

Worker Should Have Been Reinstated after Passing Independent Medical Exam



The union contended that a university failed to accommodate a driver who delivered medical samples and live animals in a climate-controlled truck by delaying his return to work for over a year. The university defended the delay by citing the driver's safety-sensitive position and medical information showing his cognitive limitations. Bringing him back too soon would violate its OHS duties to ensure the driver and his co-workers as safe workplace, it argued. The arbitrator agreed but only up to a point. The university's concerns were legitimate up until the time the driver took an Independent Medical Examination showing he could return. But the 3 extra months it took to reinstate him after that point was unjustified [[*International Union of Operating Engineers, Local 772 v University of Ottawa*](#), 2018 CanLII 105364 (ON LA), Nov. 1, 2018]