

ONA WINS



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

Employer cannot make unauthorized deductions from wages

Region 3 Hospital

An arbitrator has found that an employer is not permitted to make deductions from wages to recover alleged overpayments, unless a nurse has first consented to the deduction or a tribunal has ordered that the deductions are permitted.

In this case, the hospital allegedly overpaid nurses for a number of years. Once the error was discovered, the hospital unilaterally decided to recover the overpayment by deducting money from the nurses' biweekly wages. The amounts deducted were significant, ranging from \$350-\$500 every paycheque for several months.

ONA argued that the hospital's actions were a violation of s.13 of the *Employment Standards Act*. The arbitrator agreed with ONA that such deductions are not permitted, particularly where an employee earns an hourly wage.

The hospital was ordered to repay the nurses all amounts deducted. To recover any overpayment in the future, the hospital must make consensual arrangements with the affected nurses, or receive a court order permitting the deductions.

Importance to ONA: This decision confirms that an employer cannot make unauthorized deductions from wages.

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