
In the matter of an arbitration between
GREAT BLUE HERON CASINO
Operated by Ontario Gaming GTA LP
(The Employer)

and

UNIFOR
and its Local 1090
(The Union)

Grievances 18-012, 19-010, 19-053 and 19-086

before

Paul Craven, Sole Arbitrator

A hearing was held at Whitby, Ontario, on July 9 and 10, 2019.

For the Employer: George Waggott, Counsel
Teresa Owen, Manager, Human Resources
Robert Katsavelos, General Manager

For the Union: Corey Dalton, President
Nole Pollock, Chairperson
Cary MacMillan, National Representative

AWARD

I was appointed by the Office of Arbitration, Ontario Ministry of Labour, to hear and determine these four grievances.

1. #18-012, Personal Emergency Leave Days

This grievance was resolved between the parties during the arbitration hearing on terms that were communicated to the arbitrator.

I remain seised as requested to deal with any issues arising out of the implementation of the settlement.

2. **#19-086, Gaming Inspector workload**

This grievance alleges that in some circumstances Gaming Inspectors are being assigned to watch too many tables. The parties have requested a bottom-line decision.

Having heard and considered the submissions of the parties, I find that there was no binding commitment to base Gaming Inspector assignments on a “points system.” For present purposes it is not necessary to determine whether the “Great Blue Heron—Unifor Business Letter” dated July 24, 2018, is arbitrable. The Employer is directed to continue making its best efforts to assign Gaming Inspectors in accordance with the following guidelines where practicable:

- 1 Inspector per 3 Roulette games
- 1 Inspector per 2 Squeeze Baccarat games
- Where there is a single Roulette table the Inspector assigned to that table may also be assigned to a maximum of 4 BJ/Carnival games (i.e. 5 games in total).

The parties are directed to meet as necessary to discuss other workload issues as they arise.

I remain seised as requested to deal with any issues arising out of this award.

3. **#19-010, Maintenance Technician posting**

In posting for a Maintenance Technician the Employer included among the required qualifications, ‘Must possess a valid trade certificate (Building Maintenance Mechanic, Electrician, Plumber, Carpenter, Millwright).’ The Union complains that this was in breach of “Letter of Understanding #3 - Maintenance Skilled Trades” and that it is a disincentive to potential internal applicants who have the skill and ability to perform the work but lack the formal qualification. The parties requested a bottom-line decision.

Having heard and considered the submissions of the parties, I find that Letter of Understanding #3 has no bearing on the matter. The trade certificate requirement has been included in several former Maintenance Technician postings. On occasion an internal applicant who lacked the certificate has qualified for the position by passing a written test. I also note that article 20.08 provides for a thirty day trial period in the new position. On a going-forward basis when the Employer wishes to include a trade certificate qualification in an internal posting for Maintenance Technician, it is directed to phrase that requirement as follows:

‘Must possess a valid trade certificate (Building Maintenance Mechanic, Electrician, Plumber, Carpenter, Millwright), or demonstrate the skills and abilities required by successfully completing the Employer’s Maintenance Technician aptitude test.’

The Employer is not required to include such a proviso in any external posting but may do so at its discretion.

4. **#19-053 Benefits Coverage**

The Union withdrew this grievance without prejudice.

Dated at Whitby, July 10, 2019,

A handwritten signature in cursive script, reading "Paul Craven", written over a horizontal line.

(Paul Craven, Arbitrator)