

REL# 66548
File 10: 830528

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APR 14 2015

Ministry of Labour

RE: Chartwell Senior Housing REIT (the "Woodhaven") - ARBITRATION SERVICES

(the "Employer")

-and-

Healthcare Office and Professional Employees Union, Local 2220, UBCJA

(the "Union")

Grievance of Diane Fernandopulle (#02-24-DF)
Ministry of Labour File No.: 10227-XR-14

AWARD

For the Employer: Paula O'Reilly

For the Union: Kim Leblanc, Business Representative, HOPE Local 2220
Diane Fernandopulle, Grievor
Mark J. Lewis, General Counsel – CDC, UBCJA

The hearing concerning this grievance continued before me on Tuesday, March 24, 2015. At the hearing, the parties were able to agree on the relevant facts and to further agree as to the disposition of this grievance.

Specifically, the parties agreed as follows:

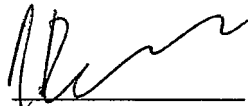
1. The above-noted grievance was properly brought and referred to arbitration pursuant to the *Agreement Concerning Interim Procedures* between these parties, dated June 26, 2012, and the subsequent Collective Agreement effective until June 24, 2014 (established by a decision of Arbitrator Dana Randall dated March 17, 2014) and Section 49 of the *Labour Relations Act*;
2. In February, 2014, the grievor, Diane Fernandopulle, was transferred, by the Employer, from the Thornhill, fourth floor, Home Area (of the Waterford LTC) to the Stouffville, third floor, Home Area, where she is currently still working;
3. The Employer confirms that the transfer of Ms. Fernandopulle was in no way disciplinary and was specifically not the result of any wrongdoing on her part;
4. The transfer of Ms. Fernandopulle resulted solely from the personal conflict between Ms. Fernandopulle and a particular resident (in the Thornhill Home Area) caused by the unfounded allegations and complaints of the resident which,

in turn, were the result of the resident's cognitive disorder stemming from an ongoing degenerative condition; and,

5. The parties agree that once the resident in question leaves the Thornhill Home Area, Ms. Fernandopulle will have the option of returning to that home area.

Based on the above, and at the request of the parties, I hereby formally incorporate the above set out facts into this Award and make the necessary Orders for the agreement reached by the parties set out in paragraph 5 above.

DATED at Thornhill, Ontario, this 9th day of April 2015.

A handwritten signature in black ink, appearing to read 'Michael Bendel', written over a horizontal line.

Michael Bendel,
Arbitrator