

Firing Worker for Innocent Absenteeism Was Disability Discrimination



A 25-year-old was hired as a process operator trainee. After training was complete, he was absent from work multiple days due to illness, including migraines. After he was out for about four months due to a non-work related hand injury, the company fired him on his return for poor attendance. The Human Rights Tribunal concluded that the worker's medical issues were disabilities under the law. The company fired him for innocent absenteeism due to these disabilities, without ever warning him that termination was a possibility. And it didn't accommodate him or prove that doing so would be an undue hardship. So the Tribunal concluded the company had committed disability discrimination and ordered it to pay the worker more than \$40,000 in total damages [*Saunders v. Syncrude Canada Ltd.*, [2013] AHRC 11 (CanLII), Nov. 21, 2013].