

**IN THE MATTER OF AN ARBITRATION
PURSUANT TO *THE LABOUR RELATIONS ACT*, RSO,1995**

BETWEEN:

NATIONAL ORGANIZED WORKERS UNION

(Union)

- and -

HUMBER RIVER HEALTH

(Employer)

**RESPECTING: GAR-16966-2026 (Individual Grievance of
AK)**

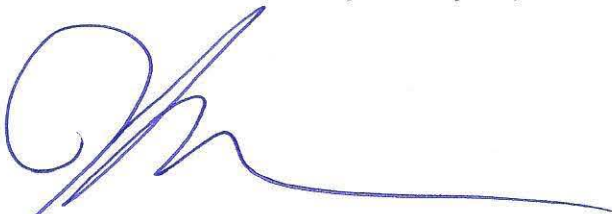
DECISION

ARBITRATOR:	JUDITH ALLEN, A.I.M.
UNION COUNSEL:	IAN PERRY, PERRYS, LLP
EMPLOYER COUNSEL:	MARC RODRIGUE, PROTEA, LLP
REMOTE HEARING DATE:	APRIL 8, 2026 (adjourned to) APRIL 28, 2026
DATE OF DECISION:	APRIL 28, 2026

DECISION

1. The individual grievance before me filed on behalf of AK, is in respect of two separate job postings that AK applied for, and in which an Employer Representative alleged that prior discipline was used as a bar for consideration for either posting.
2. Having carefully reviewed the wording of the job postings in question and the wording of the collective agreement provisions, relied upon by the Union, including article 11, I find that there was no basis for the Employer to exclude AK from consideration.
3. Since then, the Employer permitted AK to be considered and tested. It is conceded by the Union, that AK did not pass the test and therefore did not obtain the job.
4. The remedy of granting AK relief of either placement in the position or damages is therefore moot.
5. The grievance is dismissed.

Signed, this 28th day of April, 2026, in the City of Ottawa

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Judith Allen, A.I.M.