

Injured Worker's Discrimination Complaint Dismissed



A worker for a dairy facility injured his shoulder and was out of work for almost three years when his employer fired him. The worker sued for disability discrimination. The employer argued that it had accommodated him to the point of undue hardship. The Human Rights Tribunal dismissed his claim. The worker argued that the employer failed to accommodate him by not offering him a clerical/administrative position such as a data entry clerk after he completed a computer course. But there was evidence that providing such a position didn't provide him with a reasonable accommodation, said the Tribunal. For example, the worker himself said typing and writing exacerbated his pain. The Tribunal concluded that based on the employer's ongoing cooperation in trying to accommodate the worker as requested by WorkSafeBC, his physical limitations and the lack of evidence that he wanted to return part-time, there was no reasonable prospect that the worker's complaint would succeed [*Barker v. Vitalus Nutrition*, [2016] BCHRT 88 (CanLII), July 13, 2016].