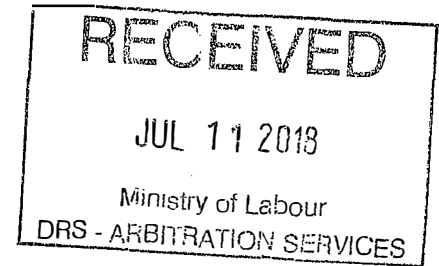


IN THE MATTER OF AN ARBITRATION UNDER
The Labour Relations Act



BETWEEN:

TEAMSTERS LOCAL UNION NO. 419

("the Union")

-AND-

HUMBER RIVER HOSPITAL

("the Employer")

RE: INDIVIDUAL GRIEVANCE OF LENEA SALMON
(Grv #03637)

Before: SOLE ARBITRATOR: M.G. Mitchnick

APPEARANCES:

For the Union:

Lauren Tarasuk
Diane Colucci
Lucy Novello
Jennifer Bonyke
Stannie Muir

For the Employer:

Shane Todd
Veronica Stephen

Hearing held in Toronto, Ontario on June 25, 2018

AWARD

This is the discharge grievance of Lenea Salmon. Ms. Salmon was terminated on February 22nd, 2017, for repeatedly failing to show up for work without any form of communication to the employer, in violation of her responsibilities as an employee, and the express terms of Article 9.03 (c) of the collective agreement.

The parties attended at the appointed place and time for the hearing of this grievance, but the grievor failed to appear. The Union made repeated efforts to communicate with the grievor ahead of the hearing, using the address supplied by the grievor herself on the grievance form, but without success. The Union also used the email address that it had for the grievor; the emails did not bounce back but the grievor did not respond. The employer took the position that the grievor was clearly abandoning her position, and moved for dismissal of the grievance. Notwithstanding the grievor's total lack of communication with the Union, the Union asked that the matter be adjourned pending further attempts to ascertain the grievor's wishes.

In all the circumstances I acceded to the Union's request to a degree, granting an additional 7 days for the Union to attempt to make contact with the grievor.

Following those 7 days, I have received a report from the Union outlining its further efforts and the results. The Union in every way possible sent word to the grievor that she needed to be in touch with the Union immediately if she were to retain her right to grieve the matter of her discharge. On June 28th the grievor finally responded to an email so advising the grievor, and the grievor's response was:

"Hello, I no longer live in Canada. Good bye."

Notwithstanding that, the Union replied asking the grievor to contact it, in order to be sure that it understood her intentions. The grievor offered no further response.

Having regard to all of the above, I am satisfied that the grievor has indeed abandoned both her employment and her grievance, as the employer has submitted, and I hereby dismiss the grievance that the Union has filed on her behalf.

Dated at Toronto this 4th day of July, 2018.

A handwritten signature in black ink, appearing to read "MGMitchnick", written over a horizontal line.

Morton Mitchnick
Sole Arbitrator