

IN THE MATTER OF AN ARBITRATION

BETWEEN

HYDRO ONE INC.

(“Hydro One”)

and

POWER WORKERS’ UNION

(the “PWU”)

GRIEVANCES HO-P-133 and HO-T- 4212

CHIEF ARBITRATOR: John Stout

APPEARANCES:

For Hydro One:

Daniel McDonald, Norton Rose

For the PWU:

Nick Coleman, Paliare Roland

HEARINGS HELD BY VIDEOCONFERENCE ON FEBRUARY 5, 2021

AWARD

[1] This matter concerns two related grievances filed by the PWU. The grievances arise from a job competition (vacancy #39242) for two Union Trades Supervisor (UTS) 3 positions on the Sudbury Travelling Lines Crew (Sudbury TLC).

[2] The vacancy was posted on October 26, 2020. Hydro One conducted an initial screening to remove those candidates who lacked the necessary experience for the positions, leaving four candidates who were selected for further consideration; Jake Nicol, Raymond Gascon, Wesley McLeod and Jordan Kuruliak. All but one of the candidates were members of the PWU. Mr. Kuruliak was an external candidate, who was a member of the Canadian Union of Skilled Workers (CUSW).

[3] Hydro One conducted in-person interviews of the four candidates on November 23, 2020. The candidates were scored and ranked as follows:

- Jordan Kuruliak – 82.18%
- Jake Nicol – 66.4%
- Wes McLeod - 63.28%
- Ray Gascon - 59.44%.

[4] On December 11, 2020 Matt Baker, Superintendent Construction Services advised the Sudbury Chief Steward, George Harrison, that Mr. McLeod and Mr. Kuruliak were the successful candidates. Mr. Harrison advised Mr. Baker that selecting an external candidate, when there were qualified PWU candidates, would be a clear violation of Articles 10.1.1 and 10.2. Hydro One appointed Mr. Kuruliak and Mr. McLeod to the positions and the PWU filed the two grievances.

[5] At the hearing, Mr. Baker acknowledged that at least two of the PWU candidates were qualified and that the selection of the external candidate in these circumstances was a violation of Article 10.1.1 of the Collective Agreement.

[6] The parties also discussed the broader labour relations issues that have arisen in the Sudbury area.

[7] In view of the foregoing, I am allowing the two grievances with respect to a violation of Article 10.1.1. It was agreed that I could make a without prejudice order that takes into consideration the unique labour relations circumstances of this situation.

[8] Therefore, after carefully considering the parties' submissions, I order as follows:

- Mr. McLeod shall remain in his UTS 3 position.
- Mr. Nicol is to be appointed to the UTS3 position effective December 29, 2020.
- Mr. Kuruliak shall remain in the UTS3 position but his position will be additional position over complement.

[9] I remain seized to address any issue fairly raised but not addressed in this award, including implementation of my orders.

Dated at Toronto, Ontario this 5th day of February 2021.

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

John Stout- Chief Arbitrator