

Negative Performance Review of Diabetic Employee Costs Company \$20K in Discrimination Damages



A newly diagnosed diabetic telecom employee returned to work after a one-month leave of absence. Sadly, she found that job stress made it hard to control her blood sugar. As a result, she was often ill and her work suffered. So when it came time to downsize, the negative performance reviews that came to occupy her file were used to winnow her out.

The employee claimed that the company committed disability discrimination and the Canadian Human Rights Tribunal agreed. The company should have considered the effect of her illness on job performance, the Tribunal said. Failure to make allowances for her health was a violation of the company's duty to accommodate warranting \$20,000 in damages [*Grant v. Manitoba Telecom Services*, 2012 CanLII 35367 (CHRT)].