

ONA WINS



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

Sick Leave Win Sets Precedent

ONA has won an important arbitration challenging the employer's decision to refuse continued access to extended health care benefits (including dental) to members who remain on sick leave for more than 30 months.

In this case, the grievor was off work for more than 30 months due to disability. There was no dispute that she suffered from a disability, and she was in receipt of long-term disability benefits. Relying on a provision in the collective agreement, the employer cut off the grievor's access to her extended health benefits after 30 months despite ONA arguing that she is entitled to continue to access those benefits as long as she pays 100 per cent of the benefit premiums.

Arbitrator Slotnick agreed with ONA's interpretation of the collective agreement, finding that it does allow any employee on leave for more than 30 days to access their benefits if they pay 100 per cent of the premiums. However, ONA and the hospital agreed to an exception for employees on sick leave, whereby the employer continues to pay its share of the benefit premiums for 30 months from the time the nurse goes off work.

The arbitration found that nothing in the collective agreement takes away the right to continue to access the benefits after 30 months, only that the employer's payment towards the premiums comes to an end. He specially noted that the grievor remained an employee and her seniority continued to accrue under the collective agreement while off work due to disability.

This decision is important to ONA because other hospitals have the same practice/policy in place based on the same collective agreement. They can now be challenged due to this decision.

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