

Longstanding Employee Fired for Not Getting Doctor's Note



A Yellow Pages sales consultant took short term disability leave for hypertension and work-related stress. But his doctor didn't return the medical forms the company's disability insurer needed. So the company terminated his benefits and insisted that he either furnish the documentation or return to work by March 3. He did neither. So after 20 years of spotless service, Yellow Pages terminated his employment.

The arbitrator upheld the termination; and so did the divisional court. But the Court of Appeal had the final word. Although Yellow Pages might have followed the letter of the law with regard to notification and warning, firing a senior employee for such a minor offence was disproportionate and a new arbitrator would have to decide if the penalty was warranted [*Canadian Office & Prof. Employees v. Yellow Pages Group Co.*, [2012] O.J. No. 2880, June 26, 2012].

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