

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 of J. Hattar - #02-04-19)

SOLE ARBITRATOR: Jasbir Parmar

On Behalf of the Employer:

Anna Vannelli, Counsel – Kavanaugh Milloy

On Behalf of the Union:

Catherine Barrett, CUPE National Representative

Heard on September 29, 2020, via Zoom.

[1] I have been appointed to hear the grievance of Jeff Hattar, alleging his employment was unjustly and unfairly terminated. In the grievance, Mr. Hattar seeks as a remedy to be reinstated and made whole.

[2] On May 11, 2020, I issued an Order (the “May 2020 Order”) requiring both the Employer and the Union/Grievor to produce certain documents by July 31, 2020. The Union did not comply with this Order.

[3] On August 31, 2020, I issued another Order (the “August 2020 Order”), granting the Union an extension until September 14, 2020. The Union has still not fully complied.

[4] The Employer made a motion seeking dismissal of the grievance on the basis of non-compliance.

[5] I decline to grant the Employer’s motion, on the basis that the most recent non-compliance has been complicated by certain factors, which include the non-existence of certain documents and a misunderstanding on the Union’s part.

[6] For this reason, I am prepared to grant another extension for production as well as modify my Order:

[7] The Union is ordered to produce to the Employer, **no later than October 15, 2020**:

Any and all T4s and Record of Employment documents issued to the Grievor in respect of the 2018 and 2019 tax year.

[8] The Union is ordered to produce to the Employer, **no later than October 29, 2020**:

A complete copy of the Grievor’s medical file from any healthcare practitioner who provided care to the Grievor between the period June 1, 2018 to June 1, 2019, including a copy of all clinical notes, records, charts, medical and/or consultation reports, assessments, diagnostic testing appointments and reports, ambulance call reports, emergency room records, attendance schedules, treatment information, and letters and or emails pertaining to the Grievor’s treatment.

[9] The Union is ordered to produce to the Employer:

A copy of the Grievor’s completed tax return for 2019, along with supporting documents which related to earned income (e.g.T4s), **within 15 days of the date of filing of the tax return with the Government of Canada**, as long as this matter is still ongoing.

[10] I again note that while it is the Union that is being ordered to produce these documents, they are in fact in the care and control of the Grievor. Accordingly, the Grievor is expected to provide these documents to the Union (and sign any consents required in order for them to obtain these documents) so that they can comply with this Order.

[11] The Employer has indicated that it may renew its motion for dismissal if there is ongoing non-compliance with my Orders.

Dated this 29th day of September, 2020.

"Jasbir Parmar"

JASBIR PARMAR, ARBITRATOR