

# Arbitrator Orders Reinstatement of Nurse Suspended after Drug Arrest



A nurse was arrested for possessing and selling cocaine. The hospital put her on unpaid leave while the charges were pending. The union claimed that unpaid leave was essentially a suspension without just cause. The hospital argued that it had imposed a non-disciplinary suspension that was appropriate under the circumstances. The arbitrator disagreed. The nurse's exact role in the alleged drug ring was unclear. When she was put on unpaid leave, she hadn't been convicted of anything. And there was no evidence she was using drugs while working or sharing drugs with co-workers or patients. In short, the substantial press coverage of the charges didn't warrant keeping the nurse out of the workplace. So the arbitrator ordered the hospital to reinstate her [*Ontario Nurses' Assn. v. Cambridge Memorial Hospital (Unpaid Leave Grievance)*, [2012] O.L.A.A. No. 596, Nov. 28, 2012].