

IN THE MATTER OF AN ARBITRATION

BETWEEN

COTA

(the “Employer”)

and

ONTARIO PUBLIC SERVICE EMPLOYEES’ UNION, LOCAL 548

(the “Union”)

**GROUP GRIEVANCE; 2020-0548-0006
Re: Unreasonable policy/layoff**

SOLE ARBITRATOR: John Stout

APPEARANCES:

For the Employer:

Ed Snetsinger, Sherrard Kuzz

For the Union:

Katherine Ferreira, Koskie Minsky

HEARINGS HELD IN BY VIDEO CONFERENCE ON NOVEMBER 23, 2021

INTERIM AWARD

[1] This matter concerns an April 6, 2020, group grievance filed by the Union alleging that the Employer violated the Collective Agreement by imposing a rule found in the Employer's COVID-19 Policy, whereby employees were required to choose between foregoing employment at workplaces outside COTA during the pandemic or being placed on a leave of absence without pay.

[2] The grievance was properly referred to me for resolution and the hearing commenced on November 23, 2021. At the hearing, the parties engaged in mediation and were able to resolve most of their differences, save and except with respect to Margaret Arnason, Dennis Brenyah and Lynn Burdett.

[3] In regard to Ms. Arnason and Mr. Brenyah, no loss was suffered as a result of the rule found in the Employer's COVID-19 Policy.

[4] In terms of Ms. Burdett, the Union advises that they have been unsuccessful in their attempts to contact her. As a result they are unable to advance a claim or resolve the claim on behalf of Ms. Burdett. The Union has requested that I sever her claim and remain seized to adjudicate it once she has been located. The Employer has requested that I dismiss her claim.

[5] After carefully considering the parties submissions, I am ordering the Union to send a letter to Ms. Burdett's last known address advising her that she will have two weeks from today's date to provide a statement of what she believes she is owed for the grievance. The statement is to be sent to the Employer and filed with me by 5:00 pm December 7, 2021. If no statement is filed, then the grievance shall be dismissed. If a statement is filed, then counsel are to provide brief written submissions and the claim will be dealt with by an evening conference call.

[6] I remain seized.

Dated at Toronto, Ontario this 23rd day of November 2021.

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

John Stout- Arbitrator