

WeirFoulds Employment Law Hot Takes: "Hello 911, I'm going to be late for work!"

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By Daniel Wong, Piper McGavin

While the Toronto winter may make many of us chilly and irritable, one resident recently took his frustrations a step too far.

In early January, an angry driver called 911 to report that snowplows were driving too slowly and he was going to be late for work. He informed the 911 operator that if he was late again, he was going to be penalized by his employer. The 911 operator understandably informed him that she could not make snowplows go faster.

While winter weather and slow snowplows do not give rise to an employer's duty to accommodate employees, adjusting an employee's start time or hours of work may be required under the Ontario *Human Rights Code* to accommodate protected grounds such as family status, disability, or sex, unless doing so causes undue hardship. Employers risk liability if they penalize employees for conduct linked to a protected ground (e.g., lateness or absences) or fail to properly assess accommodation requests, even if accommodation is ultimately unnecessary.

If your organization could use assistance with understanding or meeting its duty to accommodate, call the WeirFoulds Employment Law Group, not 911.

For more information or inquiries:



Daniel Wong

Toronto
416.947.5042

Email:
dwong@weirfoulds.com

Daniel Wong is Chair of the Firm's Employment & Labour Practice Group with a practice that is focused on employment and labour relations.



Piper McGavin

Toronto
647.715.7027

Email:
pmcgavin@weirfoulds.com

Piper McGavin is an Associate in the Commercial Litigation and Employment & Labour Practice Groups. Her practice is focused on a broad range of employment and commercial disputes.

WeirFoulds^{LLP}

www.weirfoulds.com

Toronto Office
4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office
1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035

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