

Educational Series - Issue 3 - You Asked ... "What Is The Duty To Accommodate?"

The duty to accommodate is the obligation to meaningfully incorporate diversity into the workplace. The duty to accommodate involves **eliminating** or **changing** rules, policies, practices, and behaviors that discriminate against persons based on a group characteristic, such as race, national or ethnic origin, colour, religion, age, sex (including pregnancy), sexual orientation, marital status, family status, and disability.

The duty to accommodate requires employers to **identify and eliminate** rules that have a discriminatory impact.

The duty to accommodate is a legal requirement, per sections 2 and 15 of the *Canadian Human Rights Act*. The duty not only rests with the employer, Unions and Employees seeking the accommodation also assume legal responsibility for ensuring the success of an accommodation request.

When approached with a request for accommodation, an employer is expected to do the following:

- Determine what barriers might affect the person requesting accommodation,
- Explore options for removing those barriers, and
- Accommodate to the point of undue hardship.

Some examples of accommodation are:

- i) Modified physical and ergonomic conditions of the workplace.
- ii) Modified terms and conditions of employment.
- iii) Temporary assignments.
- iv) Leaves of absence.

The ability to accommodate is considered on a case by case basis and insofar as it does not impose undue hardship on the operation of the business.

For complete information on an employer's duty to accommodate click on the link below.

http://www.chrc-ccdp.ca/preventing_discrimination/default-eng.aspx