

IN THE MATTER OF AN ARBITRATION

BETWEEN

HYDRO ONE INC.

(“Hydro One”)

and

POWER WORKERS’ UNION

(the “PWU”)

GRIEVANCES: HO-WS-2019 and HO-WS-1877

CHIEF ARBITRATOR: John Stout

APPEARANCES:

For Hydro One:

Daniel McDonald, Norton Rose Fulbright Canada LLP

For the PWU:

Donald K. Eady, Paliare Roland LLP

Kate Shao, Paliare Roland LLP

HEARING HELD BY VIDEOCONFERENCE ON JUNE 10, 2025

AWARD

1. This award addresses two grievances filed by the PWU on behalf of the Grievor. Grievance HO-WS-2019, alleges that Hydro One unreasonably denied the Grievor sick leave benefits. Grievance HO-WS-1877, alleges discrimination and harassment.
2. The Grievor has been off work on a medical leave since March 13, 2023. Grievance HO-WS-1877 has been held in abeyance as the Grievor remains off work. Grievance HO-WS-2019 has come before me on three previous occasions.
3. The Grievor has attended an Independent Medical Examination (“IME”). An initial IME Report was provided November 11, 2024 and an addendum report January 6, 2025. The two reports do not provide a clear answer as to whether the Grievor is totally unable to work or whether he can return to modified work.
4. On February 28, 2025, the Grievor was directed to provide the IME, and addendum reports to TELUS Health and any other documents required to have his claim for sick benefits adjudicated by March 10, 2025.
5. Subsequent to the February 28, 2025, hearing date, the Grievor attended a PWU initiated medical examination and review by Dr. Ash Bender. Dr. Bender issued a report April 25, 2025, which has been shared with Hydro One.
6. Hydro One, relying upon their physician’s review of the medical reports, takes the position that the Grievor is able to return to work. Hydro One has issued the Grievor a letter requesting that he attend a return-to-work meeting. The PWU takes the position that the Grievor is not ready to return to work.
7. The Grievor has recently filed a complaint with the Human Rights Tribunal of Ontario (HRTO), which was served on Hydro One on June 6, 2025 (HRTO File No. 2025-60947-I).

8. In his HRT0 complaint, the Grievor asserts discrimination on the basis of race and ethnic origin. The Grievor also asserts violations of the Collective Agreement in his HRT0 complaint. I have exclusive jurisdiction to deal with any matters arising for or relating to the interpretation, application or administration of the Collective Agreement. The HRT0 allegations are similar if not the same as grievance HO-WS-1877. It seems to me that the Grievor is now prepared to deal with these issues despite being out of the workplace on a medical leave.

9. In order to move this matter forward, I order the grievances be consolidated and brought back July 8, 2025 for mediation and case management.

10. I remain seized.

Dated at Toronto, Ontario this 20th day of June, 2025.

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

John Stout - Chief Arbitrator