

Minutes of Settlement

Between

CUPE Local 2974

and

Corporation of the County of Essex


Whereas Local 2974 filed grievance 2018-11-26B with regard to the requirement of Mr. Ian Nash to provide a medical note in particular circumstances;


And whereas the parties wish to resolve the grievance without litigation;

They do hereby agree as follows with regard to the Local 2974.2 bargaining unit only:

1. Under the current terms of the Employment Standards Act and the collective agreement, the employer may request that an employee provide a medical certificate before sickness exceeding 3 days. In this context, the term "sickness" includes hospitalization, accident and illness. In doing so, the employer will exercise its discretion reasonably in determining when to request such medical certificates before sickness exceeding 3 days.
2. In exercising its discretion to request a medical certificate before sickness exceeding 3 days, the employer will take into account any voluntary disclosure of the reasons for the absence by the employee. Depending on the circumstances, more detailed voluntary disclosure by the employee of the reasons for the medical absence ^{may} will incline the employer not to request such medical certificate.
3. The employer acknowledges that, in retrospect, inquiries reasonably could or should have been made amongst management which might have avoided the request for a medical note in Mr. Nash's particular circumstances in and around October 27, 2018.
4. This settlement is without prejudice to any matter between the parties that is not specifically addressed in these Minutes of Settlement.
5. Grievance 2018-11-26B is settled.

June 14, 2019.


Local 2974


County of Essex