

ARE YOU BEING ACCOMMODATING? NAVIGATING THE WORKPLACE ACCOMMODATION QUAGMIRE

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The Duty to Accommodate

- Under the *Human Rights Code*, every one has the right to be free from discrimination in employment based on the prohibited grounds, including disability and family status

- The duty to accommodate means that terms and conditions of the workplace or functions of the job may have to be changed in order to permit an individual to continue to participate in employment

- “Reasonable accommodation” is what is intended to the point of “undue hardship”
- Undue hardship standard includes consideration of factors such as cost and outside sources of funding

Best Practices

1. Understand general principals of the duty to accommodate:
 - Respect for dignity
 - Individualized accommodation
 - Integration and full participation
 - Design by inclusion
 - Removal of barriers
 - Accommodating needs

2. Meaningfully consider requests for accommodation;
3. Request and obtain relevant medical or other information and documentation in order to assess employee's needs;
4. Assess unique needs of employee against duties of position;

5. Identify potential accommodations with the employee;
6. Obtain additional expert evidence, if necessary;
7. Consider and implement most appropriate accommodation for both employee and employer;

8. Consider impact on other employees;
9. Provide accommodation as soon as possible;
10. Document all efforts taken;

11. Maintain confidentiality throughout the accommodation process;
12. Continue to communicate with employee