

IN THE MATTER OF AN ARBITRATION:

BETWEEN:

LABOURERS' INTERNATIONAL UNION LOCAL 183 (the Union)

AND

BATISTA GENERAL CONSTRUCTION (the Employer)

Appearing for the Union: Caitlin Meggs, Counsel

Appearing for the Employer: Luis Batista

Sole Arbitrator: Norm Jesin

AWARD:

A hearing was scheduled to be held in this matter on March 13, 2019 to consider a grievance filed January 8, 2019 pertaining to unpaid wages. Prior to the hearing the parties executed a settlement. The Minutes of Settlement included recitals in which the parties agreed that the Employer is bound to the Collective Agreement between the Union and the Residential Framing Contractors Association of Metropolitan Toronto and Vicinity presently in effect. The parties further agreed that the Employer had violated said agreement for failing to pay wages owing to Gustavo Yepes and for failing to pay associated remittances to the Union. In the Minutes, the parties then requested that I issue a Consent Order. Having

regard to that request I hereby make the following Declarations and Orders which are reproduced in the precise terms agreed to by the Union:

- a. The Employer is bound to the Collective Agreement between the Union and the Residential Framing Contractors Association of Metropolitan Toronto and Vicinity Inc. effective on its face from May 1st to April 30, 2019 and continuing thereafter in accordance with the terms of any statute (the "Collective Agreement");
- b. The Employer has violated the Collective Agreement as set out in the grievance.
- c. As a result of the violations of the Collective Agreement the Employer shall pay to the Union \$5030.00 in two instalments:
 1. Instalment one will be for \$2688.78 paid to the Union in trust for the Grievor on March 13, 2019 for the Grievor's unpaid wages; and
 2. Instalment two will be for \$2341.22 paid to the Union on May 1, 2019 for monies owed to the Union for remittances and costs associated with arbitration.
 3. I remain seized of the enforcement.

In addition to the foregoing, the Union is directed to ensure that a copy of this Order is served on the Employer.

Dated at Toronto, this 15th day of March, 2019.

A handwritten signature in black ink, appearing to read 'NJ', is written over a horizontal line.

Norm Jesin