

## Bill 124 Arbitration Decisions: Questions and Answers

Updated June 16, 2023

The Ontario Nurses' Association has received questions from members related to the [arbitration decisions](#) stemming from the Bill 124 reopener retroactive payments for hospital members. If your question is not answered below, please send your query to [onamail@ona.org](mailto:onamail@ona.org).

For detailed information, including the arbitration decisions, highlight summaries, and more, visit [www.ona.org/bargaining](http://www.ona.org/bargaining).

### **What did the arbitrators monetarily give to hospital members?**

Effective April 1, 2020 – an additional 0.75% (total 1.75%)

Effective April 1, 2021 – an additional 1.0% (total 2.0%)

Effective April 1, 2022 – an additional 2.0% (total 3.0%)

### **When will members receive their retro pay?**

Members should receive their retro pay within four pay periods after April 26, 2023. If you do not receive payment, please speak with your [Bargaining Unit President](#).

### **Why did we have two arbitration decisions?**

There were two separate arbitration decisions because there were two separate hospital contracts during the three years of the Bill 124 wage suppression period. The parties did not agree on the term of the first contract expiring March 31, 2020, so the arbitrator ordered the term of one year from the date of the arbitrator's decision. The first contract was from April 1, 2020 to June 7, 2021 and the second contract was from June 8, 2021 to March 31, 2022. As such, there are two separate decisions, one to address each hospital contract.

### **Given that there are two arbitration decisions, will I receive two retro payments?**

No. You should receive one consolidated retro payment that covers both arbitration decisions.

### **I retired during the Bill 124 wage suppression period. Am I entitled to retro pay?**

Yes. Hospitals must contact former employees to inform them of their retro pay and former employees have a certain time to respond. You might want to contact HR at your former hospital to ensure that they have your up-to-date contact information.

**What did ONA put forward for Nurse Practitioners? And what did the arbitrators order in their decisions?**

ONA demanded a central wage grid be established for Nurse Practitioner members, but the arbitrators did not award it in their decisions. ONA continues to demand and pursue wage improvements and more on behalf of our NP members.

**What else was achieved through these arbitrations?**

Hospital members now receive unlimited mental health coverage for themselves and their dependents. This benefit is in effect as soon as practical. Please contact your [Bargaining Unit President](#) regarding specific details and coverage. There is also an increase in the amounts for massage, chiropractic and physiotherapy.

**Is the unlimited mental health coverage through my EAP?**

No, you can choose your provider of choice.

**When do the mental health benefits come into effect?**

These benefits come into effect as soon as practical by your employer. Please follow up directly with your [Bargaining Unit President](#) about details specific to your workplace.

**Are the mental health benefits retroactive?**

No. The arbitrator provided them for hospital members and their dependents on a go-forward basis, effective April 25, 2023.

**The arbitrator compressed the wage grid. What does this mean?**

This means that members will not have to work 25 years to achieve the 25-year rate. The 25-year rate replaces the 8-year rate. Hospital members who have worked more than eight years will now be making the 25-year step rate which replaces the old eight-year rate. The arbitrator compressed the grid so that those in their mid-career receive an additional wage bump up to the 25-year wage level.

See the example related to a full-time nurse below:

<b>Step</b>	<b>April 1, 2021</b>	<b>Add 3%</b>	<b>Move the 25-Year rate to the 8-Year Rate April 1, 2022</b>
Start	\$34.49	\$35.52	\$35.52

1 Year	\$34.65	\$35.69	\$35.69
2 Years	\$35.22	\$36.28	\$36.28
3 Years	\$36.96	\$38.07	\$38.07
4 Years	\$38.71	\$39.87	\$39.87
5 Years	\$40.89	\$42.12	\$42.12
6 Years	\$43.10	\$44.39	\$44.39
7 Years	\$45.29	\$46.65	\$46.65
8 Years	\$48.52	\$49.98	\$50.85
25 Years	\$49.37	\$50.85	

**When does the wage grid compression come into effect?**

This compressed grid is effective April 1, 2022. Your wages will be adjusted accordingly on your retro pay, which should be paid within four pay periods.

**Did ONA ask for a wage grid compression?**

ONA submitted a proposed wage grid compression which would have represented, on average, a 12 per cent increase for members. This proposal was to remove the first two steps of the grid as well as remove the 25-year rate. There is virtually no other profession that takes 25 years to get to the top wage grid level. The arbitrator did not award our proposed wage grid, but instead compressed the 8-year wage to the 25-year wage level.

**I have more than 25 years of service. Do I receive retro pay?**

Yes. Please see the chart below to generally determine your retro pay.

**How much retro pay will I receive?**

Your payment will be based on several factors including your years of service and whether you are full-time or part-time. This example is based on the step you are currently on in 2023. Below is an **example** of the retro payouts for a full-time nurse:

Step in 2023	2020	2021	2022	Total
Start	\$0	\$0	\$0	\$0
1 Year	\$0	\$0	\$2,496	\$2,496
2 Years	\$0	\$1,151	\$2,516	\$3,667

<b>3 Years</b>	<b>\$488</b>	<b>\$1,150</b>	<b>\$2,555</b>	<b>\$4,193</b>
<b>4 Years</b>	<b>\$488</b>	<b>\$1,170</b>	<b>\$2,671</b>	<b>\$4,329</b>
<b>5 Years</b>	<b>\$488</b>	<b>\$1,209</b>	<b>\$2,808</b>	<b>\$4,505</b>
<b>6 Years</b>	<b>\$507</b>	<b>\$1,287</b>	<b>\$2,983</b>	<b>\$4,777</b>
<b>7 Years</b>	<b>\$546</b>	<b>\$1,365</b>	<b>\$3,140</b>	<b>\$5,051</b>
<b>8 Years</b>	<b>\$585</b>	<b>\$1,443</b>	<b>\$3,276</b>	<b>\$5,304</b>

<b>Years of Service in 2023</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
<b>10</b>	<b>\$683</b>	<b>\$1,619</b>	<b>\$5,226</b>	<b>\$7,528</b>
<b>15</b>	<b>\$683</b>	<b>\$1,619</b>	<b>\$5,226</b>	<b>\$7,528</b>
<b>20</b>	<b>\$683</b>	<b>\$1,619</b>	<b>\$5,226</b>	<b>\$7,528</b>
<b>25</b>	<b>\$683</b>	<b>\$1,619</b>	<b>\$5,226</b>	<b>\$7,528</b>
<b>26+</b>	<b>\$683</b>	<b>\$1,638</b>	<b>\$3,569</b>	<b>\$5,890</b>

**I want to put my retro pay into an RRSP/HOOPP. Can I do so?**

Please speak with your Human Resources department as soon as possible to try to make arrangements. It varies from employer to employer, so they may not offer this option.

**I don't work at an ONA hospital anymore, but I did during part of Bill 124. Do I receive retro pay?**

Yes. You will receive retroactive pay for the hours that you worked in the ONA hospital. That hospital will send you the payment, so make sure that HR has your current contact information on file.

**Were there changes to vacation time?**

The arbitrator did not make any changes to vacation time.

**Why did ONA ask for 3% in arbitration?**

At the time that ONA went to arbitration many months ago in April of 2021, inflation was not at the level as what it is now. The 3% was in line with other public sector contracts in the province. In addition, ONA demanded many other increases and premiums, which

were mainly rejected except for an increase in night shift premium by 10 cents and an increase in weekend shift premium by 10 cents.

### **Why didn't ONA members vote on the contracts?**

ONA tried to bargain with the Ontario Hospital Association for more than two full weeks and nothing was achieved. We were then forced to proceed to arbitration. If a fair contract was presented to your elected Hospital Central Negotiating Team, ONA would have brought it forward to vote.

### **I was on sick leave during the Bill 124 wage suppression period. Am I entitled to retro pay?**

Yes, you are entitled to retro pay. Please contact your [Bargaining Unit President](#) for details.

### **I was on long-term disability during the wage suppression period. Am I entitled to retro pay?**

No, you are not entitled to retro pay because that money is paid out through your insurance carrier.

### **I was on pregnancy/parental leave during the wage suppression period. How does this decision impact me?**

The Supplemental Unemployment Benefit ("SUB") Plan top up you receive during pregnancy/parental leave is based on the regular hourly rate you earned on your last day worked before starting your leave. If your last day worked was during the period covered by the retro pay decision (after April 1, 2020), your SUB top up should increase to reflect the wage increase and you should receive a retro payment for any SUB top up payments received between April 1, 2020, and March 31, 2023.

If you are still on leave when retro pay is paid out by your employer, those payments shouldn't negatively affect your Employment Insurance (EI) benefits. Retroactive increases to salary/wages are not considered "earnings" for EI purposes\*, meaning they would not affect the base EI benefits you receive on pregnancy/parental leave. \*This is per [the regulations outlined on Service Canada's website](#). ONA does not provide representation or legal advice with respect to EI claims.

### **Why did ONA sign a non-disclosure agreement before bargaining?**

Signing non-disclosure agreements before bargaining begins is a very common labour practice. It keeps negotiations in the bargaining room where they belong, and not in the media. However, ONA will review this practice in future to determine disclosure protocols.

### **Why wasn't ONA in the media during bargaining?**

ONA members and our demands were featured in the media *every. single. day*. Some of the many media outlets that highlighted our members' stories, mobilizing actions and our

demands include the Globe and Mail, the Toronto Star, many CBC radio stations across the province, local newspapers, radio interviews, TV interviews, CP24, CTV News, CBC News, Global TV, National Post, Canadian Press, London Free Press, Windsor Star, Sudbury Star, Kingston Whig-Standard, Hamilton Spectator, Thunder Bay Chronicle Journal, TVO, CityTV, Ottawa Citizen, Press Progress, QP Briefing, Mississauga News, Brampton Guardian, The Trillium, Yahoo! Finance, Niagara Advance, St. Catharines Standard, CHCH TV, CFTO News, 680 News, AM 640, and Cambridge Times.

ONA is looking at ways to ensure that members are aware of the strong media presence ONA has in the media, online and through print publications.

### **What happens if the government wins the appeal of Bill 124?**

At this point, there is no clear answer. This has never happened before in the law so, if this does occur, next steps will need to be determined. The government will also have to answer in the court of public opinion.