

**IN THE MATTER OF AN ARBITRATION ESTABLISHED PURSUANT TO
*THE CROWN EMPLOYEES COLLECTIVE BARGAINING ACT, 1993***

TO DEAL WITH A DISPUTE BETWEEN:

HER MAJESTY THE CROWN IN RIGHT OF ONTARIO

(as represented by Treasury Board Secretariat)

and

OPSEU (Correctional Bargaining Unit)

Before: William Kaplan
Sole Arbitrator

Appearances

For the Crown: Sunil Kapur
Margaret Gavins
Jessica Wuergler
McCarthy Tetrault
Barristers & Solicitors

For OPSEU: Nini Jones
Lauren Pearce
Paliare Roland Rosenberg Rothstein
Barristers & Solicitors

The matters in dispute proceeded to mediation on June 4 and November 1, 2018 and to arbitration on March 30, 2019.

Introduction

This arbitration was convened to decide the matters remaining in dispute between Her Majesty the Crown in Right of Ontario (as represented by the Treasury Board Secretariat – hereafter “the employer”) and the Ontario Public Service Employees Union (hereafter “the union”). This is the first collective agreement for the union’s stand-alone correctional bargaining unit. The parties agreed upon my appointment, and the matters in dispute proceeded first to mediation, on June 4 & November 1, 2018, and then to arbitration on March 30, 2019. Both parties filed detailed written briefs and made further extensive submissions at the hearing. In deciding the outstanding matters, careful attention has been paid to all of the relevant criteria, statutory and otherwise. The collective agreement settled by this award includes all agreed upon items. Any outstanding employer or union issue not specifically addressed below is deemed dismissed.

Award

Recognition and Scope Clause

I direct the parties to continue their ongoing negotiations regarding the Scope and Recognition provisions of the collective agreement. Should they be unable to reach resolution, I remain seized to act as a facilitator.

Term

January 1, 2018 to December 31, 2021.

Wages/ATB – all employees

January 1, 2018:	1.5%
January 1, 2019:	1%
July 1, 2019:	1%
January 1, 2020:	1%
July 1, 2020:	1%
January 1, 2021:	1%
July 1, 2021:	1%

Special Adjustment – Correctional Officers/Youth Workers Classifications

January 1, 2018:	1.75%
January 1, 2019:	1.75%
January 1, 2020:	1.75%
January 1, 2021:	1.75%

Special Adjustment – Probation Officers/Nurse Classifications

January 1, 2019:	1%
January 1, 2020:	1%
January 1, 2021:	1%

Special Lump Sum

\$200 to employees previously in the unified bargaining unit working in a correctional bargaining unit workplace on July 1, 2017 and who are still employed as of the date of this award (other than those in the Nurse classifications).

Union Leave

Amend Article 23.2.1 to provide leave of absence for no more than seven (7) employees who participate in collective bargaining negotiations.

Amend COR4 to provide that the (already agreed-upon) additional MERC representative be granted leave of absence without loss of pay or credits from the employees' place of employment for the duration of their term. This is effective date of award.

Benefits – Psychological

Amend Article 39.2.6 to eliminate cap per visit for Correctional Officers and Youth Workers only (not dependents). This is effective date of award.

Amend Article 39.2.6 to raise cap per half hour to \$40 for everyone else. This is effective date of award.

Conclusion

At the request of the parties, I remain seized with respect to the implementation of my award.

DATED at Toronto this 1st day of April 2019.

“William Kaplan”

William Kaplan, Sole Arbitrator