Employer Must Prove It Had Just Cause to Fire Employee for Medical Absence



A secretary who was absent from work due to illness emailed his supervisor a note from a nurse practitioner simply stating that he had to miss work for 4 weeks due for medical reasons. The note didn't list the reasons; and it wasn't signed. The employer said the note wasn't adequate verification of the need for leave and terminated the secretary. The union grieved, contending that the reason the note was unsigned was the pandemic and the fact that the nurse evaluation was via telemedicine rather than in-person. The key question at this point in the proceeding: Was the action disciplinary? The Ontario arbitrator said it was. As a result, the employer bore the burden of proving it had just cause to terminate at the upcoming hearing [*Ontario Public Service Employees Union v Ontario Public Service Staff Union,* 2021 CanLII 102685 (ON LA), October 15, 2021].