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EVIDENCE AND PROCEDURE IN CANADIAN LABOUR ARBITRATION

Gorsky

Release No. 1, February 2026

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 Chapters 2 (Types of Grievances), 3 (Timeliness), 4 (Grievance Procedure), 5 (Appointment of the Board), 7 (Preliminary Objections: Status and Finality), and 8 (Pre-Hearing Procedural Issues).

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Highlights

- Where there is an agreement to hold grievances in abeyance, an arbitrator will not dismiss the grievances on the basis of laches (*Ottawa (Police Services Board)*, 2025 CarswellOnt 14744 (Ont. Arb.) (Parmar))
- Remedial requests for compensation will not be outside the scope of grievances that are related to time off work and a subsequent dismissal (*Timmins Police Services Board*, 2025 CanLII 89585 (ON LA) (Bandhu))
- A grievance filed by the union can be withdrawn by the union even over the objection of the employer (*Compass Canada Support Services*, 2025 CarswellOnt 15873 (Ont. Arb.) (Karimjee))
- An arbitrator may restrict a lawyer from representing a witness at a hearing where there is a clear conflict of interest (*Providence Care*, 2025 CanLII 68847 (ON LA) (Reaume))
- An investigation report into the subject matter of the grievance is arguably relevant and ought to be produced (*Guelph Police Services Board*, 2025 CarswellOnt 21909 (Ont. Arb.) (Kugler))