



e2r Alert!

Working from Home and Sick Leave Abuse

A recent arbitration decision - *ICBC v. MoveUP (Canadian Office and Professional Employees' Union Local 378) (Mundy Grievance)* - highlights how sick leave abuse by employees could be cause for termination, even when employees work from home.

By way of background, a unionized employee, who was working from home, requested the Saturday of the August long weekend off as she was going on vacation. Her request was denied, and she ended up calling in sick that day. Given she had previously requested that day off, the day was flagged in the employer's system and an investigation commenced.

During the investigation, the employee claimed that she had intended to work from her hotel room (without seeking approval to do so), however she had woken up with a migraine and was not able to work. Upon review of the employee's social media, it appeared she had been celebrating at the hotel that day and also ended up purchasing a truck with her husband that afternoon.

Due to inconsistencies in the employee's story, as well as the fact that the employee was required to create a new safety checklist if her work from home location changed, the employer decided the employee's actions were dishonest and she was terminated.

The Union grieved the termination, claiming it was excessive in the circumstances.

The arbitrator upheld the termination, agreeing there were inconsistencies in the employee's story, while also finding that a reasonable employee would have let their supervisor know if they were changing their remote work location.

This case highlights not only the importance of conducting proper investigations, but also to have a policy in place that states that employees must ask permission before making changes to their work from home arrangements.

If you have any questions about working from home or sick leave abuse, please do not hesitate to reach out to speak with an e2r™ Advisor.