

**GOVERNMENT OF THE NORTHWEST TERRITORIES
(the “Employer”)**

- and -

**UNION OF NORTHERN WORKERS
(the “Union”)**

(Collectively referred to as the “Parties”)

Grievance #19-P-02445

CONSENT AWARD

WHEREAS the Union submitted policy grievance # 19-P-02455 (“the Grievance”) at the Final Level on July 30, 2019, under the Collective Agreement (expiring March 31st, 2021);

AND WHEREAS the Collective Agreement expiring on March 31, 2016, was in effect until the Binding Recommendations of Mediator Vincent Ready was issued on March 22, 2019;

AND WHEREAS the binding recommendations indicated:

With the exception of wage increases, which will become effective April 1, 2018, the remaining provisions of these recommendations concerning language changes in the renewed Collective Agreement will become effective thirty (30) days from the date of these recommendations.

AND WHEREAS the Employer and the Union agree that the new language in Appendix A4 came into effect on April 21, 2019;

AND WHEREAS the new language in Appendix A4 required that Employees on term contracts greater than two (2) years that did not fall within one of the exceptions in Appendix A4 would be converted to indeterminate status;

AND WHEREAS the Employer conducted an audit to identify all employees that were on term contracts longer than 24 months (the "Audit");

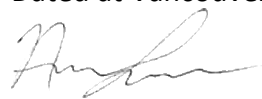
AND WHEREAS not all of the Employees listed in the Audit were converted to indeterminate status immediately on April 21, 2019 which constituted a breach of the new language in Appendix A4;

AND WHEREAS the parties recognize the mutual value going forward of identifying and negotiating timelines of implementation, if required by either party, when new language is being introduced to the Collective Agreement;

AND UPON noting the consent of the parties, I award as follows:

1. The Employer and Union shall proceed through an expedited arbitration process to determine if the three employees with employee #129866, #132617 and #132508 were captured by Appendix A4.06 (b). Arbitrator Rogers shall remain seized of these matters.
2. In recognition that the delayed conversion of term Employees after the new Collective Agreement came into effect may have resulted in adverse outcomes, and is *prima facie* an unreasonable delay, the Employer shall provide the Union with **\$12,500** to be paid into the PSAC Social Justice Fund and disbursed to the NWT United Way.
3. This consent order is a full and final resolution for grievance #19-P-02455.
4. I remain seized as to the execution of this Award.

Dated at Vancouver, British Columbia this 7th day of October 2022



Amanda Rogers, Arbitrator for the Parties