

IN THE MATTER OF AN ARBITRATION

BETWEEN

Halton District School Board

(the “Board”)

and

Elementary Teachers’ Federation of Ontario

(the “Union”)

Re: Grievance of Snjezana Vukaljevic

SOLE ARBITRATOR: James Hayes

APPEARANCES

For the Union

Howard Goldblatt, Counsel
Susan Ansara, ETFO Provincial
Rob Smoleaars, Local President
Mark Stopple, Local Vice President

For the Board

John-Paul Alexandrowicz, Counsel
Deb McFadden, Executive Officer of Human Resources
Sari Taha, General Manager of Human Resources
Liz McCarthy, Manager of Human Resources
Allison Ippolito, Labour Relations and Workplace Investigations Officer

A hearing was held in Oakville on December 14, 2018

AWARD

1. The Grievance at issue relates to a disciplinary suspension.
2. The hearing on the merits has commenced but two issues have arisen requiring this Award.

Summons to witness

3. A summons to witness was issued to Ms. Cecilia Devas, an employee of the Halton Children's Aid Society ("CAS") in order to obtain documents arising from the CAS investigation into the incident that gave rise to this Grievance.
4. Ms. Devas attended at the hearing as required with the appropriate file.
5. On the agreement of counsel and having heard their submissions, I ordered the production of the documents subject to the following conditions:
 - a. The documents are to be used for the purpose of this proceeding and for no other purpose;
 - b. The information contained in the documents must be kept confidential by the parties and shall not be disclosed except as is necessary for the purposes of preparing for and participating in this hearing;
 - c. At the conclusion of the proceeding, all copies of the documents shall be destroyed, save that counsel for the Board and the Federation may retain one copy for their files.
6. To be clear, this order is for production of documents. Any issues with respect to the relevance or admissibility of any of this material, if not resolved by the parties, may be addressed as those issues arise.

Taking a view

7. The Board submits that taking a view in this matter would be of assistance. The Federation opposes.

8. Frankly, I am doubtful of the necessity for such an approach. Nevertheless, it appears that a view may be taken with little inconvenience and one that will not cause additional expense to the parties.

9. Accordingly, if it is possible to arrange taking a view at 8:30 or 9:00am on the next day of hearing, I am prepared to accede to the request. I leave it to counsel to sort out the details and to advise as to a suitable proximate location for the hearing.

Ongoing procedure

10. The Board will advise the Federation as to whether it will be calling any further as yet unnamed witnesses by December 18, 2018 and, if so, will name any such person at that time. The Board will provide Will-Says to the Federation for any such testimony by no later than 30 days before the next day of hearing.

11. On receipt of this advice from the Board, the Federation will advise as to whether or not it will be calling any evidence in this case and, if so, who may be called as witnesses. The Federation will also provide Will-Says by no later than 30 days before the next day of hearing if evidence is to be adduced.

12. Counsel should advise whether or not they anticipate that this matter can be concluded in one more day of hearing.

Dated at Toronto, Ontario this 18th day of December, 2018.


James Hayes