

**IN THE MATTER OF AN ARBITRATION**

**Pursuant to the *Labour Relations Act*, 1995,**

**BETWEEN:**

**HOPITAL REGIONAL de SUDBURY REGIONAL HOSPITAL**

**(“Hospital”)**

**-and-**

**CANADIAN UNION OF PUBLIC EMPLOYEES**

**(“Union”)**

**RE:           POLICY GRIEVANCE # 2010-226, 228, 230**

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|                               |                                              |
|-------------------------------|----------------------------------------------|
| Board of Arbitration:         | Yasmeena Mohamed, Sole Arbitrator.           |
| Appearances for the Employer: | Ms. Diane Barbeau, Director Human Resources. |
| Appearances for the Union:    | Ms. Cora Lee Skanes, National Representative |
| Hearing date:                 | October 29, 2010                             |

## CONSENT AWARD

This case proceeded to a hearing in Sudbury on October 29, 2010. The Hospital and the Union agreed to the following terms of settlement:

**WHEREAS** it is understood and agreed that management experienced an extraordinary situation at the conclusion of the Vale strike due to the loss of significant number of electricians to the Vale and the possibility of a generator failure;

**WHEREAS** it is understood that scheduling during the 10-week period between September 6, 2010 and November 14, 2010, was a means of addressing a significant and urgent shortfall in manpower;

**AND WHEREAS** the Hospital did not follow the 12-hour tour agreement provisions in implementing the 10-week schedule;

**AND WHEREAS** it is further understood that management could have consulted with the Union earlier in this process with a view to exploring alternatives other than what was implemented.

**NOW THEREFORE**, the Hospital agrees as follows:

1. Should the Hospital encounter a similar situation in the future, arising from an emergency situation, it will meet with the Union to discuss a cooperative means of addressing the situation prior to implementing emergency measures;
2. The Hospital and the Union will develop a joint communication outlining the process for implementing 12-hour tours;
3. The communiqué will be sent to unit managers who do not currently operate under the 12-hour tour language, within 30 days of the signing of this agreement;
4. The Hospital agrees to have managers acknowledge that they understand the process by signing a document outlining their understanding within 2 months of receipt of the communiqué;
5. The Electricians will revert to an 8-hour schedule effective November 15, 2010;
6. Arbitrator Mohamed will remain seized to deal with any issues related to the implementation of this agreement;
7. The Union agrees to withdraw the grievance.

DATED at Mississauga, this 31<sup>st</sup> day of October, 2010.

*“Yasmeena Mohamed”*

Yasmeena Mohamed, Sole Arbitrator.