



Steve Major, MD

## Update on arbitration process for a new MOA

Dear Colleagues:

On July 12, we advised you that the NLMA Board of Directors granted our negotiations team the authority to trigger arbitration as more than a year had passed since giving notice to start negotiations for a new Memorandum of Agreement (MOA). On July 26, the NLMA negotiations team provided written notice to the Minister of Health and Community Services that the Association was formally triggering binding arbitration under Schedule N of our [MOA](#).

In early August, the parties each appointed an arbitrator to be their nominee on the three-person Arbitration Board. The NLMA appointed Dr. Paul Coolican. Before retiring, Dr. Coolican's practice spanned 36 years in NL and Ontario and included work in rural community-based family medicine, in hospital and in long-term care. He also served in various hospital leadership roles, medical advisory roles, as well as on committees responsible for implementing contracts between the Ontario Government and the Ontario Medical Association.

The provincial government's appointee is Dr. Catherine Bradbury. Dr. Bradbury practiced family medicine for 30 years and spent 25 years as a Medical Consultant and Associate Deputy Minister with the Department of Health and Community Services. She also served on the Atlantic Provinces' peer review, the Disciplinary Committee of the CPSNL, and has been a provincial representative on several national committees. She has extensive experience in negotiations, mediation and arbitration.

On August 9, the parties agreed to appoint the Honourable David B. Orsborn as the Chair of the Arbitration Board. David Orsborn has in-depth experience in judicial dispute resolution and served as a mediator to assist with the conclusion of our recent Blended Capitation agreement. He spent 27 years on the Supreme Court, including 5 as Chief Justice and has worked as a chartered accountant and senior executive in hospital administration.

On August 26, the NLMA met with the Arbitration Board and submitted our list of issues for consideration. The issues put forward by the NLMA are based on input from members and are aimed at addressing the long-standing challenges that have resulted in persistent physician turnover and vacancies in the province. These challenges have led to high rates of physician burnout and conditions that compromise access to care and patient safety. The cornerstone of our list of issues is the need for national competitiveness to stabilize the physician workforce.

Both parties have agreed to a mediation process whereby we will present our issues with the goal of finding common ground in advance of a formal arbitration hearing. If the parties are not able to reach an agreement through mediation, we will proceed directly to arbitration. The parties would then make a written submission recommending the scope of issues that will be subject to arbitration, which will be decided on by the Arbitration Board.

The following dates have been set for the mediation process, as well as the arbitration hearing if an agreement cannot be reached through mediation:

- **October 21:** Submission of NLMA mediation brief
- **November 18:** Submission of GNL reply brief
- **November 25-28:** Mediation hearing dates
- **February 12-14:** Arbitration hearing dates (if required)

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We will update members following the mediation process to advise if a deal is within reach or whether arbitration will be required to secure a new agreement. If we proceed with the arbitration hearing, the new agreement will come into effect in early 2025.

## Public Communications

Discussions at the mediation table are confidential and without prejudice. As such, the NLMA will not be commenting on these discussions in public. Likewise, the NLMA will not be engaging the media on negotiations issues during the arbitration process, which bears similarity to a legal hearing. We ask that members also refrain from speaking publicly about negotiations-related issues during this period to protect our position at the arbitration table. If you are approached by the media on such matters, please contact the NLMA at [communications@nlma.nl.ca](mailto:communications@nlma.nl.ca).

The NLMA firmly believes the mediation/arbitration process is the only path to a new MOA without years of undue delay, as we have experienced in previous rounds of negotiations. Furthermore, we believe that this process is the only path for physicians to achieve innovative, long-term solutions to our recruitment and retention challenges that have propelled our health care system into a crisis. We are pleased with the Arbitration Board selection, and we believe they will carefully consider the needs of physicians, the health care system and our patients in their decisions.

Sincerely,



Steve Major  
President



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