

In the matter of an Arbitration

Between:

Healthcare Office Professional Employees Local 2220 UBCJA

and

Alta Vista Retirement Community

**Grievances of Aynalem Kibret, Jane Castanares, Halima Mussa, Chenai Madamombe, and
Marcia Thompson**

Andrew Tremayne, arbitrator

Interim Award issued on December 11, 2017 at Ottawa, Ontario

1. On November 22, 2017 I issued an order that included rulings on motions for particulars and production brought by both parties. The order also set out a timetable for production. In a letter dated December 8, 2017, the employer advises that it requires additional time to comply with the order. The union resists this request, and advises that it has complied with the order and produced what it was ordered to produce on December 8, 2017.
2. While settlement discussions are always encouraged, it should not be assumed that there is an agreement to extend deadlines for production as long as such discussions are taking place. In this matter, although there may have been some confusion regarding the "ground rules" for settlement discussions or discussions to extend the deadline for production, the dates for production were agreed to by the parties on November 14, 2017, set out in the November 22, 2017 order, and have been known for some time. I do not understand why the employer was not able to produce any of the documents that it agreed to produce by December 8, 2017 on that date.
3. The employer is ordered to produce to the union all documents that are now ready for production by 4:00 pm today, December 11, 2017.
4. All remaining documents that the employer agreed to produce by December 8, 2017 are to be produced to the union by 4:00 pm on December 13, 2017. If these documents are not produced by that time, the union can argue that the documents should not be admitted because of their late production.
5. All further dates for production will be strictly enforced. The employer has agreed to provide the "logs" or narratives that have yet to be created to the union as soon as possible after they are created, but in any event no later than January 3, 2018. If these documents are not produced in accordance with the November 22, 2017 order, the union can argue that they should not be admitted because of their late production.
6. I remain seized.

Signed at Ottawa, Ontario on December 11, 2017



Andrew Tremayne