

IN THE MATTER OF AN ARBITRATION

BETWEEN:

The City of Toronto

and

The Toronto Professional Firefighters' Assn.

(Grievance of Kyle Allin)

Before:

William Kaplan
Sole Arbitrator

Appearances

For the City:

Zoya Trofimenko
Counsel
Employment Law Section
City of Toronto

For the Union:

James McDonald
Sack Goldblatt Mitchell
Barristers & Solicitors

This case proceeded to a hearing in Toronto on March 27, August 22 and October 8, 2014.

Award

Having heard the submissions of the parties, I conclude that the discharge of this probationary employee was appropriate. However, in the circumstances, including the grievor's testimony, his expression of remorse, the fact that he has taken, and learned from, sensitivity training, and his obvious potential and promise as a fire fighter, I also conclude that he should be enrolled in the next recruit class as if he was a fresh employee. The usual probationary term for new employees, and all other terms and conditions, will apply. There will be no compensation or credit for service and seniority.

This decision is made in the extremely unique circumstances of this case and should not be considered as a precedent for any other matter. Moreover, it is worth noting that any future misconduct of the kind that led to the initial probationary release will, if established, and upheld under the applicable provisions of the collective agreement, lead to immediate termination.

I remain seized.

DATED at Toronto this 8th day of October 2014.

"William Kaplan"

William Kaplan Sole Arbitrator