

School District Didn't Accommodate Caretaker Injured on the Job



A caretaker at a school dislocated her shoulder while cleaning under a desk. After she was later fired, she sued the school district, claiming it failed to accommodate her disability. The court found that the district had discriminated against the caretaker based on her physical disability. The evidence showed that accommodation was likely possible. But the district made only a cursory effort to find suitable work to accommodate her disability. The court concluded that the district's accommodation attempts were at best superficial and didn't reflect an understanding of the duty to accommodate an employee in the caretaker's circumstances. And the district failed to prove it was an undue hardship to continue to employ the caretaker with her physical restrictions. So the court ordered the district to pay her more than \$44,000 in lost income and \$15,000 in general damages [*Horvath v. Rocky View School Division No. 41*, [2015] AHRC 5 (CanLII), March 5, 2015].