

IN THE MATTER OF AN ARBITRATION

B E T W E E N:

LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183

(the "Union")

-and-

KLEENWAY SERVICES INC

(the "Employer")

SOLE ARBITRATOR: Norm Jesin

AWARD

1. I am seized with disputes arising out of the implementation of Minutes of Settlement (the "MOS") entered into by the parties on July 26, 2021. At the Union's request, an expedited hearing was scheduled to address several such disputes.
2. The MOS established a process whereby the Employer would distribute a Benefits Form to all eligible employees within 30 days of execution of the MOS, and the Employer would enrol all eligible employees in the Benefits Plan who did not submit a completed/ signed Form opting out of the Plan within 45 days of execution of the MOS.
3. The Employer acknowledges that it breached Article 2 of the MOS by failing to distribute the Benefits Form to all eligible employees by August 25, 2021 and by failing to provide the Union with a list of all employees to whom the Form was distributed on or before August 25, 2021 (the "distribution list"). The Employer further acknowledges that it breached Article 5 of the MOS by failing to provide copies of the completed Benefits Forms to the Union within two weeks of receipt.
4. On September 29, 2021, the Employer produced the distribution list. On October 1, 2021, the Employer produced copies of several Benefits Forms completed by bargaining unit

employees. According to the completed Benefits Forms produced to the Union, a total of six eligible employees opted out of the Benefits Plan.

5. Pursuant to Article 4 of the MOS, the Employer was required to ensure that all eligible employees who did not provide a completed and signed copy of the Benefits Form opting out of the Plan were enrolled within 45 days the execution of the MOS, September 9, 2021.
6. I hereby declare that the Employer breached the MOS as described above.
7. By no later than November 1, 2021, the Employer is hereby ordered to enrol all eligible employees, other than the six employees for whom the Employer produced completed opt-out forms described above. On the same date, the Employer shall also provide the Union with a list of all such employees who were enrolled pursuant to Article 4 of the MOS. If there are eligible employees who ought to have been enrolled in the Benefits Plan by September 9, 2021 and who were enrolled thereafter contrary to the MOS, the Employer is further ordered to remit to the Union contributions on a prorated basis retroactive to September 9, 2021 in respect of all such employees. These retroactive remittances are to be made no later than November 1, 2021.
8. I shall remain seized with any difficulties arising out of the implementation of this award.

Dated this 21st day of October, 2021.



Norm Jesin, Sole Arbitrator