

Chestnut v. Theo C. Ltd. o/a Hampton Inn & Suites

[COMPLETE DECISION PDF](#)

SUMMARY

The complainant filed a complaint against her former employer under section 14 of *The Human Rights Code* alleging her employer discriminated against her in her employment by failing to reasonably accommodate her special needs related to her disability (Osteoporosis) and instead, terminated her employment.

The respondent took the position that it had not discriminated against the complainant in any way and that the complainant was not unable to perform her job duties.

The Adjudicator accepted that the Complainant experienced symptoms of back pain and fatigue, which affected her ability to perform her job duties as a housekeeper and constituted a disability. He determined that the respondent was not aware of its obligation to provide reasonable accommodation in the workplace and had failed to make inquiries with respect to the Complainant's disability. The Adjudicator therefore determined that the respondent had contravened section 14 of *The Human Rights Code*.

Remedy: The Adjudicator awarded the complainant \$2,000 in general damages for injury to her dignity, self respect and feelings and one month's lost wages in the amount of \$1,650. He ordered the respondent to develop a reasonable accommodation policy in consultation with the Commission within three months of the decision and to post that policy in its staffroom and provide it to all current and future staff. He further ordered two members of management to attend a workshop on reasonable accommodation conducted by the Commission, by the end of 2012.