

UPDATE ON CONFLICT OF INTEREST GRIEVANCE

Our second arbitration hearing for the Conflict of Interest ("C of I") Policy was held on September 25, 2009, in Toronto. Many thanks to Frank Inglis, our past president who graciously came to help and our new OPSEU staff representative, Beth Collier.

After opening statements from both the Union's counsel and the AGCO's counsel, it became apparent to the Arbitrator that the [AGCO had not properly engaged the Union members before implementing the Conflict of Interest Policy](#). Kevin Burkett, the Arbitrator was not happy that both sides had not sat down to talk about their concerns before this Policy was written up and he had real concerns on whether the present Conflict of Interest Policy was reasonable in nature.

Kevin Buckett has now requested both sides to mediate and to talk about their differences & concerns. To this end, the CEO, AGCO, both Counsels and the Union have been given the direction to have these discussions. [Our next step is now for both sides to set up dates for the mediation talks to begin.](#)

The Union's position is still that the restrictions placed on our Members by the AGCO have gone too far and are excessive. We stated that [our Members should have the right to play the lotteries](#). Arbitrator Burkett did indicate that the Union needs to accept the principle that anyone with direct AGCO involvement with the regulation of the lotteries should have some type of restriction on him/her. [It is still to be determined what that or any other restriction\(s\) might be.](#)

If mediation fails, then we will end up back in arbitration, where the Arbitrator's decision is final, ruling either in the Union's or the AGCO's favour - no compromise.

[We feel successful mediation is the best possible outcome for the Members. The first mediation date is December 2, 2009](#), with further dates, if needed, to be added before a potential Spring 2010 arbitration date. Should arbitration become necessary, April 16, 2010, has been tentatively booked.

In Solidarity
Mike Gyemi
President, OPSEU Local 565