

# **Crown Employees Grievance Settlement Board**

ANNUAL REPORT

2018-2019

## MESSAGE FROM THE CHAIR

This past fiscal year was the first full year of the Grievance Settlement Board's operation under its new statutory regime. During the course of the previous fiscal year, the provisions of the *Crown Employees Collective Bargaining Act* were amended to allow the labour relations partners to have a greater role in the administration of the Board. New compensation rates and practices were established, aligning more closely with general practices in the broader labour relations community. The parties now have the benefit of both a larger roster of arbitrators and a more extensive commitment from all of the arbitrators. The ability of the Board to offer dates to the parties has been increased, thus allowing them speedier access to dispute resolution. The Board continues to resolve the vast majority of the grievances brought before it through mediation, rather than arbitration. Accordingly, the parties are able to reach resolutions that meet their needs and are acceptable to them. The Board continues to be at the forefront of labour relations dispute resolution in its commitment to and success in mediation.

The Grievance Settlement Board experienced a profound loss this year, with the death of Felicity Briggs. Felicity was one of the Board's longest serving arbitrators. She had a particular expertise and talent in resolving disputes arising in correctional institutions. Felicity served for many years on the panel of arbitrators assigned to attend at correctional institutions to resolve multiple and varied disputes over very long days. She is deeply missed. The arbitrator office at the Grievance Settlement Board has been named in Felicity's memory and the memory of another cherished colleague, Loretta Mikus, who previously passed away.

Governance Council continued to function well as a forum for the pursuit of the parties' mutual interest in fair and expeditious dispute resolution and efficient operations. The Board also continued to benefit from the commitment and skill of the Board's personnel.

Susan L. Stewart, Chair

June 2019

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# 1. GSB MANDATE

The Grievance Settlement Board (the "Board") was established by section 20 of the *Crown Employees Collective Bargaining Act, 1972, S.O. 1972, c.67* and is continued by section 46 of the *Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.38*, as amended by S.O. 1995, c. 1, s. 11-70; [2001, c. 7, s. 16-18](#); [2001, c. 13, s. 13](#); [2002, c. 18, Sched. J, s. 2](#); [2006, c. 19, Sched. D, s. 6](#); [2006, c. 21, Sched. F, s. 136 \(1\)](#); [2006, c. 35, Sched. C, s. 23](#); [2006, c. 35, Sched. D, s. 1-3](#); [2008, c. 14, s. 51](#); [2009, c. 34, Sched. J, s. 27](#); [2016, c. 37, Sched. 6](#); [2017, c. 8, Sched. 6](#); [2017, c. 14, Sched. 4, s. 11](#).

Section 47 (1) provides that: The Grievance Settlement Board shall be composed of the chair and one alternate chair. 2017, c. 8, Sched. 6, s. 2.

Section 47.1 (1) provides that: 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.

The Board exercises the powers and performs the duties conferred upon it by the *Crown Employees Collective Bargaining Act, 1993 (CECBA)*. Subsection 7(3) of the CECBA provides that:

*7. (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).*

The Crown Employees' Grievance Settlement Board (GSB) is funded as a budget item of the Ministry of Labour (MOL). All costs directly related to dispute resolution are allocated to the parties and are recovered from them. The GSB staff provides services to the Public Service Grievance Board (PSGB), an agency of (MOL) (and prior to Feb 15, 2017, an agency of Treasury Board Secretariat). The PSGB resolves grievances filed by management/excluded Crown employees under Regulation 378/07 to the *Public Service of Ontario Act, 2006*. Expenditures made on behalf of the PSGB are recovered and refunded to the GSB.

The Chair of the Grievance Settlement Board is a part-time position appointed by Order-in-Council. The Registrar of the GSB is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters. The Chair and the Registrar are jointly responsible for policy matters.

The GSB has entered into partnership agreements with its client group to fully implement the requirements of the *CECBA*. The partnership agreement provides for a Governance Council. As a result of the partnership agreement, some of the governance is determined by decisions made and minuted at the Governance Committee meetings, resulting in accountability to the client group with respect to some GSB administration and policy issues.

The GSB is an adjudicative agency and is viewed by its clientele to have independence and neutrality. The GSB's independence is preserved by its physical location, separate from government agencies other than the PSGB and by virtue of the fact that the GSB utilizes the services of mediators/arbitrators who are prominent and well respected in the private sector labour relations community. The obligation of the Board is to provide dispute resolution services and work with the parties to improve labour relations within the Ontario Public Service. The Board provides timely, concise decisions resulting in consistent advice and guidance to the parties in the settlement of specific disputes.

## 2. HUMAN RESOURCES

### **GRIEVANCE SETTLEMENT BOARD**

| <b><u>Name</u></b>               | <b><u>OIC Appointment</u></b> | <b><u>Date of Initial Appointment</u></b> | <b><u>Expiry Date of Current Appointment</u></b> |
|----------------------------------|-------------------------------|-------------------------------------------|--------------------------------------------------|
| Susan Stewart                    | Chair                         | 15-Mar-01                                 | March 2021                                       |
| Marilyn A. Nairn                 | Alternate Chair               | 07-Mar-18                                 | March 2020                                       |
| <b><u>GSB ROSTER MEMBERS</u></b> |                               |                                           |                                                  |
| <b><u>Name</u></b>               | <b><u>Member</u></b>          | <b><u>Tenure Start</u></b>                | <b><u>Tenure End</u></b>                         |
| Randi Abramsky                   | Arbitrator                    | July 1996                                 | June 2020                                        |
| Christopher Albertyn             | Arbitrator                    | May 2008                                  | June 2020                                        |
| Ian Anderson                     | Arbitrator                    | October 2013                              | June 2020                                        |
| Kevin Banks                      | Arbitrator                    | February 2018                             | June 2020                                        |
| Jules Bloch                      | Arbitrator                    | September 1999                            | June 2020                                        |
| Felicity Briggs                  | Arbitrator                    | February 1994                             | June 2020                                        |
| Richard Brown                    | Arbitrator                    | June 1997                                 | June 2020                                        |
| Joseph D. Carrier                | Arbitrator                    | May 1999                                  | June 2020                                        |
| Reva Devins                      | Arbitrator                    | April 2004                                | June 2020                                        |
| Nimal V. Dissanayake             | Arbitrator                    | December 1987                             | June 2020                                        |
| Barry Fisher                     | Arbitrator                    | May 1987                                  | June 2020                                        |
| Michelle Flaherty                | Arbitrator                    | February 2016                             | June 2020                                        |
| Diane Gee                        | Arbitrator                    | December 2015                             | June 2020                                        |
| Owen V. Gray                     | Arbitrator                    | October 1991                              | June 2020                                        |
| Daniel A. Harris                 | Arbitrator                    | December 1998                             | June 2020                                        |
| Bram Herlich                     | Arbitrator                    | December 1998                             | June 2020                                        |
| Dale Hewat                       | Arbitrator                    | February 2018                             | June 2020                                        |
| Janice D. Johnston               | Arbitrator                    | September 1999                            | June 2020                                        |
| Deborah Leighton                 | Arbitrator                    | July 1996                                 | June 2020                                        |
| Gord Luborsky                    | Arbitrator                    | October 2013                              | June 2020                                        |
| Michael Lynk                     | Arbitrator                    | December 2006                             | June 2020                                        |
| Brian McLean                     | Arbitrator                    | February 2018                             | June 2020                                        |
| Gail Misra                       | Arbitrator                    | October 2013                              | June 2020                                        |
| Jasbir Parmar                    | Arbitrator                    | February 2016                             | June 2020                                        |
| Kenneth Petryshen                | Arbitrator                    | June 1997                                 | June 2020                                        |
| Sheri Price                      | Arbitrator                    | February 2018                             | June 2020                                        |
| Stephen Raymond                  | Arbitrator                    | December 2006                             | June 2020                                        |
| Brian Sheehan                    | Arbitrator                    | March 2010                                | June 2020                                        |
| Barry Stephens                   | Arbitrator                    | April 2004                                | June 2020                                        |
| Mary Lou Tims                    | Arbitrator                    | October 1999                              | June 2020                                        |
| Tatiana Wacyk                    | Arbitrator                    | October 2014                              | June 2020                                        |
| Michael V. Watters               | Arbitrator                    | July 1987                                 | June 2020                                        |
| David Williamson                 | Arbitrator                    | October 2013                              | June 2020                                        |

### 3. ARBITRATOR BIOGRAPHIES

#### SUSAN STEWART - CHAIR

Susan L. Stewart attended law school at Queen's University and was called to the bar in 1981. She commenced her arbitration and mediation practice in 1988. In 1989 she was appointed as a Vice-Chair of the Crown Employees Grievance Settlement Board, and in 2001 was appointed as the Chair. She serves as a permanent arbitrator under a number of Collective Agreements in both provincial and federal jurisdictions. Susan is a member of the National Academy of Arbitrators, where she has served as a member of the Board of Governors, Vice President and member of the Executive Committee, is a former Chair of the Labour Section of the Ontario Bar Association and has served as a member of the executive of the Ontario Labour Management Arbitrators' Association. She is currently Vice President of the Ontario Labour Management Arbitrators' Association.

#### **ARBITRATORS**

#### RANDI ABRAMSKY

Randi Abramsky is a full-time Arbitrator and Mediator. She initially served as a Grievance Settlement Officer with the GSB (1992-1996) and then became a Vice-Chair in 1996. She also served as a Labour Relations Officer and Vice-Chair with the Ontario Public Service Labour Relations Tribunal and the Boards of Inquiry. Ms. Abramsky also engages in private sector arbitrations and mediations, has taught labour law related courses and written in the field.

#### CHRISTOPHER ALBERTYN

Chris Albertyn is an arbitrator and mediator, principally in Ontario, Canada. He is a member of the National Academy of Arbitrators and of the Ontario Labour-Management Arbitrators' Association. He is on the Labour Ministers' lists of arbitrators kept by the Ontario Office of Arbitration and by Canadian Federal Mediation and Conciliation Service. He is a Vice-Chair of the Ontario Labour Relations Board (since 1994) and a Vice-Chair of the Ontario Grievance Settlement Board (since 2008).

#### IAN ANDERSON

Ian Anderson is an arbitrator and mediator. Previously, he was a full-time Vice-Chair of the OLRB for nine years and a part-time member of the Human Rights Tribunal of Ontario for eight

years. From 1987 to 2004, Mr. Anderson practiced primarily in the fields of labour and employment law. His community involvement includes having served as the Chair of the Board of Directors of Crossroads International, the Chair of the Board of Directors of the Institute for Work and Health, the First Chair of the OBA Workers' Compensation Section, and the Chair of the Injured Workers' Consultants Community Legal Clinic.

#### KEVIN BANKS

Kevin Banks is a bilingual arbitrator and mediator practicing mainly in Ontario and in the federal jurisdiction. He has been named by the Ontario Minister of Labour to the list of approved grievance arbitrators, and by the federal Minister of Labour to the list of approved arbitrators and adjudicators under the Canada Labour Code. He is an associate professor with the Faculty of Law at Queen's University, where he teaches labour law and serves as the Director of the Queen's Centre for Law in the Contemporary Workplace. He has written widely on workplace law and is the Editor-in-Chief of the Canadian Labour and Employment Law Journal. Prior to joining Queen's he held executive positions for six years within the Public Service of Canada, in the field of labour and employment policy. He began his career as a labour lawyer representing unions and employees, practicing for 7 years. He holds an S.J.D. from Harvard Law School (2003), and an LL.B. (1989) and B.A. (1986) in economics from the University of Toronto.

#### JULES B. BLOCH

Jules B. Bloch is an experienced, bilingual, mediator, arbitrator, facilitator, fact-finder, lecturer and trainer. After his call, he practiced law primarily in the field of labour and employment law. In 1991 he was appointed full time Vice-Chair of the Ontario Labour Relations Board (OLRB) (November 7, 1991 to September 1, 1999). Presently, he is a Vice-Chair of the Grievance Settlement Board. Mr. Bloch is a member of the National Academy of Arbitrators. Mr. Bloch is a co-author of Canadian Construction Labour and Employment Law (Butterworths: 1996).

#### FELICITY BRIGGS

After receiving her nursing education Felicity Briggs worked as a Registered Nurse in a Toronto hospital for six years. She worked for the next twelve years for the Ontario Nurses' Association holding a variety of positions including negotiator, arbitration officer and Manager of the Arbitration Department. After two years acting as a consultant for trade unions she enrolled in the Arbitrator Development Program which she completed in 1991. Since being added to the Minister of Labour's List of Arbitrators she has acted as Mediator and Chair of both Rights and Interest Boards of Arbitration. Felicity was also appointed as a Vice Chair of the Grievance Settlement Board in 1994.

#### RICHARD BROWN

Richard Brown (LL.B. Queen's; LL.M. Harvard) has taught labour law at universities in Canada and abroad. He was a member of the Labour Law Casebook Group for many years and has

written numerous articles on arbitration, human rights and occupational health and safety. Richard began arbitrating in the late seventies and has practiced as a full-time arbitrator and mediator since the early nineties. He is a named arbitrator in several collective agreements and many of his awards have been published in the Labour Arbitration Cases and Labour Arbitration Xpress.

#### JOSEPH D. CARRIER

Joseph (Joe) Carrier has been engaged as a full-time mediator/arbitrator since 1991. After graduating from Queen's Law School in 1969, he practiced corporate and commercial law for several years before joining Mathews Dinsdale & Clark, a management side law firm. After a brief interlude during which he was engaged in real estate development, he re-entered the labour field in 1991 as a mediator/arbitrator. He enjoys a consensual practice as well as assignments from the Labour Ministries of both Federal and Provincial Governments.

#### REVA DEVINS

Reva Devins is a full time arbitrator and mediator. She is a Vice Chair of the Grievance Settlement Board, a Vice Chair of the Public Service Grievance Board and is the Associate Chair under the 1986-90 Hepatitis C Class Action Settlement. She is an adjunct faculty member at Osgoode Hall Law School teaching an upper year seminar in Legal Ethics. She has also been appointed as a mediator/arbitrator under the Walkerton Compensation Plan, the UCC Claims Resolution Plan and was a member of the Canadian Human Rights Tribunal (1995-2005). Ms. Devins was called to the Bar of Ontario in 1985 and holds degrees from York University (B.A), Osgoode Hall Law School (LL.B.) and Harvard Law School (LL.M.).

#### NIMAL V. DISSANAYAKE

Nimal Dissanayake was called to the Ontario bar 1980; LLB (Honours) SL; LLB and LLM (Queens); Formerly Professor of Industrial Relation Faculty of Business McMaster University; Served as Solicitor, Senior Solicitor and Vice-Chair (Part-Time) of the Ontario Labour Relations Board; Former Editor of the Ontario Labour Relations Board Reports; Arbitrator/Mediator in labour and employment related disputes since 1987; Vice-Chair of the Grievance Settlement Board 1987 to present. An active member of the Ontario Labour - Management Arbitrators Association and the National Academy of Arbitrators.

#### MICHELLE FLAHERTY

Michelle graduated summa cum laude, from the Faculty of Law at the University of Ottawa in 1998. After clerking with Justice L'Heureux-Dube of the Supreme Court of Canada in 1999–2000, she entered into private practice before completing her masters of law in 2011. Appointed to the University of Ottawa's faculty of law in July 2012, Michelle teaches labour law, administrative law and human rights.

Michelle is an adjudicator at the Human Rights Tribunal of Ontario since 2008 (Vice Chair 2008-2012, Part-time Member since 2012). Michelle has conducted countless mediations and presided over hundreds of hearings in English and French.

A member of the Law Society of Upper Canada since 2001, Michelle has extensive professional experience practicing labour law, administrative law, human rights, and constitutional law. During the course of her career, she has acted for both unions and employers.

#### BARRY FISHER

B.A., University of Toronto; LL.B., Osgoode Hall Law School, called to the Bar, 1979. Member of Ontario Management Labour Arbitrators Association, a labour arbitrator since 1988 and Vice-Chair, Grievance Settlement Board. An arbitrator under Police Services Act, Hospital Labour Disputes Arbitration Act, and Canada Labour Code. Trained as a mediator at the Academy of Mediation in Toronto, Harvard Law School and ADR Associates in Washington, D.C. Has mediated employment / labour disputes involving wrongful dismissal actions, sexual harassment, collective agreement interpretation, human rights issues, shareholders disputes arising from employment and the negotiation of collective bargaining agreements. Has authored numerous articles on wrongful dismissal, mediation practice and labour arbitration. He created the Wrongful Dismissal Database, containing over 2500 cases, utilized by lawyers/judges/human resources professionals across Canada.

#### DIANE GEE

Diane Gee has extensive experience in the areas of labour and employment law. She began her career in 1988 practicing labour and employment law and transitioned to the role of an adjudicator in 1994 with her appointment to the Ontario Labour Relations Board as a Vice-Chair. Diane is on the Labour Minister's List of Arbitrators kept by the Ontario Office of Arbitration and the Canadian Federal Mediation and Conciliation Services. She is a member of the Ontario Labour Management Arbitrators Association and is named as a roster arbitrator in several collective agreements. Diane holds a part-time appointment as a Vice-Chair to the Ontario Labour Relations Board and the Grievance Settlement Board. She is engaged as a mediator and arbitrator in employment and labour matters in both the private and public sectors. She has expertise in construction industry labour relations. Diane has achieved a high rate of settlement in the area of wrongful dismissal mediation and has gained a reputation for effectively resolving wrongful dismissal disputes.

#### OWEN GRAY

Owen V. Gray has the following degrees: Honours B.Sc. (Queen's University, 1971), LL.B. (University of Toronto, 1974), and LL.M. (Alternative Dispute Resolution) (Osgoode Hall Law School 1998). He was called to the Ontario Bar in 1976. Since 1990 he has been a self-employed, full-time arbitrator, arbitrator-mediator and mediator in labour, employment and related disputes, including disputes under collective agreements in the public and private sectors, interest disputes, and wrongful dismissal disputes diverted by the parties from the courts

to arbitration or mediation. He has been a Vice Chair of the Ontario Crown Employees Grievance Settlement Board (part-time) since 1991. He was previously Vice Chair, Ontario Labour Relations Board (1983-1990 full-time, 1990-1993 part-time) and Employment Standards Referee (1990-1992, ad hoc). He practiced law from April 1976 to October 1983 with a Toronto law firm (McTaggart, Potts, Stone & Herridge), advising clients about and representing them in commercial, corporate, construction, land use, employment, labour relations, family and other disputes before courts and administrative tribunals. He is currently a member of the Ontario Labour-Management Arbitrators Association, the Arbitration and Mediation Institute of Ontario, the Law Society of Upper Canada, and the Canadian Bar Association.

#### DANIEL A. HARRIS

Mr. Harris is a graduate of York University (1978) and Osgoode Hall Law School (1981). Upon being called to the Bar of Ontario in 1983, he served a one-year appointment as a Law Clerk to the Chief Justice of the High Court of Justice, Province of Ontario. He then practiced labour law until 1991, when he was appointed to the Minister's List of Arbitrators in Ontario. Since then he has worked as a labour arbitrator and mediator in both rights and interest matters in all sectors, public and private. He serves as an arbitrator on numerous collective agreement panels. He has been a Vice-Chair with the Grievance Settlement Board since 1998, and previously held appointments with the Workers' Compensation Appeals Tribunal and Office of Adjudication.

#### BRAM HERLICH

Bram Herlich has B.A (1972) and M.A (1977) degrees from McGill University (English and Communications). After several years as a CEGEP professor and union representative in Montreal, he enrolled in law school and graduated from Osgoode Hall in 1982. After graduation, he held a number of positions including Arbitration Officer with the Ontario Nurses Association and Associate with the firm Cavalluzzo, Hayes and Lennon. He has been an adjudicator since 1989 when he was appointed Vice-Chair of the Ontario Labour Relations Board. Appointed in 1996 as a Referee/Adjudicator under the Employment Standards Act and an Adjudicator under the Occupational Health and Safety Act. Appointed Vice-Chair of the Grievance Settlement Board in 1998 and is currently hearing and mediating cases at the GSB and at private arbitration.

#### DALE HEWAT

Dale Hewat is a labour arbitrator and employment law mediator. Since 2008, She has worked as a Part-time Member of the Human Rights Tribunal of Ontario gaining extensive experience adjudicating and mediating employment related human rights applications. Dale has handled disputes involving represented and unrepresented parties from both the private sector and public-sector provincial and municipal workplaces. Dale has also served as a Vice-Chair of the Ontario Labour Relations Board. Between 1990-1995, Dale was employed as General Counsel for Humber College advising on labour relations matters and representing the College at arbitration hearings. Prior to Humber College, Dale worked as a lawyer in private practice specializing in employment and labour law. Dale graduated from Western University with a

B.A. (1983) and LL.B. (1986) and was called to the Ontario Bar in 1988. She is a member of the Law Society of Ontario and the Ontario Labour-Management Arbitrators Association.

#### JANICE JOHNSTON

Ms. Johnston graduated from Wilfred Laurier University with a B. A. in history and received her law degree from the University of Western Ontario in 1979. She was called to the Bar in 1981. She worked in the public and private sector as labour relations counsel before joining the Ontario Labour Relations Board as a Vice-Chair in 1990. In 1999 she left the OLRB to pursue her career as a mediator/arbitrator. She is currently a part-time Vice-Chair of the Grievance Settlement Board and acts as an arbitrator pursuant to the Ontario Police Arbitration Commission.

#### DEBORAH LEIGHTON

Deborah J.D. Leighton, B.A. (Law, Oxford), L.L.M, J.D., is an Adjunct Professor in the School of Policy Studies at Queen's University. There she teaches courses in labour and employment law, human rights, arbitration and mediation. Her private practice includes mediations and arbitrations of commercial and labour disputes. Ms. Leighton is on numerous collective agreements, including Air Canada and ACPA, AGO and OPSEU. She is also a Vice-Chair of the Public Service Grievance Board, and has served as an adjudicator for the Ontario Human Rights Tribunal (1992-8). Ms. Leighton is a member of the Florida Bar and the Law Society of Upper Canada.

#### GORD LUBORSKY

Holds a Master's Degree from the University of Toronto and received his Law Degree from Toronto's Osgoode Hall Law School in 1982. After his call to the Ontario bar in 1984, he practiced law with a management side law firm until 1994, thereafter serving as Co-Chair, Employment and Labour Law Group of another law firm. He was appointed in 1999 to the Ontario Ministry of Labour's list of arbitrators under the Ontario Labour Relations Act, and in 2002 to the list of adjudicators for disputes under the Canada Labour Code. Since 1998 he has practiced as a mediator and arbitrator in commercial, employment and labour disputes. He also taught Business Negotiations and Dispute Resolution courses from 2002 - 2006 at the University of Toronto.

#### MICHAEL LYNK

Michael Lynk is an associate professor with the Faculty of Law, the University of Western Ontario, where he teaches labour and human rights law. Prior to becoming a professor, he practiced labour law in Toronto and Ottawa for a decade. Mr. Lynk is also an active labour arbitrator, and has served as a vice-chair with the Ontario Public Service Grievance Board (1995-1999) before joining the Ontario Grievance Settlement Board in 2007. He has written widely on the issues of labour law and human rights in the unionized Canadian workplace, and is a frequent speaker at industrial relations and labour law conferences across the country.

## BRIAN MCLEAN

Brian McLean is a mediator/arbitrator. He was until recently the Alternate Chair of the Ontario Labour Relations Board, having been a vice chair at the OLRB for nearly 20 years. Immediately prior to joining the Board, he was a sole practitioner representing employees, employers and unions. Before that he practiced at Baker and McKenzie as an employment and labour lawyer. He co-authored (with Stewart D. Saxe) *The Collective Agreement Handbook: A Guide for Employers and Employees* which has been published in three editions. Brian grew up in Victoria, B.C.

## GAIL MISRA

Gail Misra is a labour mediator and arbitrator. She is a graduate of Wilfrid Laurier University (B.A. 1986) and Osgoode Hall Law School (LL.B. 1989, LL.M. in Alternative Dispute Resolution 1998), and was called to the Ontario Bar in 1991. Ms. Misra practiced labour law in Toronto for approximately 14 years. During her career as a lawyer Ms. Misra represented unions, employers, and workers in grievance arbitration, contract negotiations, national and provincial labour board proceedings, bankruptcy proceedings, and before human rights tribunals. She was appointed to the Ontario Labour Relations Board as a Vice-Chair from 1994 to 2001, and again from 2012 to 2013. As an adjudicator, she has decided cases involving employment-related statutes including the Labour Relations Act, 1995, the Human Rights Code, the Occupational Health and Safety Act, and the Employment Standards Act, 2000, and collective agreements in all sectors. As a mediator, Ms. Misra has mediated harassment issues as well as a wide range of rights issues arising under collective agreements. She is a frequent speaker at seminars and conferences. Ms. Misra was appointed to the Grievance Settlement Board on October 23, 2013.

## MARILYN NAIRN – ALTERNATE CHAIR

Originally from Winnipeg, Marilyn Nairn is a graduate of the University of Ottawa Law School and was called to the Ontario bar in 1982. She practiced labour law in Toronto until 1987 when she accepted the position of counsel to the Ontario Labour Relations Board. In 1989 Ms. Nairn was appointed a Vice-Chair of the OLRB, where she served for three terms, following which; she expanded her successful practice as labour arbitrator and mediator. Ms. Nairn is a member of the National Academy of Arbitrators and the Ontario Labour-Management Arbitrators Association and has held various positions on the executive of the Labour Section of the Ontario Bar Association. She has completed an advanced mediation course at Osgoode Hall Law School, has taught at both the college and university levels in the area of labour law, and has appeared as a speaker on various panels and at conferences in the areas of labour law and human rights. She was appointed to the Grievance Settlement Board on October 31, 2001.

#### JASBIR PARMAR

Jasbir is an arbitrator, mediator, and independent investigator practicing primarily in the Province of Ontario. Jasbir has been named by the Ontario Minister of Labour to the list of approved grievance arbitrators, and by the federal Minister of Labour to the list of approved arbitrators and adjudicators under the Canada Labour Code. Educated at the University of British Columbia and the University of Windsor, Jasbir was called to the Bar in British Columbia in 1996 and in Ontario in 2000. She practiced labour law for over ten years. Since 2005, Jasbir has served as Vice-Chair to the Workplace Safety and Insurance Appeals Tribunal. She is experienced in both the public and private sectors, including health, education, manufacturing, transportation, municipal services, entertainment, forestry, fishery, hospitality, and mining.

#### KENNETH PETRYSHEN

Ken obtained an undergraduate degree from the University of Saskatchewan in 1972. In 1976, Ken obtained a law degree from Queen's University, where he was awarded the prize in Labour Relations in the Public Sector. He was called to the Bar in 1978 and practiced labour and administrative law until 1985, when he became solicitor of the Ontario Labour Relations Board. He served as a full-time Vice Chair of the OLRB between 1986 and 1994, when he became a part-time Vice Chair and commenced his arbitration and mediation practice. Ken was first appointed to the Grievance Settlement Board in 1997.

## SHERI PRICE

Sheri Price is a mediator and arbitrator specializing in labour, employment and human rights disputes. Sheri began her career in labour relations more than 20 years ago. She entered private practice following her call to the Ontario Bar and practiced labour and employment law exclusively for more than 12 years. In 2008, Sheri was appointed as a Vice-Chair of the Human Rights Tribunal of Ontario, where she spent eight years adjudicating and mediating hundreds of cases, the vast majority with respect to employment. Sheri has a wide range of experience in both the public and private sectors, including healthcare, education (universities, colleges and schools), municipal services, manufacturing, transportation, retail, hospitality and the service industry. Sheri holds a Bachelor of Arts degree from Acadia University, a Bachelor of Laws degree from Osgoode Hall Law School and a Master of Laws degree from the University of Toronto. She was called to the Ontario Bar in 1996. Sheri is on the Ontario Minister of Labour's List of Approved Arbitrators and is also an approved grievance arbitrator and unjust dismissal adjudicator under the Canada Labour Code. Sheri is a member of the Ontario Labour-Management Arbitrators' Association, the Ontario Bar Association (Labour & Employment Law section) and the Law Society of Upper Canada. She also continues to work as a part-time member of the Human Rights Tribunal of Ontario.

## STEPHEN RAYMOND

Stephen Raymond is a full-time arbitrator and mediator. He is a graduate of the University of Western Ontario holding a B.A. (Political Science, 1986) and a LL.B. (1989). After his call to the Bar in 1991, he practiced law primarily in the fields of labour and employment law. In 2000, he was appointed as a vice-chair of the Ontario Labour Relations Board. Since 2003, he has worked as a labour mediator/arbitrator and civil litigation mediator. His practice covers all types of disputes, including rights and interest, in both the public and private sector. He is a former executive of the Ontario Bar Association Labour Law Section and is a member of that section, the ADR section and the Ontario Labour Management Arbitrators Association.

## BRIAN SHEEHAN

Brian Sheehan has been involved in the field of labour relations, employment and human rights law either as an advocate or as a mediator and arbitrator from 1985 to the present. Mr. Sheehan graduated from Osgoode Hall Law School in 1983 and was called to the Bar in 1985. He subsequently served as legal counsel for the Canadian Union of Public Employees for over twenty years. He is a graduate of the Ontario Ministry of Labour Arbitrator Development Programme and has been a mediator and arbitrator since April, 2007. Mr. Sheehan's arbitration and mediation practice covers all types of disputes, including rights and interest, in both the private and public sector. Mr. Sheehan is a part time member adjudicator at the Ontario Human Rights Tribunal. He is also an Unjust Dismissal Adjudicator pursuant to the provisions of the Canada Labour Code.

## BARRY STEPHENS

Barry Stephens has been a labour relations practitioner for more than twenty years. He started his career on the legal staff of CUPE, where he also worked as a union rep and educator. He went on to work for the Southern Ontario Newspaper Guild before becoming a labour relations consultant. In the latter role he worked with a number of unions throughout the province, mainly in grievance arbitration as nominee and counsel, where he developed an interest in mediation and arbitration. Prior to becoming a full time arbitrator he served as the senior labour relations advisor to the Air Canada Pilots Association. Barry has been working as a neutral adjudicator since September 2000.

## MARY LOU TIMS

Mary Lou Tims is a graduate of Queen's University (B.A. 1980, LL.B. 1983) and was called to the Bar in 1985. She practiced labour and employment law first in a Toronto law firm and later as in-house counsel and as a solicitor for the OLRB. She has been a labour arbitrator and mediator since 1993, and has been a Vice-Chair of the Grievance Settlement Board since October 1999.

## TATIANA WACYK

Tatiana Wacyk has been an adjudicator and mediator for more than fifteen years. She is currently a member of the following panels: the Ontario Ministry of Labour, the Grievance Settlement Board, the Ontario Labour Relations Board, Canada Revenue Agency, the Hepatitis C Settlement Agreement Panel, and the Ontario College of Trades Roster of Adjudicators. A member of the Ontario Labour-Management Arbitrators Association, she has adjudicated and mediated in the areas of wrongful dismissal, personal injury, contractual and tort disputes, grievances under collective agreements, and disputes relating to employment standards, occupational health and safety, workers' compensation, and human rights. Tatiana is the Past Chair of the Labour Relations Section of the Ontario Bar Association. Prior to becoming an adjudicator, she was in-house counsel and the Director of Policy and Research for the Ontario Human Rights Commission. She has also served as Executive Assistant to the Deputy Minister of Labour. Tatiana has taught Alternative Dispute Resolution and Advanced Alternative Dispute Resolution at the University of Toronto Law School. She has also taught Alternative Dispute Resolution at Queen's University Law School. Tatiana is a frequent presenter and facilitator at conferences, workshops, and continuing education sessions, and has taught courses to members of the Canada Pension Plan Review Tribunal, the Society of Ontario Adjudicators and Regulators, and the Board of Referees for Employment Insurance. Tatiana has both a J.D. and an LL.M. from Osgoode Hall Law School. She has also completed the Advanced Alternative Dispute Resolution Workshop with the Faculty of Law at the University of Windsor, and a Harvard/MIT Program on implementing Labour-Management Agreements.

## MICHAEL V. WATTERS

Michael Watters is a graduate of the University of Windsor (Honours B.A. and LL.B.). He was called to the Ontario Bar in 1977. From 1977 through 1986, Michael practiced law at Legal Assistance of Windsor, a joint project of the University of Windsor and the Ontario Legal Aid Plan. In the same period, he lectured at the Faculty of Law in areas of Landlord-Tenant Relations, Law and Social Issues, Legal Research and Writing, and The Lawyering Process (interviewing, counselling and negotiating). Since 1986, Michael has served as a full-time Arbitrator of disputes arising under the Labour Relations Act, the Hospital Disputes Arbitration Act, and the Canada Labour Code. He has served as a Vice-Chair of the Grievance Settlement Board since 1987.

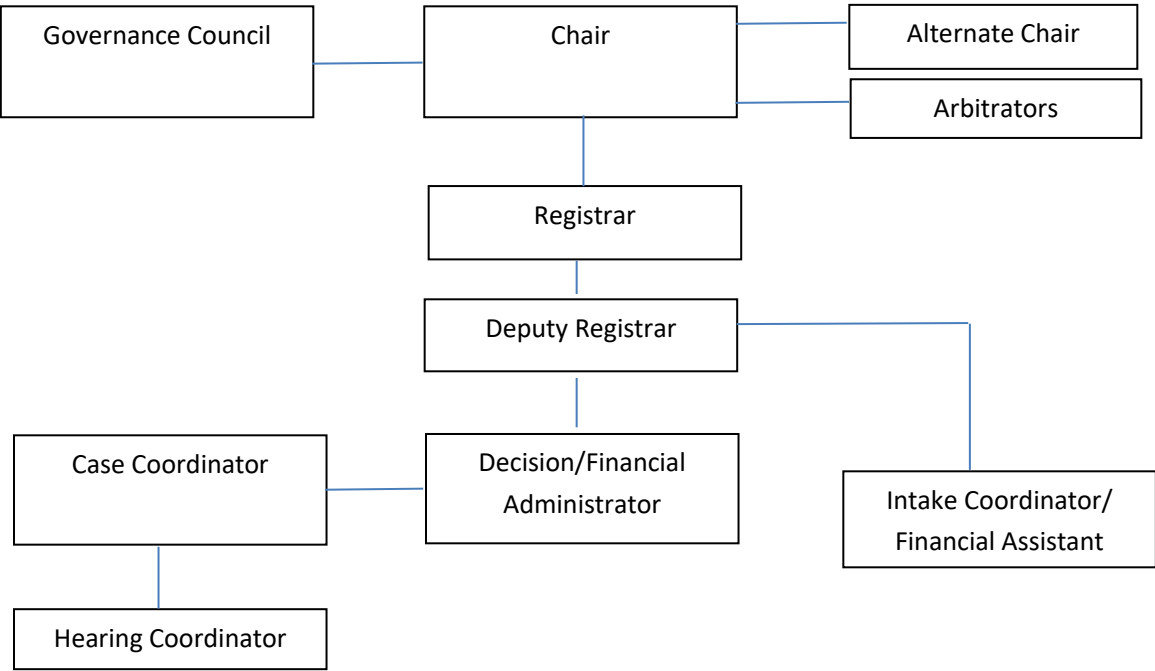
## DAVID WILLIAMSON

David Williamson is a full-time Arbitrator and Mediator. Mr. Williamson has over 20 years of experience in labour dispute resolution dealing with rights and interest disputes in both the private and public sectors. David completed the Ontario Ministry of Labour's Arbitrator Development Program and was added to the Minister of Labour's list of approved arbitrators in 1991. Mr. Williamson is also an Unjust Dismissal Adjudicator under the Canada Labour Code and is a Vice-Chair of the Grievance Settlement Board. Mr. Williamson holds an Honours B.A. degree from the University of Liverpool, and M.A. and Ph.D. degrees in Economics from the University of Western Ontario. He is a former Chair of the Department of Economics and Business at Huron University College in the University of Western Ontario. Mr. Williamson is a member of the Ontario Labour-Management Arbitrators' Association, and is a member of the National Academy of Arbitrators and a Director of the Academy's Research and Education Foundation.

THE REGISTRAR

Caroline has over 30 years as an administrator in the labour relations field. Caroline commenced her OPS career with the Grievance Settlement Board and has demonstrated her skills and knowledge in positions of progressive responsibility. She has broadened her horizons through secondments with the Ministry of Labour, Finance and Administration Branch; Human Rights Tribunal of Ontario and the Pay Equity Hearings Tribunal.

**Organization Chart – GSB**



**4. OVERVIEW OF ACTIVITIES**

## **GSB Mission Statement**

To provide expeditious and appropriate dispute resolution services for grievances arising out of the collective agreements between Crown employers and bargaining agents representing Crown employees in order to resolve disputes and promote harmonious labour relations in the Ontario Public Service.

## **Overview of Programs and Activities**

The GSB provides dispute resolution services to the Ontario Public Service and its unionized employees represented by: Ontario Public Service Employees Union, The Association of Management Administrative and Professional Crown Employees of Ontario, and The Professional Engineers Government of Ontario. The GSB also provides services to Ontario Public Service agencies and their bargaining agents which include:

- Metrolinx and Amalgamated Transit Union, Local 1587
- International Association of Mechanics and Aerospace Workers, Local 78
- Workplace Safety and Insurance Board and Canadian Union of Public Employees, Local 1750
- Metro Toronto Convention Centre and Labourers' International Union of North America, Local 506 and Canadian National Federation of Independent Unions - Local 3033
- Ottawa Convention Centre and United Steelworkers
- Niagara Parks Commission and Workers United Canada Council.

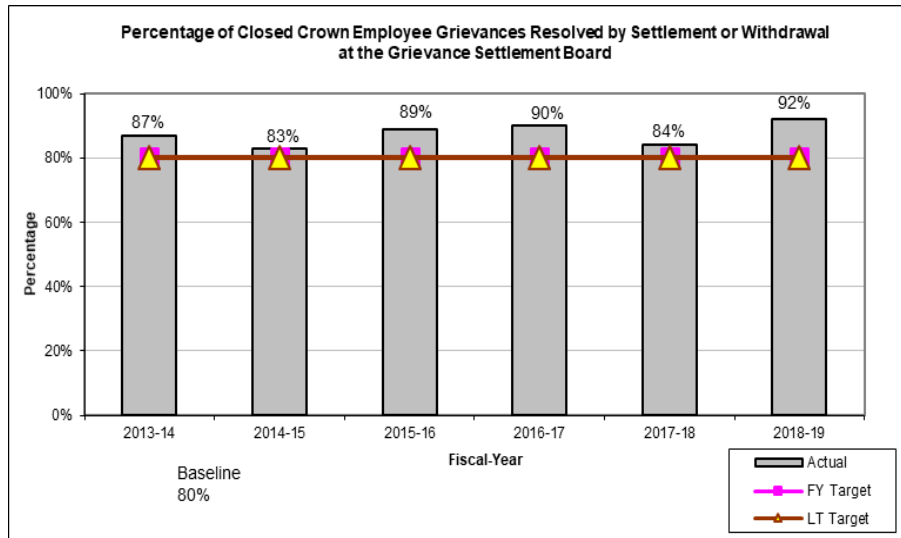
Mediation continues to be the manner in which the large majority of grievances are resolved. Different workplaces have developed their own protocols and practices for mediation. Arbitrators have developed in-depth knowledge about various workplaces, which has allowed them to be particularly effective in resolving workplace problems. The consensual appointment process, whereby the parties mutually agree upon which Arbitrator will mediate or arbitrate any particular grievance allows the parties to benefit from the particular skills and knowledge of individual Arbitrators.

## GRIEVANCE SETTLEMENT BOARD – GRIEVANCES FILED

| <i>TOTAL # OF GSB FILES FOR FISCAL 2016-2017</i> |             |                                                            | <i>TOTAL # OF GSB FILES FOR FISCAL 2017-2018</i> |             |                                                            | <i>TOTAL # OF GSB FILES FOR FISCAL 2018-2019</i> |             |                                                            |
|--------------------------------------------------|-------------|------------------------------------------------------------|--------------------------------------------------|-------------|------------------------------------------------------------|--------------------------------------------------|-------------|------------------------------------------------------------|
|                                                  |             | % of change<br>over previous<br>fiscal - month to<br>month |                                                  |             | % of change<br>over previous<br>fiscal - month to<br>month |                                                  |             | % of change<br>over previous<br>fiscal - month to<br>month |
| APRIL:                                           | 247         | 58.56 % decrease                                           | APRIL:                                           | 233         | 5.67 % decrease                                            | APRIL:                                           | 440         | 88.84 % increase                                           |
| MAY:                                             | 253         | 35.29 % decrease                                           | MAY:                                             | 281         | 11.07 % increase                                           | MAY:                                             | 400         | 42.35 % increase                                           |
| JUNE:                                            | 249         | 35.66 % decrease                                           | JUNE:                                            | 283         | 13.65 % increase                                           | JUNE:                                            | 393         | 38.87 % increase                                           |
| JULY:                                            | 251         | 6.36 % increase                                            | JULY:                                            | 359         | 43.03 % increase                                           | JULY:                                            | 244         | 32.03 % decrease                                           |
| AUGUST:                                          | 192         | 10.70 % decrease                                           | AUGUST:                                          | 297         | 54.69 % increase                                           | AUGUST:                                          | 359         | 20.88 % increase                                           |
| SEPTEMBER:                                       | 210         | 25.27 % decrease                                           | SEPTEMBER:                                       | 267         | 27.14 % increase                                           | SEPTEMBER:                                       | 289         | 8.24 % increase                                            |
| OCTOBER:                                         | 140         | 30.00 % decrease                                           | OCTOBER:                                         | 475         | 239.29 % increase                                          | OCTOBER:                                         | 425         | 10.53 % decrease                                           |
| NOVEMBER:                                        | 312         | 101.29 % increase                                          | NOVEMBER:                                        | 314         | 0.64 % increase                                            | NOVEMBER:                                        | 299         | 4.78 % decrease                                            |
| DECEMBER:                                        | 208         | 52.94 % increase                                           | DECEMBER:                                        | 387         | 86.06 % increase                                           | DECEMBER:                                        | 152         | 60.72 % decrease                                           |
| JANUARY:                                         | 305         | 34.36 % increase                                           | JANUARY:                                         | 395         | 29.51 % increase                                           | JANUARY:                                         | 372         | 5.82 % decrease                                            |
| FEBRUARY:                                        | 268         | 25.23 % increase                                           | FEBRUARY:                                        | 216         | 19.40 % decrease                                           | FEBRUARY:                                        | 184         | 14.81 % decrease                                           |
| MARCH:                                           | 258         | 3.61 % increase                                            | MARCH:                                           | 499         | 93.41 % increase                                           | MARCH:                                           | 382         | 23.45 % decrease                                           |
| <b>TOTAL:</b>                                    | <b>2893</b> | 11.99 % decrease                                           | <b>TOTAL:</b>                                    | <b>4006</b> | 38.47 % increase                                           | <b>TOTAL:</b>                                    | <b>3939</b> | 1.67 % decrease                                            |
| <i>Average</i>                                   | <b>241</b>  |                                                            | <i>Average</i>                                   | <b>334</b>  |                                                            | <i>Average</i>                                   | <b>328</b>  |                                                            |

## APPENDIX A - OUTCOME PERFORMANCE MEASURE

### Percentage of Closed Crown Employee Grievances Resolved by Settlement or Withdrawal at the Grievance Settlement Board



### What does the graph show?

- The graph shows that for 2018-2019, 92% of closed Crown employee grievances were resolved by settlement or withdrawal at the GSB.
- The source of the data is from the GSB Case Management System.

### Agency Contribution

- Resolve disputes through mediation and to a lesser extent arbitration, using highly skilled arbitrators/mediators who work proactively with the Board clientele.
- Provides effective and cost-efficient resolution of disputes within the Ontario Public Service, which contributes to a productive, efficient and accountable workplace.

### 2018-19 Commitment and Long-term Target

- Maintain a commitment of 80% of closed cases by settlement or withdrawal

### 2018-19 Achievement

- 92% of closed grievances were resolved by settlement or withdrawal.

**APPENDIX A (Continued) - 2018/2019 PERFORMANCE MEASURES**

| Grievance Settlement Board | Performance Measures                                                        | Standards/Targets                                                   | 2018/2019 Commitments                                                       | 2018/2019 Achievements                                                      |
|----------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|                            | Percent of grievances disposed of by settlement or withdrawn                | 80% of grievances disposed of by settlement or withdrawn            | 80% of grievances disposed of by settlement or withdrawn                    | 92% of grievances disposed of by settlement or withdrawn                    |
|                            | Timeliness of decisions released by the GSB                                 | 80 % of decisions released within 90 days of completion of hearing. | 80% of all decision released within 90 days from the completion of hearing. | 93% of decisions released within 90 days of completion of the hearing.      |
|                            | Percentage of decisions rendered in fiscal that are not Judicially Reviewed | 90% of decisions rendered in fiscal will not be Judicially Reviewed | 90% of decisions rendered will not be Judicially Reviewed.                  | 98% of decisions were rendered without a Judicial Review application filed. |

## APPENDIX B – BUDGET – 2018-2019

### GRIEVANCE SETTLEMENT BOARD - Financial Report for Annual Report – Fiscal Year 2018-2019

All Figures in \$000.0 thousand

| <b>Account</b>                               | <b>Year End Budget</b> | <b>Year End Actual</b> | <b>Variance</b> | <b>% Variance</b> |
|----------------------------------------------|------------------------|------------------------|-----------------|-------------------|
| Salaries & Wages                             | 465.0                  | 434.0                  | 31.0            | 6.7%              |
| Benefits                                     | 73.5                   | 69.3                   | 4.2             | 5.7%              |
| Other Direct Operating Expenses              |                        |                        |                 |                   |
| Transportation & Communication               | 128.2                  | 117.0                  | 11.2            | 8.7%              |
| Services (including Lease and Per Diems)     | 3513.7                 | 3570.7                 | -57.0           | -1.6%             |
| Supplies & Equipment                         | 23.2                   | 3.8                    | 19.4            | 83.6%             |
| <b>Total Other Direct Operating Expenses</b> | <b>3665.1</b>          | <b>3691.5</b>          | <b>-26.4</b>    | <b>-0.7%</b>      |
| <b>Total</b>                                 | <b>4203.6</b>          | <b>4194.8</b>          | <b>8.8</b>      | <b>0.2%</b>       |
| <i>Recoveries</i>                            | <i>-1841.7</i>         | <i>-1962.6</i>         | <i>120.9</i>    | <i>-6.6%</i>      |
| <b>Net Operating Budget/Exp.</b>             | <b>2361.9</b>          | <b>2232.2</b>          | <b>129.7</b>    | <b>5.5%</b>       |

|                                             |       |
|---------------------------------------------|-------|
| <b>Chair/Vice Chair Per Diems 2018-2019</b> |       |
| Chair /Vice Chairs Per Diem                 | 125.6 |

|                                            |                         |
|--------------------------------------------|-------------------------|
|                                            | <b>Year End Actuals</b> |
| Non-Tax Revenue                            |                         |
| Reimbursement - Employer Share of GSB Cost | 335.2                   |
| Reimbursement - Union Share                | 2043.5                  |
| <b>TOTAL</b>                               | <b>2378.7</b>           |

