

DUTY TO ACCOMMODATE

Managers' pocket guide

This document is meant to provide managers with general guidance and does not replace applicable policies and directives. In the event of a conflict, applicable policies and directives apply.



What is the duty to accommodate?

Simply put, the duty to accommodate is about preventing discrimination on the [13 prohibited grounds](#) under the [Canadian Human Rights Act](#) by removing workplace barriers faced by an individual to support their full participation in the workplace.

As a manager, you are responsible for collaboratively working with employees to create an inclusive and barrier-free workplace based on equity, dignity and respect that is free of bias, harassment and discrimination. By supporting employees in addressing workplace barriers, managers are proactively meeting the objectives of the

FAST FACT

When a barrier cannot be removed, managers are responsible for satisfying the employer's legal duty to accommodate an individual's needs when they stem from one of the grounds prohibited by the [Canadian Human Rights Act](#). They are also responsible for determining when the duty to accommodate applies with guidance from their functional advisors.

[Policy on People Management](#), the [Directive on the Duty to Accommodate](#), and the [Accessible Canada Act](#) and its regulations. Further, they are responding to the [Clerk's Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service](#).

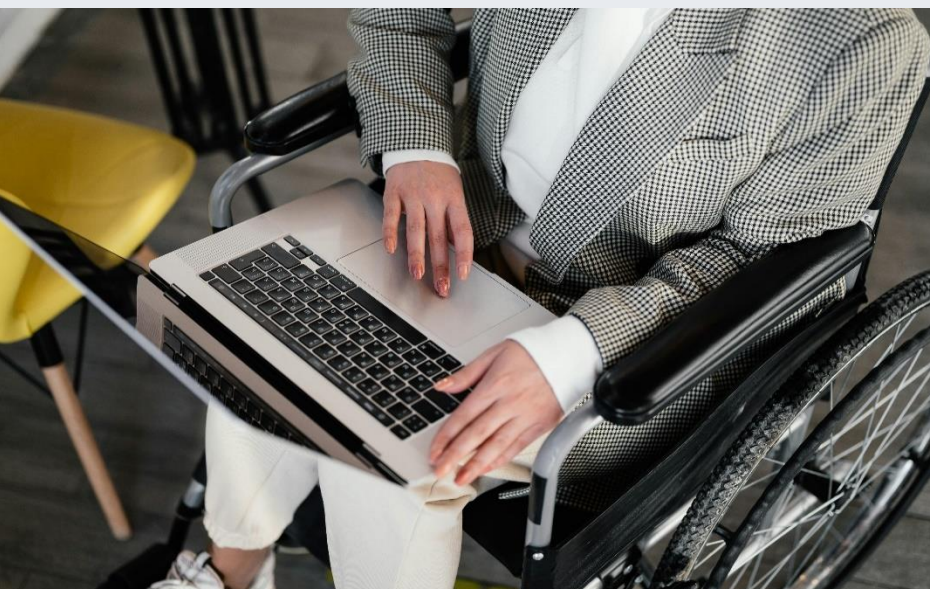
Step one: recognize the need for accommodation

How do managers accommodate employees?

Managers can start by communicating how candidates and employees may request accommodation to address workplace barriers and their [responsibilities](#) in the process. You can also use your knowledge and observations of the employee to have proactive conversations. It is important to remember that managers may have a duty to enquire if they believe an employee requires accommodation measures, even if an employee has not requested it.

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The duty to accommodate extends beyond the traditional workplace. Employees may need to be accommodated wherever they are required to perform work, either on a temporary or permanent basis (for example, while on travel status or a telework location).



Step two: gather relevant information and assess needs

How do managers accommodate employees?

Talk with the employee about the barriers they may face in the workplace that might hinder their productivity, including any accommodation measures that were provided in a previous position or organization, even if on an informal basis. Find out about the organization's requirements, processes and accessibility plans and document the steps taken and keep the organizational contact informed (if applicable).

Consult other [resources](#) if the individual is unable to provide the information needed to determine the accommodation requirement (such as the organization's functional specialists - managers may contact an employee's health practitioner or doctor only with the employee's consent).

Assess the employee's work environment and discuss a range of measures that may address the need for accommodation and support employees' work success.

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Accommodation requests are to be handled informally where possible. This means that supporting documentation (for example, medical notes) may not be required when the barrier is clear, or the potential accommodation measure is known.

Step three: make an informed decision

*How do managers
accommodate employees?*

Take the time to review the request, understand the needs and review any [supporting documentation](#). Determine if the request might fall under the [limits to the duty to accommodate](#). There is no requirement to: accommodate where [undue hardship](#) to the employer (health, safety and cost) would result or to retain an employee who is unable to meet their employment responsibilities after reasonable accommodation has been implemented. Employees, once accommodated, are expected to meet [bona fide occupational requirements](#).

Managers need to have adequate information to assess the accommodation request. If after discussions, the employee does not cooperate and provide the needed information, managers may have met the duty to accommodate. It is important to document the steps and how you tried to accommodate the employee's needs.

Work with all relevant parties, beginning with the [employee](#), their union representative where applicable and functional specialists if necessary to determine one or more possible accommodations.

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Temporary accommodation measures can be considered while the accommodation process is ongoing.

Step four: implement the decision

How do managers accommodate employees?

Once you have reviewed all information and made an informed decision about the accommodation request, you are responsible for informing the employee of the decision and when it will be implemented. Or, promptly advising the employee of the reason why the duty to accommodate does not apply.

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Acquisition cards¹ are to be used for the purchase of accommodation-related items, to the extent possible, so that all employees can be empowered, equipped, and positioned to work safely, effectively, and productively.

**WANT TO LEARN
MORE?****Step five: keep records and follow-up**

How do managers accommodate employees?

Document the process followed to consider and act on the accommodation request and retain a written record of the accommodation measures put in place. Follow up regularly with the employee and modify the accommodation measures if needed, for example, when circumstances change. Keep records of any modifications.

While accommodation requests are to be handled informally where possible, you must always document the process and outcome.

Limit communication to others throughout the process on a need-to-know basis, to respect the dignity, privacy and confidentiality of the individual.

FAST FACT

When employees move to another position in the core public administration, they are allowed to retain technical aids, equipment and support materials should they still require them.

Please refer to the [Duty to Accommodate: A General Process for Managers](#) for additional information about these 5 steps.

[FOOTNOTE]

¹The [Directive on Payments](#) states that Chief Financial Officers are responsible for ensuring that acquisition cards are used when it is economical and feasible to do so, ensuring that appropriate management practices and internal controls are in place with respect to their use. The [Supply Manual](#) provides guidance on the use of acquisition cards within the financial and procurement authorities delegated to departments, and the [Contracting Policy](#) also requires technical authorities to incorporate accessibility criteria when specifying requirements for goods and services, where appropriate.