

Clerk's Inability to Do Work Within Doctor's Restrictions Doomed Return



Health conditions, including injuries from a workplace incident, rendered a clerk disabled. When she tried to return to work, the employer prepared a RTW plan that complied with restrictions from her doctor. It required the clerk to complete training before she could return fully. But she couldn't complete the training, saying it made her sick. So she claimed disability discrimination. The Human Rights Tribunal disagreed and dismissed her case. The clerk's return failed not because the employer didn't properly accommodate her but because she couldn't perform work within the restrictions set out by her own doctor [*Norton v. VCHA* (No. 2), [2013] BCHRT 76 (CanLII), March 22, 2013].