

IN THE MATTER OF AN ARBITRATION

BETWEEN:

HEALTH SCIENCES NORTH

("the Employer")

AND:

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 1623

("the Union")

IN THE MATTER OF:

POLICY GRIEVANCE DATED JANUARY 26, 2015 AND INDIVIDUAL
GRIEVANCES CS2015-163, 15, 167, 200 & 106; CS2016-152, 154, 184, 155

SOLE ARBITRATOR:

Kevin M. Burkett

FOR THE EMPLOYER:

Kathleen Stokes - Counsel

FOR THE UNION:

Andrew Astritis - Counsel

Hearing in this matter held on September 19, 2016 in Sudbury, Ontario

A W A R D

This is a policy grievance dated January 26, 2015 and a number of individual grievances (Nos: CS2015-163, CS2015-15, CS2015-167, CS2015-200, CS2016-152, CS2016-154, CS2016-184, CS2016-155, CC2015-106) that challenge the decision of the Employer to charge, by way of payroll deduction, \$20 for the replacement of employee identification badges that have been lost by an employee. There is no dispute with respect to my authority to hear and determine this matter.

Although there is no reference in the collective agreement to the issuance and/or replacement of employee identification badges, the Employer has had a policy in place since 2005 that provides for a “nominal” charge for the replacement of identification badges. Although the Employer had not levied a replacement charge prior to 2015, it announced during the course of bargaining for the most recent renewal collective agreement that, going forward, it would institute a \$20 charge for the replacement of a lost employee identification badge and has done so.

There is a dispute between the parties as to whether the true cost of a replacement badge is, as the Union asserts, \$5.50 per card or, as the Employer asserts, just under \$10 per card.

While it cannot be that the Employer can “profit” from the re-issue of these badges, there is nothing in the collective agreement that prevents the Employer from recouping the cost of providing replacement identification badges in circumstances where the employee has lost his/her badge. Indeed, given the rate at which these badges have been lost, the recouping of this cost would not be an unreasonable exercise of management rights.

I am satisfied that at this time a replacement charge of \$7.50 per lost identification badge would be reflective of the cost and, therefore properly within management’s rights. It follows from the foregoing and I hereby direct that at this time any replacement charge be set at not more than \$7.50 per lost badge and that from the date of the grievances any employee who has been assessed a replacement charge of greater than \$7.50 (i.e. \$20) be reimbursed the difference forthwith. Further, the Employer is directed to include within the Union-Management committee agenda any pending decision to increase the charge for a replacement badge.

I remain seized.

DATED in Toronto, Ontario on this 29th day of September, 2016.

Kevin Burkett

Kevin M. Burkett