

RECEIVED

APR 06 2016

Ministry of Labour
DRS - ARBITRATION SERVICES

IN THE MATTER OF AN ARBITRATION
BETWEEN:

PEEL CHILDREN'S AID SOCIETY

("Employer")

and

CUPE, LOCAL 4914

("Union")

AND IN THE MATTER OF A GRIEVANCE IN RESPECT OF JOHN KOTUR

Stephen Raymond

Arbitrator

Appearances for the Employer:

Kelsey Orth

Counsel

Sandra Chiodo

Director of Human Resources

Aynsley Hare

Human Resources Consultant

Mary Beth Moellenkamp

Sr. Service Manager, Parent and Child Capacity
Building Branch

Appearances for the Union:

Beverley Patchell

CUPE National Representative

Bonnie Wong

CUPE National Representative

Sonia Yung

President, CUPE, Local 4914

Rhonda Grigsby

Chief Steward, CUPE, Local 4914

John Kotur

Grievor

A hearing in this matter was held in Mississauga on March 24 and 30, 2016.

RL # 8096
File ID: 851841
Folder # 10001-CR-16

AWARD

There are two grievances before me, one is a policy grievance, the other is an individual grievance brought by John Kotur. There is no issue as to my jurisdiction.

The grievances proceeded pursuant to section 50 of the Labour Relations Act. I met with the parties together and separately and received their full representations in respect to the issues raised by the grievances.

Having considered this matter, I direct as follows:

The Employer will amend the Policy as follows:

Revised Wording

10. Engaging in any business or transactions or having a financial or other personal interest which is incompatible with the employee's daily responsibilities, including engaging in any outside work or business undertaking:

- That interferes with the performances of the employee's job;
- In which the employee has an advantage derived from her/his employment with Peel Children's Aid;
- In a professional capacity that may influence or affect the employee's employment duties.
- That involves social work or social services work, similar to that provided by Peel Children's Aid (includes consulting, assessments or counselling in areas such as home studies, custody and access, parenting capacity) for an individual who:

1. lives in Peel Region and
 - a. is a child under the age of 16 years old;
 - b. is a parent/caregiver of a child under the age of 16 years old (e.g. kin; guardian; foster parent etc.);
 - c. is in a caregiver role for a child under the age of 16 years old (e.g. teacher; day-care worker etc), or
2. has an open or recently closed file with Peel Children's Aid, or
3. becomes a client, **receives services or applies to receive services** with Peel Children's Aid during the employee's outside work with

them, where "receives services" may include but is not limited to:

- a. kinship assessments;
- b. foster parent assessments; and
- c. adoptive assessments.

It is the responsibility of Peel CAS employees to advise their clients and/or external employer(s) of their employment with Peel Children's Aid and the expectations of Peel Children's Aid under this Policy.

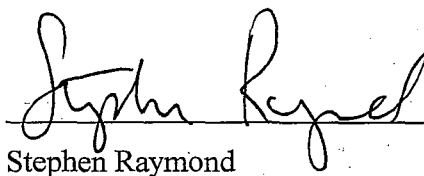
Employees are not permitted to use any Peel CAS records for the purpose of other employment or potential employment.

Changing a policy requires an implementation period. Existing employees who are currently in violation of the Policy will be given to May 6, 2016 to advise the Employer of their outside employment and/or practice(s). Their outside work will be analyzed under the Policy and the following shall apply:

- If the Policy does not disqualify the employee from his or her outside work, the employee may continue the work.
- If the Policy does disqualify the employee from his or her outside work, the employee will have until October 31, 2016 to arrange for his or her outside work to meet the requirements of the Employer, or otherwise cease that outside work. During this time the employee will be expected to adhere to the following:
 - No taking on new clients in Peel to whom the Policy would apply;
 - Expected to advise outside employer or referral sources that they cannot take on any clients in Peel to whom the Policy would apply;
 - Wrap up or effect transfer of ongoing work with any clients in Peel to whom the Policy would apply.
 - Should any issues arise in an employee's efforts to wrap up or transfer ongoing work that would otherwise result in that employee being in violation of the Policy, the employee and his or her Manager will meet to determine how to handle any such issue with the goal of bringing the employee into compliance with the Policy as expediently and efficiently as possible.
- After October 31, 2016 any employee not in compliance will be dealt with in accordance with the applicable Employer policies.

I am seized with respect to the implementation and application of this Award, and any disputes that may arise thereof, including the process outlined above in respect of the implementation period.

Dated at Toronto, this 6th day of April, 2016.

A handwritten signature in cursive script, appearing to read "Stephen Raymond", is written over a horizontal line.

Stephen Raymond