

# ONA WINS



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

## Hospital's Attendance Management Program contrary to Human Rights Code

Region 3 Hospital

ONA has won an important decision, challenging a hospital's Attendance Management Program (AMP) as being contrary to the *Human Rights Code*. When the hospital changed its AMP, ONA filed a policy grievance challenging aspects of the new policy, including the treatment of disability-related absences and the requirement for a medical certificate after each and every absence for employees placed in the program.

The arbitrator agreed with ONA that the program had the potential for negative impact on employees, and that, as drafted, it was inconsistent with the employer's obligations under the *Human Rights Code*. In particular, she found that any disability-related absences could not be counted for the purposes of entry into the program or progression through the various stages.

The arbitrator also found that it was unreasonable to make a blanket demand for a medical certificate on every occasion of absence after the employee reached a certain point in the AMP.

**Importance:** This is the first ONA decision in which the issue of including disability-related absences for the purpose of entry into and progression through an AMP has been addressed. The arbitrator's ruling was very clear that the inclusion of such absences runs afoul of the *Human Rights Code*. The decision also emphasizes the dangers inherent in such programs when managers are required to mechanically send letters and convene meetings without any discretion or consideration of individual factors.

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