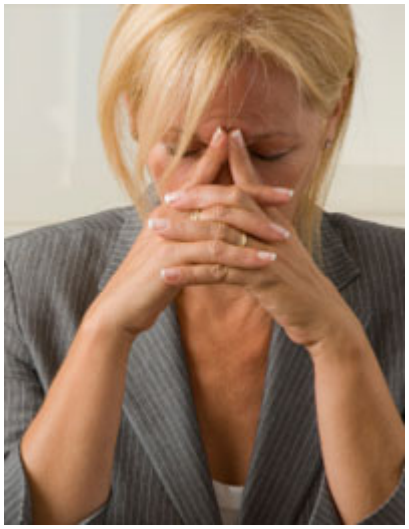
Employer Couldn’t Know Performance Issues Were Tied to Manager’s Disabilities



A project manager with the provincial government was fired for poor performance. She filed a complaint, alleging, among other claims, disability discrimination. Specifically, she claimed the employer failed to accommodate her processing learning disorder and ADHD and terminated her because of her disabilities. The Human Rights Tribunal dismissed her disability discrimination claims but allowed the case to proceed on her other claims. The Tribunal noted that the manager admitted that she’d never told the employer about her disabilities. And it rejected her argument that the employer knew or should’ve known she was disabled because of her behavior at work and performance problems. The Tribunal explained that without clearer information connecting the manager’s conduct to her disabilities, it was reasonable for the employer to conclude that her performance problems were skills-based and simply a result of her struggling to do the job [*Stewart v. Ontario (Government Services)*, [2013] HRTO 1635 (CanLII), Sept. 30, 2013].