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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 7 (Discipline), Chapter 8 (Compensation) and Chapter 9 (Union Rights and Liabilities).

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Highlights

- In *Rehn Enterprises Ltd. v. United Steelworkers, Local 1-1937* (2025), 370 L.A.C. (4th) 227 (B.C. C.A.), under section 100 of the *Labour Relations Code*, the Employer appealed the arbitrator’s decision that the installation of surveillance cameras inside the cabs of company vehicles was unreasonable in light of employees’ privacy interests. At issue in this decision was whether the Court of Appeal or the labour Relations Board had jurisdiction to review the award. The Court concluded that it did not have jurisdiction to review the decision. Rather jurisdiction rested with the Labour Relations Board. In reaching this conclusion, the Court noted that 2019 amendments to the Code further narrowed the limited jurisdiction of the Court, signalling a legislative intent to grant the Labour Relations Board jurisdiction in all but the most exceptional of cases. Under the current language of s. 100, for the Court to have jurisdiction, the matter of general law had to be “unrelated to a collective agreement, labour relations or related determinations of fact”; otherwise, the Labour Relations Board had jurisdiction under s. 99.
- In *Centre for Addiction and Mental Health* (2025), 371 L.A.C. (4th) 1 (McIntyre), the Arbitrator concluded that terminating the Grievor for medication stockpiling was excessive in light of lesser discipline imposed on colleagues. The Arbitrator substituted 10-day suspension instead.