

Employers Must Make Accommodations for Injured Workers Returning to Work



Under Québec workers' comp law, employers must let workers with work-related injuries return to their pre-injury job or another suitable position. This case began when a mental disabilities centre refused to take back an injured teacher because he couldn't do his old job and it had nothing suitable he could do. Rather than slug it out with the centre, CSST (since renamed CNESST) wanted to move on and focus on rehab. But the teacher insisted that the centre had violated his Charter rights to accommodation. The Charter right has no bearing on the workers' comp return to work process, the CSST argued. After nearly 10 years of litigation, the case came to the Canadian Supreme Court. The ruling: Employers do have a duty to accommodate injured workers in carrying out their responsibilities under the workers' comp return to work rules and a new trial would be necessary to determine if the centre had violated that duty [[Quebec \(Commission des normes, de l'équité, de la sant  et de la s curit  du travail\) v. Caron, 2018 SCC 3 \(CanLII\), Feb. 1, 2018](#)].