

ESSC Overview of Interest Arbitration Legislation

The Emergency Services Steering Committee (ESSC) was established in 2005 and is comprised of the Large Urban Mayors Caucus of Ontario (LUMCO), the Mayors and Regional Chairs of Ontario (MARCO), as well as the Ontario Association of Police Services Boards (OAPSB). AMO participates as well.

Bill 55, <i>An Act to Implement Budget Measures and Enact and Amend Various Acts</i> (Schedules within Budget Bill March 2012)	Bill 121, <i>Ability to Pay Act</i> (Private Member's Bill September 2012)	Proposed <i>Respecting Collective Bargaining Act</i> (Government draft Bill released for comment October 2012)	Proposed Interest Arbitration Legislation (AMO and ESSC)
Key Provisions:	Key Provisions:	Key Provisions:	Key Provisions:
<u>Written Reasons</u> <ul style="list-style-type: none"> • Arbitrator required to provide written reasons at the request of either party • Reasons must demonstrate "proper considerations" of criteria 	<u>Written Reasons</u> <ul style="list-style-type: none"> • Arbitrator required to provide written reasons demonstrating proper consideration 	<u>Written Reasons</u> <ul style="list-style-type: none"> • Same provisions as Bill 55 - written reasons if requested by either party; must demonstrate proper consideration 	<u>Written Reasons</u> <ul style="list-style-type: none"> • Arbitrator to provide written reasons at the request of either party • Written reasons shall clearly demonstrate proper consideration of the criteria
<u>Criteria</u> <ul style="list-style-type: none"> • No change proposed to current criteria 	<u>Criteria</u> <ul style="list-style-type: none"> • Proposes new list of criteria • In applying the criteria, the arbitrator shall assume no tax rate will be increased to pay the costs of the award 	<u>Criteria</u> <ul style="list-style-type: none"> • No change proposed to current criteria 	<u>Criteria</u> <ul style="list-style-type: none"> • Introduces a new set of criteria for fiscal health and capacity • Sets out priority of consideration of fiscal health of the community <u>and</u> requires consideration in light of total compensation
<u>Time for Final Award</u> <ul style="list-style-type: none"> • Award to be issued within 12 months of referral to arbitration • If award not issued within time limit, matter will be referred to OLRB for an award • No change to criteria 	<u>Time for Final Award</u> <ul style="list-style-type: none"> • Award to be released within 90 days after appointment of board of arbitration • If award not issued within 90 days, Minister may issue whatever order he/she considers necessary to ensure that decision will be issued in a reasonable time, but shall order that the decision must be issued no later than 120 days after the appointment 	<u>Time for Final Award</u> <ul style="list-style-type: none"> • Award to be issued within 16 months of referral to arbitration • Failing release of award, matter is deemed to be referred to OLRB for an award 	<u>Time for Final Award</u> <ul style="list-style-type: none"> • Decision to be issued no more than 12 months after the conclusion of the hearing

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<u>Appointment of Arbitrators</u> No change proposed	<u>Appointment of Arbitrators</u> <ul style="list-style-type: none"> • Introduces Ability to Pay Division of Ministry of Labour • All arbitration to be heard before panel of 3 arbitrators appointed by Ministry of Labour 	<u>Appointment of Arbitrators</u> No change proposed	<u>Appointment of Arbitrators</u> <ul style="list-style-type: none"> • All matters to be heard by a single arbitrator appointed by the parties • Minister to appoint if agreement not reached by the parties
			<u>Pre-hearing Process and Submissions:</u> <ul style="list-style-type: none"> • Arbitrator may direct pre-hearing production • Introduce limits on post-hearing submissions
<u>ESSC Comments:</u> <ul style="list-style-type: none"> • Need to clarify the requirement that the arbitrator give "proper consideration" of criteria; provision should also require arbitrator to consider the submissions made on the criteria • Define "proper consideration" • Amend the criteria to include an assessment of ability to pay • Include process for exchange of pre-hearing submissions to address delay 	<u>ESSC Comments:</u> <ul style="list-style-type: none"> • Clarify language to require consideration of criteria <u>and</u> submissions on criteria • Define "proper consideration" • Amend the proposed criteria to ensure it accurately reflects the fiscal capacity and priority for municipal own capacity • Include process for exchange of pre-hearing submissions • This bill does not capture EMS arbitration • Need to clarify the provisions for appointment of 3 arbitrators; ESSC supports single arbitrator appointments in all sectors 	<u>ESSC Comments:</u> <ul style="list-style-type: none"> • Clarify language to require consideration of criteria <u>and</u> submissions on criteria • Define "proper consideration" • Amend criteria • Include process for exchange of pre-hearing submissions 	