

**THE GOVERNMENT OF THE NORTHWEST TERRITORIES
(the "Employer")**

- and -

**THE UNION OF NORTHERN WORKERS
(the "Union")**

MINUTES OF SETTLEMENT

WHEREAS the Union is concerned that the Employer has not met their obligation of scheduling rest and meal breaks for employees located at Stanton Territorial Hospital, as required under the GNWT-UNW Collective Agreement expiring March 31, 2016 (the "Collective Agreement");

AND WHEREAS the Union filed a policy grievance to address the scheduling of rest and meal breaks: Grievance #16-P-01937 (the "Grievance");

AND WHEREAS the parties agree that historically the communication around the process of scheduling breaks for Employees has been carried out informally and that formalization of this communication is required;

AND WHEREAS the Employer has agreed that they will undertake to create a guideline document outlining the process for taking rest and meal breaks as well as the process of applying for and being granted overtime in the event that an unpaid break cannot occur;

AND WHEREAS the parties now wish to resolve the Grievance;

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NOW AND THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the following terms and conditions, the parties mutually agree as follows:

1. The parties acknowledge that this is a voluntary agreement and that all actions are made without admission of any responsibility or liability from the parties or their representatives.
2. The Settlement shall constitute a full and final settlement as well as a universal and definitive discharge of any amount due from any source or in any nature to the Grievances from the Employer of any of its representative in regard to any claims arising out of this matter. The Union and grievors do hereby remise, release and forever discharge the Employer, its employees and agents from any action, claim or demand of whatever kind or nature it ever had, now has, or can, shall or may thereafter have, with respect to, by reason of, as a result of, or in any way arising out of, any action of the Employer, its employees and agents in relation to the facts surrounding this matter.
3. The parties agree that, a guideline document should be created, and should include the following:
 - a. recognition that patient safety is paramount;
 - b. recognition that rest and meal breaks are important and necessary for all staff at Stanton Territorial Hospital;
 - c. an outline of the process to follow to ensure that rest and meal breaks are taken in a manner that ensures patient safety;
 - d. direction to all staff about how rest and meal breaks are to be covered and by whom; and
 - e. a simple process for requesting overtime when an unpaid break is missed due to unforeseen patient safety concerns;
4. The guideline document will be prepared by the Employer by March 1, 2019. This deadline can be extended by mutual agreement.
5. Appendix A, attached will be communicated to union members, immediately.
6. The Employer agrees to consider any documentation, including but not limited to, a PeopleSoft record, an e-mail or other written communication or an overtime authorization (Form 7307-01-10) indicating that overtime was requested by an


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employee and denied for a missed unpaid break between June 29, 2016 and November 20, 2018, inclusive.

7. Employees shall provide the documentation referenced in Paragraph 5 to the Union by January 31, 2019 and the Union shall forward this information to the Employer by February 15, 2019 for review. Where it is found that the overtime was unreasonably denied the Employer agrees to compensate that Employee.
8. The Union shall withdraw the grievance # 16-P-01937 and the request for arbitration.
9. These Minutes of Settlement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. In order to expedite the within matter, the parties agree that, signatures transmitted electronically, whether sent via facsimile or as attached files (e.g. PDF), shall be acceptable to bind the parties and shall not in any way affect the validity of this Settlement. The parties shall confirm any electronically transmitted signatures by exchanging ink-signed originals.
10. Arbitrator Allen Ponak will remain seized to address any issues arising from the implementation of the Settlement.

Dated at Yellowknife, Northwest Territories, this 22 day of Nov, 2018.



Todd Parsons
President
Union of Northern Workers

Dated at Yellowknife, Northwest Territories, this 22 day of Nov, 2018.



Nicole MacNeil
Director, Labour Relations
Department of Finance
Government of the Northwest Territories

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APPENDIX A – JOINT RELEASE

The Government of the Northwest Territories and the Union of Northern Workers announce that the Employer is undertaking to create a guideline document for Employees located at Stanton Territorial Hospital outlining the process for taking rest and meal breaks as well as the process of applying for and being granted overtime in the event that an unpaid break cannot occur.

Breaks for all Employees located Stanton Territorial Hospital are important to ensure the health and safety of both Employees and the Patients that they care for. We are committed to ensuring that all Employees are aware of how to take breaks while on shift at the Hospital. Employees who have questions about breaks should contact their supervisor.

In the Interim:

1. The Clinical Coordinator or the Charge (R) Nurse on their respective unit is responsible for coordinating break coverage; if these people are unavailable or unable to coordinate break coverage, the Patient Care Coordinator should be contacted.
2. In the event that break coverage cannot be safely provided then the Employee is entitled to overtime for any missed unpaid break.
3. An overtime authorization (Form 7307-01-10) must be submitted to the Patient Care Coordinator, who can confirm eligibility for overtime due to a lack of available safe break coverage. The signed form must then be submitted to the unit manager.

Employees who have concerns that they missed their unpaid breaks between June 29, 2016 and November 20, 2018 can submit documentation, including but not limited to, a PeopleSoft record, an e-mail or other written communication or an overtime authorization (Form 7307-01-10) indicating that overtime was requested and denied for a missed unpaid break.

Employees shall provide the documentation referenced above to the Union by January 31, 2019.