

**IN THE MATTER OF AN ARBITRATION PURSUANT TO
THE EXPEDITED ARBITRATION SYSTEM UNDER SCHEDULE D**

B E T W E E N:

**LABOURERS' INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 183**

("Union")

and

**PRESTON DUFFERIN CARPENTRY & MANUEL LOUREIRO/
1252910 ONTARIO LTD. & MARIA DA ROSARIO LOUREIRO**

("Employer")

PRELIMINARY AWARD REGARDING PRODUCTION

1. The Union grieved on September 14, 2018 that the Employer has violated the Collective Agreement by employing persons who are not members of the Union or, alternatively, by subcontracting with entities that are not in contractual relations with the Union with respect to each and every hour worked by its employees and/or pieceworkers and/or subcontractors at the jobsite located at or near 841 Glencairn Ave. in North York ("Glencairn Jobsite").

2. The Union requests a pre-hearing production order pursuant to Subsection 48(12) (b) of the *Labour Relations Act, 1995* and Article 22 of the Schedule "E"- Expedited Arbitration System. The documents requested by the Union in their correspondence of October 11, 2018, appear arguably relevant to the issues in dispute and ordering the production of those documents in advance of the hearing may allow the Parties to limit the areas of their dispute and should facilitate the effective use of the scheduled hearing.

3. I, therefore, order that the Employer produce the following documents to the Union related to the Glencairn Jobsite forthwith:

All plans, blueprints, contracts, subcontracts, invoices, work orders, employee lists, payments, banking records and payroll records, including, but not limited to, timesheets, time cards work schedules, invoices, paystubs, cancelled cheques, records of remittances to Revenue Canada and/or Employment Insurance and/or for the Canada Pension Plan, site sign-in sheets, records of training, supervisor's and/or foreman's logs or reports or any other similar time records, including those in electronic format.

4. The Employer is not required to create any records to comply with this Order. They are, however, required to produce copies of those documents in their possession and to make best efforts to obtain such records, to make printouts of any and all electronic records, and to review such documents as may be available to them to fully comply with the above noted Order.

5. If the Employer objects to producing any of the above noted documents, it must provide reasons for that refusal at the onset of the scheduled hearing. The Employer must indicate which documents it is refusing to produce and the basis for that objection. In any event, the Employer is required to bring those documents to the hearing on November 28, 2018 at which time the Parties will be invited to make submissions about whether or not the documents should be produced.

6. The documents produced pursuant to this Order may contain confidential business information. Accordingly, I direct the Union that any documents produced pursuant to this Order are not to be disclosed to any third Party or used for any purpose other than this arbitration.

DATED at Toronto this 16th day of November 2018.


JAMES HAYES
Sole Arbitrator