

MANAGERS' GUIDE TO ACCOMODATION

ACCOMODATION AND THE HUMAN RIGHTS CODE

Not sure whether you must accommodate a specific employee request? Find out more about accommodation and your duty as an employer under the Human Rights Code:

Human Rights Code

The Human Rights Code provides for equal treatment in employment and protection against discrimination and harassment based on 16 protected grounds including: race, colour, sex, creed, disability, family status, age...

Accommodation

What is accommodation? Sometimes people need individual arrangements so they can do their job equally – this is called accommodation under Human Rights Code. A request for accommodation may be for a short period of time or it may be required on an on-going basis.

Accommodation may include:

- modifying duties, standards or rules
- changes to facilities or workstations
- use of assistive devices
- alternate work arrangements or time off work

Accommodation is not:

- creating a new job
- assigning non-productive work

Most employee requests for accommodation under the Human Rights Code will be based on disability, family status or creed grounds. For example:

Person with a Disability: Employee who is returning to work after an illness requests a chair at the service counter so they can sit down for part of the day.

Family Status: Employee requests change in hours of work (start and end day ½ hour earlier) in order to pick up children from daycare.

Creed: Employee requests a day off work to celebrate a religious holiday.

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RESPONDING TO A REQUEST FOR ACCOMMODATION



Not all employee requests will be covered by the Ontario Human Rights Code.

Consider the Request

Each request should be carefully considered based on your employee's individual circumstances. Often you can make simple changes in the workplace that will satisfy your employee's needs resulting in improved productivity and dedication. Treat your employee fairly and respectfully at all times.

Is the request covered by the Ontario Human Rights Code?

Carefully review your employee's request to determine if it is covered by the Ontario Human Rights Code.

Solutions

There are often multiple solutions that will meet the accommodation needs of your employee. You do not have to immediately accept the solution proposed by your employee. Meet with your employee, ask questions, consult with medical or other professionals if needed, and explore a variety of options before making a final decision.

Decision

Before making a final decision ensure that you:

- understand the law – Ontario Human Rights Code
- treat each request in good faith,
- consider your employee's individual circumstances,
- work with your employee to collect information,
- explore a variety of solutions,
- consider Health and Safety requirements,
- choose a solution that best meets your operational needs and meets your employee's need for accommodation.

The information provided is an overview. Your situation is unique. Refer to the applicable legislation or contact Fusion Career Services for advice.