

Employer Didn't Accommodate Addicted Worker to the Point of Undue Hardship



A federally-regulated employer fired a worker for excessive absenteeism. The union filed a grievance, claiming that the employer failed to accommodate the worker's alcohol addiction and depression to the point of undue hardship. The arbitrator noted that the worker's failure to avail himself of the residential treatment program he needed and immediately tell the employer he wasn't in treatment was frustrating. But there were no signs the worker was rejecting treatment completely and there was no evidence the employer had considered alternate ways to accommodate him. So the arbitrator concluded that although there were undoubtedly hardships created by the worker's absence, the facility continued to operate, the worker hadn't been replaced and there was no evidence of significant problems created by his continued absence [*Clean Harbors Canada Inc. v. Teamsters Local Union No. 419*, [2013] CanLII 48435 (ON LA), July 26, 2013].