

IN THE MATTER OF A MEDIATION-ARBITRATION brought pursuant to the Ontario *Labour Relations Act, 1995*, as amended, and IN THE MATTER OF Grievances #021-17 dated March 2, 2017 (the “Grievance”), brought under the collective agreement between the parties below.

BETWEEN:

**United Steelworkers
Local 2894**
(hereinafter called the “Union”)

-and-

Tenneco Canada Inc., Cambridge, Ontario Facility
(hereinafter called the “Company”)

AWARD

Sole Arbitrator:

Peter Chauvin

Mediation/Arbitration held at Cambridge, Ontario:

May 12, 2017

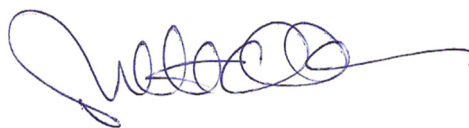
APPEARANCES:

For the Employer: Jamie Knight, Counsel; Gail Flaminio, Manager, Human Resources; Brendan Ryan, Human Resources Generalist.

For the Union: Anita Bryan, Staff Representative; David High, President; Gary Kennedy, Chief Steward; Pat Duggan; and John Billings.

1. The Grievance challenges the 5-day suspension of Eric Braga (the “Grievor”) on March 1, 2017 and asserts a failure by the Company to respond to the Grievance in a timely manner as required by Article 10.03 of the collective agreement. The Company maintains that the Grievor was suspended for just cause, and the disciplinary consequence was appropriate; as far as timeliness is concerned, the Company asserts that it was substantially compliant with an oral agreement to extend the timeline or, in the alternative, that I should exercise my authority under Section 48(16) of the *Labour Relations Act* to extend the timeline.
2. The parties agreed I had jurisdiction to hear the matter, including jurisdiction to apply Section 48(16). I received the Grievance and heard the oral representations of the parties. The parties mutually requested that I proceed by way of an informal process in an attempt to determine whether the grievance might be resolved without the need for full and formal litigation. This approach is consistent with section 50 of the *Labour Relations Act, 1995*.
3. In the course of the informal discussions it was suggested that I would not have to rule on the timeliness objection if the Union was prepared to accept that some discipline was warranted and if the disciplinary consequence was reduced to a 3-day suspension. I considered this to be an appropriate resolution in all the circumstances and the parties concurred.
4. In the result, **I HEREBY ORDER** that the letter dated March 1, 2017 be amended to reflect a 3-day suspension and that the Employer pay to the Grievor 2 days’ pay subject to normal deductions.
5. This Award is made in the particular circumstances of the Grievor’s case, having regard to, and reflecting the rights, needs, and reasonable expectations of the parties and the Grievor. This Award has no value as a precedent in respect of other matters between these parties or other employees, subject to the 3-day suspension forming part of the Grievor’s disciplinary record in the usual way.
6. I commend the parties and the Grievor for the dignified and sensible manner in which they proceeded before me, and for their reasonable concurrence with the resolution above.

Dated at Cambridge, Ontario this 12th day of May, 2017



Peter Chauvin, Arbitrator