

IN THE MATTER OF A GRIEVANCE under the *Labour Relations Act, 1995* and
pursuant to a collective agreement

BETWEEN:

COMMUNITY LIVING LONDON
(the “Employer”)

-AND-

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 166
(the “Union”)

Nicole Parsons Grievance #2016-0166-0002

Before: Gail Misra, Arbitrator

Appearing for the Employer:

David Foster, Counsel
Michelle Palmer, Executive Director

Appearing for the Union:
Jane Letton, Counsel

Hearing held on January 28, 2021

Decision issued: January 28, 2021

INTERIM DECISION

1. I have been appointed pursuant to the collective agreement between the parties to hear a grievance filed by the Union on behalf of its member, Nicole Parsons.
2. At the allotted time for the hearing in this matter to commence by way of videoconference, the grievor had failed to attend. Union counsel confirmed that the grievor had been advised of the date, time, location and manner of the hearing.
3. Before proceeding, we stood the matter down for one hour, in the event the grievor had been unavoidably delayed. However, at 10:30 a.m. the grievor had still not appeared.
4. Having regard to the submissions of the parties and subject to the following, the grievance will be dismissed.
5. The grievance may yet proceed, but only if the grievor can provide a suitable explanation for her failure to appear. The grievor, should she wish to proceed with the grievance, is directed to so advise union counsel within three (3) weeks of the date of this award. In addition, and within the same three-week period, the grievor must provide to union counsel the full and detailed reasons for her failure to appear at the hearing on January 28, 2021.
6. Should the union then seek to have the matter re-listed for hearing on the merits, it shall, within one week of receiving the request from the grievor, so advise the employer and provide it with the full and detailed reasons for the grievor's failure to appear.
7. Should the parties agree that the reasons for the grievor's failure to appear warrant a continuation of the proceedings, they are to contact the arbitrator to schedule a hearing date.
8. Should there be a dispute as to the sufficiency of the reasons for the grievor's failure to appear, that question can be put before me.
9. In the absence of any of the steps set out above being initiated, the grievance will be deemed to be dismissed four (4) weeks from the date of this award.

Dated this 28th day of January, 2021.



Gail Misra, Arbitrator