

**IN THE MATTER OF AN INTEREST ARBITRATION  
UNDER THE HOSPITAL LABOUR DISPUTES ARBITRATION ACT**

**BETWEEN:**

**The City of Toronto**

**and**

**CUPE, Local 79**

**(Part-time Long Term Care Homes & Services)**

**Before:** William Kaplan, Chair  
Philip Wolfenden, Employer Nominee  
Jeff Rose, Union Nominee

**Appearances**

**For the Employer:** Darragh Meagher  
Legal Department  
City of Toronto

Sharmila Clark  
Legal Department  
City of Toronto

**For the Union:** Doug Wray  
Caley & Wray  
Barristers & Solicitors

A hearing in this matter was held in Toronto on July 19, 2013. The Board met in Executive Session on July 30, 2013.

## **Introduction**

This interest arbitration was convened to finalize and settle the collective agreement for the Part-time Long Term Care Homes and Services collective agreement. The bargaining unit consists of service and nursing employees. The previous collective agreement expired on December 31, 2011. In March 2012, the City made a final offer to all of its CUPE-unionized employees who are covered by four different collective agreements: 1. Full-time, 2. Part-time Long Term Care and Homes and Services, 3. Part-time Unit B, and 4. Part-time Recreation Workers. Employees covered by the Full-time and Part-time Unit B collective agreements agreed to accept the City's offer. Employees covered by the Part-time Recreation collective agreement initially rejected the City's offer, but, following slight modification, agreed to accept a revised offer. Employees covered by the Long Term Care Homes and Services collective agreement voted to reject the City's offer. In due course, a Board of Interest Arbitration was consensually selected. The issues in dispute proceeded to a hearing held in Toronto on July 19, 2013. The Board met in Executive Session on July 30, 2013.

It should be noted that a number of items are not in dispute and/or have been resolved. We direct that these items be incorporated into the collective agreement settled by this award. We further direct that the new collective agreement consist of the un-amended portions of the expired collective agreement and this award of the Board disposing of the items in dispute. Unless directly dealt with in this award, all outstanding employer and union proposals are dismissed along with any Memoranda not specifically renewed by the parties or granted in this award.

In determining the outstanding issues, we have been guided by the legislative criteria. Both parties referred to them in their written materials and/or oral submissions, and those materials and/or oral submissions have been carefully reviewed.

## **Award**

### **M9/M10 Holiday Scheduling and Call-In Shifts**

Renewed with date adjustments.

### **M13 Benefits**

Renewed.

### **Various Provisions/Conversion of Hours for 7.5 Hour Shifts**

Matter remitted to parties.

### **Article 15.01(d) Proration of Premiums**

Effective sixty days following date of award, employer proposal awarded.

### **Article 20.19**

Effective sixty days following date of award, leave changed from paid to unpaid as per the three other collective agreements.

**Conclusion**

We remain seized with respect to the implementation of our award.

DATED at Toronto this 1<sup>st</sup> day of August 2013.

*“William Kaplan”*

---

William Kaplan, Chair

*“Philip Wolfenden”*

---

Philip Wolfenden, Employer Nominee

*“Jeff Rose”*

---

Jeff Rose, Union Nominee