

IN THE MATTER OF AN ARBITRATION
Pursuant to the *Labour Relations Act*, R.S. 1995

BETWEEN:

COMMUNITY LIVING WINDSOR

("Employer")

- and -

**CANADIAN UNION OF PUBLIC EMPLOYEES
AND ITS LOCAL 2345**

("Union")

(Grievance #02-04-19)

AWARD

SOLE ARBITRATOR: Jasbir Parmar

On Behalf of the Employer:

Anna Vannelli, Counsel – Kavanaugh Milloy

On Behalf of the Union:

Catherine Barrett, CUPE National Representative

[1] I have been appointed to hear and determine this grievance. In the interest of an efficient and expeditious hearing process, I make the following pre-hearing orders.

[2] By June 26, 2020, the Employer is ordered to produce to the Union:

- a. Particulars relating to its asserted grounds for termination; and
- b. Any and all documents arguably relevant to this matter.

[3] By July 31, 2020, the Union is ordered to produce to the Employer:

- a. Any and all documents in the possession, power and control of the Grievor and/or CUPE, Local 2345, which are arguably relevant to this matter, including but not limited to the Grievor's tax reports and all supporting documentation for the 2018 and 2019 tax years, notes, letters, statements, emails, memoranda and any other documents whatsoever upon which the Union intends to rely; and
- b. Any/all medical documentation relating to the Grievor's sick leave of absence for the period commencing on or about June 27, 2018 to and including the date of his termination on January 29, 2019, including but not limited to any/all clinical notes, records, charts, medical and/or consultation reports, assessments, any/all diagnostic testing appointments and reports, ambulance call reports, emergency room records, attendance schedules, treatment information, letters and/or e-mails pertaining to the Grievor's treatment by any/all healthcare providers who may have attended on the Grievor during the sick leave of absence period identified above.
- c. The Grievor is ordered to sign any consents/authorizations required for the Union to obtain any of the documents identified in paragraph b.

Dated this 11th day of May, 2020.

"Jasbir Parmar"

JASBIR PARMAR, Arbitrator