

**IN THE MATTER OF AN ARBITRATION
BETWEEN:**

OMNI HEALTH CARE VILLAGE GREEN NURSING HOME

(the “Employer”)

-and-

UNIFOR, LOCAL UNION 8300

(the “Union”)

AND IN THE MATTER OF A POLICY GRIEVANCE REGARDING ARTICLE 20.08 (b)

Louisa M. Davie

Sole Arbitrator

Appearances

For the Union:

Kelly Anne Orr

For the Employer:

Melissa Nixon

Award

This policy grievance was heard in the City of Peterborough. The grievance alleges that Village Green ("the Employer") has violated the collective agreement to which it is bound together with UNIFOR, Local 8300 ("the Union") in its interpretation and application of article 20.08 (b). That article deals with "shift exchanges" and "shift giveaways". The Employer denies it has violated the collective agreement.

At the commencement of the hearing the parties agreed to use the arbitration/mediation provisions of the Labour Relations Act. They did so because of their mutual desire to further harmonious labour relations between them and to avoid lengthy and potentially acrimonious litigation with uncertain results.

Through the mediation/arbitration process I heard detailed opening statements from the parties. I also received into evidence various documentary exhibits upon which each party intended to rely. Having regard to the matters addressed during mediation and the respective positions of the parties I have made the following determination with respect to the interpretation and application of article 20.08 (b).

I find that in addition to the limitations concerning shift exchanges or shift giveaways referred to in article 20.08 (b) it is apparent that article 20.08 (b) does not apply to permanent shift exchanges and permanent shift giveaways.

Dated at Mississauga this 7th day of February, 2015

Louisa Davie

Louisa M. Davie