

Discrimination to Fire Alcoholic Care Assistant for Coming to Work Drunk



A Continuing Care Assistant at a long-term special care home was fired after she arrived to work a night shift while intoxicated. The union argued that the assistant was an alcoholic suffering from a relapse at the time and the employer should've accommodated her rather than firing her. The employer argued that even if the assistant had an alcohol addiction, her showing up for work drunk, in the circumstances, was culpable misconduct deserving of discipline. The arbitrator agreed that seeing to the needs of residents, while under the influence of alcohol, severely jeopardized their safety and the safety of everyone in the care home. But there was adequate proof the assistant had a disability, that is, an addiction to alcohol. And the employer was aware of her addiction. Also, her attendance at work while under the influence of alcohol was totally attributable to her disability and thus non-culpable. So the arbitrator concluded that the employer discriminated against her by firing her for her disability and failing to accommodate her [[Canadian Union of Public Employees, Local 4777 v. Prince Albert Parkland Health Region](#), [2016] CanLII 48150 (SK LA), July 27, 2016].