

No Medical Evidence Mental Disabilities Caused Employee's Misconduct



This which-came-first case involved not the chicken and egg but the employee's unruly behaviour and her mental disabilities she alleged caused it. Were the case to go to trial, the employee would have to prove the link between the two. And while she didn't have to prove it *before* trial, she did at least have to provide a doctor's report or medical evidence showing that she had a decent shot at proving the claim during the trial. Since she didn't produce any, the Tribunal decided to toss the case without a trial [*McGrath v. Whole Foods Market*, 2018 BCHRT 38 (CanLII), Feb. 9, 2018].