

In the Matter of the *Labour Relations Code*, R.S.A. 2000, c. L-1.2, as amended

And in the Matter of Collective Agreements governing the Auxiliary Nursing Care (“ANC”) and General Support Services (“GSS”) Bargaining Units of Employees of Alberta Health Services (“AHS”) represented by Alberta Union of Provincial Employees (“AUPE”)

And in the Matter of 732 Individual Grievances and 2 Group Grievances respecting Disciplinary Warnings and Suspensions issued in respect of Employees’ Non-Attendance at Work on October 26, 2020

And in the Matter of an Unfair Labour Practice Complaint filed by AUPE in Alberta Labour Relations Board File No. GE-08428

And in the Matter of a Marshalling Order Issued by the Alberta Labour Relations Board in Board File No. GE-08435

Between:

ALBERTA UNION OF PROVINCIAL EMPLOYEES

Bargaining Agent

-and-

ALBERTA HEALTH SERVICES

Employer

DIRECTIVE

Before: J. Leslie Wallace, Sole Arbitrator

DIRECTIVE

WHEREAS Alberta Health Services (“AHS”) and The Alberta Union of Employees (“AUPE”) have two collective agreements: 1) one for the general support services unit (“GSS”), and 2) one for the auxiliary nursing care unit (“ANC”);

AND WHEREAS on October 26, 2020, a number of members of the GSS and ANC units did not work and the Alberta Labour Relations Board deemed that there was an illegal strike and ordered the participating employees to return to work;

AND WHEREAS AHS did issue letters of warning to approximately 2,200 GSS and ANC members for their conduct on October 26, 2020 and approximately 13 one-day suspensions to GSS and ANC members for their conduct on October 26, 2020;

AND WHEREAS AUPE has filed 732 individual and 2 group grievances on behalf of members who received such discipline (the “Discipline Grievances”), and an Unfair Labour Practice Complaint, Board File No GE-08428, pertaining to not holding grievance resolution meetings related to the Discipline Grievances;

AND WHEREAS AUPE advanced the Discipline Grievances to arbitration and AHS filed an application pursuant to section 67(1) of the *Labour Relations Code* (the “Code”) for a marshalling of the Discipline Grievances, the parties did participate in marshalling proceedings before Vice-Chair Johnson on April 28, 2021 and June 11, 2021;

AND WHEREAS by way of ALRB Order dated June 16, 2021 I, J. Leslie Wallace, was directed to be the arbitrator of eight representative Discipline Grievances then scheduled to proceed March 24, 25, 28-31 and April 11 and 12, 2022;

AND WHEREAS the parties agree that I have jurisdiction to issue a Directive in respect of all 734 grievances filed in these matters;

AND WHEREAS the parties have made oral representations before me on February 25, 2022 regarding the Discipline Grievances and related Unfair Labour Practice Complaint, Board File No GE-08428.

Now therefore the following is hereby ordered, effective the date of this Directive:

1. AHS shall immediately engage the operation of Articles 33.04 (AUX) and 9.02 (GSS) of the respective collective agreements as it relates to the 734 Discipline Grievances. This Directive will stand collectively as the requests for removal of the discipline contemplated by Article 33.04(AUX) in all the Discipline Grievances governed by Article 33.04(AUX).
2. AUPE will consider these 734 grievances resolved; and
3. AUPE will withdraw Board File No GE-08428, being the Unfair Labour Practice Complaint brought by AUPE related to not having grievance meetings arising from the Discipline Grievances.

ISSUED and **DATED** at the City of Edmonton in the Province of Alberta this 1st day of March, 2022.

A handwritten signature in black ink, reading "J. Leslie Wallace". The signature is written in a cursive style with a long horizontal stroke extending to the right from the end of the name.

J. Leslie Wallace
Arbitrator