Family Status Accommodations Policy



Helping employees balance work and family isn't just a business imperative but a legal duty. That's because the human rights law ban on "family status" discrimination requires employers to make reasonable accommodations to work schedules, travel requirements, and other workplace rules that substantially interfere with an employee's caregiving and parental responsibilities. As with disabilities and religious beliefs, employers must have a clear and consistent policy and process for receiving and assessing family status accommodation requests. Here's a template Family Status Accommodations Policy that you can adapt. As addressed in Section 14, courts in different jurisdictions apply different standards in determining whether requested family status accommodations are reasonable.

Family Status Accommodations Policy

1. **POLICY STATEMENT**

ABC Company understands that there is more to life than work and is committed to supporting all who work for us in their endeavours to balance their work and family responsibilities. As part of that support, the Company is committed to providing reasonable accommodations for employees' family status to the point of undue hardship in accordance with human rights laws.

2. **PURPOSE**

The purpose of this Policy is to set out clear, consistent, and fair processes and principles for requesting, assessing, and implementing such family status accommodations.

3. **SCOPE**

The family status accommodation rights and obligations set out in this Policy apply to all ABC Company employees.

4. **DEFINITIONS**

For purposes of this Policy:

"Family status" includes an employee's legal caregiving obligations related to:

- Childcare (including dependent children).
- Eldercare.
- Care for family members with disabilities or medical needs.

“Reasonable accommodations.” “Accommodations” are exemptions, changes, or adjustments to normal ABC Company workplace rules, including scheduling, hours of work, overtime, travel, and attendance requirements. Accommodations are deemed **“reasonable”** when applying the standard rules would substantially interfere with an employee’s family responsibilities and the accommodation is necessary to eliminate that interference. Accommodations are **not** reasonable when:

- They merely serve an employee’s personal preferences, lifestyle choices, or convenience.
- Would impose undue hardship on the Company.

“Undue hardship” refers to a requested accommodation that ABC Company may reject as not being reasonable because implementing it would be excessively expensive, difficult, or disruptive to business operations.

5. **WHEN DUTY TO ACCOMMODATE IS TRIGGERED**

ABC Company will engage its family status accommodations process if all of the following criteria are met:

- The employee requesting the accommodation has a genuine caregiving obligation.
- A workplace rule causes substantial interference with that obligation, and not just minor inconvenience.
- The employee has made reasonable efforts to find alternative solutions not requiring accommodations.

6. **EMPLOYEE ACCOMMODATION RESPONSIBILITIES & DUTY TO COOPERATE**

Employees requesting family status accommodations must follow and cooperate with the ABC Company accommodations process by:

- Notifying the HR Department or their department manager of the request as soon as possible.
- Clearly explaining:
    - The nature of their caregiving obligation.
    - The specific workplace rule for which they are seeking accommodation and how it substantially interferes with their caregiving obligation.
    - The expected duration (temporary or ongoing) of the substantial interference.
- Furnishing the reasonable documentation and supporting information management requests in a timely manner.
- Actively participating in the effort to identify workable solutions.
- Remaining flexible and open-minded to alternative solutions.

7. **EMPLOYER ACCOMMODATION RESPONSIBILITIES & DUTY TO COOPERATE**

ABC Company will cooperate with employees requesting family status accommodations by:

- Assess requests promptly and in good faith.
- Gathering only the personal information that is reasonably necessary to assess the employee’s accommodation request.
- Working actively with employees and their representatives to identify solutions.
- Considering a range of accommodation options if it determines that the employee’s preferred solution is unreasonable.

- Maintaining confidentiality.
- Documenting the process.

8. **POTENTIAL REASONABLE ACCOMMODATIONS**

Reasonable accommodation does not require ABC Company to provide the employee's preferred arrangement, only a reasonable and workable solution. Depending on the circumstances, examples of reasonable accommodations may include (without limitation):

- Modified work start and end times.
- Predictable or fixed work scheduling.
- Flexible or variable work scheduling.
- Shift changes or swaps.
- Adjusted overtime expectations.
- Transfers to different offices or work locations.
- Telecommuting or remote work arrangements.
- Leaves of absence.
- Changes to work duties or responsibilities.
- Revisions to travel schedules or responsibilities.
- Temporary arrangements pending resolution of the issue.

9. **UNDUE HARDSHIP**

Accommodation will be provided up to the point of undue hardship. In assessing undue hardship, ABC Company will consider whether the proposed accommodation would create:

- Excessive and unreasonable financial cost.
- Risk to any person's health and safety.
- Serious disruption to business operations.

An accommodation will not be deemed undue hardship merely because its implementation will impose some financial costs or minor inconvenience. Nor will the Company consider the accommodation's impact on employee morale, potential perceptions of favouritism, or coworker preferences a factor in determining undue hardship.

10. **CRITERIA FOR DENIAL**

Before denying any request for family status accommodation, the HR Director or manager assessing the request must confirm that they:

- Clearly identified the workplace rule causing the conflict.
- Understand the actual caregiving constraint, not just the request.
- Explored at least two or three feasible alternatives.
- If applicable, can prove undue hardship with evidence not just assumptions.
- Documented and are capable of justifying the denial.

If they cannot confirm any of the above items, the analysis is not complete and they should not deny the request unless and until they confirm the missing item(s).

11. **ACCOMMODATION DECISION & IMPLEMENTATION**

Once a decision is made on the accommodation, ABC Company will:

- Immediately communicate the decision and reason for making it to the employee.
- Implement the accommodation where appropriate.
- Set clear implementation parameters, including timelines, schedules, and review dates.

- Monitor the effectiveness of the implemented accommodation and make adjustments as needed.

12. **DOCUMENTATION**

All accommodation requests will be thoroughly documented, including:

- The accommodation request.
- The requests for supporting information.
- The supporting information supplied and, if applicable, not supplied.
- The assessment conducted including with regard to reasonableness and undue hardship.
- The alternatives and options considered.
- Communications with the employee and representatives.
- The final decision and rationale.
- The employee's response to the final decision.
- The steps taken to maintain confidentiality.

13. **JURISDICTIONAL DIFFERENCES**

In recognition that courts in different jurisdictions apply different legal standards in determining whether family status accommodations by employees requests are reasonable, ABC Company will, in implementing this Policy, make whatever adjustments are necessary to ensure that its accommodation process and decisions meet or exceed the particular human rights requirements in each jurisdiction it operates, including with regard to compliance with:

- The "serious interference" standard followed in Ontario, British Columbia, and Alberta.
- The broader, employee-protective interpretations in Québec and the federal jurisdiction.

14. **NON-RETALIATION**

No ABC Company employee will be subject to reprisal of any kind for engaging in any of the following actions in good faith:

- Raising a family-status discrimination concern or complaint.
- Participating in a family-status-related investigation or proceeding.
- Requesting reasonable accommodations.
- Reporting family-status discrimination, harassment, or wrongdoing by another person(s) or department(s) at ABC Company.

15. **POLICY REVIEW**

ABC Company will review this Policy at least annually and, as necessary, in response to legislative changes, internal complaints, the findings of surveys, trends analysis and reports, exit interviews, or other indications that the current Policy is not effective and/or in need of correction and improvement.

Below, you can download an intake form template for family status accommodations to use in your organization.

Family Status Accommodation Request Intake Template