

**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 THE GRIEVANCE OF SHERRY MCDONALD

Louisa M. Davie

Sole Arbitrator

Appearances

For the Union:

Kelly Anne Orr

For the Employer:

Melissa Nixon

Award

In this individual grievance of Sherry McDonald ("the grievor") it is asserted that Village Green ("the Employer") violated the collective agreement when it denied the grievor's request to "drop" a shift from her schedule and "give" that shift to another employee. The grievor maintains this violates article 20.08 (b) of the collective agreement. The Employer denies that it has violated the collective agreement.

This grievance was heard in Peterborough on February 5, 2015. At the commencement of the hearing the parties agreed to employ the mediation/arbitration provisions of the Labour Relations Act in an effort to deal with this grievance in an expeditious fashion. In the context of that mediation/arbitration process I heard the respective submissions of the parties and reviewed certain documentary exhibits.

Having regard to the matters addressed during the mediation/arbitration process I find, order and direct as follows:

1. I find that article 20.08 (b) does not apply to the circumstances underlying the grievor's request.
2. I find that the grievor has provided satisfactory medical evidence to substantiate that she needs a permanent accommodation.
3. I order that the Employer will continue to accommodate the grievor and will reduce the grievor's scheduled hours of work by permanently deleting from her current schedule one (1) night shift, namely the second Monday 11:00 pm to 7:00 am shift.
4. In the event the grievor leaves the position in which she is being accommodated the Employer may post the position as either a 9 or 10 shift position.

I will remain seized in the event the parties experience any difficulty implementing this award.

Dated at Mississauga this 7th day of February, 2015.

Louisa Davie

Louisa M. Davie