

# ONA WINS



**SUMMARY OF ANOTHER SUCCESS AS YOUR UNION STRIVES TO IMPROVE YOUR WORKING CONDITIONS**

## **Member Receives Short-Term Disability, Thanks to ONA Advocacy**

ONA has successfully argued that one of our hospital members was entitled to short-term disability benefits.

The member, a nurse, provided the hospital with a medical certificate advising that she was unable to work due to illness. Her family physician documented his assessment on the certificate that she was totally disabled, and listed symptoms she had begun to experience after learning that her husband had been diagnosed with a life-threatening illness. These symptoms included an inability to concentrate and think clearly due to situational crisis and stress.

After granting her short-term disability benefits for an initial two-week period, the hospital then denied benefits, arguing the medical evidence did not establish an illness and questioning her family physician's assessment of her abilities. They also relied on a comment made by the member to the employer that she was not sick, arguing she was seeking sick benefits because of her husband's illness, not hers.

ONA called both the member and her physician to testify about her medical condition during the relevant time period.

In his August 29th decision, Arbitrator Levinson was persuaded by ONA's evidence and argument that the member was indeed ill and entitled to short-term disability benefits. This decision confirms that an employer must consider the medical evidence actually put before them and not make assumptions about the underlying causation of the illness.

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