

IN THE MATTER OF AN ARBITRATION

BETWEEN

Ontario Power Generation

("OPG" or "Employer")

and

Society of United Professionals

("Society")

Grievance of Yibin Shi

SOLE ARBITRATOR: James Hayes

APPEARANCES

For the Society

Sonia Pylyshyn, Counsel
Ross Mahadeo, Unit Director
Ed Hellier, Unit Director (for successful candidates)

For OPG

W.J. Hayter, Counsel
Frank Costabile, Labour Relations
Elana Kassouf, Human Resources
Charlie Qaqish, Section Manager, Outage Work Group, Darlington NGS
Andy Elstob, Manager, Work Control, Darlington NGS

A hearing was held on December 10, 2018.

AWARD

1. The Society grieves the failure of the Employer to select the Grievor for Vacancy 1700619 – Work Control Team Leader (MP4) at Darlington and, in particular, the failure to provide him with an interview for the position.
2. The parties made detailed openings at the hearing that were informative and that gave rise to two issues. Further private discussions then took place with counsel at which time representations were made concerning a production issue and the order of proceeding.
3. Having considered those discussions and representations, I confirm and rule as follows. It should be understood that this Award should not be taken as constituting a precedent for any future case.
 - A. The Employer will call its evidence first on the clear understanding that the ultimate burden of proof in this matter continues to rest with the Society;
 - B. The Society's request for production of the Screening Matrix applicable to an application made by the Grievor for a subsequent vacancy is denied.

Dated at Toronto, Ontario this 11th day of December, 2018.


James Hayes