



Human Rights Issues and Duty to Accommodate

The Human Rights Code requires employers to accommodate the needs of individuals or groups covered by the Code. The duty to accommodate arises where a workplace rule or job requirement, which is neutral and consistently applied, has an adverse impact on a person or group covered by the Code. The duty extends to the point at which further accommodation would cause the employer “undue hardship.” Generally, this applies to applicants or employees on the basis of a disability, religious observance or family responsibilities.

- The University’s duty to accommodate extends to the requirement to provide accommodation as needed for applicants for a position.
- It may be necessary to accommodate a person with a disability during the selection process by ensuring events are scheduled in accessible locations.
- Applicants with a disability must be assessed solely in terms of the qualifications required for the job and their ability to perform the job with or without accommodation.
- The fact that a qualified person requires some form of accommodation to perform the job cannot be held against them in the evaluation of candidates.
- There is an Accommodation Fund which can be used to assist in providing equipment or tools if a person with a disability is hired who requires this type of accommodation.
- Other types of accommodation may relate to flexible scheduling.
- Contact the Work Life Consultant in HR or the Office of Equity and Human Rights for more information.

Accommodation

- Means any temporary or permanent measure used to remove a barrier which prevents an individual from performing or fulfilling the substantive duties of the job.
- Will be provided for the identified needs of an individual in all employment areas including recruitment and retention, training, promotion, and any other condition of employment where the need for accommodation is demonstrated.
- Is based on individual circumstances and can include, but is not limited to technical aids, job redesign, workplace modification, work scheduling, employment policy and practice modification.

Undue hardship

- Undue hardship must be decided in the circumstances of each case, but would likely include:
- When there is a risk to the safety of others or a substantial risk of personal injury to the employee requiring accommodation when financial cost is such that a program or service would cease to exist due to the financial burden of the accommodation, or other circumstances where it would be unreasonable to expect the University to bear the costs of accommodation.
- When accommodation alternatives would result in lowering standards or essential job requirements being unmet.
- When the accommodation would be unduly disruptive to a collective agreement