

Worker Fired for Not Providing Doctor's Note, Not Being Disabled



A logistics company fired a disabled worker returning to work after a back injury for unexcused absence. The Human Rights Tribunal ruled that she wasn't fired for being disabled; she was fired for being absent 3 weeks without a doctor's note. The only information she provided were sketchy references provided over the phone that she purportedly read from her doctor's prescription "off work WCB," 'reassess 11/11.' In addition to violating company policy requiring a written doctor's note, this notification doomed her discrimination claim by proving the company's contention that it had no idea why she was absent let alone that it was due to a disability. The fact that the company had also accommodated the worker by reassigning her to a less physically demanding position no doubt added to its 'cred' with the Tribunal [*Brothers v Shippers Supply Inc.*, 2018 AHRC 2 (CanLII), Jan. 4, 2018].