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Shasta M. Desbarats  
Vanessa Cosco  
Kara O'Halloran  
Kristan A. McLeod†  
Kelly Nychka

Wassila W. Semaine  
Sarah Churchill-Joly  
Michelle L. Westgeest  
Gordon W. Nekolaichuk  
Natalia Makuch  
Drew Blaikie  
Jacob Schweda

Our File: 205-19-005 KM

May 13, 2019

Alberta Labour Relations Board  
501, 10808 – 99 Avenue  
Edmonton, AB T5K 0G5

FAX No. (780) 422 0970  
PAGES: 7

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EXPENSE.

**Attention: Tannis Brown, Director of Settlement**

Dear Madam:

**Re: United Nurses of Alberta and Alberta Health Services  
Application for Review of Arbitration**

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Please find attached the Union's application to review the Arbitrator's decision to adjourn this matter. The parties' agreement is for an interest arbitration to be held before June 30, 2019. The Union therefore requests an expedited review by the Board, such that in the event the Board allows the review application, the parties may schedule the matter in accordance with the terms of the Collective Agreement.

Yours truly,

**CHIVERS CARPENTER**

A handwritten signature in black ink, appearing to read "Kristan A. McLeod", is written over a light blue horizontal line.

**KRISTAN A. MCLEOD**  
(Email: [kmcleod@chiverslaw.com](mailto:kmcleod@chiverslaw.com))  
KM/ljn

Enclosure

c.c.: Neuman Thompson, Attn: Craig W. Neuman, Q.C. – via email  
David Phillip Jones, Q.C. – via email  
United Nurses of Alberta, Attn: David Harrigan – via email

{205-19-005;00294376;1}

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T6E 1X5

\* Denotes lawyer whose professional corporation is a member of the partnership  
† Also a member of Northwest Territories Bar





# APPLICATION FOR REVIEW OF ARBITRATION

**APPLICABLE SECTIONS OF THE CODE: 145(2)**

- Form LRB 33 (September 2017). Please type or print clearly. Attach extra pages if necessary.
- A party seeking review by the Board of an arbitration must use this form.
- For further information refer to Information Bulletin #25 or call the Labour Relations Board at (780) 422-5926 (Edmonton) or (403) 297-4334 (Calgary).
- Any personal information provided herein is collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act* ("FOIP"), for the purpose of processing your application to the Labour Relations Board. Any further personal information received in written or oral submissions will be collected under that authority. The collection, use and disclosure of this information is managed pursuant to FOIP. Any information provided to the Board that is relevant to the application must in the normal course be provided to all affected parties to the application, so all parties know the case to be heard and have an opportunity to respond. Questions about the collection or use of personal information can be posed to the Board Officer appointed to your file, or the Board's FOIP Coordinator at 501, 10808 99 Avenue, Edmonton, AB, T5K 0G5, or (780) 422-5926.

Date of Application: May 13, 2019

## APPLICANT INFORMATION (trade union, employer, party to the arbitration)

Legal Name: United Nurses of Alberta

Mailing Address: #700, 11150 Jasper Avenue, Edmonton, AB      Telephone Number: (780) 425-1025

Postal Code: T5K 0C7      Fax Number: (780) 426-2093

Name of Contact Person (and Law Firm, if applicable):  
Kristan McLeod, Chivers Carpenter Law Firm

Address (if different from above): Suite 101, 10426 81 Avenue      Telephone Number: (780) 439-3611  
Edmonton, AB

Postal Code: T6E 1X5      Fax Number: (780) 439-8543

## RESPONDENT INFORMATION (other party to the arbitration. Add page if multiples)

Legal Name: Alberta Health Services

Mailing Address: Focus Bldg., 900, 9925 – 109 St NW, Edmonton, AB      Telephone Number: (780) 426-8538

Postal Code: T5K 2J8      Fax Number: (780) 424-4309

Name of Contact Person (and Law Firm, if applicable):  
Craig Neuman

Address (if different from above):      Telephone Number: (780) 482-7645  
#301, 550 - 91 Street S.W.  
Edmonton, Alberta

Postal Code: T6X 0V1      Fax Number: (780) 488-0026

## ARBITRATOR OR ARBITRATION CHAIR

Name: David P. Jones, Q.C.

Mailing Address: DeVillars Jones, 300 Noble Building  
8540 - 109 Street NW  
Edmonton, Alberta  
Postal Code: T6G 1E6

Telephone Number: (780) 433-9000

Fax Number: (780) 433-9780

## MATTER UNDER REVIEW

Date of Decision, Order, Directive, Declaration, Ruling or Proceeding under Review: May 10, 2019

Date of Written Reasons for above (if different):

**The applicant shall attach a copy of the Decision, Order, Directive, Declaration, or Ruling (if in writing), and any Written Reasons, with this Form.**

## GROUNDS OF REVIEW

Do you allege you were denied a fair hearing?

Yes  No

Do you allege the award was unreasonable because of a lack of intelligibility or transparency, or because it falls outside the range of possible acceptable outcomes that are defensible in respect of the facts and law?

Yes  No

**Describe the nature of the alleged breach or error alleged above.** Provide sufficient detail to describe what is at issue:

The United Nurses of Alberta submits that the decision is unreasonable as the Arbitrator:

- allowed the Employer to adjourn the interest arbitration scheduled for May 13 and 17, 2019 based on a third party's request;
- rescheduled the interest arbitration outside the date limit mandated by the Collective Agreement, thereby unreasonably acting outside the jurisdiction of the Collective Agreement, and amending the terms of the Collective Agreement; and,
- failed to interpret the Collective Agreement Wage Re-opener clause.

## REMEDY

What remedy are you seeking?

An order quashing the preliminary decision and remitting the matter to a new arbitrator for scheduling consistent with the parties' agreement.

**EVIDENCE**

Review by the Board must be on the Record. The Record will be filed by the Arbitrator. For information about the content of the Record, see Information Bulletin #25 and the Rules of Procedure. No evidence other than the Record may be referred to in a review, except by order of the Board.

Do you propose the Record should be limited, as only a portion of the Record is necessary to determine the issues raised by your application?

Yes      No

If yes, what limitations do you propose?

Evidence outside the Record will only be permitted in exceptional circumstances. Do you wish to introduce evidence outside the Record?

Yes      No

What evidence do you wish to introduce, and why does it fall within an exception discussed in Information Bulletin #25?

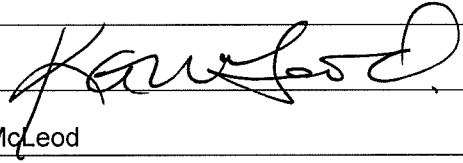
Statutory declaration with respect to the application for an adjournment, and the reasons the Employer stated for the adjournment.

Do you consent to this matter being heard by a Chair/Vice-chair sitting alone?      Yes      No

**FOR BOARD USE ONLY:**

Board File Number: \_\_\_\_\_

Checked by     Received by     Input by

Signature of Applicant: 

Print Name: Kristan A. McLeod

Position: Counsel for the United Nurses of Alberta

Date of Signing: May 13, 2019

**Complete and deliver to:**

Labour Relations Board  
#501, 10808 – 99 Avenue  
Edmonton, AB T5K 0G5  
Fax: (780) 422 – 0970

Labour Relations Board  
#308, 1212 31 Avenue, N.E.  
Calgary, AB T2E 7S8  
Fax: (403) 297 - 5884

**THE APPLICANT MUST SERVE THE RESPONDENT(S)  
AND THE ARBITRATOR/ARBITRAION CHAIR**

*(Applications can be faxed to the Board.  
The Board does not require original applications.)*

**From:** David Phillip Jones, Q.C. <[dpjones@sagecounsel.com](mailto:dpjones@sagecounsel.com)>  
**Sent:** Friday, May 10, 2019 2:43 PM  
**To:** Craig W. Neuman <[cneuman@neumanthompson.com](mailto:cneuman@neumanthompson.com)>  
**Cc:** LynnMichele Angotti <[Lynn.Angotti@albertahealthservices.ca](mailto:Lynn.Angotti@albertahealthservices.ca)>; [dajetp@gmail.com](mailto:dajetp@gmail.com); Kristan Mcleod <[kmcleod@chiverslaw.com](mailto:kmcleod@chiverslaw.com)>  
**Subject:** RE: AHS/UNA Wage reopener Arbitration (May 13/17, 2019)  
**Importance:** High

This is to confirm my ruling on the conference call just now about the Employer's request to adjourn the hearing *sine die*:

1. I am as chair without the nominees made the decision with the consent of counsel for both parties.
2. Given the circumstances referred to by counsel for the Employer, the hearing scheduled for May 13 and 17 is adjourned (but not *sine die*).
3. The hearing is rescheduled to two of the following dates: July 2, 3 and 8, 2019. Counsel for UNA will as soon as possible advise which two of these dates would be more convenient.
4. Granting the adjournment to dates certain does not preclude either party's ability to apply for an adjournment of the re-scheduled dates for the hearing if circumstances warrant.
5. One day of the re-scheduled hearing will take place at UNA's offices, and one day at AHS's offices, the location to be agreed upon by counsel.

David Jones, Q.C.  
Chair

**From:** Craig W. Neuman <[cneuman@neumanthompson.com](mailto:cneuman@neumanthompson.com)>  
**Sent:** May-10-19 10:26 AM  
**To:** David Phillip Jones, Q.C. <[dpjones@sagecounsel.com](mailto:dpjones@sagecounsel.com)>  
**Cc:** LynnMichele Angotti <[Lynn.Angotti@albertahealthservices.ca](mailto:Lynn.Angotti@albertahealthservices.ca)>; [dajetp@gmail.com](mailto:dajetp@gmail.com); Kristan Mcleod <[kmcleod@chiverslaw.com](mailto:kmcleod@chiverslaw.com)>  
**Subject:** RE: AHS/UNA Wage reopener Arbitration (May 13/17, 2019)

Good Morning, David:

I have been instructed to request an adjournment of next week's hearing. UNA opposes the request. Is it possible to arrange a conference call with you, nominees and counsel today to address this request?

Thank you.

Craig.



**Craig W. Neuman, Q.C.**  
**Barrister & Solicitor**

#301, 550 – 91 Street SW, Edmonton, AB T6X 0V1  
D: 780-733-6556 | F: 780-488-0026



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**From:** Kristan Mcleod [<mailto:kmcleod@chiverslaw.com>]  
**Sent:** Tuesday, May 7, 2019 11:18 AM  
**To:** David Phillip Jones, Q.C.; Kim LeBlanc  
**Cc:** LynnMichele Angotti; Craig W. Neuman; Raelene Fitz; [dajetp@gmail.com](mailto:dajetp@gmail.com)  
**Subject:** RE: AHS/UNA Wage reopener Arbitration (May 13/17, 2019)

Hi David,  
I also apologize for the oversight. The Union's nominee is David Williams, who is copied here.  
Kristan

**From:** David Phillip Jones, Q.C. <[dpjones@sagecounsel.com](mailto:dpjones@sagecounsel.com)>  
**Sent:** Tuesday, May 7, 2019 9:30 AM  
**To:** Kim LeBlanc <[Kim.LeBlanc@albertahealthservices.ca](mailto:Kim.LeBlanc@albertahealthservices.ca)>  
**Cc:** LynnMichele Angotti <[Lynn.Angotti@albertahealthservices.ca](mailto:Lynn.Angotti@albertahealthservices.ca)>; Craig W. Neuman <[cneuman@neumanthompson.com](mailto:cneuman@neumanthompson.com)>; Raelene Fitz <[Raelene.Fitz@albertahealthservices.ca](mailto:Raelene.Fitz@albertahealthservices.ca)>; Kristan Mcleod <[kmcleod@chiverslaw.com](mailto:kmcleod@chiverslaw.com)>  
**Subject:** RE: AHS/UNA Wage reopener Arbitration (May 13/17, 2019)

Thank you. I don't believe that I knew that there were nominees. I am copying this response to Kristan McLeod, counsel for UNA, for her information and with a request to be informed who UNA's nominee is.

dpj

**From:** Kim LeBlanc <[Kim.LeBlanc@albertahealthservices.ca](mailto:Kim.LeBlanc@albertahealthservices.ca)>  
**Sent:** May-07-19 9:19 AM  
**To:** David Phillip Jones, Q.C. <[dpjones@sagecounsel.com](mailto:dpjones@sagecounsel.com)>  
**Cc:** LynnMichele Angotti <[Lynn.Angotti@albertahealthservices.ca](mailto:Lynn.Angotti@albertahealthservices.ca)>; Craig W. Neuman <[cneuman@neumanthompson.com](mailto:cneuman@neumanthompson.com)>; Raelene Fitz <[Raelene.Fitz@albertahealthservices.ca](mailto:Raelene.Fitz@albertahealthservices.ca)>  
**Subject:** AHS/UNA Wage reopener Arbitration (May 13/17, 2019)

Good morning David;

I am not sure if AHS advised you that LynnMichele Angotti will be AHS' nominee at the above noted arbitration.

I apologize for the oversight.

Regards

Kim

Kim LeBlanc  
Lead Negotiator  
Negotiations and Labour Relations  
Alberta Health Services  
403-943-1410  
Cell 403-613-7581

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