

Firing Addicted Nurse for Stealing Drugs May Be Discrimination



A hospital fired a registered nurse with 28 years of service for stealing narcotic drugs. The union grieved contending that the nurse had a disability, drug addiction, and was thus entitled to accommodations. While agreeing that she was an addict, the arbitrator tossed the disability discrimination complaint and upheld termination. The union appealed and this time it won. The arbitrator's ruling was unreasonable, said the Ontario Superior Court. Having found that she was addicted and that addiction was a contributing factor to her stealing the drugs, the arbitrator should have recognized that the nurse had a valid legal claim and given her a chance to prove it at trial. In addition to ordering a new hearing, the court ordered the hospital to pay the \$8K in legal costs the nurse incurred in bringing the appeal [[*Ontario Nurses' Association v. Cambridge Memorial Hospital*](#), 2019 ONSC 3951 (CanLII), July 17, 2019].