

# Injured Worker Claims Disability Discrimination after Return to Work Plan Fails



A dairy checker wanted to return to work after suffering a work injury but the company couldn't find him a position suitable for his capacities. Finally, after 18 months, it pulled the plug on the RTW process and sent him a termination letter. The checker sued the company and union for disability discrimination and the BC Human Rights Tribunal refused to toss the case. He may not win but the checker deserved at least the chance to prove his claims in a hearing, it reasoned [*Kelly v. Saputo Dairy Products Canada et al.*, 2017 BCHRT 225 (CanLII), Oct. 18, 2017].