

Refusal to Pay Injured Worker's Travel Costs ≠ Disability Discrimination



The good news is that a construction firm found suitable work for an injured worker; the bad news is that the job was a 90-minute drive from his home. The collective agreement required the firm to pay travel costs of workers assigned to jobs outside the covered area but the firm claimed the provision didn't apply to workers reassigned as a result of injury. The union charged discrimination and failure to accommodate but the WSIB Appeals Tribunal didn't buy it. The union then took the case to the Human Rights Tribunal but the Tribunal said that the dispute was a workers' comp case over which it had no jurisdiction, i.e., legal authority to hear [*Flanagan v. Workplace Safety and Insurance Board*, 2018 HRT0 154 (CanLII), Feb. 9, 2018].