

In the Matter of an Arbitration

BETWEEN:

**BRICKLAYERS, MASONS INDEPENDENT UNION OF CANADA, LOCAL 1,
LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA,
LOCAL 183, and
MASONRY COUNCIL OF UNIONS TORONTO AND VICINITY
(THE "UNION")**

AND

JASCY GENERAL CONSTRUCTION INC.

(THE "EMPLOYER")

(Grievances Dated August 11, 2020 and August 19, 2020)

BEFORE: Eli A. Gedalof, Sole Arbitrator

HEARING HELD: September 11, 2020

APPEARANCES

For the Union

Maheen Merchant, Associate Counsel
Cesar Rodrigues, Sector Coordinator
Mario Dos Santos, Business Representative
Adam Iwaniura, Business Representative

For the Employer

Valter Soares, Jascy General Construction Inc.

INTERIM AWARD

1. This matter consists of two grievances dated August 11, 2020 and August 19, 2020, alleging, respectively, failure to remit vacation pay and breach of the Article 15 subcontracting restrictions. The parties are bound to the Masonry Collective Agreement between the Union and the Masonry Contractors' Association of Toronto effective May 1, 2019 to April 30, 2022, and this matter was duly referred to me for arbitration under the provisions

of the Bricklaying Enforcement System. The parties attended a hearing convened by video conference on September 11, 2020.

2. The Union has sought an order for production of documents, which was not opposed by the Employer. Having regard to the parties' representations, I therefore make the following Order:

The Employer is ordered to produce to counsel for the Union the following documents, to be sent by email with paper copies to follow, by no later than September 21, 2020, copies of:

- a. All pay slips for the 6 month period up to the date of this order;
- b. All cancelled cheques for the 6 month period up to the date of this order;
- c. All bank statements for the 6 month period up to the date of this order; and,
- d. All invoices for all work in the construction industry for the 6 month period up to the date of this order.

3. I remain seized with this matter.

Dated at Toronto, Ontario, this 11 day of September 2020.



Eli A. Gedalof
Sole Arbitrator