Arrangements form.

10. If more than 50% of the employees who cast ballots at the representation vote cast ballots in favour of representation by OPSEU, the Parties will request that the Board certify OPSEU as the exclusive bargaining agent for the employees described in the above-noted bargaining unit.

11. In the event that OPSEU is certified by the Board to represent the Paramedical and Professional employees, the Parties will negotiate a first collective agreement in accordance with the provisions of the Ontario *Labour Relations Act, 1997* and the *Hospital Labour Disputes Arbitrations Act*.

12. From the date that these Minutes of Settlement are executed by the Parties to the date of the closure of the Lakehead Psychiatric Hospital ("LPH"), SJCG will consider all applications from OPSEU bargaining unit employees working at the LPH for union and non-union vacancies at SJCG before it considers any applications for such vacancies from individuals who are not employees of SJCG.

13. The Parties below accept that these Minutes constitute a complete and final resolution of all issues that were raised or should have been raised in the Application, and in the following grievances, which are hereby irrevocably withdrawn by the Applicant:

Grievance No. 2014-0720-0014 (dated July 1, 2014)

Grievance No. 2014-0720-0015 (dated July 1, 2014)

Grievance No. 2014-0720-0016 (dated July 1, 2014)

Grievance No. 2014-0720-0017 (dated July 1, 2014)

Grievance No. 2014-0720-0018 (dated July 1, 2014)

Grievance No. 2014-0720-0019 (dated July 1, 2014)

Grievance No. 2014-0720-0020 (dated July 1, 2014)

Grievance No. 2014-0720-0021 (dated July 1, 2014)

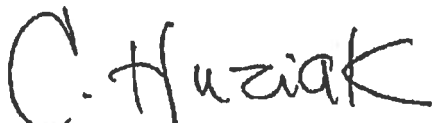
14. The Parties agree that the *Public Sector Labour Relations Act* ("PSLRTA") and sections 1(4) and 69 of the *Ontario Labour Relations Act* ("OLRA") do not apply to the matters raised by OPSEU in the Application. The Parties further agree that this settlement fully and finally resolves any current applications under PSLRTA, or under sections 1(4) and 69 of the OLRA, , regarding any matters addressed herein.

15. The Parties agree that this settlement is not an admission of liability by any party and in fact such liability is denied.

16. The Parties agree that this settlement is made without prejudice and without precedent to any other matter between them, and to any position taken by any Party to the Application.

17. The Board shall remain seized regarding any issues that may arise in respect of the representation vote and may make such orders as are necessary to implement the terms of this settlement.

Dated at \_\_\_\_\_, Ontario this \_\_\_\_\_ day of January, 2017



\_\_\_\_\_  
Ontario Public Service Employees' Union

Dated at Thunder Bay, Ontario this 3<sup>rd</sup> day of February, 2017

Denis Nault

St. Joseph's Care Group

per: Denis Nault

Dated at Toronto, Ontario this 1<sup>st</sup> day of January, 2017

[Signature]

Unifor

Dated at \_\_\_\_\_, Ontario this \_\_\_\_\_ day of January, 2017

Wade Bux

Ontario Nurses' Association

Dated at Toronto, Ontario this 2<sup>nd</sup> day of February, 2017

[Signature]

Service Employees Union Local 1