

IN THE MATTER OF AN ARBITRATION

B E T W E E N:

Kinark Child and Family Services

(“the Employer”)

- and -

Ontario Public Service Employees Union, Local 213

(“the Union”)

AWARD

Before: Lindsay Lawrence, Arbitrator

Re: Job Competition Grievance of Jodi Finch (2024-0213-0005)

Hearing Date: June 3, 2026

1. This grievance was scheduled to be heard by way of video conference on June 3, 2026, along with a number of other job competition grievances filed under the collective agreement between the Union and the Employer. Other grievors attended and the parties engaged in mediation throughout the day with respect to those grievances. Jodi Finch did not attend. The Union had conflicting information about whether Ms. Finch intended to attend and proceed with the grievance, but the Union agreed that Ms. Finch had been provided with notice of the hearing.

2. The Employer submitted that Ms. Finch’s grievance should be dismissed as abandoned because of her failure to attend. The Union argued that there may be a compelling explanation for her non-attendance. I have concluded that it is appropriate to give Ms. Finch an opportunity to explain herself. I am therefore directing as follows:

- By no later than June 23, 2026, Ms. Finch must provide to the Union's counsel an explanation in writing, and any supporting documentation, for her failure to attend the June 3, 2026 hearing date. Union counsel shall forward any explanation received to my office and to counsel for the Employer, without modification or other editing.
- If Ms. Finch is withdrawing her grievance, she shall advise Union counsel by no later than June 23, 2026.
- If Ms. Finch does not provide an explanation for her failure to attend the June 3, 2026 hearing date by June 23, 2026, her grievance will be dismissed.
- If Ms. Finch provides an explanation as directed above, and if after reviewing this explanation the parties cannot agree about the reasonableness or truth of that explanation, the parties may contact my office for the scheduling of a case management call.

3. I specifically note that the direction above is without prejudice to the Employer's right to challenge the reasonableness or truth of Ms. Finch's explanation or to otherwise pursue a motion for the dismissal of this grievance. If Ms. Finch provides an explanation and that explanation includes personal or sensitive information, that information shall be kept confidential and may be used only for purposes of the motion.

4. I remain seized of this matter.

Dated at Toronto this 11th day of June 2026.

"Lindsay Lawrence"

Lindsay Lawrence --Arbitrator