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**IN THE MATTER OF AN ARBITRATION**

**BETWEEN:**

**THE GOVERNMENT OF THE NORTHWEST TERRITORIES**

**AND:**

**UNION OF NORTHERN WORKERS**



**(UNION GRIEVANCE - WORK FORCE ADJUSTMENT PROGRAM  
RELEASE FORMS - GRIEVANCE NO. 94-625)**

**A W A R D**

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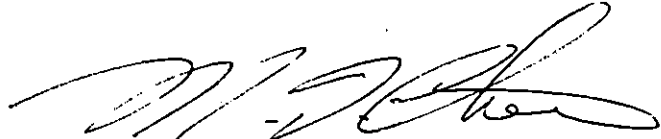
**MERVIN I. CHERTKOW**  
**← Arbitrator and Mediator →**  
**#300 - 180 Seymour Street**  
**Kamloops, B.C. V2C 2E3**

to declare his or her option in accordance with the Memorandum of Understanding between the parties in that regard.

Based on the above stipulation by the employer, the union advised it was withdrawing the grievance.

Accordingly, the above grievance is resolved by reason of its withdrawal by the union.

DATED at Kamloops, British Columbia, this 3rd day of December, A.D.,  
1996.



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MERVIN I. CHERTKOW  
Arbitrator

done  
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## A W A R D

### I

This grievance was heard under the expedited arbitration procedure as provided in the collective agreement between the parties.

The union and the government negotiated a Work Force Adjustment Program in June of 1992. It was created to address the human resource planning concerns that arose from government downsizing. It applies to bargaining unit members. Disputes regarding the application and administration of the program can be grieved and referred to arbitration.

The employer has been requiring surplus employees to sign releases in order to receive separation assistance.

It is the position of the union that the wording of the releases preclude surplus employees from benefiting from future actions such as; resolution of settlement allowance grievances, pay equity disputes, or Worker's Compensation Claims related to their employment with the government. Further, it is the position of the union that the Work Force Adjustment Program should only ensure that former employees do not have the right to claim severance pay after they have received separation assistance.

### II

At the conclusion of the representations by counsel for the union, counsel for the employer advised that the release forms were discontinued some time after the union grievance was filed. Further, it was stipulated that employees now are only required

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(hereinafter called the "employer" or the  
"government")

**AND:**

**UNION OF NORTHERN WORKERS**

(hereinafter called the "union")

**(UNION GRIEVANCE - WORK FORCE ADJUSTMENT PROGRAM  
RELEASE FORMS - GRIEVANCE NO. 94-625)**

**BOARD OF ARBITRATION**

Mervin I. Chertkow - Single Arbitrator

**COUNSEL**

Mark Kent - for the employer  
Chris Dann - for the union

**DATE AND PLACE OF HEARINGS**

November 26th, 1996 at Hay River, N.W.T.

**DATE OF AWARD**

December 3rd, 1996