

IN THE MATTER OF AN ARBITRATION

BETWEEN

HYDRO ONE INC.

(“Hydro One”)

and

POWER WORKERS’ UNION

(the “PWU”)

GRIEVANCE: HO-P-165

CHIEF ARBITRATOR: John Stout

APPEARANCES:

For Hydro One:

Daniel McDonald, Norton Rose Fulbright Canada LLP

For the PWU:

Donald K. Eady, Paliare Roland LLP

Kate Shao, Paliare Roland LLP

HEARING HELD BY VIDEOCONFERENCE ON JANUARY 14, 2025

AWARD

1. A conference call was convened on January 14, 2025 to address a number of grievances. This award pertains to grievance HO-P-165, which I earlier addressed in my July 18, 2024 Monthly Award.
2. The grievance concerns a claim by the PWU that Hydro One failed to take all reasonable precautions to prevent conduct rising to the level of a poisoned work environment and/or address same in a timely manner as required by the Ontario *Human Rights Code* (the “Code”) with resulting harms to the grievor. Hydro One does not dispute the existence of a disability within the meaning of the *Code*.
3. On a without prejudice basis, I ordered Hydro One to provide the grievor with a one-time payment of \$35,000, payable as general damages on account of the alleged breaches of the *Code*.
4. The PWU reserved its right to claim further damages when the grievor’s condition progresses or reaches a state of maximum recovery. I noted in my July 18, 2024 Award that I shall take account of the one-time payment in the assessment of the PWU and/or grievor’s claim for damages.
5. The matter was scheduled for return before me on the December 11, 2024, hearing date. The matter was adjourned because the grievor was still unable to return to work and was in receipt of long-term disability (LTD) benefits. In addition, I understand that the grievor’s claim under the *Workplace Safety Insurance Act* (“WSIA”) has been denied but is being appealed.
6. The grievor still has not reached maximum medical recovery and his WSIA claim is still outstanding. In my view, it is prudent to adjourn this matter until the grievor has reached maximum recovery or has been denied LTD benefits.

7. I remain seized.

Dated at Toronto, Ontario this 16th day of January 2025.

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

John Stout - Chief Arbitrator