

Arbitrator Can't Order Company Not to Enforce Privacy-Invasive Security Policy



The union cried foul when a food distribution company adopted a new security policy allowing for random searches of employees in storage areas and asked the arbitrator to issue an order to “stay,” i.e., bar the company from enforcing the policy. Even if the union’s claims were right, the arbitrator doesn’t have the power to issue such an order, the company argued. The arbitrator agreed and dismissed the grievance, citing the absence of any provision in the labour laws or collective agreement expressly authorizing an arbitrator to issue an order staying enforcement of a company policy [*United Food and Commercial Workers, Local 649 v Federated Co-operatives Association Limited*, 2018 CanLII 93865 (SK LA), Oct. 3, 2018]