

IN THE MATTER OF AN ARBITRATION

BETWEEN

VALE CANADA LIMITED

("Vale")

and

UNITED STEELWORKERS LOCAL 6500

("Union")

Re: Grievance Commissioner (October 15, 2020)

SOLE ARBITRATOR: James Hayes

APPEARANCES

For the Union

Kevin Boyd
Ray Hammond
Ken Hill

For Vale

Kristeen Gaasbeek (Hughes)
Tanya Asdrubolini
Emma Frappier
Jessica Lemster
Behn Dales

A video conference was held on October 15, 2020.

AWARD

1. The following Award is made in my capacity as Grievance Commissioner.
2. The parties delivered comprehensive briefs that were carefully reviewed in advance of the hearing. The briefs were focused and provided all that was required to properly identify the issues. The agreements to core facts made possible the efficient conduct of the Commissioners process just as the Collective Agreement contemplates. Representatives of the parties made oral submissions at the hearing. Those submissions went straight to the points at issue while providing further context. The parties' representatives defended their respective positions without exaggeration or embellishment which only served to make their arguments more effective.
3. As required by Schedule B of the Collective Agreement, the decisions are rendered without reasons. Notably, as required by Article 8.03, such decisions "shall only be applicable to the case in question and shall not constitute a precedent or be used by either party as a precedent in future cases".

Grievance 15-66-32-125 (Scott MacDonald)

4. The situation was unfortunate but no violation of the Collective Agreement has been established.
5. Grievance denied.

Grievances 15-46-60-024 and 15-46-60-059 (George Siminick)

6. The position of Mr. Siminick is understandable given his core duties and availability but the facts here do not disclose a contract violation.

7. The October 11, 2016 commitment, that speaks to the assignment of work to Equipment Operators (184) instead of utilizing Clarabelle Circuit Operators (484) if there is a minimum of four hours' work that they normally perform, is acknowledged. This requires that management personnel conduct themselves in good faith. That Vale commitment was reiterated at the hearing.

8. Grievances denied.

Grievances 15-46-60-068 and 15-46-60-076 (George Siminick)

9. The Step 2 discipline imposed on July 27, 2019 is reduced to Step 1.

10. The Step 3 discipline imposed on March 31, 2020 is reduced to Step 1.

11. This decision takes into account the sunset provision in the Collective Agreement. I make no order of compensation given the circumstances.

12. Grievances allowed in part.

Grievance 15-66-32-109 (Dan Caron)

13. The Grievor received four hours' pay.

14. Grievance denied.

Grievance 15-61-34-107 (Raymond Smith)

15. Grievance denied.

Grievance 10-99-32-013 (Don Sonier and Group)

16. This matter relates to 'temporary' and 'permanent' positions in the Reconditioning Shop that raise practical and policy considerations well beyond the scope of this Grievance. It appears that further detailed discussion is required in an appropriate forum. However, no breach of the Collective Agreement has been established.

17. Grievance denied.

Dated at Bracebridge, this 20th day of October, 2020.


James Hayes