

Publisher's Note
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Gorsky
**Evidence and Procedure in
Canadian Labour Arbitration**

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.

This release features updates to Chapter 1 (Introduction), Chapter 3 (Timeliness), Chapter 4 (Grievance Procedure), and Chapter 7 (Preliminary Objections: Status and Finality).

Case Law Highlights

- **Grievance Procedure – Issue Definition:** *North York General Hospital*, [2018] O.L.A.A. No. 387 (Randazzo) held where it is determined that a new position raised in closing submissions amounts to an amendment of the grievance and causes prejudice to the other party, it will not be allowed by the arbitrator.

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- **Grievance Procedure – Issue Definition – Amendment of the Grievance:** *Downsview Drywall Contracting (Union Work Grievance)*, 2018 CarswellOnt 18114, [2018] O.L.A.A. No. 350 (Nyman) reasoned if the requested amendment to the grievance results in new allegations, arbitrators will consider the timing of when the union became aware of the allegations and the point the allegations were raised with the other party, as well as any prejudice that might arise from allowing the amendment.
- **Preliminary Objections: Status and Finality – Objections to the Status of Parties – Objections to the Status of Parties:** *Essar Steel Algoma Inc.*, 2018 CarswellOnt 22267, [2018] O.L.A.A. No. 455 (Pallard) found that as the intervenor is neither a party to the collective agreement nor the grievance, an arbitrator may limit the intervenor’s participatory rights during the course of the hearing.