

IN THE MATTER OF ARBITRATION
UNDER THE LABOUR RELATIONS ACT, 1995

B E T W E E N

ACCURCAST INC.

("the Employer")

and

UNIFOR LOCAL 1941

("the Union")

Grievance of Steve Wiebenga

BEFORE: Colin Johnston

APPEARANCES:

For the Employer: Mark Geiger, counsel

For the Union: Mike Byrne, National Representative

Hearing held in Chatham, Ontario on September 18, 2015

- [1] I was appointed by the Ministry of Labour to hear a termination grievance dated July 7, 2015 filed on behalf of the Grievor, Steve Wienbenga. The parties agreed to proceed by way of mediation-arbitration process.
- [2] The Grievor, Steve Wienbenga had been employed as a metal operator with the employer for approximately 4 years prior to his termination. He was also a union steward with UNIFOR Local 1941.
- [3] The Grievor was suspended on July 2, 2015, and later terminated on July 17, 2015 for inappropriate comments he made in front of a supervisor and other bargaining unit members, regarding the physical appearance of a female employee. The supervisor challenged the Grievor for the comments that he made. In response, the Grievor stated that the rules regarding sexual harassment did not apply to union members and only applied to supervisors.
- [4] There is no dispute and the Grievor acknowledges that he made the comments described in paragraph 3. The Grievor further acknowledges that these comments were inappropriate.
- [5] Upon considering the undisputed evidence in this case and submissions from representatives for both parties, I order that the following:
 - a. The Grievor will be reinstated commencing Wednesday September 23, 2015.
 - b. The Grievor's record will show that he served a one-week suspension from July 2 to July 9, 2015.
 - c. The remainder of his time off from July 10 to September 23 will be converted to an unpaid layoff. This recognizes the fact that had the Grievor not been terminated during this period, the employer would have issued a layoff notice to the most junior employee in the Grievor's department. I order that the Grievor be identified as being laid off for this period.
 - d. The Employer will reissue a Record of Employment to Grievor, which reflects the information set out in paragraphs b. and c., above.
 - e. The Grievor will provide a written apology to the Employer.
 - f. The Grievor will provide a verbal apology at a meeting to be attended by the union stewards and supervisors in the plant.
 - g. The Grievor will also provide a verbal apology at the Union's next general meeting.

- h. The Employer will post a notice in the workplace reminding staff that its policy regarding no harassment in the workplace, applies to all staff including supervisors and members of the bargaining unit.

[6] The parties have asked that I remain seised of any future incidents of discipline involving the Grievor for a one-year period following the issuance of this award. I will also remain seised to deal with any disputes regarding the interpretation or implementation of this award.

Dated this 18th day of September, 2015 in the Town of Lakeshore, Ontario.

A handwritten signature in black ink, appearing to read 'C Johnston', is written over a light gray rectangular background.

Colin Johnston, Arbitrator