**News Article**

**Excessive drinking not a firing offence for an alcoholic, Manitoba human rights board rules**

[Steve Lambert, The Canadian Press](http://news.nationalpost.com/author/canadianpressnp) | September 16, 2015 8:37 AM ET

WINNIPEG — A health-care aide’s alcohol addiction qualifies as a disability, and her employer was wrong to fire her for drinking off the job, a Manitoba human rights adjudicator has ruled.

Linda Horrocks is entitled to be reinstated, get three years back pay and an additional $10,000 for injury to her dignity, independent adjudicator Sherri Walsh said in [a report](http://www.manitobahumanrights.ca/publications/legal/decision_horrocks.html) released Tuesday.

“The issue for determination in this matter is not whether the complainant was drinking on a given day but rather whether (the employer) made reasonable efforts to accommodate the complainant as soon as it was aware that she had a disability and special needs associated with that disability,” Walsh wrote.

Horrocks was suspended from work in June 2011 at a personal care home in Flin Flon run by the Northern Regional Health Authority after a co-worker complained that she was drunk, according to evidence presented at the human rights board hearing.

She signed an agreement that allowed her to return to work under several conditions, including that she abstain from alcohol both on and off the job and seek counselling.

Horrocks was fired a year later when her employer received two reports that she had been drinking outside of work — once in a grocery store and once during a phone call with a manager.

Horrocks denied consuming alcohol and said she had been undergoing addiction counselling. She eventually filed a complaint with the Manitoba Human Rights Commission, which appointed Walsh to hear the matter.

The regional health authority told the hearing it had tried to accommodate Horrocks but also needed to protect the safety of people in the healthcare system.

Walsh ruled that alcohol addiction amounts to a disability under the human rights code, citing a 2013 ruling in a similar case.

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She ruled that the health authority failed to accommodate Horrocks’ disability because it did not seek advice from experts in drawing up conditions for her return to work in 2011.

“Instead, I find that members of the (health authority’s) staff relied on their experiences with other staff who had required accommodation relating to addiction and on their own personal experiences,” Walsh wrote.

“Information of that sort is precisely the type of information that cannot be relied on as the basis for accommodating an employee. Each individual is entitled to an accommodation which is based on an individualized assessment of his or her specific needs.”

A spokeswoman for the health authority said the agency respects the human rights commission but would not rule out an appeal.

“We’re reviewing the decision to assess its impact and we will take steps to ensure patient safety is not compromised, as that remains a top priority for us,” Twyla Storey said.