

ARBITRATION AGREEMENT : DISMISSALS

PARTIES : **COMPANY** _____
UNION _____

The parties described above have agreed upon the following issues concerning their forthcoming arbitration :

- 1 We agree that M_____ will be our arbitrator for this dispute.
- 2 2.1 The issues which the arbitrator will be asked to decide are whether, in the arbitrator's opinion based on the evidence presented in the arbitration;
 - 2.1.1 there is fair cause to make a finding of misconduct or incapacity against _____
_____ ; and
 - 2.1.2 what sanction is fair for such conduct or incapacity; and
 - 2.1.3 whether the employee/s had a fair opportunity to state his/her/their case prior to dismissal.
- 2.2 The arbitrator shall have the power to make an award which s/he deems appropriate and which may prescribe a sanction or a remedy including reinstatement.
- 3 We agree that the arbitrator will have the power to decide upon the procedure which s/he will follow at the hearing of this matter.
- 4 The arbitrator shall on application by one or other of the parties have the discretion to make an award as to costs which s/he deems appropriate in the event of the non-appearance or late-appearance of a party at the arbitration proceedings, or in the event of the cancellation, postponement or adjournment thereof.
- 5 We agree to pay IMSSA its usual fees for the arbitration. We have been told what these fees are. Subject to the exercise by the arbitrator of his/her discretion as contemplated in Clause 4 herein, we will each pay half of the fees.
- 6 We agree that the arbitrator's decision will be final and binding upon us.
- 7 The parties shall/shall not be legally represented.
- 8 Should either party require a formal record of the oral evidence at the arbitration, it may make application to the arbitrator who may direct the manner and extent to which the proceedings shall be recorded. In the absence thereof, the arbitration shall not be recorded in any formal manner, and the notes which the arbitrator or the parties take during the proceedings shall not constitute a formal record of the proceedings.
- 9 The parties agree that the award shall be delivered to them by post or fax from IMSSA or from the arbitrator.

SIGNED BY THE COMPANY AT _____ **ON** _____ **19**

FOR THE COMPANY

WITNESSES :

1. _____

2. _____

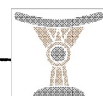
SIGNED BY THE UNION AT _____ **ON** _____ **19**

FOR THE UNION

WITNESSES :

1. _____

2. _____



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