

ARBITRATION AWARD UPDATE – 2012-2014

Article 24 & 25 - SUN/SAHO Collective Agreement

Discharge



FACTS:

The Grievor was terminated for allegedly having submitted claims for eight call-backs on which occasions she was not actually called back to work.

The Grievor had a very sloppy practice when filling out time sheets. Complaint filed with the employer by two co-workers that the Grievor had submitted false claims for call-back. The Union accepted the eight callbacks were improperly claimed but argued it was an error, and not intentional.

ISSUE:

Main Issue: Did the employer prove that the Grievor had acted fraudulently on June 25, 2012 when she submitted claims for call-backs which she did not work?

FINDINGS:

Although the conduct of submitting the eight claims for call-backs she did not work was proven, the employer failed to prove by clear, cogent and compelling evidence and on a balance of probabilities, that the Grievor acted fraudulently when she submitted the claims.

The Board refused to reinstate given the loss of trust and potential disharmony between the two complainants and the Grievor. The Board ordered pay in lieu of reinstatement and remitted the issue back to the parties while retaining jurisdiction if agreement could not be reached. Parties negotiated a resolution.