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### **CANADIAN LABOUR ARBITRATION, FIFTH EDITION**

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**Release No. 2, March 2024**

### What's New in this Update

This release includes new cases and commentary in Chapter 7 (Discipline) and Chapter 8 (Compensation).

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## Highlights

- In *Extendicare Canada Inc.* (2023), 352 L.A.C. (4th) 322 (Asbell), the issue before the arbitrator was whether the hearing should proceed in person or by way of a virtual hearing. The parties did not agree on how to proceed. The arbitrator concluded that where the balance between an in person hearing and a virtual hearing does not tip in either side's favour, the grievor's preference should govern.
- In *Vancouver Terminal Elevators' Assn.* (2023), 352 L.A.C. (4th) 70 (Sims), the arbitrator concluded that the National Day of Mourning following the passing of Queen Elizabeth II was not a holiday under collective agreement. Conversely, in *PRT Growing Services Ltd.* (2023), 352 L.A.C. (4th) 53 (Saunders), the arbitrator concluded that the same day was a holiday under that collective agreement. Finally, employing similar interpretative principles, in *Assn. of Law Officers of the Crown* (2023), 352 L.A.C. (4th) 388 (Albertyn), the arbitrator concluded that under that collective agreement the National Day for Truth and Reconciliation constituted a holiday.