

Not Disclosing Back Condition Is Just Cause to Fire Worker from Lifting Position



Air Canada fired a station attendant for failing to disclose his pre-existing chronic back pain condition during the hiring process. The federal arbitrator tossed the union's grievance, noting that the position required heavy lifting and that the attendant could and should have notified the company of his condition during the preemployment medical assessment. The attendant's contention that he didn't know about the condition until after he was hired fell on deaf ears, given that he had suffered from back pain for 15 years [International Association of Machinists and Aerospace Workers District 140 (IAMAW) v Air Canada, 2023 CanLII 92382 (CA LA), October 6, 2023].