

IN THE MATTER OF AN ARBITRATION

BETWEEN:

TEAMSTERS LOCAL UNION 847 (the Union)

AND

MAPLE LEAF SPORTS AND ENTERTAINMENT (the Employer)

Concerning the grievance of Eugene Burgie (the grievor)

Appearing for the Union: Lisa Triano

Appearing for the Employer: Andre Nowakowski

Sole Arbitrator: Norm Jesin

Hearing Date: August 15, 2016

AWARD:

The grievance in this case alleges that the grievor was discharged from his employment without just cause, contrary to the collective agreement between the parties. The grievor was an Usher for the Employer with over 30 years of seniority. He was discharged for a workplace threat against a co-worker. The Union grieved the discharge and raised a preliminary objection regarding union representation based on Article 9.14 of the Collective Agreement.

Having regard to the circumstances as presented and the submissions of parties, I have determined that the grievor is to be reinstated into his employment, without compensation but without loss of seniority on following conditions:

- A suspension of two weeks will remain on the grievor's record for the incident in question, effective date of this award.
- The grievor will take an anger management course for which the employer will pay. He cannot come back to work until he completes the course. The Employer will advise the Union and the grievor within seven days of the anger management programme he is to take. Alternatively, the Employer may approve a program proposed by the grievor or the Union.
- For a period of one year after his return to work, the Grievor will not be scheduled to work in close proximity to the employee who was threatened in the incident that gave rise to the Grievor's termination.

- The grievor will provide an apology to the employee who was threatened in the incident.

I remain seized to resolve any difficulties the parties may have in implementing this award.

Dated at Toronto, this 15th day of August, 2016.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

Norm Jesin