

IN THE MATTER OF AN ARBITRATION

BETWEEN

ALGOMA STEEL INC.

(the "Company")

and

UNITED STEELWORKERS OF AMERICA, LOCAL 2251

(the "Union")

**RE: CONTRACTING OUT GRIEVANCES
AND GENERAL NATURE GRIEVANCE #20-0053**

CHIEF ARBITRATOR: John Stout

APPEARANCES:

For the Company:

R. Ross Dunsmore - Dunsmore Law
Brent Lanaway
Mike Mannarino

For the Union:

Mark Molinaro
Mario Spina

**HEARINGS HELD BY VIDEOCONFERENCE ON NOVEMBER 12 AND 17,
2020**

AWARD

[1] This matter comes before me in my capacity as Chief Arbitrator appointed by the parties pursuant to Letter of Agreement Re Contracting Out, which is attached and forms part of the Collective Agreement.

[2] On November 12 and 17, 2020, the parties appeared before me by videoconference to address issues relating to the processing of General Nature and individual grievances filed by the Union relating to work contracted out by Algoma.

[3] After carefully considering the parties' submissions, I make the following directions:

- On December 14 and 15, 2020 I shall hear the individual grievances claiming 1.02.40 damages. I will only address grievances where the parties have already resolved all other issues, including overtime claims. I understand that all of the cases involve claims prior to the January 10, 2020, General Nature Grievance, which was resolved by my May 19, 2020 Award. I anticipate that the Company will take the position that no individual remedy is available for those individual grievances filed before January 10, 2020. The Union should be prepared to address such argument.
- In terms of staffing lines, the 2021 Staffing Line Agreement shall be delayed due to COVID-19 and the Project Aurora initiative. However, the parties are directed to meet on or about March 1, 2021, to negotiate a 2021 Staffing Line Agreement. If the parties cannot agree upon a Staffing Line Agreement by April 16, 2021, then the matter will be addressed by me during the April 27 and 28 hearing dates we have scheduled for contracting out matters. The parties will be expected to file submissions on this issue with me by April 23, 2021.

- On November 13, 2020, Mr. Spino, the Union JCOC Co-Chair, made a request for documents relating to staffing lines. Algoma will review the request and respond in due course. Any dispute with respect to the production of documents may be addressed before me on December 14 and 15, 2020.
- A point of clarification is required with respect to the templating of all hoisting work, including projects, maintenance and down days as addressed in May 19, 2020 Award. To be clear, the Company shall be required to indicate on templates for hoisting work, including projects, maintenance and down days the hoisting work that will be required. If such work is being performed by Sterling Crane, then reference must be made to the template for the main Sterling Crane contract to avoid any double counting. I understand that this is the current format now being followed by the Company.
- It should also be clarified that the estoppel claim referenced in my May 19, 2020 Award applies to all General Nature Grievances filed between the date of my MAY 19, 2020 Award and the date of this award.
- The Union is review all General Nature Grievances filed prior to today's date that include hoisting work contracted out to Sterling Crane. The Union is to provide me with report and submissions on why such grievances should not be dismissed as being encompassed by My May 19, 2020 award. I expect an update on the progress of this direction on December 14, 2020.
- The parties have a dispute with respect to Metal Fabricators. This dispute is complex and involves some issues beyond my mandate to resolve contracting out issues. The dispute is long standing and it needs to be resolved at some point. I have suggested that the issue be resolved by Arbitrator Mitchnick as part of the Project Aurora initiative. In any event, there is no doubt that I have

jurisdiction to set Staffing Lines and if the issues surrounding the Metal Fabricators is not resolved by April 27, 2021, then I will address the Staffing Line issue.

[4] I remain seized.

Dated this 19th day of November, 20120 in the City of Toronto, Ontario.

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

John Stout, Chief Arbitrator