



## ONTARIO LABOUR RELATIONS BOARD

OLRB Case No.: **0036-14-U**

Stephanie Gawlas, Applicant v. Unite Here Local 75 CLC-FTQ,  
Responding Party v. Woodbine Entertainment Group, Intervenor

**BEFORE:** Edward T. McDermott, Vice-Chair

**APPEARANCES:** Gil Fischler and Shelan Markus for the applicant; Jorge Hurtado, Cornetta Mason, Jacqueline Elia and Joanne Brown for the responding party; Marc Rodrigue and Mark Diker for the intervenor.

**DECISION OF THE BOARD:** September 26, 2014

1. This is an application pursuant to section 96 of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act") in which the applicant asserts that the responding party (the "union") has violated section 74 of the Act when it failed to advance her grievance of unjust termination dated November 12, 2013 to arbitration.
2. At the core of this dispute is the issue of whether the union breached its duty of fair representation by making a determination not to proceed to arbitration with respect to the grievance in circumstances when the applicant purportedly resigned from her employment with the Woodbine Entertainment Group (the "employer") on May 2, 2013 when she submitted a verbal and written resignation and departed the workplace mid-way through her shift.
3. At the consultation held with respect to this application on September 25, 2014, this Board heard numerous contradictions and identified a number of voids with respect to the central facts touching upon this issue as well as a number of new factual assertions which had not previously been referred to in the pleadings.

4. At the conclusion of the consultation process the Board advised the parties that it did not believe this matter could be determined on the basis of the pleadings and representations of the parties made during the consultation and accordingly this was one of those rare cases where a hearing was required to ascertain the true factual matrix which formed the foundation of the union's decision not to proceed to arbitration.

5. Accordingly, this matter is referred to the Registrar to be listed for hearing.

6. I am not seized of this matter.

"Edward T. McDermott"  
for the Board