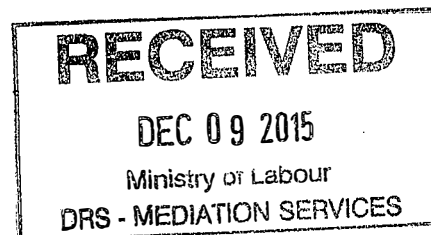


IN THE MATTER OF AN ARBITRATION HELD PURSUANT TO S. 50 OF THE *LABOUR RELATIONS*
ACT, 1995:

BETWEEN:

TEAMSTERS LOCAL 847 (the Union)



AND

MAPLE LEAF SPORTS AND ENTERTAINMENT (the Employer)

RE: GRIEVANCE OF ASLI MUSA (the grievor)

Appearing for the Union: Fernanda Santos

Appearing for the Employer: Les Fisher

Sole arbitrator: Norm Jesin

Hearing Date: December 7, 2015

Relid: 40740
Fileid: 845220
Folderid: 10397-RR-15

AWARD:

The grievance in this case alleges that the grievor's employment was terminated without just cause, contrary to the terms of the collective agreement between the parties. The facts giving rise to the grievance are as follows:

The grievor was employed as a part-time server at one of the restaurants operated by the Employer. She had been employed for approximately two years at the time she was terminated. The grievor was terminated for failing to notify the Employer of an impending absence at least four hours in advance of the starting time of her scheduled shift, as required by the Employer's policy. The grievor had previously received a verbal warning, a written warning and two suspensions of one shift duration, all for failing to give sufficient notice that she would not attend at her scheduled shift. According to the Employer the last incident was a culminating incident which, in light of her record and relatively short seniority, justified her discharge.

The grievor stated at the hearing that she had been suffering from irritable bowel syndrome. She had been absent for two days prior to the incident giving rise to her discharge. On the morning in question she intended to go to work, but again, did not feel well in the morning. She stated that she called in only a few minutes less than four hours prior to her shift. The Employer was unable to provide a precise time of her call.

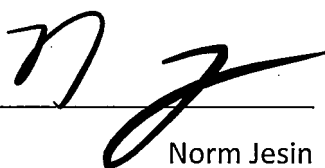
In any event, the grievor stated that when she returned to work she provided a medical note in support of her absence, although the Employer could not confirm or deny that she had provided such a note. In any event, the grievor did try and provide a second note after she was

terminated, but that note gave very little information as to whether she was suffering from a medical condition.

Although the medical information provided in the second note was skimpy, to say the least, I am prepared to accept that the grievor was suffering from an illness on the day in question. Furthermore, although the grievor acknowledges that she did not give four hours' notice of her absence, the evidence does not establish that her notice was significantly late.

In all the circumstances I have determined that the Employer did not have just cause to discharge the grievor. I therefore direct that the Employer rescind the grievor's discharge and reinstate the grievor into her employment forthwith. No further remedy is requested or granted.

Dated at Toronto, Ontario, this 9th day of December, 2015


Norm Jesin