

**DISSENT OF UNION NOMINEE
IN A DISPUTE**

BETWEEN **Canadian Union of Public Employees, Local 1560**

AND **Eastern School Board District**

GRIEVOR **Christopher Bugden**

I have received the majority award and while I agree with the facts as outlined I disagree with the decision to uphold the discharge of the Grievor. It is my view that the majority board failed to consider the disproportionate impact termination will have on the Grievor.

The Grievor is deaf and communicates by way of sign language or in writing. Other employees who do not face the same challenges as the Grievor would in all likelihood go on to find employment with another employer. In a hearing and speaking world the Grievor will clearly face significant challenges in finding employment with the same level of salary and benefits. As a result the penalty of discharge imposes significantly more hardship to the Grievor.

There are other factors that should have been given additional weight by the majority Board. The Grievor, until the incidents of theft, had an exemplary record of employment for approximately twenty-two years. The Principal of the school, where the Grievor worked, testified he would recommend a second chance for the Grievor. The Grievor when confronted about the allegations of theft immediately admitted his guilt to the employer. The Grievor has shown remorse and has indicated a willingness to repay the monies stolen. This employer is a relatively large employer and has the capacity to reassign the Grievor to a different work location.

The Grievor has suffered greatly for the harm he inflicted on the Employer. A penalty of discharge could possibly see the Grievor without meaningful employment for years to come.

I would substitute a suspension of eighteen months, a requirement for the Grievor to repay the money he stole from the employer and a requirement that the Grievor continue to participate in addictions counselling for a period of eighteen months after settlement.

A handwritten signature in black ink, appearing to read "David J. Curtis". The signature is fluid and cursive, with a large initial "D" and "C".

David J. Curtis
Union Nominee