



Duty to Accommodate

The Duty to Accommodate (DTA) is a legal mandate under the Canadian Human Rights Act, requiring employers to make adjustments to rules, policies, or practices to remove barriers and facilitate full participation in the workplace. This report aims to provide a comprehensive overview of the Duty to Accommodate, including its application, requirements, and examples of workplace accommodations. Under the Canadian Human Rights Act, employers are obligated to accommodate employees' needs related to the grounds of discrimination. The DTA applies to all current employees of Employment and Social Development Canada (ESDC), including various employment statuses such as full-time, part-time, casual, contract, students, and those on approved leave.

KEY PRINCIPLES

1. **Individualized Approach:** Workplace accommodations must be provided on an individual, case-by-case basis, considering the specific needs of each employee.
2. **Undue Hardship:** Accommodations should be made up to the point of undue hardship, balancing the needs of the employee with the organization's limitations, such as financial constraints or health and safety concerns.
3. **Shared Responsibility:** The duty to accommodate is a shared responsibility between employees and management. Employees are responsible for communicating their needs, while management must proactively inquire about accommodation needs, even if not explicitly requested by the employee.

PROCESS FOR ACCOMMODATION REQUESTS

Employees should communicate their accommodation needs to management by having a discussion on their needs and then submitting their request in the [Accommodation Requests Module in myEMS \(PeopleSoft\)](#). If required, a request may also be documented with the [Accommodation Request Form \(DOCX Version, 42 KB\)](#) or [Accommodation Request Form - Family Status \(DOCX Version, 40 KB\)](#) and then later entered in the module.

Supporting documentation, such as medical notes, may be required depending on the nature of the accommodation requested. It is essential to note that management is not entitled to detailed medical information without written consent from the employee.



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MANAGER'S CHECKLIST

Management must take the initiative to inquire about accommodation needs, particularly in situations where employees exhibit increased absenteeism, changes in work performance, or safety concerns. This proactive approach, known as the Duty to Inquire, ensures that potential accommodation needs are addressed promptly.

There is a checklist available through iService that managers can follow when dealing with Duty to Accommodate situations and processes. This [5-Step Process Manager's Checklist](#) gives manager's a better understanding of what is expected of them and how best to proceed when dealing with employee's requests.

CONCLUSION

The Duty to Accommodate is a crucial aspect of ensuring inclusivity and equality in the workplace. By proactively identifying and accommodating individual needs, organizations promote a supportive environment where all employees can contribute to their fullest potential. Effective implementation of the Duty to Accommodate requires collaboration between employees, management, and relevant resources to foster a culture of respect and accessibility in the workplace.

If you are concerned about a specific accommodation need, you must discuss your concerns with your manager. There are departmental resources available to provide advice and guidance to managers and employees related to these individual situations and review options to be considered. Visit the [Centre of Expertise for Optimizing Employee Potential \(Accommodation\)](#) for more information.