June 19, 2006

To Municipal Clerks:

Re: REQUEST FOR PARAMEDIC EXEMPTION FROM PART VII OF THE EMPLOYMENT STANDARDS ACT (Implications of the City of Ottawa Arbitration Decision)

Please find the attached resolution for your consideration.

The Eastern Ontario Wardens’ Caucus and the Western Ontario Wardens' Caucus (EOWC & WOWC) recently met in a joint session to discuss, among other matters, our ongoing concern with the Minister of Labour's inaction around the Employment Standards Act, Part VII exemption request. Our concerns have escalated since the City of Ottawa's arbitration decision was made public in which Ottawa was forced to acknowledge violations. The full decision makes for interesting reading and will have an impact on all ratepayers' tax bills across the province.

To those municipalities that have already supported a previous resolution on this topic, thank you. And to you and to anyone who have not done so in the past, we ask that you consider taking this resolution forward to your councils for action one more time. It appears that the Minister has decided that inaction is the best course of action. But it is costing all of us. We need the full exemption – alternative strategies have been raised by the unions but they will not address the fundamental concern. All services violate Part VII of the Act regularly.

Without the full exemption we face arbitration decisions similar to Ottawa's decision. The mandatory timeframes do not work in an emergency service. Contract language does not address the legislative provisions without first having the exemption. We are as concerned as our employees and their labour representatives that our paramedics receive regular breaks for nutrition and adequate time off but we cannot leave a patient in need of care.

Again, we appreciate the support received to date and ask that you entertain support of this resolution at your earliest convenience. Time is of the essence.

Yours truly,

K. Elizabeth Fulton
CAO – Clerk

Copies: EOWC
         WOWC
         AMEMSO
WHEREAS all employers within the Province of Ontario must comply with the Employment Standards Act 2000, as amended (ESA);

AND WHEREAS Part VII of the ESA requires:

1. At Section 20, all employers to provide their employees with “an eating period of at least 30 minutes at intervals that will result in the employee working no more than five consecutive hours without an eating period” (eating period requirement);

2. At Section 17, all employers to limit the number of hours an employer can require an employee to work during a day;

3. At Section 17 (1), all employers to limit the number of hours an employee can be required to work in a work week;

4. At Section 18 (1), all employers to ensure their employees have at least 11 consecutive hours free from performing work in each day;

AND WHEREAS the recent City of Ottawa arbitration decision makes it abundantly clear that a full exemption is required to address the Section 20 non-compliance issues;

AND WHEREAS the precedent set by the above-noted arbitration decision will inevitably be applied to violations of all other components of Part VII of the ESA when dealing with paramedics in the Province of Ontario;

AND WHEREAS paramedics are part of the health care system in the Province of Ontario;

AND WHEREAS many other health care disciplines are exempt for many sections of the ESA;

AND WHEREAS the industry itself agrees with the proposal put forward that these issues should be negotiated into local agreements;

AND WHEREAS an exemption applied to many services prior to the downloading of Land Ambulance to the Upper Tiers;

AND WHEREAS all Land Ambulance services across the Province of Ontario are emergency services where employees respond to emergencies as directed by Central Ambulance Communications Centres, which, in most areas of Ontario, are under the direction of the Ministry of Health and Long Term Care;

AND WHEREAS there are times during the shifts of the employees of a Land Ambulance service when taking an eating break may place patients at mortal risk;

AND WHEREAS there are times during the shifts of the employees of a Land Ambulance service when these same employees cannot leave their immediate assignment in order to limit the number of consecutive hours of work without placing a patient at potential mortal risk;

AND WHEREAS there are times when employees are required to work longer than the restricted period during a day or per work week, as a result of overtime demands resulting from situations when these same employees could not leave a shift without placing a patient at potential mortal risk;

AND WHEREAS there are times when the period of time between scheduled shifts may be less than required, as a result of the additional time an employee was required to work to avoid placing patients at mortal risk;

NOW THEREFORE the Eastern Ontario Wardens’ Caucus and the Western Ontario Wardens’ Caucus continue to petition jointly the Province of Ontario, through the Minister of Labour, to amend Ontario Regulation 285/01 to include a full exemption from Part VII of the Employment Standards Act, 2000, as amended, for paramedics in the employment of municipalities, other service delivery agents or delegates across the Province of Ontario;

AND FURTHER the Eastern Ontario Wardens’ Caucus and the Western Ontario Wardens’ Caucus petition jointly the Province of Ontario, through the Minister of Labour, to require local agreements regarding meal breaks and work hours issues to be negotiated and must form part of each collective agreement for said agreement to be valid between the parties.

CARRIED