

IN THE MATTER OF AN ARBITRATION

BETWEEN:

York University

-and-

York University Staff Association

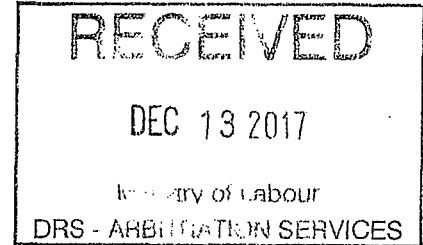
Policy Grievance re: Icy Conditions

Lorne Slotnick, Arbitrator

Representing the Union – Chris Donovan

Representing the Employer – Matthew Demeo

Hearing – Toronto, Ont., June 21 and Dec. 4, 2017



A W A R D

This grievance (YUSA Grv. 03-17) alleges that York University failed to take adequate steps during a day of freezing rain in January 2017 to de-ice walkways and parking lots at its two campuses in Toronto. The union, York University Staff Association/Association du Personnel de L'Université York (YusApuY) represents office, clerical, laboratory and technical employees at the University.

The University denies the allegation in the grievance and maintains that precautions were taken and the normal protocols and procedures were followed. The parties appeared before me on June 21, 2017 and the hearing commenced. The parties again appeared before me on December 4, 2017 and engaged in a mediation process, which was ultimately successful. The parties have determined that there is agreement for the issuance of this award in full and final resolution of the grievance:

1. The parties shall issue the following as a joint statement on joint letterhead from the University and YusApuY on December 14, 2017, which the union will distribute by email to its members in YusApuY Unit 1 and Unit 2:

On January 17, 2017, Toronto was hit with a weather event that included a mixture of rain and ice rain that created challenges for businesses and citizens alike. Leading up to this storm, York University monitored the weather and communicated with the community as part of its normal weather emergencies procedures.

As part of its Weather Emergency procedures, the University does as follows in instances of inclement weather:

- monitor Environment Canada forecasts of potential bad weather and initiate a “weather watch”;
- determine when weather conditions warrant an escalation to a “weather emergency”;
- post this information on the Weather Emergency website (linked to the main page of the University’s web site);

When possible weather emergencies are anticipated, employees should monitor www.yorku.ca for updates. The decision by the University to declare a weather emergency and suspend operations and cancel or postpone classes, exams and activities (with locations/campuses specified) normally will be made by 5:30 a.m. for daytime operations; 5:00 p.m. for evening operations, and 9:00 p.m. for nighttime operations. As appropriate in the circumstances, the University can declare a “weather emergency” before or after those times.

When the University’s operations are suspended or closed because of a weather emergency, YusApuY Unit 1 employees will be compensated in accordance of Article 33.07 of the collective agreement and YusApuY Unit 2 employees will be compensated, if applicable, in accordance with Article 23.03.

If there are situations in which the University remains open and an employee is unable to attend work because of the weather, the employee is to immediately contact his/her direct supervisor and explain the circumstances.

The University will take reasonable precautions and the dedicated staff in Campus Services and Business Operations will continue their best efforts to clear snow and ice promptly.

2. The University confirms that the current Snow Removal and Di-Icing CSBO Standard Operating Procedure (Document # FS-HS-1.00-0 05-November-2007) is in effect and applies in instances of freezing rain.
3. The Union and the University agree to discuss the University’s response to inclement weather at one of the next three Joint Health and Safety Committee meetings.

4. The grievance is hereby settled on a without prejudice and precedent basis and Arbitrator Lorne Slotnick shall remain seized with respect to any issue or disagreement arising from the interpretation and application of this Consent Award.

A handwritten signature in cursive script, reading "Lorne Slotnick", is written over a horizontal line.

Lorne Slotnick, Arbitrator
December 8, 2017