

IN THE MATTER OF A LABOUR ARBITRATION

B E T W E E N :

HYDRO ONE

and

POWER WORKER'S UNION

Monthly Review

MARTIN TEPLITSKY, Q.C.
Arbitrator

APPEARANCES:

On behalf of
Hydro One: **Michael Horvat, Counsel**

On behalf of
Power Workers' Union: **Nick Coleman, Counsel**

Hearing held on December 3, 2013

HO-T-3067

Decision: The Union claims that the grievor was admitted to the Hydro One apprentice program for Utility Arborist in the PWU Hiring Hall in 2008. Hydro One disputes this claim on the basis that such admission was in error, or in any event, the grievance is out of time.

I am satisfied on the unique basis of the grievance and the documentation provided that had the grievor been an apprentice, he would not have been subject to seasonal layoffs in 2010-2011 and 2011-2012, but conversely would not have enjoyed the higher rate of an Electrical Forester Journey person since his hire.

I am prepared, in the unique circumstances of this case and the conflicting documentation, to adjust the grievor's ECD to date of hire to March 2008 and on that basis, he should be selected to a regular Regional Maintainer-Forestry position effective January 2014. I understand that the position available to him will be in Dryden or Thunder Bay, as solely determined by management. There will be no order for the payment or return of back wages.

There are hiring agreements in place for 2013-2014 and 2014-2015. Offer letters have already been sent and accepted by all other qualified candidates for 2013-2014. The assignment of the grievor to a position for 2013-2014 will be one above complement for 2013-2014, however, the number of positions hired in 2014 for 2014-2015 will correspondingly be reduced by one position to a total of 34 (under P-84).

This award is without precedent or prejudice to any other matter.

HO-P-85

Decision: Settled. I remain seized.

DATED the 3rd day of December, 2013.

MARTIN TEPLITSKY, Q.C.
Arbitrator