Accommodation: What You Should Know In Less Than Two Minutes



You just received a request to accommodate childcare obligations, or to accommodate an injury. How do you respond?

Do you need some form of accommodation and are unsure how to proceed?

Whether you are an employee or an employer, you have probably encountered an accommodation situation.

Duty to Accommodate to Point of "Undue Hardship"

You know that there is a duty to accommodate, but what does it really mean, and how far does it go?

Put simply, employers are required to accommodate individuals to the point of "undue hardship" where the need for accommodation relates to a ground protected by human rights legislation, such as disability.

Undue hardship is the limit beyond which employers are not obligated to accommodate. Employers are expected to exhaust all reasonable possibilities for accommodation before they can claim undue hardship, which is a high standard to meet.

Undue hardship includes cost, health, and safety considerations. In other words, employers will not be required to risk the health and safety of others to accommodate one employee, or to put the organization on the verge of bankruptcy.

The accommodation process is a two-way street: the employee must make a request for accommodation and support it with documentation, while the employer must assess the need for accommodation, options for accommodation and their ability to accommodate the employee. That said, in some situations, an employer may have a duty to inquire where they are aware or ought to be aware of a need for accommodation.

Want to learn more about accommodation, your rights, and your obligations? We have written about it several times:

- *Accommodating needs, not preferences*,
- *No obligation to accommodate employee's "preference" to work closer to home*,
- *Clarifying the duty to accommodate*,

- *Duty to accommodate may be triggered even when employee does not request accommodation*,
- *Medical documentation and disability-related accommodation requests*, *and*
- *How To Respond to Requests for Accommodation*.

If you are an employer who needs assistance with handling requests for accommodation, we would be pleased to guide you through the process to ensure that you comply with the law and minimize potential liability.

If you are an employee who needs guidance to understand your rights and obligations, we would be happy to assist you as well, to ensure that you get what you are entitled to.

We are Employment Lawyers who see things from both sides, as we represent both employers and employees.

And as we often say, if you think you need an Employment Lawyer, you probably do.

Source: Rudner Law

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