

Failure of Return to Work Process \neq 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].