

IN THE MATTER OF AN ARBITRATION

Craigwood Youth Services

(Employer)

and

Ontario Public Service Employees Union, Local 166

(Union)

Wage Enhancement Grievance: [IMAN-ACTIVE.FID 18857]

Sole Arbitrator: James Hayes

Appearances:

For the Union James Craig, Counsel

For the Employer No-one
[Darren Avery, Counsel – limited advice as professional courtesy]

AWARD

1. This grievance was advanced to arbitration and an arbitrator appointed
2. A hearing date was established in 2024, many months ago on agreement, for May 8, 2025.
3. In March 2025, Mr. Avery confirmed that Craigwood was closing and that all unionized employees had been laid off.
4. Since that time there has been an exchange of e-mails in which Mr. Avery stated that the Craigwood Board had been dissolved, and a liquidator appointed pursuant to the Ontario *Not-for-Profit Corporations Act*. He was unable to obtain any instructions concerning the matter. He later advised that it was his understanding that the liquidator had resigned.
5. Given the foregoing, there appeared to be no point in proceeding to the scheduled hearing. Mr. Avery was prepared to appear, if necessary, as a professional courtesy but he was in no position to do more than confirm the information already provided. It appeared certain that no-one from the Employer would be in attendance.
6. The Union, therefore, consented to an adjournment. It made clear that the grievance had not been abandoned. It made a request that the arbitrator issue a decision setting out a procedure for dispute resolution that would not require a formal hearing.
7. The Union, quite properly, wishes to do what is reasonably possible to protect the rights of the grievors in this unusual situation. But it is necessary to proceed practically, step by step, bearing in mind the right of the Employer to due process. There may or may not be a jurisdictional objection.

8. It is my recommendation that the Union serve Craigwood through the liquidator, or whomever may be legally appropriate, with at least the following:

Advice that there is an ongoing legal proceeding (this arbitration);

A complete written summary of the Union position as to the material facts and the basis of its legal claim;

Copies of all relevant documents;

Request for a prompt reply to include a summary of the Employer position on the merits (supported by a statement of relevant facts and production of any additional documents said to be relevant);

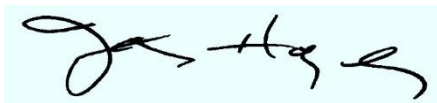
Request for a prompt reply to the Union procedural proposal; and,

This decision.

9. I remain seized to the extent legally permissible.

10. I strongly suggest that the parties address any possible future conduct of this grievance, if any, in the most practical way possible.

Dated at West Vancouver, British Columbia, May 8, 2025

A handwritten signature in black ink, appearing to read "James Hayes", is written on a light blue rectangular background.

James Hayes