

Courier Failed to Cooperate in Accommodation Process after Knee Injury



After a package courier injured his knee, the employer offered him a desk job in the customer service department. He worked these modified duties until he suffered another knee injury. When he was able to return to work, he didn't want to return to the customer service job and was dismissive of other positions offered to him. The employer finally fired him for frustration of contract. The courier sued for disability discrimination. The arbitrator found that the employer had tried to accommodate the courier by offering him various positions that were suitable to his physical limitations. But he did almost nothing to cooperate with the accommodation process. Concluding that the courier simply had little interest in returning to work after his second knee injury, the arbitrator dismissed his lawsuit [*Chang v. Federal Express Canada Ltd.*, [2013] C.L.A.D. No. 209, Aug. 1, 2013].