

IN THE MATTER OF AN ARBITRATION

BETWEEN:

TORONTO TRANSIT COMMISSION

("the Employer")

AND:

THE AMALGAMATED TRANSIT UNION, LOCAL 113

("the Union")

IN THE MATTER OF:

GROUP/POLICY: CONTRACTING OUT HVAC UNIT
– McCOWAN HOUSE

SOLE ARBITRATOR:

Kevin M. Burkett

FOR THE EMPLOYER:

Brett Christen - Counsel
Andrew Kennedy - Associate

FOR THE UNION:

Ian J. Fellows - Counsel
Jason Huang - Counsel
Aleem Tharani - Union Representative
Tony Meglio - Union Representative

Hearing held in Toronto, Ontario on April 4, 2019

INTERIM AWARD

The claim of the Union is that the Employer has improperly contracted out the HVAC Work in connection with the Scarborough SRT cars.

A preliminary issue has arisen with respect to the production of documents; more specifically, the restrictions to be placed on documents produced by the Employer. Having heard the submissions of the parties I hereby direct that the following restrictions be placed on the documents produced by the Employer.

- (a) Any material disclosed to the Union shall be limited to the Union's counsel and one advisor from the Union;
- (b) Documents and copies thereof are to remain in counsel's possession. Any material so disclosed shall be used only for the purpose of this litigation and for no other purpose;
- (c) Any person to whom the information is disclosed is ordered not to disclose it to anyone except upon my further order;
- (d) Upon completion of the litigation, the documents and other material disclosed to the Union shall be returned to the Employer, and all copies of the material shall be destroyed.

(e) Any information redacted from produced documents may be reviewed by Arbitrator Burkett for determination of relevance, at the request of either party.

I remain seized. This matter is to continue on a date to be set.

Dated this 17th day of April, 2019, in the City of Toronto.

Kevin Burkett

Kevin M. Burkett

