

IN THE MATTER OF AN ARBITRATION

BETWEEN:

VALE CANADA LIMITED

("the Employer")

AND:

UNITED STEELWORKERS, LOCAL 6500

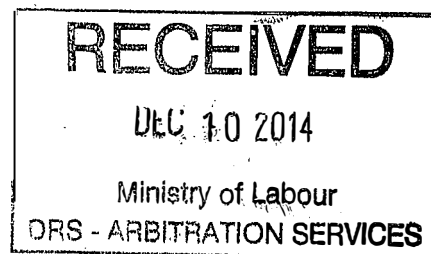
("the Union")

IN THE MATTER OF:

GRIEVANCE OF MICHAEL GRATTON

SOLE ARBITRATOR:

Kevin M. Burkett



APPEARANCES FOR THE COMPANY:

Lauri Reesor	- Counsel
Chantal Snow	- HR Business Partner
Lee Weitzel	- Maintenance & Logistics Manager, Coleman Mine

APPEARANCES FOR THE UNION:

Tim Kiley	- VP USW Local 6500
Pascal Boucher	- Chief Steward, Mining
Myles Sullivan	- North-East Ontario area Co-ordinator

A Hearing in this matter was held on October 10, 2014 in Sudbury, Ontario

File ID: 834564
File Folder: 10473-RR-14
Relid: 41970

A W A R D

The Union challenges the termination from employment of Mr. Michael Gratton, a bargaining unit employee with less than two years service. Mr. Gratton was terminated on February 28, 2013 for his role in a physical altercation with another employee. He had previously been disciplined for having gotten into a “shouting match” with his supervisor. In the circumstances the Employer considered the physical altercation to be a culminating incident involving a short-service employee that provided just cause for termination. There is no dispute with respect to my authority to hear and determine this matter.

A hearing was convened in Sudbury, Ontario on October 10, 2014.

Having been apprised of the facts in this matter and the parties having made submissions, the parties were content that I rule on this matter.

Given the nature of the underground work-place and the priority given to employee safety, there is no place underground for an employee who cannot control

his temper. An underground miner must be a team player who has his wits about him at all times. Clearly, the grievor's conduct on these two occasions during his relatively short period of employment has given the Employer reasonable cause to question his suitability for this type of work.

However, the grievor has subjected himself to anger management counselling and is prepared to take additional anger management counselling, he understands the seriousness of his misconduct and he is contrite. Given his age (42 years) and the current state of the mining economy the economic hardship resulting from his termination would be severe.

I have decided that the necessary deterrent purpose can be served with a lengthy suspension. I have further decided that if the grievor successfully completes additional anger management counselling he can be successfully reintegrated into the workforce. However, given the legitimate concerns of the Employer with respect to his suitability, such reintegration would have to be on the basis of term of reinstatement that underscore that this is the grievor's last chance. Finally, because I am, in effect, giving the grievor a last chance I must remain seized to deal with any further lapse by the grievor.

Having regard to all of the foregoing I hereby direct;

1. That the grievor successfully complete additional anger management and work place conflict resolution counselling during the period October 15 to December 31, 2014 as directed by the Employer. Such counselling is to be under the EAP program or such other counselling as may be provided and paid for by the Employer.
2. That upon the successfully completion of this counselling that he be reinstated without compensation, but with no loss of seniority /service effective January 1, 2015.
3. That any future incident of loss of temper be cause for immediate termination subject of the right of the Union to grieve only the question of whether such an incident occurred. The grievor remains at step 4 for a period of three years.
4. Arbitrator Kevin Burkett remains seized to deal with the implementation of this award including paragraph 3 above.

DATED in Toronto, Ontario on this 20th date of October, 2014.

Kevin Burkett

Kevin M. Burkett