

IN THE MATTER OF AN EXPEDITED ARBITRATION PURSUANT TO THE  
*LABOUR RELATIONS CODE*, R.S.B.C. 1996, c. 244

BETWEEN:

SOBEYS WEST INC. (SAFEWAY OPERATIONS)

(the "Employer")

AND:

UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 1518

(the "Union")

(Section 106 – Failure to Post Full Time Positions)

ARBITRATOR:

Irene Holden

COUNSEL:

Gabrielle Scorer for  
the Employer

Chris Buchanan and  
Nicole O'Young for  
the Union

MEDIATION/ARBITRATION:

June 4 and 5, 2018

AWARD:

June 5, 2018

AWARD

## WHEREAS:

- A. On March 28, 2018, the Honourable Harry Bains, Minister of Labour, appointed Vince Ready pursuant to Section 106 of the *Code* as a Special Officer over various disputes between the Employer and the Union;
- B. On May 16, 2018, Special Officer Ready appointed me to hear various matters in an expedited mediation/arbitration process;
- C. Special Officer Ready directed, and the parties agreed, that the Grievances ought to be decided on a without prejudice and precedent basis;
- D. The Employer and the Union agreed that given the unique circumstances, including the imminent closure of ten stores, the hearing would be expedited in presentation of the evidence and argument;
- E. Approximately 500 Union members will be displaced by the closure of the ten stores;
- F. The Employer posted as many viable full time Grid A positions as possible taking into account the imminent reduction in available hours resulting from the store closures;
- G. On May 17, 2018 I established a mediation/arbitration process for the following matters which were either referred to me by the Special Officer or agreed to by the parties to be part of the same process:

- a. Grievance #18-0270 Failure to post full time positions;
- b. Grievance #18-0271 Failure to post full time backfill positions;
- c. Grievance #18-0272 Failure to post full time pharmacy assistant positions;
- d. Grievance #18-0252 Failure to post full time position;
- e. Grievance #18-0258 Failure to post full time position; and
- f. Grievance #18-0390 Failure to post full time position

(Collectively the "Grievances")

- H. The Employer and the Union agree that I am properly constituted as a mediation/arbitration board and have the jurisdiction and authority to make any necessary decision, order, direction or award in respect of the Grievances.

NOW THEREFORE the following Award is made pursuant to the *Labour Relations Code*, R.S.B.C. 1996, c. 244 by consent of the Employer and the Union:

1. This Award is without precedent and without prejudice to the Employer or the Union. I have made no finding of error or wrongdoing by either party.
2. Part time employees listed in Appendix A shall receive 24 hours of Accumulated Time Off ("A.T.O.") into their A.T.O. bank.

3. Part time employees listed in Appendix A shall be able to schedule A.T.O. deposited into their A.T.O. bank in accordance with the Collective Agreement.
4. The Union shall communicate to the employees listed in Appendix A that they will receive A.T.O. on the basis set out in this Award.
5. The parties' communication on their respective websites in respect of this Award shall be limited to a statement that the parties are satisfied with the outcome of the Grievances.
6. I will remain seized with the interpretation, application and implementation of this Award.

DATED AND EFFECTIVE at Vancouver, British Columbia, this 5<sup>th</sup> day of June, 2018.

A handwritten signature in black ink, appearing to read 'Irene Holden', written over a faint horizontal line.

Irene Holden, Arbitrator

## Appendix A to Award dated June 5, 2018

Barb Prentice	Kalpana Kumar
Alexandra Hamelin	Karen Cheung
Ali Sachwani	Maria Arruda
Alicia Dewald	Marlene Wright
Amit Mohindroo	Mary James
Anthony Panovic	Matilde Cronin
Armita Rostami	Nadia Baldin
Babita Sharma	Nadine Robertson
Bahksho Basra	Parvin Narayan
Bernadette Mackenzie	Patricia Lynn Foster
Candace Mah	Rakesla Prasad
Charanjit Gill	Remo Montagliani
Chris James	Ricky Pedron
Christian Ciccone	Rocio Vega
Clayton Griffith	Rohitesh Lal
Darren Jankiprasad	Rouhieh Seyyedmahmoud
Derek Epp	Seldrick Sadanand
Devan Raniga	Shakuntala Bhantooa
Eden Hardy	Sijie (Jason) Yang
Greg Wisk	Torben Hansen
Jennifer Galbraith	Tracey Peacock
Jenny Flynn	Usha Ram
Jon Sheppard	Valeriy Alifanov
Jonathan Martinez	Vincent Patterson
Juanita Jones	Yolanda Tong