

Female Painter in Menopause Could Pursue Disability Discrimination Claim



A female painter sued her employer, her supervisor and an executive for discrimination, claiming that new clothing requirements were discriminatory as they had an adverse effect on her due to her menopause symptoms. The defendants asked the court to dismiss her complaint. The Human Rights Tribunal refused to do so. The new clothing policy required all maintenance workers to wear long wool pants and a shirt over a long-sleeve cotton undershirt, both of which must be tucked into pants at all times. These clothes caused the painter to experience overheating, a racing heart, excessive sweating and wobbly legs. She requested an accommodation to the policy and provided a doctor's note. The employer let her wear a different kind of clothes but they still made her too hot. It refused any further accommodations. The employer didn't explain the need for the new clothing policy or why it couldn't further accommodate the painter. And because the painter's menopause symptoms were interfering with her ability to fulfill a normal function of life (that is, perform her job), her condition could arguably be considered a disability under the law [[Cloakey v. Rio Tinto Alcan](#), [2016] BCHRT 111 (CanLII), Aug. 11, 2016].