

PPE Policy Didn't Discriminate Against Electrician with Foot Disability



A city electrician with a disability that affects his feet required custom made orthopaedic footwear. A new PPE policy that conformed with OHS law required workers exposed to the potential for electrical shock, such as electricians, to wear footwear that had dielectric soles and other protective features, and that was CSA-certified. But the electrician couldn't get custom made orthopaedics with a CSA certification. The city decided that, while it was resolving the issue, the electrician's duties would be temporarily altered to minimize exposure to hazards to his feet and he'd get help from a co-worker. Eventually, the city got a variance from the footwear requirements for the electrician. But he claimed the new PPE policy discriminated based on disability. The Human Rights Tribunal found that wearing compliant footwear was a bona fide occupational requirement. In addition, the temporary change in the electrician's duties and the variance the city eventually got were reasonable accommodations of his disability. So the Tribunal dismissed the claim [*Ekins v. City of Vancouver*, [2016] BCHRT 157 (CanLII), Oct. 13, 2016].