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## EVIDENCE AND PROCEDURE IN CANADIAN LABOUR ARBITRATION

Gorsky

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Evidence and Procedure in Canadian Labour Arbitration provides thorough coverage of all the procedural and evidentiary issues pertaining to labour arbitration in Canada. It is written to be used by labour and employment law lawyers representing both unions and management, union officers involved in arbitration, and human rights professionals.

## What's New in this Update

This release features updates to Chapter 3 (Timeliness), Chapter 4 (Grievance Procedure), Chapter 7 (Preliminary Objections: Status and Finality), and Chapter 8 (Pre-Hearing Procedural Issues).

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## **Highlights**

- An arbitrator is not functus where they are seized with the implementation of their award and there is a dispute about timing and retroactivity of wage increases (*Ontario Crown Attorneys' Association (OCAA*), 2025 CarswellOnt 1506 (Ont. Arb.) (Gedalof)).
- An arbitration award will not be anonymized unless there are exceptional reasons to do so. A mere mention of a disability or medical condition is insufficient to justify setting aside the open court principle (Caressant Care Nursing Home, 2025 CanLII 35348 (ON LA) (McNamee); Health Sciences North, 2025 CanLII 50775 (ON LA) (McNamee)).
- A hybrid hearing a combination of in-person and video may be appropriate in some circumstances and can certainly be an option when the parties are at an impasse about the method of proceeding (*Algoma Steel Inc.*, 2025 CarswellOnt 6259 (Ont. Arb.) (Webb)).