

Quick Reference Guide: Duty to Accommodate

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- Accommodation is a flexible process that involves conversation and collaboration.
- Through the accommodation process employers, employees, and unions work together to try to remove barriers to meaningful work participation. Each party has duties and rights during this process.
- Generally, an employee has a duty to tell their employer that they may require an accommodation. This request begins the conversation about accommodation.
- The employee will likely need to provide information about their accommodation request (for example, supporting documentation from a medical doctor) to assist the process.
- Employees seeking accommodation are expected to actively participate and cooperate in the process and accept a reasonable accommodation.
- Accommodation arrangements should be responsive to the unique needs and abilities of an employee, as well as the resources and work requirements of the employer.
- Employers and unions have a duty to accommodate up to the point of undue hardship.
- Undue hardship can be assessed by the employer by looking at the degree of impact on the workplace (for example, financial implications/cost, the size and resources of the employer, degree of disruption to the employer's business, significant impact on the morale or rights of other employees, health and safety risks; and the degree of impact to the basic principle of the employment contract — which is an expectation of productive work for pay).