

IN THE MATTER OF AN ARBITRATION

BETWEEN

**THE BENEVOLENT SOCIETY HEIDEHOF FOR CARE OF THE AGED
(the “Employer”)
and
NIAGARAR HEALTH CARE AND SERVICES WORKERS UNION
CLAC LOCAL 302
(the “Union”)**

JESSIE CARPENTER TERMINATION GRIEVANCE

APPEARANCES

For the Employer:

Melissa Keeshan, Counsel

Elena Caddis, Executive Director

Darren Griffiths, Dietary Manager

For the Union:

Randall Boessenkool, General Counsel, CLAC

Isobel Farrel, Representative, CLAC

Tammi Paugh-Lane, Steward

Jessie Carpenter, Grievor

Hearing in St. Catharines Ontario: July 10, 2019

Award: July 11, 2019

AWARD

[1] I was appointed pursuant to section 49(4) of the *Labour Relations Act, 1995* to conduct an arbitration regarding a termination grievance on behalf of the Grievor, Jessie Carpenter dated February 12, 2019 filed by the Union. The hearing commenced on July 10, 2019, in St. Catharines Ontario.

[2] At the outset of the hearing, counsel advised me that the parties had agreed that they would initially proceed with a consensual mediation process.

[3] At the conclusion of the mediation process it was agreed that I would issue a bottom line award providing the parties with a confidential Last Chance Agreement for the return to work of the Grievor. The Last Chance Agreement was provided to the parties for signatures.

[4] At the request of the parties, I remain seized to deal with any issue which may arise under the Last Chance Agreement or with respect to the interpretation or implementation of this award.

[5] It is so ordered.

Dated at Niagara-on-the-Lake, Ontario, this 11th day of July, 2019.

A handwritten signature in black ink, appearing to read "Tom Hodges", written in a cursive style.

Tom Hodges
Arbitrator