

Epilepsy Not Reason for Crisis Worker's Termination



A mental health association fired a probationary crisis worker who had epilepsy, saying that it wasn't a good match. She claimed disability discrimination. The arbitrator dismissed her complaint. The employer asked the worker if she needed an accommodation because of her epilepsy and she said no. Based on her job performance, it was clear that she froze under pressure. Crisis workers can't freeze under the stress that can arise during crisis hospital calls, an essential part of the worker's job. Thus, the employer didn't violate her rights and had a legitimate reason for terminating her employment [*Canadian Mental Health Association v. Ontario Public Service Employees Union, Local 133*, [2012] CanLII 7443 (ON LA), Feb. 21, 2012].