

Reasonable for Accommodation Plan to Require Obese Worker to Lose Weight



A truck driver at a mine injured his back. Based on a doctor's evaluation of the worker, the employer prepared an accommodation plan for the obese worker that required him to, among other things, lose 85 pounds and engage in an active rehab program. The union challenged the plan. The arbitrator said the employer's accommodation plan was supported by the medical evidence of the worker's condition and health. In fact, every doctor who had seen the worker since his injury commented on his obesity and risk of re-injury. The arbitrator concluded that the plan was reasonable and fulfilled the employer's duty to accommodate. If the worker wanted to resume his prior position, he had to agree to the plan and all of its conditions [*Teck Coal Ltd. v. United Mine Workers of America, Local 1656*, [2012] CanLII 71111 (AB GAA), Nov. 6, 2012].