

**IN THE MATTER OF AN INTEREST ARBITRATION**

**Between:**

**OCAD**

**and**

**OCADFA**

**(Bill 124 Reopener)**

**Before:** William Kaplan  
Sole Arbitrator

**Appearances**

**For OCAD:** Amanda Lawrence-Patel  
Armin Sohrevardi  
Hicks Morley  
Barristers & Solicitors

**For OCADFA:** Chris Donovan  
Goldblatt Partners  
Barristers & Solicitors

The matters in dispute proceeded to a hearing on July 4, 2023.

## **Award**

As is well known, on November 24, 2022, the *Protecting a Sustainable Public Sector for Future Generations Act*, generally known as Bill 124, was ruled unconstitutional. The May 7, 2021, award between these parties contained a normative reopener provision. A hearing was convened on July 4, 2023 to address the reopener issues.

This award applies to all Association Members employed during the term of the July 1, 2020 to June 30, 2023 Memorandum of Agreement.

I direct additional compensation as follows:

- Effective July 1, 2021 – 1% will be added to each Association Member's base salary.
- Effective January 1, 2022 – 1% will be added to each Association Member's base salary.
- Effective July 1, 2022 – 1.75% will be added to each Association Member's base salary.
- Effective June 30, 2023 – 1.75% will be added to each Association Member's base salary.

In the event that Bill 124 is upheld on appeal at either the Court of Appeal or the Supreme Court of Canada, which results in Bill 124 being in full force and effect, OCAD is not to seek repayment of monies paid pursuant to this award.

This award resolves all claims that the Association may have in any way against the University for lost compensation arising from Bill 124.

At the request of the parties, I am seized regarding any issues arising from the interpretation and application of this award.

Dated at Toronto this 5<sup>th</sup> day of July 2023.

*“William Kaplan”*

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William Kaplan, Sole Arbitrator