

IN THE MATTER OF AN ARBITRATION

BETWEEN

WILLIAM OSLER HEALTH SYSTEM

("Hospital")

and

TEAMSTERS LOCAL 419

("Union")

Re: Program Assistant Classification Grievances

SOLE ARBITRATOR: James Hayes

APPEARANCES

For the Union

Daniel Anisfeld, Counsel

For the Hospital

Thomas Agnew, Counsel

The issue addressed in this Award was addressed in written submissions made by counsel.

AWARD

1. The Union seeks reconsideration of certain aspects of a decision dated November 17, 2017. It submits that the distinction made between compensation awarded to Ms. Vernon as opposed to her colleagues Cindy Estay and Kelly Tyson contradicted the manifest intention of the order. Accordingly, it argues that the usual principles of *functus officio* do not apply.

2. The November 17th decision recorded that it was based upon my best assessment of the facts and equities having regard to information received during a number of mediation efforts and consultations that have occurred over several years in a fluid labour relations environment. On the agreement of the parties it was issued in a summary 'bottom line' fashion.

3. While respecting Ms. Vernon's understandable disappointment, the Union's request for reconsideration is denied. The intention of the November 17th decision was and remains clear. The principles of *functus officio* preclude further arbitral review.

Dated at Toronto this 11th day of December, 2017.


James Hayes