



Fact-checking OPSEU’s Bill 124 Misinformation

Bargaining Management Update February 11, 2022

Recently, OPSEU distributed excerpts from a legal opinion they obtained about Bill 124. We have reviewed that opinion in its entirety and find its conclusions to be unsupported based on the facts.

The opinions we have obtained from Mediator Keller, Hicks Morley LLP, and Treasury Board (the body that enforces Bill 124) all conclude that the union’s demands offend Bill 124. In view of all these legal opinions and having reviewed the Union’s legal opinion, we find the Union’s position to be inaccurate and misleading.

The below table outlines the facts surrounding Bill 124 and its applicability.



Fact	Union Claim
<p>Bill 124 applies to unionized and non-unionized employees and managers in the public sector.</p>	<p>“Bill 124 conveniently does not limit salary increases for management.”</p>
<p>Brian Keller’s mediator report clearly details how the union demands contravene Bill 124. He has more than 40 years of arbitration experience, 20 years of which are in the College sector.</p> <p>CEC has also obtained independent legal advice and advice from the Treasury Board (the body that enforces Bill 124). This has been communicated to the Union bargaining team.</p>	<p>“At no time has the CEC ever offered a substantial legal analysis to support their position, which they have often repeated.”</p>
<p>The Union legal opinion fundamentally ignores section 10 limitations on “salary rate”. The specific Union demands result in changes to salary rate and offend Bill 124.</p>	<p>“Nothing in Bill 124 requires employers to limit themselves to 1% increases in the cost of delivering their services [, including] from hiring additional staff or changing staffing models. . . . Rather, Bill 124’s focus is more narrowly on restricting the increases in salary/compensation that flow to employees.”</p>



Both parties have obtained legal opinions.

The Union's legal opinion does not consider the effect of changes in workload on salary rate under section 10.

Brian Keller, a respected arbitrator and lawyer, has published his full expert opinion on this matter. We encourage you to review [the report](#).

Read the [Employer Final Offer](#) and make an informed decision ahead of the vote Feb 15-17, 2022.

Sincerely,

The Management Bargaining Team

Dr. Laurie Rancourt (she/her) Bargaining Chair, Humber College
Stephanie Ball (she/her) Executive Dean, Durham College
Goranka Vukelich, PhD (she/her) Executive Dean, Conestoga College
Ian Wigglesworth (he/him), Associate Vice President, George Brown College
Jeannine Verdenik (she/her) Executive Director, Confederation College
Leslie Casson (she/her) Associate Dean, St. Lawrence College