

In the Matter of an Arbitration Pursuant to the Labour Relations Act, 1995

Between:

Unifor Local 1-0

(the "Union")

-and-

Prescott Machine and Welding Inc.

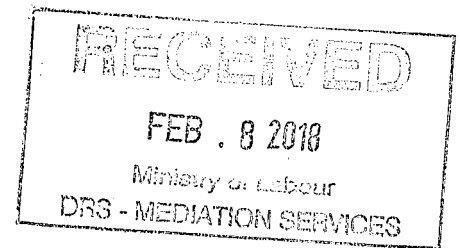
(the "Employer")

Arbitrator: Ian R. Mackenzie

For the Union: D. Simonovic, counsel

For the Employer: J. Eastwood, counsel

Conference Call: February 6, 2018



1. I was appointed by letter dated January 17, 2018 as an arbitrator to hear and determine the grievances filed by the Union against the Employer. I am satisfied that I have jurisdiction to hear these grievances.
2. The Union has filed a Policy Grievance and 10 individual grievances relating to the closure of Prescott Machine and Welding in November of 2017. The grievances relate solely to the payment of severance pay under the *Employment Standards Act, 2000* (ESA).
3. It is the Union's position that Prescott Machine and Welding Inc. was part of Cintube Ltd., a company that operates in both Ontario and Quebec, and therefore should be treated as one employer for the purpose of section 4 of the ESA.
4. Pursuant to section 101 of the ESA, if I find that it is necessary to make a finding on this issue, I must refer that question to the Ontario Labour Relations Board by giving written notice to the Board. The Union and the Employer agree that a determination by the Board is necessary prior to the hearing of the grievances on the merits. I therefore refer that determination to the Board. My notice of referral is attached and forms a part of this award.
5. I retain jurisdiction over the grievances to the extent necessary to resolve any issues which may remain outstanding following the Board's determination of the issue referred to it.

February 7, 2018

File 10's: 884595 & 884596
Folder 10's: 10452-RR-17 &
10453-RR-47
Ref 10: 11428

**Notice to the Ontario Labour Relations Board pursuant to section 101 of the
Employment Standards Act, 2000**

TAKE NOTICE THAT:

1. An issue has arisen in this arbitration with respect to whether the Employer and another person or persons are to be treated as one employer under section 4 of the Employment Standards Act.
2. Pursuant to section 101 of the Employment Standards Act I refer that question to the Ontario Labour Relations Board.
3. Apart from a general finding of jurisdiction over the grievance, I have made no decisions on the other matters in dispute.

A handwritten signature in cursive script, appearing to read 'Ian R. Mackenzie', written in black ink.

Ian R. Mackenzie, Arbitrator

February 7, 2018