

IN THE MATTER of Grievances dated June 19 and July 3, 2020
AND IN THE MATTER of an Arbitration thereof under the *Labour Re-*
lations Act, 1995 as amended.

BETWEEN:

LIUNA, LOCAL 183

(“the Union”)

-and-

CLARK CONSTRUCTION MANAGEMENT INC

(“the Employer”)

ORDER

1. At the commencement of the hearing today, I directed the Employer to produce documents in accordance with the request of the Union dated March 30, 2021. Those documents will not be available to the Union before the beginning of the cross-examination of the next witness, Shawn Millican.
2. I have conferred with the parties and they have agreed that the cross-examination of Mr. Millican can begin this afternoon.
3. Counsel for the Union has advised that he will not ask the witness, Mr. Millican, questions relating to layoffs and recalls today. He will pursue that

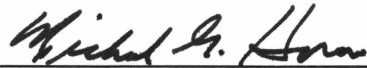
line of questioning on the next hearing date, after the further documents have been produced.

4. Counsel for the Employer will be allowed to review those documents and the issue of layoffs and recalls with Mr. Millican even though the witness will then be in the midst of cross-examination. Those discussions, however, will not be in respect of other testimony that has already been given.

5. There has been an Order made excluding witnesses and there is the usual prohibition regarding discussion with a witness during cross-examination.

6. There has been a relaxation on the usual extent of communication with a witness to allow for discussion about the issue of layoffs and recalls, as well as the documents which I have ordered to be produced.

DATED at Toronto this 31st day of March, 2021.



Michael G. Horan, Arbitrator