



Developing a Workplace Accommodation Policy

Employers' have an obligation to take steps to eliminate the different and negative treatment of individuals, or groups, protected by the *Canadian Human Rights Act*. This is called the duty to accommodate.

Sometimes people need to be treated differently to prevent or limit discrimination. For example, asking all job applicants to pass a written test may not be fair to a person with a visual disability. In such cases, the duty to accommodate may require that alternative arrangements be made to ensure full participation of a person or group. In other words, it may be necessary to treat someone differently in order to be fair.

When an employer accommodates an employee, they are required to make adjustments and sometimes bear some costs. Certain solutions might even cause the employer difficulty or hardship. The duty to accommodate ends when an employer reaches the point of "undue hardship," which is when factors such as safety, health or cost make the employer's burden too high.

Adopting a workplace accommodation policy can foster an environment of respect for human rights and helps people in the organization understand their rights and responsibilities. Policies can protect an organization from discrimination complaints. It is also the right thing to do!

This Accommodation Policy Template was developed by the Canadian Human Rights Commission to help employers meet their human rights obligations. This easy-to-use tool is for employers that may not have the time or resources to develop an accommodation policy.

For more information about the duty to accommodate, please visit the Commission's website at www.chrc-ccdp.gc.ca

Special Considerations for First Nations Employers

The Commission recognizes that First Nations employers may have unique considerations. It is a good idea to review the *Human Rights Handbook for First Nations* before completing this policy.

Directions for using the Accommodation Policy Template

Placeholders can be found throughout the policy template to help you identify where information specific to your organization should be inserted.

Step 1 - Determine who in your organization will be responsible for making accommodation decisions. All of the people responsible for accommodation should be familiar with the duty to accommodate and its related concepts. There are three roles identified in the policy:

- a. **[Name and/or Position A]** This role should be given to a dedicated human resources employee or another individual who is generally responsible for the hiring process.
- b. **[Name and/or Position B]** This role should be given to a senior manager who is familiar with the workings of the organization.
- c. **[Name and/or Position C]** This role should be given to a senior manager who is familiar with the workings of the organization. It should not be the same individual identified for roles A or B.

Step 2 – Replace all **[Name of Organization]** placeholders with the name of your organization.

Step 3 - Replace the **[Name and/or Position]** placeholders with the name and/or position title of the person who has been given responsibility for each role throughout the policy template.

Step 4 - It is also important to have a set of procedures for accommodation so that supervisors and employees are aware of the steps that will be taken if an employee requires accommodation. A suggested accommodation process has been included in this template. If appropriate, keep this process. You may also replace this section with a set of procedures that would be more suitable for your organization.

Step 5 - Read the document and add the relevant information into the remaining placeholders so that they fit your organization. Delete any placeholders that are not relevant for your organization.

Step 6 - Educate supervisors and employees about the duty to accommodate, and their roles and responsibilities according to your organization's accommodation policy.

[Name of Organization]

Accommodation Policy and Procedures

Policy Statement

[Name of Organization] is committed to fostering an inclusive workplace where all employees are treated with respect and dignity.

[Name of Organization] will act in a manner consistent with its obligations under the *Canadian Human Rights Act* [and the ***Employment Equity Act***, if applicable: and **title of provincial or territorial human rights legislation**].

[Name of Organization] will provide a workplace that ensures equal opportunity free from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

[Name of Organization] will provide reasonable workplace accommodation, short of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work are not unfairly excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer.

Application

This policy applies to all current employees of [Name of Organization], including full and part-time, casual, contract, permanent, and temporary employees. This policy also applies to employees on approved leave, including short and long-term disability leave, and job applicants.

This policy applies to all aspects of employment including, but not limited to recruitment, selection, training, promotion, transfers, work arrangements, compensation and benefits, and termination of employment.

Definitions

Accommodation means taking steps to eliminate the different and negative treatment of individuals or groups, protected under the *Canadian Human Rights Act*.

Undue Hardship occurs when accommodation adjustments to the workplace would cost too much, or create risks to health or safety. There is no precise legal definition of undue hardship or a standard formula for determining undue hardship. Each situation will be viewed as unique and assessed individually.

Responsibilities and Expectations

Accommodation is a shared responsibility between employees, supervisors and **[Name of Organization]**, as the employer.

[Name of Organization] is responsible for:

- eliminating barriers that prevent people from accessing, or being included in, the workplace;
- minimizing the need for individual accommodation by regularly reviewing rules, policies, by-laws and practices to ensure that they are not discriminatory;
- ensuring that all employees and job applicants are advised of their right to be accommodated;
- dealing with requests for accommodation in a timely, confidential and sensitive manner;
- providing individual accommodation to the point of undue hardship; and
- ensuring that this policy is effectively implemented.

Supervisors are responsible for:

- fostering an inclusive work environment by treating all employees and job applicants with respect and dignity;
- identifying and eliminating barriers that prevent people from accessing, or being included in, the workplace;
- dealing with requests for accommodation in a timely, confidential and sensitive manner;
- involving individuals requiring accommodation in the search for accommodation;
- informing individuals requiring accommodation what information they need to provide to be accommodated; and
- initiating a discussion about accommodation when they are aware that an employee or job applicant may have a need for accommodation, but is unable, for any reason, to articulate that need.

Employees and job applicants are responsible for:

- making their accommodation needs known, to the extent that they are able;
- helping to identify potential accommodation options;
- providing documentation in support of their request for accommodation, including information about any restrictions or limitations; and
- accepting an offer of accommodation that meets their needs, even if it is not their preferred accommodation option.

Employees and job applicants can expect:

- to be treated with respect and dignity;
- to have their needs accommodated up to the point of undue hardship; and
- to be informed of the reasons, if their accommodation request is denied.

Procedures for Accommodation

Job Applicants

When contacted for an interview, job applicants will be advised that **[Name of Organization]** has an accommodation policy and asked whether he or she requires accommodation to participate in the hiring and selection process.

[Name and/or Position A] will evaluate the job applicant's request for accommodation and may request more information from the applicant to facilitate the accommodation.

If a request for accommodation is denied, the reasons why will be clearly communicated to the job applicant.

Employees

An employee may request accommodation by notifying his or her supervisor.

The supervisor will document the request, including the employee's name, position and date of the request, any details provided by the employee and any accommodation options suggested by the employee.

The supervisor may request additional supporting documentation from the employee in order to identify accommodation options (e.g. details of restrictions or limitations).

The supervisor will consider accommodation options including, but not limited to: workstation adjustments; reassignment of job tasks; changes to scheduling or hours of work; leaves of absence; and temporary or permanent reassignment.

The supervisor will discuss available accommodation options with the employee. The accommodation preferences of the employee will be taken into account. However, the supervisor may proceed with an option that is less costly or easier to provide, when it meets the employee's accommodation needs. The supervisor will clearly communicate the reasons for his or her decision to the employee.

The supervisor will review the accommodation measures with the employee on a regular basis to confirm they continue to be necessary and effective.

If the available accommodation options raise the likelihood of causing undue hardship, the supervisor will refer the matter to **[Name and/or Position B]** for decision.

[Name and/or Position B] will ensure that all accommodation options short of undue hardship have been considered prior to refusing accommodation. If a request for accommodation is denied, **[Name and/or Position B]** will clearly communicate the reasons why to the employee.

Appeals

If an employee or applicant has been denied accommodation, is not satisfied with the accommodation offered, or believes that his or her request has not been handled in accordance with this policy, he or she may request a second opinion from **[Name and/or Position C]**.

An employee or applicant may also file a discrimination complaint with the Canadian Human Rights Commission **[if applicable: and title of other grievance mechanism]**.

Privacy and Confidentiality

All records associated with accommodation requests will be maintained in a secure location, separate from employees' personnel files and will only be shared with persons who need the information.

[Name of Organization] and all individuals involved in the accommodation process will comply with the requirements of the **[title of applicable privacy legislation]** to protect personal information.

Review

[Name and/or Position A] will review this policy and related procedures on an annual basis, or as required, and will make adjustments as necessary to ensure that it continues to meet the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to **[Name and/or Position B]**.

Date: [Month/Day/Year]