Firing Union Nurse for Alcohol Addiction Is a Labour, Not a Human Rights Case



A case that has drawn national attention has now gone all the way to the nation's highest court. It began when a home care aide came to work drunk. She admitted her alcohol "addiction" and signed a last chance agreement promising to abstain, only to be fired a few weeks later based on rumours of being drunk in public. The Manitoba Human Rights Board ruled that the employer didn't do enough to accommodate the nurse's disability. The employer contended that the case was a collective agreement dispute that a labour board should decide. The Manitoba Court of Appeal disagreed, finding that the essential issue was disability discrimination, well within the Human Rights Board's jurisdiction. But now the Supreme Court of Canada has sided with the employer, finding that the case is a labour dispute not subject to Human Rights Board's jurisdiction. The labour laws give arbitrators exclusive authority to decide disputes under collective agreements, even when they also involve issues governed by other laws, the Court reasoned [*Northern Regional Health Authority v. Horrocks,* 2021 SCC 42 (CanLII), October 22, 2021].