

Crown Employees Collective Bargaining Act, 1993

S.O. 1993, CHAPTER 38

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PART I
INTERPRETATION AND APPLICATION

Definitions

1 (1) In this Act,

“Crown employee” means,

- (a) a public servant employed under Part III of the *Public Service of Ontario Act, 2006*, and

- (b) a person employed by an agency of the Crown prescribed by the regulations under this Act. 1995; c. 1, s. 12 (1); 2006, c. 35, Sched. C, s. 23 (1).

“Crown”

(1.1) References to the Crown in this Act shall be deemed to include a reference to the agencies of the Crown to which the Act applies. 1995, c. 1, s. 12 (2).

Definitions in *Labour Relations Act, 1995*

(2) Definitions in subsection 1 (1) of the *Labour Relations Act, 1995* apply to terms used in this Act. 1993, c. 38, s. 1 (2); 1995, c. 1, s. 12 (3).

Regulations

(3) The Lieutenant Governor in Council may make regulations prescribing agencies of the Crown for the purposes of clause (b) of the definition of “Crown employee” in subsection (1). 2006, c. 35, Sched. C, s. 23 (2).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 12 (1-3) - 10/11/1995

2006, c. 35, Sched. C, s. 23 (1, 2) - 20/08/2007

Application of Act

1.1 (1) This Act applies with respect to the Crown, Crown employees and the bargaining agents of Crown employees. 2006, c. 35, Sched. C, s. 23 (3).

(2) REPEALED: 2006, c. 35, Sched. C, s. 23 (3).

Non-application

(3) This Act does not apply with respect to the following:

1. Persons to whom the *Ontario Provincial Police Collective Bargaining Act, 2006* applies.
2. REPEALED: 2006, c. 35, Sched. C, s. 23 (4).
3. Architects employed in their professional capacity.
4. Dentists employed in their professional capacity.
5. Lawyers employed in their professional capacity.
6. Physicians employed in their professional capacity.
7. Provincial judges.
8. Persons employed as a labour mediator or labour conciliator.
9. Employees exercising managerial functions or employed in a confidential capacity in relation to labour relations.
10. Persons employed in a minister’s office in a position confidential to a minister of the Crown.
11. Persons employed in the Office of the Premier or in Cabinet Office.
12. Persons who provide advice to Cabinet, a board or committee composed of ministers of the Crown, a minister or a deputy minister about employment-related legislation that directly affects the terms and conditions of employment of employees in the public sector as it is defined in subsection 1 (1) of the *Pay Equity Act*.
13. Persons who provide advice to Cabinet, a board or committee composed of ministers of the Crown, the Minister of Finance, the Chair of Management Board of Cabinet, a deputy minister in the Ministry of Finance or the Secretary of the Management Board of Cabinet on any matter within the powers or duties of Treasury Board under Part 0.1 of the *Financial Administration Act*.
14. Persons employed in the Ontario Financing Authority or in the Ministry of Finance who spend a significant portion of their time at work in borrowing or investing money for the Province or in managing the assets and liabilities of the Consolidated Revenue Fund, including persons employed in the Authority or the Ministry to provide technical, specialized or clerical services necessary to those activities.
15. Other persons who have duties or responsibilities that, in the opinion of the Ontario Labour Relations Board, constitute a conflict of interest with their being members of a bargaining unit. 1995, c. 1, s. 13; 2001, c. 7, s. 16; 2006, c. 35, Sched. C, s. 23 (4); 2009, c. 34, Sched. J, s. 27.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 13 - 10/11/1995

2001, c. 7, s. 16 - 29/06/2001

2006, c. 35, Sched. C, s. 23 (3, 4) - 20/08/2007

2009, c. 34, Sched. J, s. 27 - 15/12/2009

**PART II
APPLICATION OF LABOUR RELATIONS ACT, 1995**

Incorporation of *Labour Relations Act, 1995* provisions

2 (1) Subject to subsection (2) and Part III.1, the *Labour Relations Act, 1995* shall be deemed to form part of this Act. 1995, c. 1, s. 14; 2016, c. 37, Sched. 6, s. 1.

Modifications

(2) This Part sets out modifications to the provisions of the *Labour Relations Act, 1995* that apply in the circumstances of this Act. 1995, c. 1, s. 14.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 14 - 10/11/1995

2016, c. 37, Sched. 6, s. 1 - 08/12/2016

s. 1 (Interpretation)

3 (1) Subsections 1 (3), (4) and (5) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 15 (2).

Status of employees

(2) A decision made under subsection 1 (4) of the *Labour Relations Act, 1995* shall not, directly or indirectly, treat an individual as a Crown employee unless he or she is a Crown employee under this Act. 2006, c. 35, Sched. D, s. 1.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 15 (2) - 10/11/1995

2006, c. 35, Sched. D, s. 1 - 20/12/2006

s. 3 (Non-application)

3.1 Section 3 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 16.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 16 - 10/11/1995

s. 4 (Certain Crown agencies)

3.2 Section 4 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 16.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 16 - 10/11/1995

s. 40 (Voluntary arbitration)

4 (1) The operation of section 40 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 17 (1).

Appointment of a single arbitrator

(2) If the parties have agreed to refer matters to a single arbitrator, they shall appoint an arbitrator within seven days after they agreed to refer the matters for arbitration. 1993, c. 38, s. 4 (2).

Appointment of a board of arbitration

(3) If the parties have agreed to refer matters to a board of arbitration,

- (a) each party shall, within seven days after the parties agreed to refer the matters for arbitration, appoint a member of the board and inform the other party of the appointee; and

(b) the members appointed under clause (a) shall, within five days after the second of them is appointed, appoint a third member who shall be the chair of the board. 1993, c. 38, s. 4 (3).

If appointments not made

(4) If an appointment is not made as required under subsection (2) or (3), the Minister may make the appointment and the Minister must do so on the request of a party. 1993, c. 38, s. 4 (4).

Procedural and other provisions applicable

(5) Subsections 6 (8) to (14), (17) and (18) of the *Hospital Labour Disputes Arbitration Act* apply, with necessary modifications, to arbitrators and boards of arbitration. 1993, c. 38, s. 4 (5).

Procedure

(6) The arbitrator or board of arbitration shall determine their own procedure but shall give full opportunity to the parties to present their evidence and make their submissions and section 117 of the *Labour Relations Act, 1995* applies to the arbitrator or board of arbitration and their decision and proceedings as if they were the Board. 1993, c. 38, s. 4 (6); 1995, c. 1, s. 17 (2).

Cost of arbitrators

(7) The remuneration and expenses of the arbitrator or the members of the board of arbitration shall be paid as follows:

1. If a single arbitrator is appointed, each party shall pay one-half of the remuneration and expenses of the arbitrator.
2. If a board of arbitration is appointed, each party shall pay the remuneration and expenses of the member appointed by or on behalf of the party and one-half of the remuneration and expenses of the chair. 1993, c. 38, s. 4 (7).

Reference back to arbitrator or board

(8) The arbitrator or board of arbitration may, upon application by a party within ten days after the release of a decision, amend, alter or vary the decision where it is shown to the satisfaction of the arbitrator or board that they failed to deal with any matter in dispute referred to them or that an error is apparent on the face of the decision. 1993, c. 38, s. 4 (8).

Representations on reference back

(9) Before amending, altering or varying a decision on an application under subsection (8), the arbitrator or board shall give the parties an opportunity to make representations on the application. 1993, c. 38, s. 4 (9).

Time limit on reference back

(10) A decision may be amended, altered or varied on an application under subsection (8) only within twenty days after the application is made. 1993, c. 38, s. 4 (10).

No decision to require legislation

(11) In making a decision, the arbitrator or board of arbitration shall not include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 1993, c. 38, s. 4 (11).

Scope of arbitration

(12) The decision of the arbitrator or board of arbitration shall not include any matters upon which the parties have agreed if the arbitrator or board is notified in writing of the agreement of the parties on those matters. 1993, c. 38, s. 4 (12).

Scope of arbitration, agreement by parties

(13) The application of subsection (12) may be varied by the agreement of the parties. 1993, c. 38, s. 4 (13).

Collective agreement prepared by arbitrator, etc.

(14) If the parties have not agreed upon the terms of a collective agreement within thirty days after the release of the decision of the arbitrator or board of arbitration, the arbitrator or board shall prepare a document giving effect to the decision of the arbitrator or board and any agreement between the parties about which the arbitrator or board has been notified. 1993, c. 38, s. 4 (14).

Same

(15) The arbitrator or board of arbitration shall give copies of the document prepared under subsection (14) to the parties and upon doing so the document becomes a collective agreement under the *Labour Relations Act, 1995* effective on the day set out in the document. 1993, c. 38, s. 4 (15); 1995, c. 1, s. 17 (3).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 17 (1-3) - 10/11/1995

s. 43 (First contract arbitration)

5 (1) The operation of section 43 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1993, c. 38, s. 5 (1); 1995, c. 1, s. 18 (1).

Applicable provisions

(2) The following provisions apply, with necessary modifications, with respect to arbitrations under section 43 of the *Labour Relations Act, 1995*:

1. Subsections 4 (8) (Reference back to arbitrator or board), (9) (Representations on reference back) and (10) (Time limit on reference back).
2. Subsection 4 (11) (No decision to require legislation).
3. Subsections 4 (12) (Scope of arbitration) and (13) (Scope of arbitration, agreement by parties).
4. Subsections 4 (14) and (15) (Collective agreement prepared by arbitrator, etc.). 1993, c. 38, s. 5 (2); 2016, c. 37, Sched. 6, s. 2.

Minister's order: commencement of hearing

(3) If the hearing of the arbitration does not commence within the time period set out in subsection 43 (11) of the *Labour Relations Act, 1995*, the Minister may make such orders as he or she considers necessary to ensure the arbitration is heard without delay. 1993, c. 38, s. 5 (3); 1995, c. 1, s. 18 (2).

Minister's order: completion of arbitration

(4) If the decision of the board of arbitration is not released within the time period set out in subsection 43 (12) of the *Labour Relations Act, 1995*, the Minister may,

- (a) make such orders as he or she considers necessary to ensure that the decision will be given without undue delay; and
- (b) make such orders as he or she considers appropriate respecting the remuneration and expenses of the members of the board of arbitration. 1993, c. 38, s. 5 (4); 1995, c. 1, s. 18 (3).

Restriction

(5) An arbitrator or board of arbitration shall not include or require the parties to include in a collective agreement a term that requires the employer to guarantee an offer of a job for employees whose positions have been or may be eliminated or that otherwise compels the employer to continue to employ them. 1995, c. 1, s. 18 (4).

Same

(6) Subsection (5) does not apply when the employer is an agency of the Crown referred to in clause (b) of the definition of "Crown employee" in subsection 1 (1). 2006, c. 35, Sched. C, s. 23 (5).

Section Amendments with date in force (d/m/y)

2006, c. 35, Sched. C, s. 23 (5) - 20/08/2007

2016, c. 37, Sched. 6, s. 2 - 08/12/2016

6 REPEALED: 1995, c. 1, s. 19.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 19 - 10/11/1995

s. 48 (Arbitration provision)

7 (1) The operation of section 48 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 20 (1).

Certain subss. not to apply

(2) Subsections 48 (1) to (6) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 20 (2).

Deemed provision relating to arbitration

(3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising

from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. 1993, c. 38, s. 7 (3).

Restrictions on substituted penalties

(4) In substituting a penalty under subsection 48 (17) of the *Labour Relations Act, 1995*, the Grievance Settlement Board shall not provide for the employment of an employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility or with a client if the Board has found that the employee,

- (a) has applied force to a resident in a facility or a client, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident or client; or
- (b) has sexually molested a resident or a client. 2001, c. 7, s. 17 (1).

Definitions

(5) In subsection (4),

“client” means a person to whom services are provided in a community resource centre that is designated under section 15 of the *Ministry of Correctional Services Act*; (“client”)

“facility” means,

- (a) premises where services are provided by the Minister under the *Child and Family Services Act*,

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) of the definition of “facility” in subsection 7 (5) of the Act is repealed and the following substituted: (See: 2017, c. 14, Sched. 4, s. 11)

- (a) premises where services are provided by the Minister under the *Child, Youth and Family Services Act, 2017*,
- (b) REPEALED: 2008, c. 14, s. 51 (2).
- (c) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 13 of the *Education Act*,
- (d) a psychiatric facility under the *Mental Health Act*,
- (e) a correctional institution under the *Ministry of Correctional Services Act*,
- (f) a place of temporary detention under the *Youth Criminal Justice Act* (Canada),
- (g) a youth custody facility under the *Youth Criminal Justice Act* (Canada), or
- (h) any other workplace where the employee works in carrying out the duties of his or her position, including but not limited to those that he or she is required to carry out at any of the places mentioned in clauses (a) to (g); (“établissement”)

“resident” means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility. (“résident”) 1993, c. 38, s. 7 (5); 2001, c. 7, s. 17 (2, 3); 2001, c. 13, s. 13; 2006, c. 19, Sched. D, s. 6; 2008, c. 14, s. 51.

Substitute penalty

(6) In substituting a penalty under subsection 48 (17) of the *Labour Relations Act, 1995* in circumstances in which it is restricted by subsection (4), the Grievance Settlement Board may provide for the employment of the employee in another substantially equivalent position. 1993, c. 38, s. 7 (6); 1995, c. 1, s. 20 (4).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 20 (1, 2, 4) - 10/11/1995

2001, c. 7, s. 17 (1-3) - 29/06/2001; 2001, c. 13, s. 13 - 30/11/2001

2006, c. 19, Sched. D, s. 6 - 22/06/2006

2008, c. 14, s. 51 (1, 2) - 01/01/2011

2017, c. 14, Sched. 4, s. 11 - not in force

s. 49 (referral of grievance to single arbitrator)

8 Section 49 of the *Labour Relations Act, 1995* does not form a part of this Act. 1995, c. 1, s. 21.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 21 - 10/11/1995

s. 50 (Consensual mediation-arbitration)

9 (1) The operation of section 50 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 22 (1).

Appointment of mediator-arbitrator

(2) If there is an agreement to refer one or more grievances to a mediator-arbitrator under subsection 50 (1) of the *Labour Relations Act, 1995*, the mediator-arbitrator shall be a mediator-arbitrator selected by the Crown and the trade union from the roster established under section 47.1. 2017, c. 8, Sched. 6, s. 1.

Same

(2.1) If the Crown and the trade union fail to agree on the selection of a mediator-arbitrator, the chair of the Grievance Settlement Board shall make the selection. 2017, c. 8, Sched. 6, s. 1.

Minister to appoint

(3) Subsection 50 (3) of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 22 (3).

References to the Minister

(4) References to the Minister in subsections 50 (4) and (5) of the *Labour Relations Act, 1995* shall be deemed to be references to the chair of the Grievance Settlement Board. 1993, c. 38, s. 9 (4); 1995, c. 1, s. 22 (4).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 22 (1-4) - 10/11/1995

2017, c. 8, Sched. 6, s. 1 - 01/07/2017

s. 69 (Successor rights)

10 (1) The operation of section 69 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 2006, c. 35, Sched. D, s. 2.

Application

(2) Section 69 of the *Labour Relations Act, 1995* applies with respect to the transfer of an undertaking from one employer to another where the employees of one or both of those employers are Crown employees under this Act. 2006, c. 35, Sched. D, s. 2.

References modified

(3) Any reference to “sale” or “sells” in section 69 of the *Labour Relations Act, 1995* shall be deemed to be a reference to a transfer and any reference to a “business” in that section shall be deemed to be a reference to an undertaking. 2006, c. 35, Sched. D, s. 2.

Definitions

(4) For the purposes of subsections (2) and (3),

“transfer” means a conveyance, disposition or sale and the verb has a corresponding meaning; (“transfert”, “transférer”)

“undertaking” means all or part of a business, enterprise, institution, program, project or work. (“activité”) 2006, c. 35, Sched. D, s. 2.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 23 (2) - 10/11/1995

2006, c. 35, Sched. D, s. 2 - 20/12/2006

11 REPEALED: 1995, c. 1, s. 24.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 24 - 10/11/1995

12 REPEALED: 1995, c. 1, s. 24.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 24 - 10/11/1995

Subs. 79 (2) (Limitation on strike or lock-out)

13 Subject to section 15.1, it is an additional requirement to those in subsection 79 (2) of the *Labour Relations Act, 1995* that the employer and the trade union must have an essential services agreement under Part IV before an employee may strike or the employer may lock out an employee. 1993, c. 38, s. 13; 1995, c. 1, s. 25; 2016, c. 37, Sched. 6, s. 3.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 25 - 10/11/1995

2016, c. 37, Sched. 6, s. 3 - 08/12/2016

14 REPEALED: 1995, c. 1, s. 26.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 26 - 10/11/1995

s. 86 (Alteration of working conditions)

15 (1) The operation of section 86 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 27 (1).

Essential services agreement required

(2) Subject to section 15.1, it is an additional condition to those in clauses 86 (1) (a) and (2) (a) of the *Labour Relations Act, 1995* that there be an essential services agreement between the employer and the trade union before any alteration is allowed under those clauses. 1993, c. 38, s. 15 (2); 1995, c. 1, s. 27 (2); 2016, c. 37, Sched. 6, s. 4.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 27 (1, 2) - 10/11/1995

2016, c. 37, Sched. 6, s. 4 - 08/12/2016

Exception, essential services agreement

15.1 Sections 13 and 15 do not apply with respect to the Correctional Bargaining Unit described in subsection 22 (2). 2016, c. 37, Sched. 6, s. 5.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 5 - 08/12/2016

Subs. 96 (4) (Orders by Board)

16 (1) The operation of subsection 96 (4) of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 28.

No order to require legislation

(2) No order of the Board shall include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 1993, c. 38, s. 16 (2).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 28 - 10/11/1995

s. 103 (Notice of claim for damages, etc.)

17 (1) The operation of section 103 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 29 (1).

Notice not to contain appointee

(2) A notice under subsection 103 (1) of the *Labour Relations Act, 1995* shall not contain the name of an appointee to an arbitration board. 1993, c. 38, s. 17 (2); 1995, c. 1, s. 29 (2).

Arbitration by the Grievance Settlement Board

(3) A claim for damages under subsection 103 (1) of the *Labour Relations Act, 1995* shall be arbitrated by the Grievance Settlement Board. 1993, c. 38, s. 17 (3); 1995, c. 1, s. 29 (3).

Certain subs. not to apply

(4) Subsections 103 (2), (3), (4), (6) and (7) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 29 (4).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 29 (1-4) - 10/11/1995

s. 110 (Ontario Labour Relations Board)

18 (1) The operation of section 110 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 30 (1).

Application with respect to essential services

(2) In the case of a matter respecting Part IV, the chair of the Board may sit alone or may authorize a vice-chair to sit alone under subsection 110 (14) of the *Labour Relations Act, 1995* if,

- (a) the chair considers it advisable to do so; or
- (b) the parties consent. 1993, c. 38, s. 18 (2); 1995, c. 1, s. 30 (2).

Same

(3) The Board may make rules under subsection 110 (18) of the *Labour Relations Act, 1995* to expedite proceedings to which Part IV applies. 1993, c. 38, s. 18 (3); 1995, c. 1, s. 30 (3).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 30 (1-3) - 10/11/1995

s. 114 (Jurisdiction)

19 (1) The operation of section 114 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 31 (1).

Limitation

(2) Despite subsection 114 (2) of the *Labour Relations Act, 1995*, no person shall be found to be a Crown employee unless he or she is a Crown employee under this Act. 1993, c. 38, s. 19 (2); 1995, c. 1, s. 31 (2); 2006, c. 35, Sched. D, s. 3.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 31 (1, 2) - 10/11/1995

2006, c. 35, Sched. D, s. 3 - 20/12/2006

s. 125 (Regulations)

20 Regulations made under section 125 of the *Labour Relations Act, 1995* do not apply with respect to the Grievance Settlement Board. 1993, c. 38, s. 20; 1995, c. 1, s. 32.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 32 - 10/11/1995

ss. 126 to 168 (Construction industry provisions)

21 Sections 126 to 168 of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 33.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 33 - 10/11/1995

**PART III
COLLECTIVE BARGAINING**

Definition: “designated bargaining unit”

22 (1) In this Part,

“designated bargaining unit” means a bargaining unit referred to in subsection 23 (2) and includes a successor of the bargaining unit. 1993, c. 38, s. 22; 1995, c. 1, s. 34; 2016, c. 37, Sched. 6, s. 6 (1).

Definitions: bargaining units

(2) In this Part and Part III.1,

“Correctional Bargaining Unit” means the bargaining unit that was formerly Unit II — Corrections Bargaining Unit, as set out in Order in Council 243/94 and as modified from time to time by the collective agreement that applies to the members of the unit; (“Unité de négociation des services correctionnels”)

“Engineer Bargaining Unit” means the bargaining unit as set out in the collective agreement that applies to the members of the unit; (“Unité de négociation des ingénieurs”)

“Fourth Bargaining Unit” means the bargaining unit that was formerly Unit VII — Seventh Bargaining Unit, as set out in Order in Council 243/94 and as modified from time to time by the collective agreement that applies to the members of the unit; (“Quatrième unité de négociation”)

“Unified Bargaining Unit” means the bargaining unit that was formerly composed of the following units, as set out in Order in Council 243/94 and as modified from time to time by the collective agreement that applies to the members of the unit:

1. Unit I — Administrative Bargaining Unit.
2. Unit III — Institutional & Health Care Bargaining Unit.
3. Unit IV — Office Administration Bargaining Unit.
4. Unit V — Operational & Maintenance Bargaining Unit.
5. Unit VI — Technical Bargaining Unit. (“Unité de négociation unifiée”) 2016, c. 37, Sched. 6, s. 6 (2).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 34 - 10/11/1995

2016, c. 37, Sched. 6, s. 6 (1, 2) - 08/12/2016

Bargaining units

23 (1) All public servants appointed under section 32 of the *Public Service of Ontario Act, 2006* and not excluded from the application of this Act under subsection 1.1 (3) of this Act shall be in one of the designated bargaining units set out in subsection (2) of this section. 2016, c. 37, Sched. 6, s. 7.

Same

(2) The following are designated bargaining units for the purposes of this Act:

1. Unified Bargaining Unit.
2. Correctional Bargaining Unit.
3. Engineer Bargaining Unit.
4. Fourth Bargaining Unit. 2016, c. 37, Sched. 6, s. 7.

Applicable collective agreement

(3) The collective agreement that applied with respect to a member of a designated bargaining unit set out in subsection (2) on the day before the day section 7 of Schedule 6 to the *Building Ontario Up for Everyone Act (Budget Measures), 2016* came into force continues to apply with respect to him or her until it expires. 2016, c. 37, Sched. 6, s. 7.

Composite agreement

(4) If, as a result of subsection (3), more than one collective agreement will apply in a bargaining unit, the provisions of each collective agreement are deemed to form one part of a single collective agreement to which the bargaining agent representing the employees in the designated bargaining unit is a party. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 35 - 10/11/1995

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Bargaining agent, OPSEU

24 (1) The Ontario Public Service Employees Union continues as the bargaining agent representing the employees in the Unified Bargaining Unit and the Correctional Bargaining Unit. 2016, c. 37, Sched. 6, s. 7.

Bargaining agent, AMAPCEO

(2) The Association of Management, Administrative and Professional Crown Employees of Ontario continues as the bargaining agent representing the employees in the Fourth Bargaining Unit. 2016, c. 37, Sched. 6, s. 7.

Bargaining agent, PEGO

(3) The Professional Engineers Government of Ontario continues as the bargaining agent representing the employees in the Engineer Bargaining Unit. 2016, c. 37, Sched. 6, s. 7.

Effect of continuation

(4) Subject to subsections (5) and (7), the bargaining agents described in subsections (1) to (3) represent the employees in the applicable bargaining units until they cease, under this Act or the *Labour Relations Act, 1995*, to represent them. 2016, c. 37, Sched. 6, s. 7.

Restriction

(5) The Ontario Public Service Employees Union continues to represent the employees in the Correctional Bargaining Unit and the Unified Bargaining Unit until a collective agreement for those units is made following the expiry of the collective agreements referred to in subsections 23 (3) and (4) for those units. 2016, c. 37, Sched. 6, s. 7.

Non-application

(6) Section 66 of the *Labour Relations Act, 1995* does not apply with respect to the bargaining rights of a bargaining agent described in subsection (1), (2) or (3) of this section that represents a designated bargaining unit set out in subsection 23 (2) of this Act. 2016, c. 37, Sched. 6, s. 7.

Same bargaining agent

(7) The Unified Bargaining Unit and the Correctional Bargaining Unit shall be represented by the same bargaining agent. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 36 (1, 2) - 10/11/1995

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Term of agreements

25 Unless the parties agree otherwise, every collective agreement respecting employees in the designated bargaining units set out in subsection 23 (2) shall provide that it is effective for a term of at least two years. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 37 (1, 2) - 10/11/1995

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Non-application of s. 43 of the LRA

26 Section 43 of the *Labour Relations Act, 1995* does not apply in respect of the next collective agreement for a designated bargaining unit referred to in subsection 23 (2) that is made following the expiry of a collective agreement referred to in subsection 23 (3) or (4). 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

PART III.1 INTEREST ARBITRATION — CORRECTIONAL BARGAINING UNIT

Application

27 This Part applies in respect of the bargaining of collective agreements for the Correctional Bargaining Unit. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Notice of no collective agreement

28 If a conciliation officer appointed under section 18 of the *Labour Relations Act, 1995* is unable to effect a collective agreement for the Correctional Bargaining Unit within the time allowed under section 20 of that Act, the following rules apply:

1. The Minister shall forthwith by notice in writing inform each of the parties that the conciliation officer has been unable to effect a collective agreement.
2. Sections 19 and 21 of the *Labour Relations Act, 1995* do not apply.
3. The matters in dispute between the parties shall be decided by arbitration in accordance with this Part. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 38 (1, 2) - 10/11/1995

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Arbitration

29 Within seven days after the day on which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the parties shall agree to refer matters to a single arbitrator or to a board of arbitration. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 39 - 10/11/1995

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Appointment of a single arbitrator

29.1 (1) If the parties have agreed to refer matters to a single arbitrator, they shall appoint an arbitrator within seven days after they agreed to refer matters to a single arbitrator. 2016, c. 37, Sched. 6, s. 7.

Single arbitrator's powers

(2) The person so appointed shall constitute the board of arbitration for the purposes of this Part and he or she shall have the powers and duties of the chair of a board of arbitration. 2016, c. 37, Sched. 6, s. 7.

Notice to Minister

(3) As soon as the parties appoint a person to act as a single arbitrator, they shall notify the Minister of the name and address of the person appointed. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Appointment of board of arbitration

29.2 (1) If the parties have agreed to refer matters to a board of arbitration,

- (a) each party shall, within seven days after the parties agreed to refer matters to a board of arbitration, appoint a member of the board and inform the other party of the appointee; and
- (b) the members appointed under clause (a) shall, within five days after the second of them is appointed, appoint a third member who shall be the chair of the board. 2016, c. 37, Sched. 6, s. 7.

Extension

(2) The parties by a mutual agreement in writing may extend the period of seven days mentioned in clause (1) (a) for one further period of seven days. 2016, c. 37, Sched. 6, s. 7.

Notice of appointment by party

(3) As soon as one of the parties appoints a member to a board of arbitration, that party shall notify the other party and the Minister of the name and address of the member appointed. 2016, c. 37, Sched. 6, s. 7.

Notice of appointment by members

(4) As soon as the two members appoint a third member, they shall notify the Minister of the name and address of the third member appointed. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

If appointment not made

29.3 (1) If an appointment is not made as required under subsection 29.1 (1) or 29.2 (1), the Minister may make the appointment and the Minister must do so on the request of a party. 2016, c. 37, Sched. 6, s. 7.

Vacancies

(2) If a person ceases to be a member of a board of arbitration by reason of resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his or her place after consulting the party whose point of view was represented by such person. 2016, c. 37, Sched. 6, s. 7.

Replacement of member

(3) If, in the opinion of the Minister, a member of a board of arbitration has failed to enter on or to carry on his or her duties so as to enable it to render a decision within the time set out in subsection 29.7 (6) or within the time extended under subsection 29.7 (7), the Minister may appoint a member in his or her place after consulting the party whose point of view was represented by such person. 2016, c. 37, Sched. 6, s. 7.

Replacement of chair

(4) If the chair of a board of arbitration is unable to enter on or to carry on his or her duties so as to enable it to render a decision within the time set out in subsection 29.7 (6) or within the time extended under subsection 29.7 (7), the Minister may appoint a person to act as chair in his or her place. 2016, c. 37, Sched. 6, s. 7.

Where single arbitrator unable to act

(5) If the person appointed jointly by the parties as a single arbitrator dies before completing his or her work or is unable to enter on or to carry on his or her duties so as to enable him or her to render a decision within the time set out in subsection 29.7 (6) or within the time extended under subsection 29.7 (7), the Minister may, upon notice or complaint to him or her by either of the parties and after consulting the parties, inform the parties in writing that the arbitrator is unable to enter on or to carry on his or her duties and the provisions of this section relating to the appointment of a board of arbitration shall thereupon apply with necessary modifications. 2016, c. 37, Sched. 6, s. 7.

Same

(6) No person shall be appointed a member of a board of arbitration under this Act who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his or her appointment, acted as solicitor, counsel or agent of either of the parties. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Selection of method

29.4 (1) If the chair of the board of arbitration was appointed under subsection 29.1 (1) or clause 29.2 (1) (b), the parties shall select the method of arbitration. 2016, c. 37, Sched. 6, s. 7.

Failure to select

(2) The method of arbitration shall be mediation-arbitration unless the parties select a different method of arbitration. 2016, c. 37, Sched. 6, s. 7.

Selection of method

(3) If the chair of the board of arbitration was appointed by the Minister, subject to subsections (4) to (6), the Minister shall select the method of arbitration and shall advise the chair of the board of arbitration of the selection. 2016, c. 37, Sched. 6, s. 7.

Same, mediation-arbitration

(4) The method selected shall be mediation-arbitration unless the Minister is of the view that another method is more appropriate. 2016, c. 37, Sched. 6, s. 7.

Same, final offer selection

(5) The method selected shall not be final offer selection without mediation. 2016, c. 37, Sched. 6, s. 7.

Same, mediation-final offer selection

(6) The method selected shall not be mediation-final offer selection unless the Minister in his or her sole discretion selects that method because he or she is of the view that it is the most appropriate method having regard to the nature of the dispute. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Procedure

Time and place of hearings

29.5 (1) Subject to subsection (2), the chair of the board of arbitration shall fix the time and place of the first or any subsequent hearing and shall give notice thereof to the Minister and the Minister shall notify the parties and the members of the board of arbitration thereof. 2016, c. 37, Sched. 6, s. 7.

When hearings commence

(2) The board of arbitration shall hold the first hearing within 30 days after the last or only member of the board is appointed. 2016, c. 37, Sched. 6, s. 7.

Exception

(3) If the method of arbitration selected by the Minister under subsection 29.4 (3) is mediation-arbitration or mediation-final offer selection, the time limit set out in subsection (2) does not apply in respect of the first hearing but applies instead, with necessary modifications, in respect of the commencement of mediation. 2016, c. 37, Sched. 6, s. 7.

Failure of member to attend

(4) Where a member of a board of arbitration appointed by a party or by the Minister is unable to attend the first hearing at the time and place fixed by the chair, the party shall, upon the request in writing of the chair, appoint a new member in place of such member and where such appointment is not made within five days of the date of the request, the Minister shall, upon the written request of the chair, appoint a new member in place of such member. 2016, c. 37, Sched. 6, s. 7.

Order to expedite proceedings

(5) Where a board of arbitration has been established, the chair shall keep the Minister advised of the progress of the arbitration and where the Minister is advised that the board has failed to render a decision within the time set out in subsection 29.7 (6) or within the time extended under subsection 29.7 (7), the Minister may, after consulting the parties and the board, issue whatever order he or she considers necessary in the circumstances to ensure that a decision will be rendered within a reasonable time. 2016, c. 37, Sched. 6, s. 7.

Procedure

(6) The board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions and section 117 of the *Labour Relations Act, 1995* applies to the board of arbitration and its decision and proceedings as if it were the Ontario Labour Relations Board. 2016, c. 37, Sched. 6, s. 7.

Time for submission of information

(7) If the method of arbitration selected by the Minister under subsection 29.4 (3) is mediation-arbitration or mediation-final offer selection, the chair of the board of arbitration may, after consulting with the parties, set a date after which a party may not submit information to the board unless,

- (a) the information was not available prior to the date;
- (b) the chair permits the submission of the information; and
- (c) the other party is given an opportunity to make submissions concerning the information. 2016, c. 37, Sched. 6, s. 7.

Same

(8) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chair governs. 2016, c. 37, Sched. 6, s. 7.

Decision

(9) The decision of a majority of the members of a board of arbitration is the decision of the board, but, if there is no majority, the decision of the chair is the decision of the board. 2016, c. 37, Sched. 6, s. 7.

Notice of agreement to recommence

(10) If any member of the board of arbitration was appointed by the Minister, the parties may, at any time before the board renders a decision, jointly serve written notice on the Minister that they have agreed that the arbitration should be recommenced before a different board of arbitration. 2016, c. 37, Sched. 6, s. 7.

Termination of appointments

(11) If notice is served on the Minister under subsection (10), the appointments of all the members of the board of arbitration are terminated. 2016, c. 37, Sched. 6, s. 7.

Effective date of terminations

(12) The terminations are effective on the day the Minister is served with the notice. 2016, c. 37, Sched. 6, s. 7.

Obligation to appoint

(13) Within seven days after the day the Minister is served with the notice, the parties shall jointly appoint, under subsection 29.1 (1), a person who has agreed to act as an arbitrator or shall each appoint, under subsection 29.2 (1), a person who has agreed to act as a member of a board of arbitration, and this Part applies with respect to such appointments. 2016, c. 37, Sched. 6, s. 7.

Powers

(14) The chair and the other members of a board of arbitration established under this Act have, respectively, all the powers of a chair and the members of a board of arbitration under the *Labour Relations Act, 1995*. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Appointment or proceedings of board not subject to review

29.6 Where a person has been appointed as a single arbitrator or the three members have been appointed to a board of arbitration, it shall be presumed conclusively that the board has been established in accordance with this Part and no application shall be made, taken or heard for judicial review or to question the establishment of the board or the appointment of the member or members, or to review, prohibit or restrain any of its proceedings. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Duty of board

29.7 (1) The board of arbitration shall examine into and decide on matters that are in dispute and any other matters that appear to the board necessary to be decided in order to conclude a collective agreement between the parties, but the board shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board. 2016, c. 37, Sched. 6, s. 7.

Criteria

(2) In making a decision or award, the board of arbitration shall take into consideration all factors it considers relevant, including the following criteria:

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.
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. 2016, c. 37, Sched. 6, s. 7.

Restriction

(3) Nothing in subsection (2) affects the powers of the board of arbitration. 2016, c. 37, Sched. 6, s. 7.

Board to remain seized of matters

(4) The board of arbitration shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties. 2016, c. 37, Sched. 6, s. 7.

Procedure

(5) The *Arbitrations Act* does not apply to arbitrations under this Part. 2016, c. 37, Sched. 6, s. 7.

Time for decision

(6) The board of arbitration shall give a decision within 90 days after the last or only member of the board is appointed. 2016, c. 37, Sched. 6, s. 7.

Extension

(7) The parties may agree to extend the time described in subsection (6), either before or after the time has passed. 2016, c. 37, Sched. 6, s. 7.

Term of the agreement

- (8) In making its decision upon matters in dispute between the parties, the board of arbitration may provide,
- (a) where notice was given under section 16 of the *Labour Relations Act, 1995*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which such notice was given; or
 - (b) where notice was given under section 59 of the *Labour Relations Act, 1995*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which the previous agreement ceased to operate. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Reference back to board

29.8 (1) The board of arbitration may, upon application by a party within 10 days after the release of a decision, amend, alter or vary the decision where it is shown to the satisfaction of the board that they failed to deal with any matter in dispute referred to them or that an error is apparent on the face of the decision. 2016, c. 37, Sched. 6, s. 7.

Representations on reference back

(2) Before amending, altering or varying a decision on an application under subsection (1), the board shall give the parties an opportunity to make representations on the application. 2016, c. 37, Sched. 6, s. 7.

Time limit on reference back

(3) A decision may be amended, altered or varied on an application under subsection (1) only within 20 days after the application is made. 2016, c. 37, Sched. 6, s. 7.

No decision to require legislation

(4) In making a decision, the board of arbitration shall not include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Where agreement reached

29.9 (1) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under the *Labour Relations Act, 1995*. 2016, c. 37, Sched. 6, s. 7.

Failure to make agreement

(2) If the parties fail to put the terms of all the matters agreed upon by them in writing or if, having put the terms of their agreement in writing, either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement and it shall instead be decided by arbitration in accordance with this Part. 2016, c. 37, Sched. 6, s. 7.

Decision of board

(3) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreement and have notified the board in writing of the matters

agreed upon, the decision of the board shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties. 2016, c. 37, Sched. 6, s. 7.

Same

(4) Where the parties have not notified the board of arbitration in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Execution of agreement

29.10 (1) Within five days after the date of the decision of the board of arbitration or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the decision of the board and any agreement of the parties, and the document thereupon constitutes a collective agreement. 2016, c. 37, Sched. 6, s. 7.

Preparation of agreement by board

(2) If the parties fail to prepare and execute a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection (1), the parties or either of them shall notify the chair of the board in writing forthwith, and the board shall prepare a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties and submit the document to the parties for execution. 2016, c. 37, Sched. 6, s. 7.

Failure to execute agreement

(3) If the parties or either of them fail to execute the document prepared by the board within a period of five days from the day of its submission by the board to them, the document shall come into effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under the *Labour Relations Act, 1995*. 2016, c. 37, Sched. 6, s. 7.

Effective date

(4) The date the board of arbitration gives its decision is the effective date of the document that constitutes a collective agreement between the parties. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Remuneration and expenses

29.11 The remuneration and expenses of the members of the board of arbitration shall be paid as follows:

1. If a single arbitrator is appointed, each party shall pay one-half of the remuneration and expenses of the arbitrator.
2. If a board of arbitration is appointed, each party shall pay the remuneration and expenses of the member appointed by or on behalf of the party and one-half of the remuneration and expenses of the chair. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Strikes and lock-outs prohibited

29.12 Despite anything in the *Labour Relations Act, 1995*, employees to whom this Part applies shall not strike and the employer shall not lock them out. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Timeliness of representation applications

29.13 (1) Despite section 67 of the *Labour Relations Act, 1995*, where a trade union that has been certified as the bargaining agent for the Correctional Bargaining Unit has given notice to the employer of employees who are members of that unit under section 16 of that Act and the Minister has appointed a conciliation officer, an application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate may be made only in accordance with subsection 63 (2) of the *Labour Relations Act, 1995*. 2016, c. 37, Sched. 6, s. 7.

Same

(2) Subject to subsection (3) and despite section 67 of the *Labour Relations Act, 1995*, where notice has been given under section 59 of the *Labour Relations Act, 1995* by or to a trade union that is the bargaining agent for the Correctional Bargaining Unit to or by the employer of employees who are members of that unit and the Minister has appointed a conciliation officer, an application for certification of a bargaining agent of the employees who are members of that unit or an application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees who are members of that unit shall not be made after the day upon which the agreement ceased to operate or the day upon which the Minister appointed a conciliation officer, whichever is later, except in accordance with section 7 or subsection 63 (2) of the *Labour Relations Act, 1995*, as the case may be. 2016, c. 37, Sched. 6, s. 7.

Same

(3) The applications referred to in subsection (2) shall not be made until a collective agreement for the Correctional Bargaining Unit is made following the expiry of the collective agreements referred to in subsections 23 (3) and (4) for the Unit. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Working conditions may not be altered

29.14 Despite subsection 86 (1) of the *Labour Relations Act, 1995*, if notice has been given under section 16 or 59 of that Act and no collective agreement is in operation,

- (a) the employer shall not, except with the consent of the bargaining agent, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the bargaining agent or the employees; and
- (b) the bargaining agent shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the bargaining agent or the employees. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Filing of decisions

29.15 Every chair of a board of arbitration shall file a copy of every decision of the board with the Minister. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Delegation

29.16 (1) The Minister may delegate in writing to any person the Minister's power to make an appointment, order or direction under this Act. 2016, c. 37, Sched. 6, s. 7.

Proof of appointment

(2) An appointment, an order or a direction made under this Act that purports to be signed by or on behalf of the Minister shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the signature or the position of the person appearing to have signed it. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

Regulations

29.17 (1) The Minister may make regulations for the purposes of this Part,

- (a) providing for and regulating the engagement of experts, investigators and other assistants by boards of arbitration;
- (b) providing for and fixing the remuneration and expenses of chairs and other members of boards of arbitration;
- (c) prescribing rules of practice and procedure;
- (d) prescribing forms and providing for their use;
- (e) addressing any issue related to the application of any provision of the *Labour Relations Act, 1995* that arises as a result of,

- (i) a collective agreement being executed within 90 days of its expiry,
 - (ii) a collective agreement being executed after the period during which that agreement applies has expired, or
 - (iii) the interaction between subsection 24 (7) of this Act and section 7 or subsection 63 (2) of the *Labour Relations Act, 1995*;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. 2016, c. 37, Sched. 6, s. 7.

Same

(2) Without limiting the generality of clause (1) (e), a regulation made under that clause may modify the application of a provision of the *Labour Relations Act, 1995* in order to achieve the objectives of the provision. 2016, c. 37, Sched. 6, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 7 - 08/12/2016

**PART IV
ESSENTIAL SERVICES**

Definitions

30 In this Part,

“essential services” means services that are necessary to enable the employer to prevent,

- (a) danger to life, health or safety,
- (b) the destruction or serious deterioration of machinery, equipment or premises,
- (c) serious environmental damage, or
- (d) disruption of the administration of the courts or of legislative drafting; (“services essentiels”)

“essential services agreement” means an agreement between the employer and trade union that applies during a strike or lock-out and that has,

- (a) an essential services part that provides for the use, during a strike or lock-out, of employees in the bargaining unit to provide essential services, and
- (b) an emergency services part that provides for the use, during a strike or lock-out, of employees in the bargaining unit, in addition to those referred to in clause (a), in emergencies. (“entente sur les services essentiels”) 1993, c. 38, s. 30.

Non-application, Correctional Bargaining Unit

30.1 This Part does not apply to the Correctional Bargaining Unit described in subsection 22 (2). 2016, c. 37, Sched. 6, s. 8.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 6, s. 8 - 08/12/2016

Essential services agreements required

31 (1) An employer of Crown employees and a trade union representing Crown employees who have or are negotiating a collective agreement shall make an essential services agreement. 1993, c. 38, s. 31 (1).

Duty to bargain

(2) The employer and the trade union shall bargain in good faith and make every reasonable effort to make an essential services agreement. 1993, c. 38, s. 31 (2).

Essential services part

32 (1) The essential services part of an essential services agreement must include provisions that,

- (a) identify the essential services;
- (b) set out how many employees in the bargaining unit from what employee positions are necessary to enable the employer to provide the essential services; and
- (c) identify the employees who the employer and trade union have agreed will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993, c. 38, s. 32 (1).

Same

(2) For the purposes of clause (1) (b), the number of employees in the bargaining unit that are necessary to provide the essential services shall be determined without regard to the availability of other persons to provide essential services. 1995, c. 1, s. 40.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 40 - 10/11/1995

When parties must begin negotiations

33 (1) An employer and trade union who do not have an essential services agreement shall begin to negotiate one,

- (a) if they have a collective agreement, at least 180 days before the agreement ceases to operate; or
- (b) if a notice under section 16 of the *Labour Relations Act, 1995* has been given, within fifteen days of the giving of that notice. 1993, c. 38, s. 33 (1); 1995, c. 1, s. 41.

Same

(2) An employer and trade union may begin to negotiate at a time later than that required under subsection (1) if they agree to do so. 1993, c. 38, s. 33 (2).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 41 - 10/11/1995

Agenda of negotiation, essential services part

34 In negotiating the essential services part of an essential services agreement, the employer and trade union shall negotiate with respect to the following issues in the following order:

1. What types of services are essential services.
2. What levels of the types of essential services are necessary to prevent,
 - i. danger to life, health or safety,
 - ii. the destruction or serious deterioration of machinery, equipment or premises,
 - iii. serious environmental damage, or
 - iv. disruption of the administration of the courts or of legislative drafting.
3. What employee positions are necessary to enable the employer to provide the types of essential services at the necessary levels.
4. How many employees in the bargaining unit, in employee positions referred to in paragraph 3, are necessary to enable the employer to provide the essential services at the necessary levels.
5. Which employees will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993, c. 38, s. 34.

Appointment of conciliation officer

35 (1) At any time after an employer and trade union are required to begin negotiations, the Minister, upon the request of either party, shall appoint a conciliation officer to confer with the parties and endeavour to effect an essential services agreement. 1993, c. 38, s. 35.

Non-disclosure and non-compellability

(2) Subsections 119 (2) and (3) and section 120 of the *Labour Relations Act, 1995* apply with necessary modifications with respect to a conciliation officer appointed under this section. 2002, c. 18, Sched. J, s. 2.

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. J, s. 2 - 26/11/2002

Application to the Board

36 (1) On application by the employer or trade union, the Ontario Labour Relations Board shall determine any matters that the parties have not resolved and in doing so the Board may,

- (a) determine any matters to be included in an essential services agreement between the parties;

- (b) order that terms specified by the Board be deemed to be part of an essential services agreement between the parties;
- (c) order that the parties be deemed to have entered into an essential services agreement; and
- (d) give any other such directions as the Board considers appropriate. 1993, c. 38, s. 36 (1).

Same

(2) The Board may consult with the parties to resolve any matter raised by the application or may inquire into any matter raised by the application, or may do both. 1993, c. 38, s. 36 (2).

Orders after consultation

(3) The Board may make any interim or final order it considers appropriate after consulting with the parties or on an inquiry. 1993, c. 38, s. 36 (3).

Reconsideration

(4) On a further application by the employer or trade union, the Board may modify any determination or direction in view of a change in circumstances. 1993, c. 38, s. 36 (4).

Duration of an essential services agreement

37 (1) An essential services agreement continues until terminated by a party to the agreement. 1993, c. 38, s. 37 (1).

When termination possible

(2) A party may terminate an essential services agreement only if the parties have a collective agreement and there are at least 190 days left in the term of the collective agreement. 1993, c. 38, s. 37 (2).

Method of termination

(3) A party may terminate an essential services agreement by giving the other party written notice. 1993, c. 38, s. 37 (3).

Enforcement of essential services agreement

38 (1) A party to an essential services agreement may apply to the Board to enforce it. 1995, c. 1, s. 42.

Amendment of agreement

(2) A party to an agreement may apply to the Board to amend it,

- (a) if the agreement does not provide for services that are essential services;
- (b) if it provides for levels of service that are greater or less than required to provide the essential services; or
- (c) if it provides for too many or too few employees in the bargaining unit to provide the essential services. 1995, c. 1, s. 42.

Order

(3) On an application under this section, the Board may enforce the agreement or amend it and may make such other orders as it considers appropriate in the circumstances. 1995, c. 1, s. 42.

Same

(4) Subsection 32 (2) applies with necessary modifications when the Board is deciding an application under subsection (2). 1995, c. 1, s. 42.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 42 - 10/11/1995

Burden of proof

39 (1) In an application or complaint relating to this Part, the burden of proof that services are essential services lies upon the party alleging that they are. 1993, c. 38, s. 39 (1).

Same

(2) In an application or complaint relating to this Part, the burden of proof that circumstances constitute or would constitute an emergency lies upon the party alleging it. 1993, c. 38, s. 39 (2).

Use of employees, essential services

40 (1) During a strike or lock-out, the employer is entitled to use, to provide essential services, such employees in the bargaining unit as are necessary as provided in the essential services part of the essential services agreement. 1993, c. 38, s. 40 (1).

Notification of employees

(2) The employer shall notify the employees who, under the essential services part of the essential services agreement, the employer is entitled to use under subsection (1) during a strike or lock-out. 1993, c. 38, s. 40 (2).

Limitation on strike, lock-out rights

(3) Employees who have been notified by the employer or trade union that the employer is entitled to use them under subsection (1) may not strike and may not be locked out. 1993, c. 38, s. 40 (3).

(4) REPEALED: 1995, c. 1, s. 43.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 43 - 10/11/1995

Use of employees, emergency services

41 (1) In an emergency during a strike or lock-out, the employer is entitled to use such employees as the emergency services part of the essential services agreement provides for. 1993, c. 38, s. 41 (1).

Limitation on strike rights

(2) Employees who have been notified that the employer is entitled to use them under subsection (1) and wishes to do so may not strike while the employer is so entitled and so wishes. 1993, c. 38, s. 41 (2).

(3) REPEALED: 1995, c. 1, s. 44.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 44 - 10/11/1995

Use of other persons

41.1 (1) An essential services agreement shall not directly or indirectly prevent the employer from using a person to perform any work during a strike or lock-out. 1995, c. 1, s. 45.

Same

(2) A provision in an essential services agreement that conflicts with subsection (1) is void. 1995, c. 1, s. 45.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 45 - 10/11/1995

Application re meaningful bargaining

42 (1) A party to an essential services agreement may apply to the Ontario Labour Relations Board for a declaration that the agreement has prevented meaningful collective bargaining. 1995, c. 1, s. 46.

Restriction

(2) No application may be made until employees in the bargaining unit have been on strike or locked out for at least 10 days. 1995, c. 1, s. 46.

Same

(3) The Board shall consider whether sufficient time has elapsed in the dispute between the parties to permit it to determine whether meaningful collective bargaining has been prevented. 1995, c. 1, s. 46.

Deferred decision

(4) The Board may defer making a decision on the application until such time as it considers appropriate. 1995, c. 1, s. 46.

Factor to be considered

(5) In deciding whether to make the declaration, the Board shall consider only whether meaningful collective bargaining is prevented because of the number of persons identified in the agreement whose services the employer has used to enable the employer to provide the essential services. 1995, c. 1, s. 46.

Order

(6) If the Board makes the declaration, the Board may amend the essential services agreement to change the number of employee positions or to change the number of employees in the bargaining unit that are designated as necessary to enable the employer to provide the essential services. 1995, c. 1, s. 46.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 46 - 10/11/1995

43 REPEALED: 1995, c. 1, s. 47.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 47 - 10/11/1995

44 REPEALED: 1995, c. 1, s. 47.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 47 - 10/11/1995

45 REPEALED: 1995, c. 1, s. 47.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 47 - 10/11/1995

PART V GRIEVANCE SETTLEMENT BOARD

Grievance Settlement Board

46 The Grievance Settlement Board is continued. 1993, c. 38, s. 46.

Composition and administration of Board

47 (1) The Grievance Settlement Board shall be composed of the chair and two alternate chairs. 2017, c. 8, Sched. 6, s. 2.

Appointment to Board

(2) The Lieutenant Governor in Council shall appoint as the chair and alternate chairs the persons who are selected for the positions by agreement of the Crown and the trade unions representing Crown employees or, failing such agreement, the Lieutenant Governor in Council shall select the persons to be appointed. 2017, c. 8, Sched. 6, s. 2.

Resignation of chair

(3) If the chair resigns or his or her appointment expires, the new chair may authorize the former chair to complete his or her duties or responsibilities and exercise the powers of the chair in connection with any matter before the Grievance Settlement Board in which the former chair was participating. 2017, c. 8, Sched. 6, s. 2.

Remuneration and expenses of the chair

(4) The chair and alternate chairs shall be paid such remuneration and allowance for expenses as are determined by the Lieutenant Governor in Council. 2017, c. 8, Sched. 6, s. 2.

Powers of alternate chair

(5) When the chair is absent or unable to perform the powers of his or her office, or when the office of chair is vacant, an alternate chair may exercise the powers of the chair set out in sections 9, 47, 47.1 and subsection 49 (3). 2017, c. 8, Sched. 6, s. 2.

Administration of Board

(6) Subject to the specific requirements in this section, the administration of the Grievance Settlement Board shall be determined by agreement of the Crown and the trade unions representing Crown employees or, failing such agreement, by the chair of the Grievance Settlement Board. 2017, c. 8, Sched. 6, s. 2.

Costs of Board

(7) The costs of the Grievance Settlement Board shall be shared by the Crown and the trade unions in accordance with the following:

1. All parties to the matter shall equally share the cost of the amounts payable to a mediator-arbitrator in respect of services performed on behalf of the Board, as determined under subsection 47.1 (8) and the amounts payable for expenses incurred by the mediator-arbitrator.
2. The costs of the Grievance Settlement Board, other than the costs described in paragraph 1, shall be shared with the Crown paying one-half of the costs and the trade unions paying the other half.
3. If the trade unions fail to agree, or fail to continue to agree, on how to share among them their share of the costs under paragraph 2, the costs shall be shared as determined by the chair of the Grievance Settlement Board. In determining how those costs should be shared, the chair shall request and consider the views of the trade unions and determine a method of sharing the costs that is proportionate to the use of the resources of the Grievance Settlement Board by each trade union. 2017, c. 8, Sched. 6, s. 2.

Exercise of powers by chair

(8) Before the chair of the Grievance Settlement Board exercises any power following a failure to agree or a failure to continue to agree, the chair must request and consider the views of those who failed to agree. 2017, c. 8, Sched. 6, s. 2.

Section Amendments with date in force (d/m/y)

2017, c. 8, Sched. 6, s. 2 - 01/07/2017

Roster of mediator-arbitrators

47.1 (1) The chair of the Grievance Settlement Board shall establish and maintain a roster of mediator-arbitrators who may be selected for the purpose of determining matters before the Board. 2017, c. 8, Sched. 6, s. 2.

Joint agreement re numbers

(2) The number of mediator-arbitrators on the roster shall be determined by the Crown and the trade unions. If the Crown and the trade unions fail to agree, or fail to continue to agree, the chair of the Grievance Settlement Board shall determine the number of mediator-arbitrators on the roster. 2017, c. 8, Sched. 6, s. 2.

Joint agreement re selection of mediator-arbitrators

(3) The persons to be assigned to the roster of mediator-arbitrators shall be selected by the Crown and the trade unions. If the Crown and the trade unions fail to agree, the chair of the Grievance Settlement Board shall select the persons to be assigned. 2017, c. 8, Sched. 6, s. 2.

Joint agreement re removal from roster

(4) A person may be removed from the roster of mediator-arbitrators if the Crown and the trade unions agree. If the Crown and the trade unions fail to agree, the chair of the Grievance Settlement Board may remove a person from the roster. 2017, c. 8, Sched. 6, s. 2.

Contract re services

(5) The chair of the Grievance Settlement Board may, on behalf of the Board, contract for the services of mediator-arbitrators on the roster in such form as the chair, in consultation with the Crown and trade unions, shall determine. 2017, c. 8, Sched. 6, s. 2.

Mediator-arbitrator determination

(6) Any determination or action by a mediator-arbitrator selected from the roster is a determination or action of the Grievance Settlement Board. 2017, c. 8, Sched. 6, s. 2.

Practice and procedure

(7) A mediator-arbitrator selected from the roster to determine a matter before the Grievance Settlement Board shall follow the practices and procedures determined by the Board under subsection 48 (1) and the rules made under subsection 48 (2) governing such practices and procedures, and shall comply with any restriction on the powers of the Board set out in this Act. 2017, c. 8, Sched. 6, s. 2.

Amounts to be paid to mediator-arbitrators

(8) The amounts payable to mediator-arbitrators in respect of services performed on behalf of the Grievance Settlement Board shall be determined by agreement of the Crown and the trade unions representing Crown employees, or failing such agreement, by the Lieutenant Governor in Council. 2017, c. 8, Sched. 6, s. 2.

Limits on amounts

(9) The Lieutenant Governor in Council may determine limits on the amounts payable to mediator-arbitrators in respect of services performed on behalf of the Grievance Settlement Board. 2017, c. 8, Sched. 6, s. 2.

Section Amendments with date in force (d/m/y)

2017, c. 8, Sched. 6, s. 2 - 01/07/2017

Mediation

47.2 (1) If the Crown and the trade union have agreed to refer a matter to mediation, they may, by agreement, select as a mediator the chair of the Grievance Settlement Board, a mediator-arbitrator selected from the roster of mediator-arbitrators established under section 47.1, or any other person. 2017, c. 8, Sched. 6, s. 2.

Same

(2) Where the chair of the Grievance Settlement Board, or a mediator-arbitrator selected from the roster of mediator-arbitrators, is selected to determine a matter, the chair or mediator-arbitrator may engage in mediation as part of the process. 2017, c. 8, Sched. 6, s. 2.

Section Amendments with date in force (d/m/y)

2017, c. 8, Sched. 6, s. 2 - 01/07/2017

Practice and procedure

48 (1) Subject to the specific requirements in this Part and to any requirements in the *Labour Relations Act, 1995*, the Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceeding to present their evidence and to make their submissions. 1993, c. 38, s. 48 (1); 1995, c. 1, s. 48.

Rules

(2) The Grievance Settlement Board may make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as it considers advisable. 1993, c. 38, s. 48 (2).

Rules not regulations

(3) Rules made under this section are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1993, c. 38, s. 48 (3); 2006, c. 21, Sched. F, s. 136 (1).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 48 - 10/11/1995

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

Criminal conviction or discharge considered conclusive evidence

48.1 (1) If a Crown employee is convicted or discharged of an offence under the *Criminal Code* (Canada) in respect of an act or omission that results in discipline or dismissal and the discipline or dismissal becomes the subject-matter of a grievance before the Grievance Settlement Board, proof of the employee's conviction or discharge shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken by the Grievance Settlement Board as conclusive evidence that the employee committed the act or omission. 2001, c. 7, s. 18.

Adjournment pending appeal to be granted

(2) If an adjournment of a grievance is requested pending an appeal of a conviction or a discharge mentioned in subsection (1), the Grievance Settlement Board shall grant the adjournment. 2001, c. 7, s. 18.

Section Amendments with date in force (d/m/y)

2001, c. 7, s. 18 - 29/06/2001

Determination of matters before Board

49 (1) Subject to subsection (2), a matter to be determined by the Grievance Settlement Board shall be determined by either,

- (a) a mediator-arbitrator jointly selected by the parties from the roster established under section 47.1; or
- (b) the chair of the Grievance Settlement Board, if an agreement has been made under section 50 that the matter is to be determined by the chair and the chair agrees to determine the matter. 2017, c. 8, Sched. 6, s. 3.

Matter to be determined by panel

(2) If the Crown and the trade union agree, a matter to be determined by the Grievance Settlement Board shall be determined by a panel of three persons, which shall be composed of,

- (a) one person chosen by the Crown from the roster established under section 47.1;
- (b) one person chosen by the trade union from the roster; and
- (c) either,
 - (i) a mediator-arbitrator jointly selected by the parties from the roster, or
 - (ii) the chair of the Grievance Settlement Board, if an agreement has been made under section 50 that the matter is to be determined by the chair and the chair agrees to determine the matter. 2017, c. 8, Sched. 6, s. 3.

Selection where no agreement

(3) If the parties fail to agree on the selection of a mediator-arbitrator from the roster for the purposes of clause (1) (a) or subclause (2) (c) (i), the chair of the Grievance Settlement Board shall select a mediator-arbitrator from the roster. 2017, c. 8, Sched. 6, s. 3.

Section Amendments with date in force (d/m/y)

2017, c. 8, Sched. 6, s. 3 - 01/07/2017

Agreement between the parties

50 (1) An employer and trade union may make an agreement relating to matters that may be determined by the Grievance Settlement Board that provides for,

- (a) the selection of the mediator-arbitrators from the roster established under section 47.1 who will determine matters before the Board;
- (b) certain matters to be determined by the chair of the Grievance Settlement Board, if the chair consents to the agreement; and
- (c) time limits within which hearings of certain matters must commence. 1993, c. 38, s. 50 (1); 2017, c. 8, Sched. 6, s. 4.

Same

(1.1) An employer and trade union may make an agreement as to the sequence in which the Grievance Settlement Board shall consider outstanding matters in which the employer and trade union have an interest. 1995, c. 1, s. 49 (1).

Effect of agreement

(2) Upon receiving notice of an agreement from a party, the Grievance Settlement Board shall give effect to it. 1995, c. 1, s. 49 (2).

Same

(3) The Grievance Settlement Board shall cease to give effect to an agreement upon receiving notice from a party that the party no longer wants the agreement to apply. 1993, c. 38, s. 50 (3).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 49 (1, 2) - 10/11/1995

2017, c. 8, Sched. 6, s. 4 - 01/07/2017

Classification grievances, restriction

51 (1) An order of the Grievance Settlement Board shall not require the creation of a new classification of employees or the alteration of an existing classification. 1993, c. 38, s. 51.

Same

(2) An order of the Grievance Settlement Board shall not require a change to be made in the classification of an employee. 1995, c. 1, s. 50.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 50 - 10/11/1995

Policies, procedures and directives

51.1 Sections 9, 47, 47.1, 47.2, 49 and 50 prevail over the Management Board of Cabinet Procurement Directive issued under the *Management Board of Cabinet Act, 2017*, c. 8, Sched. 6, s. 5.

Section Amendments with date in force (d/m/y)

2017, c. 8, Sched. 6, s. 5 - 01/07/2017

Transition; continuation of proceedings and appointments

51.2 (1) A matter that was assigned to the chair, a vice-chair or members of the Grievance Settlement Board under this Act, as it read on the day before section 5 of Schedule 6 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017* came into force, but was not disposed of on or before that day, shall be continued as provided for by this Act, as it read on that day, and is not terminated because of, or otherwise affected by, amendments to this Act that occurred after that day. 2017, c. 8, Sched. 6, s. 5.

Existing appointments continued

(2) The chair, vice-chairs and members of the Grievance Settlement Board, as it was constituted on the day before section 5 of Schedule 6 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017* came into force, continue to hold office and to have the duties or responsibilities and exercise the powers of their office until,

- (a) the revocation or expiry of their appointment; or
- (b) if a matter was continued under subsection (1), the disposition of the matter. 2017, c. 8, Sched. 6, s. 5.

Transitional regulations

(3) The Lieutenant Governor in Council may make regulations providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments made by section 2 of Schedule 6 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017*. 2017, c. 8, Sched. 6, s. 5.

Conflict with transitional regulations

(4) In the event of a conflict between sections 47, 47.1, 47.2, 48, 49, 50 or 51.1 and a regulation made under subsection (3), the regulation prevails. 2017, c. 8, Sched. 6, s. 5.

Section Amendments with date in force (d/m/y)

2017, c. 8, Sched. 6, s. 5 - 01/07/2017

PART VI MISCELLANEOUS

GENERAL

Classification issues

52 (1) A provision in an agreement entered into that provides for the determination by an arbitrator, a board of arbitration or another tribunal of any of the following matters is void:

1. A classification system of employees, including creating a new classification system or amending an existing classification system.
2. The classification of an employee, including changing an employee's classification. 1995, c. 1, s. 51.

Same

(2) Subsection (1) applies to agreements entered into before or after the date on which the *Labour Relations and Employment Statute Law Amendment Act, 1995* receives Royal Assent. 1995, c. 1, s. 51.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 51 - 10/11/1995

TRANSITIONAL PROVISIONS

Definitions

53 In sections 54 to 60,

“*Labour Relations Act*” means the *Labour Relations Act* as it read immediately before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force; (“*Loi sur les relations de travail*”)

“old Act” means the *Crown Employees Collective Bargaining Act*, being Chapter C.50 of the Revised Statutes of Ontario, 1990. (“*ancienne loi*”) 1995, c. 1, s. 52.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 52 - 10/11/1995

Bargaining units

54 (1) A unit of employees that was a bargaining unit under the old Act immediately before the repeal of that Act is an appropriate bargaining unit for the purposes of the *Labour Relations Act* or this Act until the description of the bargaining unit is altered under the *Labour Relations Act* or this Act. 1993, c. 38, s. 54 (1); 1995, c. 1, s. 53 (1).

Changes

(2) Despite this Act and the *Labour Relations Act*, the description of a bargaining unit referred to in subsection (1) cannot be altered until after a collective agreement is made following the coming into force of this section. 1993, c. 38, s. 54 (2); 1995, c. 1, s. 53 (2).

Exception

(3) This section does not apply with respect to a bargaining unit that was continued by section 23 as it read on the day before the day section 7 of Schedule 6 to the *Building Ontario Up for Everyone Act (Budget Measures), 2016* came into force. 2016, c. 37, Sched. 6, s. 9.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 53 (1-3) - 10/11/1995

2016, c. 37, Sched. 6, s. 9 - 08/12/2016

Bargaining agents

55 A bargaining agent that, immediately before the repeal of the old Act, represented employees in a bargaining unit to which section 54 applies continues to represent them until it ceases to do so under this Act. 1995, c. 1, s. 54.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 54 - 10/11/1995

56 REPEALED: 2016, c. 37, Sched. 6, s. 10.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 55 (1-3) - 10/11/1995

2016, c. 37, Sched. 6, s. 10 - 08/12/2016

57 REPEALED: 2016, c. 37, Sched. 6, s. 10.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 56 - 10/11/1995

2016, c. 37, Sched. 6, s. 10 - 08/12/2016

58 REPEALED: 1995, c. 1, s. 57.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 57 - 10/11/1995

Ontario Public Service Labour Relations Tribunal

59 (1) In this section,

“Tribunal” means the Ontario Public Service Labour Relations Tribunal. 1993, c. 38, s. 59 (1).

Tribunal continued

(2) The Tribunal is continued for the purposes of disposing of any matters in respect of which an application was made to the Tribunal before the repeal of the old Act. 1993, c. 38, s. 59 (2).

Dissolution of Tribunal

(3) The Tribunal is dissolved on the day it disposes of the last of the matters referred to in subsection (2) or on a later day named by proclamation of the Lieutenant Governor. 1993, c. 38, s. 59 (3).

Old Act continues to apply

(4) Despite its repeal, the provisions of the old Act that relate to the Tribunal continue to apply with respect to the Tribunal and to the matters before it until the Tribunal is dissolved. 1993, c. 38, s. 59 (4).

Reconsideration

(5) While the Tribunal is continued, it may reconsider anything under section 39 of the old Act and, after it is dissolved, the Ontario Labour Relations Board may reconsider anything done by the Tribunal. 1993, c. 38, s. 59 (5).

(6) REPEALED: 1995, c. 1, s. 58.

Act of the Tribunal

(7) Anything done by the Tribunal shall be deemed, after the old Act is repealed, to have been done by the Ontario Labour Relations Board. 1993, c. 38, s. 59 (7).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 58 - 10/11/1995

Grievance Settlement Board

60 (1) Section 51, as it read immediately before section 59 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, applies with respect to all matters referred for arbitration to the Grievance Settlement Board after June 14, 1993 and before the day on which that section came into force. 1995, c. 1, s. 59.

Same

(1.1) Section 51 applies with respect to all matters referred for arbitration to the Grievance Settlement Board on and after the day on which section 59 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* comes into force. 1995, c. 1, s. 59.

Effect of reductions in size

(2) No reduction in the number of vice-chairs or members of the Grievance Settlement Board shall have any effect on a term of a vice-chair or a member if that term began before the repeal of the old Act. 1993, c. 38, s. 60 (2).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 59 - 10/11/1995

61 REPEALED: 1995, c. 1, s. 60.

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 60 - 10/11/1995

62.-71 OMITTED (AMENDS OR REPEALS OTHER ACTS). 1993, c. 38, ss. 62-71.

72 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1993, c. 38, s. 72.

73 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1993, c. 38, s. 73.

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