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Hospital Labour Disputes Arbitration Act

R.S.O. 1990, Chapter H.14

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Definitions

**1** (1)  In this Act,

“hospital” means any hospital, sanitarium, sanatorium, long-term care home or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain; (“hôpital”)

“hospital employee” means a person employed in the operation of a hospital; (“employé d’hôpital”)

“Minister” means the Minister of Labour; (“ministre”)

“party” means the trade union that is the bargaining agent for a bargaining unit of hospital employees, on the one hand, or the employers of such employees, on the other hand, and “parties” means the two of them. (“partie”, “parties”) R.S.O. 1990, c. H.14, s. 1 (1); 2007, c. 8, s. 211.

Idem

(2)  Unless the contrary intention appears, expressions used in this Act have the same meaning as in the Labour Relations Act, 1995. R.S.O. 1990, c. H.14, s. 1 (2); 2000, c. 38, s. 39 (1).

Laundry

(3)  A laundry that is operated exclusively for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act. R.S.O. 1990, c. H.14, s. 1 (3).

Stationary power plant

(4)  A stationary power plant as defined in the Operating Engineers Act that is operated principally for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act. R.S.O. 1990, c. H.14, s. 1 (4).

Ontario Agency for Health Protection and Promotion

(5)  The Ontario Agency for Health Protection and Promotion established under the Ontario Agency for Health Protection and Promotion Act, 2007 shall be deemed to be a hospital for the purposes of this Act. 2007, c. 10, Sched. K, s. 31.

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

[2000, c. 38, s. 39 (1)](http://www.ontario.ca/laws/statute/S00038" \l "s39s1) - 30/12/2000

[2007, c. 8, s. 211](http://www.ontario.ca/laws/statute/S07008" \l "s211) - 01/07/2010; [2007, c. 10, Sched. K, s. 31](http://www.ontario.ca/laws/statute/S07010" \l "schedks31) - 04/06/2007

Canadian Blood Services

**1.1**(1)  Canadian Blood Services shall be deemed to be a hospital for the purposes of this Act. 2018, c. 8, Sched. 12, s. 1 (1).

Transition

(2)  If, on the day this section comes into force, the Minister has already released, or is deemed to have released under subsection 122 (2) of the Labour Relations Act, 1995, a notice to the parties under clause 21 (a) or (b) of that Act in respect of Canadian Blood Services in connection with the round of bargaining underway as of that day, the matters in dispute shall be decided in accordance with this Act. 2018, c. 8, Sched. 12, s. 1 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1.1 (2) of the Act is repealed. (See: 2018, c. 8, Sched. 12, s. 1 (2))

Same

(3)  If any employees of Canadian Blood Services are on strike on the day this section comes into force, the employees shall cease the strike. 2018, c. 8, Sched. 12, s. 1 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1.1 (3) of the Act is repealed. (See: 2018, c. 8, Sched. 12, s. 1 (2))

Same

(4)  If Canadian Blood Services is locking out any employees on the day this section comes into force, it shall cease locking those employees out. 2018, c. 8, Sched. 12, s. 1 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1.1 (4) of the Act is repealed. (See: 2018, c. 8, Sched. 12, s. 1 (2))

Same

(5)  If the rates of wages or any other term and condition of employment of any employee of Canadian Blood Services or any right, privilege or duty of Canadian Blood Services has been altered in compliance with subsection 86 (1) of the Labour Relations Act, 1995 in connection with the round of bargaining underway as of the day this section comes into force, it shall be restored to that which was in effect on the day before such a change was permitted under that subsection and shall continue in effect until the next collective agreement is settled, unless the parties agree otherwise. 2018, c. 8, Sched. 12, s. 1 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1.1 (5) of the Act is repealed. (See: 2018, c. 8, Sched. 12, s. 1 (2))

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

[2018, c. 8, Sched. 12, s. 1 (1)](http://www.ontario.ca/laws/statute/S18008" \l "sched12s1s1) - 08/05/2018; [2018, c. 8, Sched. 12, s. 1 (2)](http://www.ontario.ca/laws/statute/S18008" \l "sched12s1s2) - not in force

Application of Act

**2** (1)  This Act applies to any hospital employees to whom the Labour Relations Act, 1995 applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees. R.S.O. 1990, c. H.14, s. 2 (1); 2000, c. 38, s. 39 (2).

Application of *Labour Relations Act, 1995*

(2)  Except as modified by this Act, the Labour Relations Act, 1995 applies to any hospital employees to whom this Act applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees. R.S.O. 1990, c. H.14, s. 2 (2); 2000, c. 38, s. 39 (3).

Act does not apply to Crown employees

(3)  This Act does not apply to Crown employees as defined in the Crown Employees Collective Bargaining Act, 1993. 1993, c. 38, s. 66.

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

1993, c. 38, s. 66 - 14/02/1994

[2000, c. 38, s. 39 (2, 3)](http://www.ontario.ca/laws/statute/S00038" \l "s39s2) - 30/12/2000

Notice of no collective agreement

**3** (1)  Subject to subsection (3), if a conciliation officer appointed under section 18 of the Labour Relations Act, 1995 is unable to effect a collective agreement within the time allowed under section 20 of that Act, 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, and sections 19 and 21 of that Act shall not apply. 1997, c. 21, Sched. A, s. 4 (1); 2000, c. 38, s. 39 (4); 2001, c. 9, Sched. C, s. 2 (1).

Reference to OLRB

(2)  The Minister may refer to the Ontario Labour Relations Board any question which in his or her opinion relates to the exercise of his or her power under subsection (1) and the Board shall report its decision on the question. 1992, c. 21, s. 62.

Non-application

(3)  Subsection (1) and sections 4 to 17 do not apply to hospital employees, the trade unions and councils of trade unions that act or purport to act for or on behalf of those employees or to the employers of those employees if, on the day a conciliation officer is appointed under section 18 of the Labour Relations Act, 1995, the employer,

(a) provides services funded under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008; or

(b) is a party to an agreement with the Ministry of Community and Social Services to provide services funded under that Act. 2001, c. 9, Sched. C, s. 2 (2); 2008, c. 14, s. 54.

Notice by employer

(4)  An employer who was providing services funded under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008on the day a conciliation officer was appointed under section 18 of the Labour Relations Act, 1995 shall forthwith notify the conciliation officer of that fact. 2001, c. 9, Sched. C, s. 2 (2); 2008, c. 14, s. 54.

Same

(5)  An employer who was a party to an agreement with the Ministry of Community and Social Services to provide services funded under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008on the day a conciliation officer was appointed under section 18 of the Labour Relations Act, 1995 shall forthwith notify the conciliation officer of that fact. 2001, c. 9, Sched. C, s. 2 (2); 2008, c. 14, s. 54.

Same

(6)  If an employer does not know the day a conciliation officer was appointed for the purposes of subsection (4) or (5), the employer shall forthwith inquire as to the day of that appointment. 2001, c. 9, Sched. C, s. 2 (2).

Transition

(7)  Despite subsection (3), if, before the day on which the Government Efficiency Act, 2001 receives Royal Assent, the Minister gave notice to the parties under subsection (1) in relation to an attempt of a trade union and an employer to make a collective agreement, sections 4 to 17 do apply with respect to the making of that collective agreement and the related matters addressed in those provisions. 2001, c. 9, Sched. C, s. 2 (2).

Same

(8)  For greater certainty, sections 4 to 17 do not apply with respect to the making of a collective agreement that is,

(a) made after the collective agreement referred to in subsection (7); and

(b) binding on the parties to whom that subsection applies. 2001, c. 9, Sched. C, s. 2 (2).

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

1992, c. 21, s. 62 - 01/01/1993; 1997, c. 21, Sched. A, s. 4 (1) - 29/10/1997

[2000, c. 38, s. 39 (4)](http://www.ontario.ca/laws/statute/S00038" \l "s39s4) - 30/12/2000

[2001, c. 9, Sched. C, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S01009" \l "schedcs2s1) - 29/06/2001

[2008, c. 14, s. 54](http://www.ontario.ca/laws/statute/S08014" \l "s54) - 01/01/2011

Arbitration

**4** Where the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the matters in dispute between the parties shall be decided by arbitration in accordance with this Act. R.S.O. 1990, c. H.14, s. 4.

Appointment of single arbitrator

**5** (1)  Where the parties agree to have the matters in dispute between them decided by a single arbitrator, they shall, within the time set out in subsection 6 (1), jointly appoint a person who agreed to act. R.S.O. 1990, c. H.14, s. 5 (1).

Single arbitrator’s powers

(2)  The person so appointed shall constitute the board of arbitration for the purposes of this Act and he or she shall have the powers and duties of the chair of a board of arbitration. R.S.O. 1990, c. H.14, s. 5 (2).

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. R.S.O. 1990, c. H.14, s. 5 (3).

Appointment of board of arbitration

**6** (1)  Within seven days after the day upon which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, each of the parties shall appoint to a board of arbitration a member who has agreed to act. R.S.O. 1990, c. H.14, s. 6 (1).

Extension of time

(2)  The parties by a mutual agreement in writing may extend the period of seven days mentioned in subsection (1) for one further period of seven days. R.S.O. 1990, c. H.14, s. 6 (2).

Failure to appoint member

(3)  Where a party fails to appoint a member of a board of arbitration within the period or periods mentioned in subsection (1), the Minister, upon the written request of either of the parties, shall appoint such member. R.S.O. 1990, c. H.14, s. 6 (3).

Third member

(4)  Within ten days after the day on which the second of the members was appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has agreed to act, and such third member shall be the chair. R.S.O. 1990, c. H.14, s. 6 (4).

Failure to appoint third member

(5)  Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, notice of such failure shall be given forthwith to the Minister by the parties, the two members or either of them and the Minister shall appoint as a third member a person who is, in the opinion of the Minister, qualified to act. R.S.O. 1990, c. H.14, s. 6 (5).

Notice of appointment by party

(6)  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. R.S.O. 1990, c. H.14, s. 6 (6).

Notice of appointment by members

(7)  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. R.S.O. 1990, c. H.14, s. 6 (7).

Selection of method

(7.1)  If the chair of the arbitration board was appointed by the Minister, subject to subsections (7.2) to (7.4), the Minister shall select the method of arbitration and shall advise the chair of the board of arbitration of the selection. 1997, c. 21, Sched. A, s. 4 (2).

Same, mediation-arbitration

(7.2)  The method selected shall be mediation-arbitration unless the Minister is of the view that another method is more appropriate. 1997, c. 21, Sched. A, s. 4 (2).

Same, final offer selection

(7.3)  The method selected shall not be final offer selection without mediation. 1997, c. 21, Sched. A, s. 4 (2).

Same, mediation-final offer selection

(7.4)  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. 1997, c. 21, Sched. A, s. 4 (2).

Vacancies

(8)  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. R.S.O. 1990, c. H.14, s. 6 (8).

Replacement of member

(9)  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 9 (4) or within the time extended under subsection 9 (5), the Minister may appoint a member in his or her place after consulting the party whose point of view was represented by such person. 1997, c. 21, Sched. A, s. 4 (3).

Replacement of chair

(10)  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 9 (4) or within the time extended under subsection 9 (5), the Minister may appoint a person to act as chair in his or her place. 1997, c. 21, Sched. A, s. 4 (3).

Where single arbitrator unable to act

(11)  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 9 (4) or within the time extended under subsection 9 (5), 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. 1997, c. 21, Sched. A, s. 4 (3).

Idem

(12)  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. R.S.O. 1990, c. H.14, s. 6 (12).

Time and place of hearings

(13)  Subject to subsection (13.1), 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. 1997, c. 21, Sched. A, s. 4 (4).

When hearings commence

(13.1)  The board of arbitration shall hold the first hearing within 30 days after the last (or only) member of the board is appointed. 1997, c. 21, Sched. A, s. 4 (4).

Exception

(13.2)  If the method of arbitration selected by the Minister under subsection (7.1) is mediation-arbitration or mediation-final offer selection, the time limit set out in subsection (13.1) does not apply in respect of the first hearing but applies instead, with necessary modifications, in respect of the commencement of mediation. 1997, c. 21, Sched. A, s. 4 (4).

Failure of member to attend

(14)  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. R.S.O. 1990, c. H.14, s. 6 (14).

Order to expedite proceedings

(15)  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 9 (4) or within the time extended under subsection 9 (5), 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. 1997, c. 21, Sched. A, s. 4 (5).

Procedure

(16)  Subject to the other provisions of this section, a board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions. 1997, c. 21, Sched. A, s. 4 (5).

Time for submission of information

(16.1)  If the method of arbitration selected by the Minister under subsection (7.1) 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. 1997, c. 21, Sched. A, s. 4 (5).

Idem

(17)  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. R.S.O. 1990, c. H.14, s. 6 (17).

Decision

(18)  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. R.S.O. 1990, c. H.14, s. 6 (18).

Notice of agreement to recommence

(18.1)  If any member of the board of arbitration was appointed by the Minister, the parties may, at any time before the arbitrator or 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. 1997, c. 21, Sched. A, s. 4 (6).

Termination of appointments

(18.2)  If notice is served on the Minister under subsection (18.1), the appointments of all the members of the board of arbitration are terminated. 1997, c. 21, Sched. A, s. 4 (6).

Effective date of terminations

(18.3)  The terminations are effective on the day the Minister is served with the notice. 1997, c. 21, Sched. A, s. 4 (6).

Obligation to appoint

(18.4)  Within seven days after the day the Minister is served with the notice, the parties shall jointly appoint, under subsection 5 (1), a person who agreed to act or shall each appoint, under subsection (1) of this section, a member who has agreed to act and section 5 and this section apply with respect to such appointments. 1997, c. 21, Sched. A, s. 4 (6).

Powers

(19)  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. R.S.O. 1990, c. H.14, s. 6 (19); 2000, c. 38, s. 39 (5).

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

1997, c. 21, Sched. A, s. 4 (2-6) - 29/10/1997

[2000, c. 38, s. 39 (5)](http://www.ontario.ca/laws/statute/S00038" \l "s39s5) - 30/12/2000

Appointment or proceedings of board not subject to review

**7** 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 Act 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. R.S.O. 1990, c. H.14, s. 7.

Single arbitration of several disputes

**8** (1)  Where there are matters in dispute between parties to be decided by more than one arbitration in accordance with this Act, the parties may agree in writing that the matters in dispute shall be decided by one board of arbitration. R.S.O. 1990, c. H.14, s. 8 (1).

Parties

(2)  For the purposes of section 6, the trade unions and councils of trade unions that are the bargaining agents for or on behalf of any hospital employees to whom this Act applies shall be one party and the employers of such employees shall be the other party. R.S.O. 1990, c. H.14, s. 8 (2).

Powers of board

(3)  In an arbitration to which this section applies, the board may, in addition to the powers conferred upon a board of arbitration by this Act,

(a) make a decision on matters of common dispute between all of the parties; and

(b) refer matters of particular dispute to the parties concerned for further bargaining. R.S.O. 1990, c. H.14, s. 8 (3).

Idem

(4)  Where matters of particular dispute are not resolved by further collective bargaining under clause (3) (b), the board shall decide the matters. R.S.O. 1990, c. H.14, s. 8 (4).

Duty of board

**9** (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. R.S.O. 1990, c. H.14, s. 9 (1).

Criteria

(1.1)  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 and in the municipality where the hospital is located.

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. 1996, c. 1, Sched. Q, s. 2.

Transition

(1.2)  Subsection (1.1) does not apply if, on or before the day the Savings and Restructuring Act, 1996 receives Royal Assent,

(a) an oral or electronic hearing has begun; or

(b) the board of arbitration has received all the submissions, if no oral or electronic hearing is held. 1996, c. 1, Sched. Q, s. 2.

Restriction

(1.3)  Nothing in subsection (1.1) affects the powers of the board of arbitration. 1996, c. 1, Sched. Q, s. 2.

Board to remain seized of matters

(2)  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. R.S.O. 1990, c. H.14, s. 9 (2).

Procedure

(3)  The Arbitrations Act does not apply to arbitrations under this Act. R.S.O. 1990, c. H.14, s. 9 (3).

Time for decision

(4)  The board of arbitration shall give a decision within 90 days after the last (or only) member of the board is appointed. 1997, c. 21, Sched. A, s. 4 (7).

Extension

(5)  The parties may agree to extend the time described in subsection (4), either before or after the time has passed. 1997, c. 21, Sched. A, s. 4 (7).

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

1996, c. 1, Sched. Q, s. 2 - 30/01/1996; 1997, c. 21, Sched. A, s. 4 (7) - 29/10/1997

Remuneration and expenses

**9.1**(1)  The remuneration and expenses of the members of a board of arbitration shall be paid as follows:

1. A party shall pay the remuneration and expenses of a member appointed by or on behalf of the party.

2. Each party shall pay one-half of the chair’s remuneration and expenses. 1993, c. 32, s. 3.

Transition

(2)  Subsection (1) does not apply if the Minister gives notice under section 3 before July 1, 1993. 1993, c. 32, s. 3.

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

1993, c. 32, s. 3 - 14/12/1993

Delegation

**9.2**(1)  The Minister may delegate in writing to any person the Minister’s power to make an appointment, order or direction under this Act. 1997, c. 21, Sched. A, s. 4 (8).

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. 1997, c. 21, Sched. A, s. 4 (8).

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

1997, c. 21, Sched. A, s. 4 (8) - 29/10/1997

Where agreement reached

**10** (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. R.S.O. 1990, c. H.14, s. 10 (1); 2000, c. 38, s. 39 (6).

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 the provisions of sections 3 and 4 or sections 6 and 9, as the case may be, shall apply. R.S.O. 1990, c. H.14, s. 10 (2).

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. R.S.O. 1990, c. H.14, s. 10 (3).

Idem

(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. R.S.O. 1990, c. H.14, s. 10 (4).

Execution of agreement

(5)  Within five days of 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. R.S.O. 1990, c. H.14, s. 10 (5).

Preparation of agreement by board

(6)  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 (5), 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. R.S.O. 1990, c. H.14, s. 10 (6).

Failure to execute agreement

(7)  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. R.S.O. 1990, c. H.14, s. 10 (7); 2000, c. 38, s. 39 (7).

Effective date

(8)  Except in arbitrations under section 8, the date the board of arbitration gives its decision is the effective date of the document that constitutes a collective agreement between the parties. R.S.O. 1990, c. H.14, s. 10 (8).

Idem

(9)  The date the board of arbitration gives its decision under section 8 upon matters of common dispute shall be deemed to be the effective date of the document that constitutes a collective agreement between the parties. R.S.O. 1990, c. H.14, s. 10 (9).

Term of agreement

(10)  Except where the parties agree to a longer term of operation, any document that constitutes a collective agreement between the parties shall remain in force for a period of one year from the effective date of the document. R.S.O. 1990, c. H.14, s. 10 (10).

Idem

(11)  Despite the provisions of subsection (10) and except where the parties agree to a longer term of operation, a document that constitutes a collective agreement shall cease to operate on the expiry of a period of two years,

(a) from the day upon which notice was given under section 16 of the Labour Relations Act, 1995; or

(b) from the day upon which the previous collective agreement ceased to operate where notice was given under section 59 of the Labour Relations Act, 1995. R.S.O. 1990, c. H.14, s. 10 (11); 2000, c. 38, s. 39 (8, 9).

Idem

(12)  Where under subsection (11), the period of two years has expired on or will expire within a period of less than ninety days from the date the board of arbitration gives its decision, the document that constitutes a collective agreement shall continue to operate for a period of ninety days from the date the board of arbitration gives its decision for the purposes of subsections 7 (4), 59 (1) and 63 (2) of the Labour Relations Act, 1995. R.S.O. 1990, c. H.14, s. 10 (12); 2000, c. 38, s. 39 (10).

Idem

(13)  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. R.S.O. 1990, c. H.14, s. 10 (13); 2000, c. 38, s. 39 (11, 12).

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

[2000, c. 38, s. 39 (6-12)](http://www.ontario.ca/laws/statute/S00038" \l "s39s6) - 30/12/2000

Strikes and lock-outs prohibited

**11** (1)  Despite anything in the Labour Relations Act, 1995, no hospital employees to whom this Act applies shall strike and no employer of such employees shall lock them out. R.S.O. 1990, c. H.14, s. 11 (1); 1997, c. 21, Sched. A, s. 4 (9).

Application of *Labour Relations Act, 1995*

(2)  Sections 81 and 82, subsection 83 (1) and sections 84, 100, 101 and 103 of the Labour Relations Act, 1995 as amended or re-enacted from time to time apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act. R.S.O. 1990, c. H.14, s. 11 (2); 1997, c. 21, Sched. A, s. 4 (10).

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

1997, c. 21, Sched. A, s. 4 (9, 10) - 29/10/1997

Timeliness of representation applications

**12** (1)  Despite section 67 of the Labour Relations Act, 1995, where a trade union that has been certified as bargaining agent for a bargaining unit of employees of a hospital has given to the employer of such employees notice 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. R.S.O. 1990, c. H.14, s. 12 (1); 1997, c. 21, Sched. A, s. 4 (11).

Idem

(2)  Despite section 67 of the Labour Relations Act, 1995, where notice has been given under section 59 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of employees of a hospital to or by the employer of such employees and the Minister has appointed a conciliation officer, an application for certification of a bargaining agent of any of the employees of the hospital in the bargaining unit defined in the collective agreement or an application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit defined in the agreement 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. R.S.O. 1990, c. H.14, s. 12 (2); 1997, c. 21, Sched. A, s. 4 (12).

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

1997, c. 21, Sched. A, s. 4 (11, 12) - 29/10/1997

Working conditions may not be altered

**13** Despite subsection 86 (1) of the Labour Relations Act, 1995, if notice has been given under section 16 or 59 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of hospital employees to which this Act applies to or by the employer of such employees and no collective agreement is in operation, no such employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no such trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, until the right of the trade union to represent the employees has been terminated. R.S.O. 1990, c. H.14, s. 13; 1997, c. 21, Sched. A, s. 4 (13).

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

1997, c. 21, Sched. A, s. 4 (13) - 29/10/1997

Offences

**14** Except where inconsistent with this Act, sections 104, 105, 106, 107 and 109 of the Labour Relations Act, 1995, as amended or re-enacted from time to time, apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act. R.S.O. 1990, c. H.14, s. 14; 1997, c. 21, Sched. A, s. 4 (14).

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

1997, c. 21, Sched. A, s. 4 (14) - 29/10/1997

Mailed notice

**15** A notice by the Minister that a conciliation officer has been unable to effect a collective agreement if sent by mail to a party addressed to the party at its last known address shall be deemed to have been received on the second day after the day on which the notice was so mailed. R.S.O. 1990, c. H.14, s. 15.

Filing of decisions

**16** Every chair of a board of arbitration shall file a copy of every decision of the board with the Minister. R.S.O. 1990, c. H.14, s. 16.

Existing proceedings discontinued

**17** (1)  Proceedings before an arbitrator or arbitration board under this Act commenced before the date on which subsection 4 (2) of the Public Sector Dispute Resolution Act, 1997 comes into force are terminated and any decision in such proceedings is void. 1997, c. 21, Sched. A, s. 4 (15).

Exception, completed proceedings

(2)  This section does not apply with respect to proceedings commenced before June 3, 1997 if,

(a) a final decision is issued on or before June 3, 1997; or

(b) a final decision is issued after June 3, 1997 and the decision is served before the date on which subsection 4 (2) of the Public Sector Dispute Resolution Act, 1997 comes into force. 1997, c. 21, Sched. A, s. 4 (15).

Exception, by agreement

(3)  This section does not apply if the parties agree in writing after the date on which subsection 4 (2) of the Public Sector Dispute Resolution Act, 1997 comes into force to continue the proceedings. 1997, c. 21, Sched. A, s. 4 (15).

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

1997, c. 21, Sched. A, s. 4 (15) - 29/10/1997

Procedure

**18** The Statutory Powers Procedure Act does not apply to proceedings before a board of arbitration established under this Act. R.S.O. 1990, c. H.14, s. 18; 1994, c. 27, s. 59.

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

1994, c. 27, s. 59 - 01/04/1995

Regulations

**19** The Lieutenant Governor in Council may make regulations,

(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) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. H.14, s. 19.

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