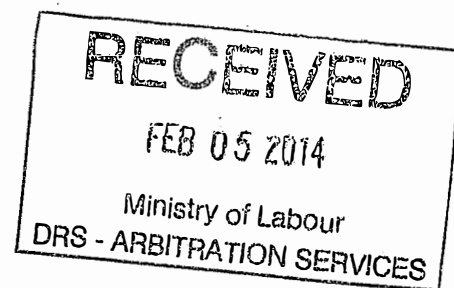


823682
10451-RR-13

IN THE MATTER OF AN ARBITRATION



BETWEEN: ST. JOSEPH'S AT FLEMING
LONG-TERM CARE FACILITY

AND: CANADIAN UNION OF PUBLIC EMPLOYEES,
LOCAL 2280

AND IN THE MATTER OF THE GRIEVANCE OF R. PETERS
CUPE FILE NO. RP-01-13

SOLE ARBITRATOR: MAUREEN K. SALTMAN

APPEARANCES

FOR THE EMPLOYER: KIMBERLY PEPPER

FOR THE UNION: GRANT DARLING

Rel. # 3358

AWARD

The Grievor was discharged for cause on May 22, 2013. The discharge resulted from the Grievor's invasion of a co-worker's personal space, which took place in a resident's room while the resident was present.

The Grievor filed a grievance with respect to his discharge, bearing CUPE file number RP-01-13. The grievance was referred to arbitration.

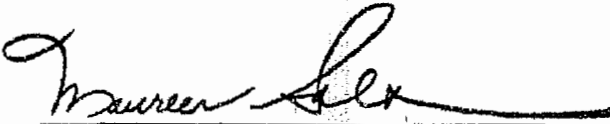
Having heard the submissions of the parties, I find that the Grievor's discharge was neither just nor reasonable in all the circumstances.

Accordingly, I hereby order the following:

1. the Grievor is to be reinstated in employment effective February 17, 2014;
2. the letter of discharge dated May 22, 2013 shall be removed from the Grievor's file and a letter imposing a five-day suspension shall be substituted therefor; and
3. the implementation of the Grievor's reinstatement, including service, seniority and compensation, shall be negotiated by the parties.

I will remain seised to deal with matters of implementation of this award.

DATED AT PETERBOROUGH, this 24th day of January, 2014.


Sole Arbitrator