

Employers Must Accommodate Workers Limited by Work-Related Injuries



An educational instructor at a drop-in centre developed 'tennis elbow' from his work duties. The injury resulted in functional limitations that prevented him from continuing to work as an instructor. The employer said no other position was available that was compatible with his limitations and fired him. The instructor claimed that there were two positions that were suitable for him, provided certain adaptations were made. But the CLP rejected his argument, ruling that the employer didn't have to offer the instructor a position accommodating his functional limitations. However, the Qu bec Court of Appeal ruled that an employee living with the after-effects of a work-related injury can be considered disabled and thus protected by the Charter and entitled to accommodations. So unless the employer is able to show that accommodating the instructor would be an undue hardship, it must identify all possible accommodations and offer him a position compatible with his limitations [*Commission de la sant  et de la s curit  au travail c. Caron*, [2015] QCCA 1048 (CanLII), June 15, 2015].