

School Failed to Accommodate Worker by Not Considering Her for Available Jobs



A part-time caretaker at a school dislocated her shoulder while dusting under a desk. After two surgeries and physical therapy, her doctor said she could return to work, performing modified duties. The school said it didn't have a suitable modified caretaker job for her and refused to consider her for any other available positions, such as receptionist. So she filed a disability discrimination complaint. The Human Rights Commission ruled that the school had failed to accommodate the caretaker. The school had real jobs that needed to be filled. Although the caretaker had the education, experience and training necessary to perform receptionist duties, it refused to consider her for any non-caretaker type jobs. And giving her the chance to show that she could do a satisfactory job as a receptionist wouldn't have been an undue hardship. By refusing, the school failed to fulfill its obligations to accommodate her, concluded the Commission [*Horvath v. Rocky View School Division No. 41*, [2016] AHRC 19 (CanLII), Oct. 5, 2016].