

**IN THE MATTER OF AN ARBITRATION**

**BETWEEN:**

**Hamilton Health Sciences**

**-and-**

**Canadian Union of Public Employees  
Local 7800**

**Grievances of Joseph George**

**Lorne Slotnick, Arbitrator**

**Representing the Union – Dave Murphy**

**Representing the Employer – Erin Cardwell**

**Hearing – Hamilton, Ont., April 14, 2020**

## **A W A R D**

The grievor in this matter, Joseph George, worked as a medical device reprocessing technician at Hamilton Health Sciences. He requested accommodation, and filed a grievance in March 2019, alleging the employer failed to accommodate him as per his doctor's orders (grievance #CS4-19-004).

He filed a second grievance (#CS-4-19-045) in November 2019 alleging that the employer improperly denied him the opportunity to be accommodated in a position for clerk-typist 4 – reception at the Juravinski Hospital site that was posted in August 2019. The hospital had denied him the position because he did not pass the testing in several areas. Discussions between August and November did not resolve the issue.

After the second grievance was filed, however, the parties agreed on a trial accommodation in the position that had been posted in August. Mr. George, the parties agree, was successful in this four-week trial period, which ended on March 27, 2020.

I therefore order that the grievor, Mr. George, be confirmed as the successful incumbent in the clerk-typist 4 position at the Juravinski Hospital (posting #77754). Because this position meets his restrictions, the employer will have fulfilled its duty to accommodate the grievor by placing him in the position.

I further order that the hospital pay to Mr. George the sum of \$10,000 in general damages within 30 days of the date of this award.

This award resolves all issues raised by the two grievances and the facts surrounding them. The union is ordered not to file any grievance arising from implementation of this award. Further, grievance #CS5-20-001, relating to job posting #78755, is deemed withdrawn, as the position will be filled by the incumbent employee being displaced by Mr. George.

The parties have agreed that this award has no precedential value.

I will remain seized in the event of any dispute over the implementation of this award.

A handwritten signature in black ink, appearing to read "Lorne Slotnick", written over a horizontal line.

Lorne Slotnick, Arbitrator

April 29, 2020