

File ID : 845508

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Folders

10360-XR-15

10361-XR-15

10362-XR-15

10363-XR-15

10364-XR-15

IN THE MATTER OF AN ARBITRATION
UNDER THE *LABOUR RELATION ACT*

BETWEEN

ERIE ST. CLAIR COMMUNITY CARE ACCESS CENTRE

("the Employer")

and

ONTARIO NURSES' ASSOCIATION

("the Union")

**Union/Policy Grievance and Individual Grievances of Kimberly Evans
Darlene Keelan, Jacqueline Werstien and Michelle Fetterly**

BEFORE: Colin Johnston

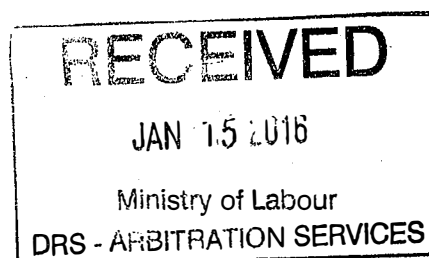
APPEARANCES:

For the Employer: Nancy Jammu-Taylor, Counsel

For the Union: Rob Dobrucki, Litigating Labour Relations Officer

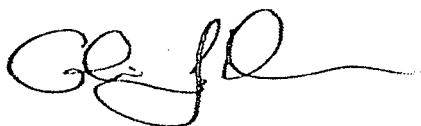
Hearing held in Windsor, Ontario on January 8, 2015

PRELIMINARY AWARD



- [1] This is a preliminary decision regarding the Union's request for production and the Employer's request for particulars. After hearing submissions from both counsel, I make the following Order.
- [2] I order the Employer to produce to the Union a copy of the client note reports, event tracking system records, incident reports, and service provider reports (addressed specifically to the CCAC) for the patient M.S. for the period April 1, 2015 to the date of this Order.
- [3] It is understood that the records described in paragraph 2 will be redacted to remove any medical information regarding the patient or other personal identifying information such as OHIP and SIN numbers. It is further understood that the Employer will not redact information that describes any physical abuse to the patient or describes any verbal communications from M.S.'s family members, which are hostile or aggressive.
- [4] If the records described in paragraph 2 contain any information which may be protected under solicitor-client privilege, the Employer will redact such information and inform the Union of the same. The parties reserve the right to argue whether the latter redacted information is subject to production.
- [5] The Union will return all of the information produced as part of this Order to Employer Counsel immediately following the completion or settlement of this arbitration proceeding.
- [6] It is understood that the information produced will be used for no purpose other than this arbitration proceeding.
- [7] The Union is ordered to provide particulars to the Employer by no later than January 22, 2016, as to the full nature of its Union/Policy grievance including the precise remedies the Union is seeking as part of the grievance.
- [8] The parties have agreed to exchange proposals in an effort to resolve these grievances within a timeframe as set out in this Order. To that end, the Union is directed to provide the Employer with its proposal to resolve the grievances by no later than January 22, 2016. The Employer, in turn is directed to respond to the Union's proposal by no later than February 5, 2016.

Dated this 10th day of January, 2016 in the Town of Lakeshore, Ontario.



Colin Johnston, Arbitrator