

Arbitrator: Injured Worker Must Honestly Assist in Return to Work Effort



A worker injured her arm on the job. When she returned to work, at various times she was offered and agreed to various kinds of modified work. The company eventually concluded that it could no longer offer her the modified work she requested. The union filed a grievance, claiming the company had violated its accommodation duty. The arbitrator ruled that the company had taken reasonable steps to accommodate the worker. But she misled the company as to her physical abilities and didn't make a "reasonable and honest effort" to facilitate her return to work [[Banterer Automotive Canada Corporation v. National Automotive, Aerospace, Transportation, and General Workers' Union of Canada, Local 1285](#), [2012] CanLII 47961 (ON LA), Aug. 14, 2012].