

Employer Could Raise Worker's Weight in Appeal of Workers' Comp Claim



A worker who weighed 280 lbs. injured her knee on the job. Her workers' comp claim was approved. But her employer appealed, arguing that her weight caused the injury, not the workplace or her job. After her claim was upheld, the worker said the employer started writing her up based on unspecified complaints from co-workers and then fired her for misconduct. She claimed disability discrimination, arguing it was improper for the employer to use her weight to challenge the workers' comp claim. Assuming the worker's weight could be an actual or perceived disability, the employer had a factual basis for arguing that her knee pain was caused by her size and not an injury. Thus, the Human Rights Tribunal dismissed her complaint [*Bowen v. JACE Holdings Ltd.*, [2012] B.C.H.R.T.D. No. 97, March 27, 2012].