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CANADIAN LABOUR ARBITRATION, FIFTH EDITION

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What's New in this Update

This release includes new cases and commentary in Chapter 1 (Arbitration of Grievances in Context), Chapter 2 (Jurisdiction of the Arbitrator), Chapter 3 (The Arbitration Process), Chapter 4 (The Collective Agreement), Chapter 5 (Organization and Direction of the Workplace) and Chapter 6 (Seniority).

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Highlights

- In *A.T.C.O. Electric Ltd.* (2023), 354 L.A.C. (4th) 337 (Casey), the arbitrator concluded that termination for failing to comply with the vaccination policy was not reasonable. Rather, according to the arbitrator, the grievor should have been placed on an unpaid leave. Accordingly, the grievor was entitled to back pay dating back to when the vaccination policy was lifted by the Employer.
- In *Singh* (2023), 354 L.A.C. (4th) 316 (Can. F.P.S.L.R.E.B., Bramwell), the adjudicator concluded that emails exchanged by subcommittee members discussing the termination of an administrative senate employee was not covered by parliamentary privilege and therefore could be produced.
- In *Ontario (Liquor Control Board)* (2023), 356 L.A.C. (4th) 255 (Ont. G.S.B., Herlich), the Grievance Settlement Board held that there was no reason to intervene in the outcome of a job competition. The Board held there was no evidence of any bad faith and that the grievor's allegations were not made out. The Board also noted that it does not act as an appeal body where unsuccessful job applicants can have their scores reviewed.