Arbitrator Upholds Firing Staffer for Unauthorized Access of Patient Records



A hospital fired a Kidney Care Program clerk with 14 years of service for improperly accessing a patient's medical record. The clerk denied accessing the information; but the hospital's witnesses said she did, based on her position, the operation of the computerized data system and the reliability and accuracy of the records it generated documenting her unauthorized access. While finding all of the witnesses generally credible, the Ontario arbitrator found the hospitals' witnesses, story and evidence to be more believable and tossed the union's grievance [*Orillia Soldiers Memorial Hospital v Ontario Public Service Employees' Union, Local 383*, 2021 CanLII 94715 (ON LA), October 4, 2021].