

IN THE MATTER OF AN ARBITRATION PURSUANT TO
THE LABOUR RELATIONS ACT, 1995

BETWEEN

J.H. McNairn Ltd.
(the “Employer”)

AND

United Food and Commercial Workers Union, Local 175/633
(the “Union”)

GRIEVANCE OF SHAWN PEGG

BEFORE

Diane Brownlee

FOR THE UNION

Matthew Jagodits, Counsel

FOR THE EMPLOYER

Victor Kim, Counsel

A Hearing in this matter was conducted by videoconference on March 30, 2026

ORDER FOR PRODUCTION

[1] This matter pertains to the grievance of Shawn Pegg.

[2] The Employer seeks production of a decision of the Ontario Court of Justice regarding the Grievor. There is no dispute that the Court decision is arguably relevant. The Union is in possession of the decision but has not produced it to the Employer because the decision is under a publication ban pursuant to sections 517(1) and 486.4(1) of the *Criminal Code of Canada*.

[3] I order the Union to produce the Court decision to Employer Counsel by the end of the business day on March 31, 2026, subject to the following conditions.

- i) The names of the Grievor and the accuser are to be redacted.
- ii) The Court decision is to be kept confidential as among the parties;
- iii) The Court decision shall be produced to Employer Counsel. Fairness requires that an instructing advisor of the Employer be able to review the Court decision for the purpose of instructing Counsel. Accordingly, Employer Counsel may share the Court decision with one instructing advisor;
- iv) No copies shall be made of the Court decision except for the purpose of hearing this grievance;
- v) The Court decision is to be used only for the purpose of this hearing and for no other or improper purpose. Specifically, the Court decision is not to be used in any other proceeding and is not to be shown or provided to any other party or person once the hearing is completed;

- vi) All copies of the Court Decision are to be destroyed at the conclusion of this proceeding and any judicial review proceedings arising out of this proceeding, save for one copy to be retained by each counsel in his file.

[4] This matter is scheduled to proceed on April 2, 2026.

Dated this 31st day of March, 2026



Diane Brownlee, Sole Arbitrator