

C.R v. Canadian Mental Health Association, Western Region Inc.
- January, 2013

[COMPLETE DECISION PDF](#)

SUMMARY

The complainant filed a complaint against her former employer under section 14 of *The Human Rights Code* alleging her employer discriminated against her in her employment on the basis of disability (addiction to alcohol) by failing to reasonably accommodate her special needs based on her disability and instead, terminated her employment.

The respondent took the position that the complainant's employment was terminated for misappropriation of funds.

The Adjudicator determined that although there was not sufficient evidence to establish the complainant had an addiction to alcohol, there was sufficient evidence to establish that the respondent perceived her to have an addiction to alcohol and therefore a disability, which equally attracts protection under *The Code*.

The Adjudicator determined that the complainant's disability was a factor in the respondent's decision treatment of the complainant leading up to the termination of her employment and the termination of her employment itself. She did not accept that the termination of the complainant's employment was based solely on misappropriation of funds and was not convinced that the evidence established any misappropriation of funds at all.

She determined that the respondent has not satisfied its onus of establishing, on the balance of probabilities, that there was a bona fide or reasonable cause or justification for its treatment of the complainant or that reasonable accommodation was made or was not possible in the circumstances.

Remedy: The complainant was awarded lost wages in the amount of \$1894.20, equivalent to four weeks' wages and \$4000 in damages for injury to the complainant's dignity, self respect and feelings. The Adjudicator also issued a monitoring order which would allow the Commission to monitor the respondent's employment practices for a period of two years.