

Harassment: Union Can't Blame Harassing Behaviour on Employee's Mental Disability



A nurse terminated for workplace harassment after nearly 20 years of employment claimed his behaviour was the product of a depressive disorder. But the Alberta arbitrator didn't buy it and dismissed his disability discrimination grievance. It can be hard to "differentiate between a maladaptive personality and a disabling mental disorder," the arbitrator acknowledged. The doctors who examined the nurse had conflicting opinions. But for some reason, the union didn't call the doctor who said he was suffering from a mental disorder to testify. And since the union had the burden of proving a disability existed, the grievance failed [[United Nurses of Alberta v Albert Health Services](#), 2021 CanLII 134629 (AB GAA), December 17, 2021].