

BETWEEN

Brockville General Hospital

("the Hospital")

and

Canadian Union of Public Employees, and its Local 5666

(“the Union”)

In the matter of the grievances of Jillian Farella dated September 25, 2018 (2018-050) and December 12, 2018 (2018-072)

Hearing at Brockville, September 11, 2019

Elaine Newman

Appearances: For the Union, Lisa Marion, National Representative
Brian Bain, CUPE Local President
Diane Hampton, Chief Steward

For the Hospital, Colin Youngman, Counsel
Pat Lewis, Manager People Service

AWARD

This Board of Arbitration was appointed jointly by the parties to hear and consider the subject grievances. The hearing was established for September 11, 2019. The Union gave notice to the grievor of the date, time and location of hearing, and took steps to ensure that the grievor knew that information. The Union made efforts to contact the grievor to prepare for hearing, but received no reply to its messages to her.

On the date and at the time established for hearing the grievor failed to attend. The grievor has failed to acknowledge the Union's repeated telephone calls regarding this hearing. The Local President attended at the grievor's work site to discuss the details of this hearing, and to ensure that the grievor was aware of them.

At hearing, the Hospital advised that the grievor had reported for work on this day and had not requested the day off. The grievor was at work, performing her job duties when the hearing convened. There was no indication that the grievor intended to leave work to attend this hearing.

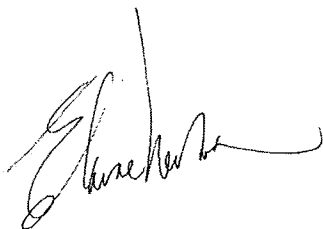
The matter convened in the absence of the grievor.

The Hospital, considering the absence of the grievor, brought a motion to have the grievances dismissed. One was a grievance from a written warning, the other was a grievance from a 3-day suspension.

The Union did not object to the dismissal of the grievances, considering the grievor's failure to respond to its efforts to have the grievor prepare for hearing, and her failure to attend at hearing to provide evidence in support of her grievances.

The grievances are hereby dismissed.

DATED at TORONTO this 14TH DAY OF September, 2019.

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

Elaine Newman, Arbitrator