

# Employer Could Fire Depressed Worker for Excessive Absenteeism



A call centre worker was fired for missing an “unacceptably high number of shifts.” The union claimed that her absences were due to a disability (depression), which the employer had failed to accommodate. An arbitrator upheld the dismissal. And the appeals court ruled that this decision was reasonable. The worker had been warned in performance reviews and several letters about her absenteeism. She was specifically told that termination was possible if her attendance didn’t improve. The employer had put in place all of the accommodations she’d requested, relaxed attendance standards for her and “tolerated significant absenteeism over many years.” No further accommodation was possible, other than tolerating continued absenteeism, it concluded [*Telecommunications Workers’ Union v. TELUS Advanced Communications*, [2011] B.C.J. No. 2521, Dec. 30, 2011].