

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Toronto Transit Commission

-and-

**Amalgamated Transit Union
Local 113**

Grievance of Kahmall Smith

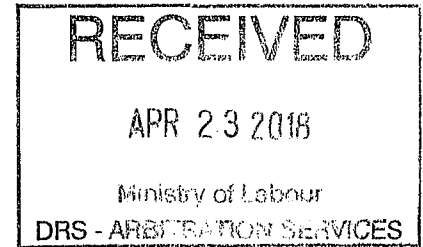
Lorne Slotnick, Arbitrator

Representing the Employer – Steve Lavender

Representing the Union – Dean Ardron

Representing Manufacturers Life Insurance Co. – Robert Weir and Brendan Wong

Hearing – Toronto, Ont., April 20, 2018



INTERIM AWARD

The parties to this arbitration and Manufacturers Life Insurance Co. reached the following agreement on April 20, 2018, and have requested that I issue it as a consent award.

This Agreement is Between:

The Manufacturers Life Insurance Company ("Manulife"), the Toronto Transit Commission ("TTC") and Amalgamated Transit Union, Local 113 (the "Union");

Manulife, the TTC and the Union agree as follows:

- 1) The hearing date scheduled for May 3, 2018 will be adjourned on consent and this matter will re-convene on May 15, 2018 at 1pm;
- 2) Glenn Benard shall appear on May 15, 2018 at 1pm for examination at the arbitration of Kahmall Smith, a transcript shall be taken of his evidence (the "Transcript");
- 3) Benard shall return on May 18, 2018 and further, as required to complete his evidence;
- 4) Benard shall conduct a diligent search of Manulife's records for all documents relating to all information provided to Mark Russell, Pat Daniels, and/or the Toronto Transit Commission between April 2014 and July 2015, including emails, letters, and any notes of conversations. Any production being subject to privilege;
- 5) A copy of the Transcript shall be provided to Manulife without cost to Manulife;
- 6) The TTC and the Union shall advise the arbitrators hearing other Healthy Fit Arbitrations to accept the Transcript as Benard's evidence in those Arbitrations;

- 7) The Transcript shall not be used in any litigation or proceeding other than the Healthy Fit Labour Arbitrations, and for clarity, the Transcript shall not be used in any way in any litigation or other dispute in which both Manulife and the TTC are parties, but nothing in this paragraph shall prohibit Benard from being called as a witness in any other proceeding;
- 8) The Summons to Witness dated April 13, 2013 served on Benard is hereby withdrawn by the Union;
- 9) Arbitrator Slotnick shall issue a brief award acknowledging this agreement and appending this agreement to his award; and,
- 10) If the TTC or the Union seek to call any other witnesses from Manulife in the Healthy Fit Arbitrations, they shall agree to obtain a transcript of such evidence and such evidence shall be subject to the terms and process set out in this agreement.

DATED this 20 day of April, 2018

Toronto Transit Commission
"Laura Myers"

Amalgamated Transit Union, Local 113
"Roland Beaudet"

Manufacturers Life Insurance Company
By its Counsel *"Brendan Wong"*



Lorne Slotnick, Arbitrator
April 23, 2018