

**IN THE MATTER OF THE
GRIEVANCE OF BRANDON NICKOSHIE**

BETWEEN:

United Steelworkers Local 1-2010

(the “Union”)

and

Rockshield Engineered Wood Products Inc.

(the “Employer”)

CONSENT ORDER

WHEREAS on November 30, 2022, the Grievor, Brandon Nickoshie (the “Grievor”), refused a work task he was directed to perform and then left the employer’s premises;

AND WHEREAS It was determined by the Employer that the Grievor Resigned;

AND WHEREAS the following day the Grievor indicated his desire to return to work;

AND WHEREAS the Grievor and the Union filed a grievance challenging the Employer’s decision to consider that the Grievor had resigned;

AND WHEREAS this matter proceeded to arbitration pursuant to s. 49 of the *Labour Relations Act, 1995* before Arbitrator Jules Bloch, and the Ministry of Labour assigned the matter number 10360-XR-22;

AND WHEREAS I have heard sufficient facts and submissions on this matter, including in respect of potential breaches of the Ontario *Human Rights Code*, to make the following Order.

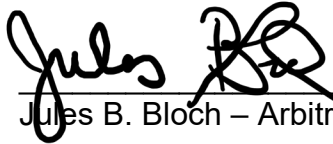
I hereby Order as follows:

1. This Order confirms and adopts the contents of the preamble above.
2. All matters between the parties arising from this grievance are hereby resolved in accordance with the terms of this Order.
3. The Grievor is hereby ordered reinstated to his employment with the Employer, with no loss of seniority, and shall return to work in his former position with the Employer on March 30, 2023.
4. The Grievor will receive a two-day suspension for insubordination as a result of his actions in refusing an assigned task and leaving the workplace without permission on November 30, 2022, which suspension will be placed in the Grievor's personnel file.
5. The Grievor is required to perform work as and when directed by the employer and is to employ the "work now, grieve later" principle. This is subject to and does not impact the Grievor's rights regarding safety issues in the workplace and access to the grievance and arbitration procedure. Further instances of insubordination will result in discipline, up to and including dismissal.
6. Within 30 days of this Order, the Employer will pay the Grievor the sum of \$5,000.00, with no deductions, as general damages pursuant to the Ontario *Human Rights Code*.
7. I find that the Grievor has no other claims or entitlements to pay, payments required pursuant to the *Employment Standards Act*, the *Ontario Human Rights*

Code, the Occupational Health and Safety Act and all other employment related statutes or laws and the common law, with respect to matters arising from his employment to this day.

8. I shall remain seized of all issues arising from the implementation and interpretation of this Order.

DATED at Toronto on March 29, 2023.



Jules B. Bloch – Arbitrator