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

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

**Case Law Highlights**

- **Types of Grievances – Doctrine of Estoppel – Elements – Forms of Representation:**  
The party asserting estoppel must specify the conduct that it relied on with particularity. It is not sufficient to claim that a representation by conduct exists

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and then seek production of documents in order to substantiate the claim: *Jacques Carrier & Sons Construction Ltd.*, 2019 CanLII 69955, 2019 CarswellOnt 12599 (Surdykowski).

- **Grievance Procedure – Issue Definition:** Where a union has received production and particulars during the grievance process, it will be more difficult to convince an arbitrator that it can raise a new issue at the arbitration: *University of Guelph (Selles)*, 2019 CanLII 55656, 2019 CarswellOnt 9726 (Misra).
- **Appointment of the Board – Expedited Arbitration:** There is nothing in the legislation that precludes a party who has referred a grievance to arbitration under the collective agreement from changing course and making a statutory referral: *Orin Contractors Corp.*, 2019 CanLII 65144, 2019 CarswellOnt 12152 (Steinberg).