

## **Breakfast Seminar Series**

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### **Labour Arbitration Update: The Year in Review**

**September 30, 2014**

[www.ehlaw.ca](http://www.ehlaw.ca)

## **Your Mock Arbitration Panel**

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- Sheri Farahani – Arbitrator
- Paul Lalonde – Union Counsel
- J.D. Sharp – Employer Counsel

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## **CASE #1 & #2**

### **Breach of Trust in LTD Claims / Abuse of Sick Leave and Appropriate Discipline**

### **Breach of Trust in Long-Term Disability Claim**

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- *VHA Home Health Care and OPSEU (T.(M.))*, (2013) 237 L.A.C. (4th) 117 (Cummings)

## Abuse of Sick Leave

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- *Telus Communications Inc. v. Telecommunications Workers Union*, 2014 ABCA 199 (CanLII); 2013 ABQB 355 (CanLII)
- *Telus Communications Inc. v. Telecommunications Workers Union*, 2012 CLB 29416, (Beattie)

## CASE #3

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### Investigation of Workplace Harassment and Employer Liability

## **Increased Damages Due to Flawed Investigation**

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- *City of Calgary and Canadian Union of Public Employees, Local 38, 2013 CanLII 88297 (AB GAA) (Smith)*

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## **CASE # 4**

### **Managing Performance Issues of Accommodated Employees**

## **Performance Issues Unrelated to Employee's Disability**

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- *Toronto Community Housing Corporation and Toronto Civic Employees' Union, Local 416, CUPE, 2013 CanLII 57240 (ON LA) (Parmar)*

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## **CASE # 5**

### **Breach of Confidentiality Clause in Settlement Agreement**

## **Consequences for Breach of Confidentiality in Settlement Agreements**

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- *Globe and Mail v. CEP Local 87-M*, (2013) 233 L.A.C. (4th) 265 (Davie)
- *Barrie Police Services Board and Barrie Police Association*, 2013 CanLII 53696 (ON LA) (Marcotte)

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**Questions?**