

MEMORANDUM OF AGREEMENT

BETWEEN:

HAMILTON HEALTH SCIENCES CORPORATION
(hereinafter referred to as "the Hospital")

And:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION
(hereinafter referred to as "the Union")
and its LOCAL 273

WHEREAS OPSEU and Hamilton Health Sciences were parties to a collective agreement with a term April 1, 2019 – March 31, 2021;

AND WHEREAS the collective agreement provided the following wage increases negotiated under the constraints of Bill 124 *Protecting a Sustainable Public Sector for Future Generations Act, 2019*;

April 1, 2019 – 1%

April 1, 2020 – 1%

AND WHEREAS OPSEU and Hamilton Health Sciences are parties to a collective agreement with a term April 1, 2021 – March 31, 2023;

AND WHEREAS the collective agreement provided the following wage increases negotiated under the constraints of Bill 124 *Protecting a Sustainable Public Sector for Future Generations Act, 2019*;

April 1, 2021 – 1%

AND WHEREAS on November 29, 2022 the Ontario Superior Court of Justice issued a decision deeming Bill 124 unconstitutional and therefore void and of no effect;

AND WHEREAS the parties met on April 12, 2023 and April 26, 2023 to re-open negotiations on compensation.

NOW THEREFORE the parties agree as follows.

- (1) The Hospital agrees to provide further wage adjustments as follows:
 - 0.75% retroactive to April 1, 2019
 - 0.75% retroactive to April 1, 2020

- 1.0% retroactive to April 1, 2021

These wage adjustments shall be paid to current employees on staff no less than six (6) full pay periods from the date of this agreement.

The Hospital agrees to contact former employees at their last known address on record with the Hospital within six (6) full pay periods from the date of the settlement, to advise them of their entitlement to retroactivity.

Former employees will have a period of sixty (60) days from the date of the notice to claim such retroactivity and, if they fail to make such claim within sixty (60) days, their claim will be deemed to be abandoned.

- (2) The parties further agree to the additional compensation enhancements included in the attached Appendix "A".
- (3) In light of the uncertainty in this situation, and in the event that the appeal is allowed at either the Court of Appeal or the Supreme Court of Canada, the Parties agree the issue will be brought in front of an interest arbitrator with respect to any re-opener if the Bill 124 appeal is successful, or a stay is granted.
- (4) The parties agree this memorandum is without prejudice to any position that OPSEU/SEFPO may take regarding the appropriate remedy for the Government of Ontario's breach of section 2(d) of the Charter.

Signed on this 26 day of April, 2023

For the Union:

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Rohan Arest
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