

Worker Develops Anxiety Disorder from Stress of Possible OHS Liability



A worker developed an anxiety disorder from the stress of being the supervisor in charge of asbestos response and removal. She said the MOL had criticized her handling of asbestos removal projects and threatened her with a personal fine. When she tried to return from medical leave, she claimed her employer didn't try to accommodate her mental disability. The Human Rights Tribunal found that the employer failed to fulfill its duty to reasonably accommodate the worker. Her doctor said she couldn't handle a job with possible health and safety liability. But the employer didn't make any effort to what kind of employment she was capable of and where the line between unacceptable risk of liability and acceptability risk of liability lay. In addition, there were other supervisory positions it could've offered the worker but didn't [*Fair v. Hamilton-Wentworth District School Board*, [2012] O.H.R.T.D. No. 336, Feb. 17, 2012].