

Making Issue of Victim's Weight in Workers' Comp Case ≠ Disability Discrimination



An employee weighing 280 lbs. claimed workers' comp benefits after injuring her knee on the job. The employer contested, claiming the injury was the result of the victim's weight rather than work conditions. She won on the claim but was later fired for misconduct. The employee sued, claiming that the company's attempt to bring up her weight in the workers' comp case was proof that the company discriminated against her on the basis of disability—her weight. The Human Rights Tribunal dismissed her complaint. Even if obesity were a form of disability protected by the discrimination laws, the employee's weight was relevant to the cause of her knee injury and bringing it up in the workers' comp case wasn't discrimination, it reasoned [*Bowen v. JACE Holdings Ltd.*, [2012] B.C.H.R.T.D. No. 97, March 27, 2012].