

IN THE MATTER OF AN INTEREST ARBITRATION

BETWEEN:

Joseph Brant Memorial Hospital

and

CUPE

(HOODIP Grievance)

Before: William Kaplan
Sole Arbitrator

Appearances

For the Employer: Carolyn Kay
Hicks Morley
Barristers & Solicitors

For the Union: Lyle Kanee
Sack Goldblatt Mitchell
Barristers & Solicitors

This case proceeded to a hearing in Burlington on November 26, 2007.

Award

Having heard the submissions of the parties, I direct as follows:

1. Employees with a compensable injury approved by the Workplace Safety and Insurance Board ("WSIB") are not eligible for Short Term Disability Benefits in respect of that injury and its related symptoms pursuant to the terms of the 1992 HOODIP plan.
2. Similarly, employees returning to work on a WSIB approved modified work program are not eligible for HOODIP benefits pursuant to the terms of the 1992 HOODIP plan.
3. In the event an employee covered by paragraph 2 above is sick and the sickness is not related to their WSIB injury and its related symptoms, the employee will be entitled to receive sick leave benefits under the 1992 HOODIP Plan, to the extent that he or she has not otherwise exhausted the benefit.

I remain seized with respect to the implementation of this award.

DATED at Toronto this 26th day of November 2007.

"William Kaplan"

William Kaplan, Sole Arbitrator