Failure of Return to Work Process ≠ Failure to Accommodate



Did the employer do enough to accommodate an employee whose back injury left him incapable of performing the physically strenuous duties of a paramedic' The BC Human Rights Tribunal said yes. The sides worked together with WorkSafeBC to implement a graduated return to work program, but it was unsuccessful. Since he couldn't go back to his old job, the employer offered him 7 other positions but he turned them down because they didn't enable him to use his paramedic skills. And the jobs he said he would accept as 'meaningful' weren't a match for those skills. While the duty to accommodate may include bundling roles to create a new position, that wasn't a realistic option in this case, the Tribunal concluded. Result: The employer reached the point of undue hardship and could cut ties with the paramedic [*Lawlor v. PHSA and another,* 2019 BCHRT 186 (CanLII), September 3, 2019].