

# Family Status Discrimination In Ontario: What You Need To Know



## **Is your employer required to let you early to pick up your child from school?**

Do they have to accommodate your request to change your hours of work to care for an aging parent?? These questions fall under the umbrella of *family status discrimination*, a topic that has gained significant attention in Ontario workplaces.

This blog unpacks the meaning of “family status” under Ontario’s human rights framework and explains the rights and responsibilities of both employees and employers when it comes to caregiving obligations.

## **What Is Family Status Discrimination?**

Under the Ontario *Human Rights Code* (the “Code”), every person has the right to equal treatment without discrimination based on family status. Section 10(1) of the Code defines family status as “the status of being in a parent and child relationship.”

However, the courts have determined that this definition extends beyond parents and their minor children and –it also includes the caregiving roles adult children and their aging or ailing parents. *Examples of Caregiving Obligations*

Caregiving obligations refer to essential responsibilities that flow from the relationship between parent and child. These are obligations that, if unmet, would negatively impact the relationship or the dependent’s well-being.

Examples include:

- Picking up a child from school or arranging childcare.
- Caring for a child or parent with a disability.
- Taking an elderly parent to a medical appointment.

However, its important to keep in mind that not all responsibilities give rise to a legal requirement. For instance, while being told that you cannot arrange your schedule to accommodate a necessary medical appointment for your child might be discriminatory, it is unlikely that missing a child’s piano recital because of work responsibilities would be. .

## The Duty to Accommodate

Employers in Ontario have a legal duty to accommodate employees' caregiving obligations up to the point of *undue hardship*. This means accommodating caregiving needs unless doing so would create significant financial strain, safety risks, or other substantial difficulties for the employer.

### What Employers Need to Know

- Accommodation might involve adjusting work hours, providing flexibility, or allowing remote work in some cases.
- Requests for accommodation must be assessed individually and with care.
- Employers must collaborate with employees to find reasonable solutions that balance the needs of both parties.

A proactive approach that fosters a culture of respect and fairness in handling accommodation requests benefits the entire workplace. Beyond legal obligations, showing empathy in these situations can create a supportive and motivated team.

### The Employee's Role in the Accommodation Process

While the employer has a duty to accommodate, employees also have responsibilities in this process:

#### 1. *Communicate Your Needs*

Employees must explain their caregiving obligations to their employer and provide sufficient information to allow the employer to assess the request. This could include details about the nature of the caregiving responsibility and its impact on their ability to fulfill work duties.

#### 2. *Participate in Finding Solutions*

Accommodation is a two-way street. Employees should work with their employer to explore reasonable alternatives. For example:

- Instead of requesting to work from home, an employee might propose starting earlier on caregiving days to leave work in time for school pickups.
- Seeking external solutions, such as after-school programs or help from a family member, could also be part of the discussion.

#### 3. *Understand Workplace Policies*

Employees should review existing workplace policies to determine if they offer solutions, such as flexible scheduling or paid leave, before requesting formal accommodation.

### What About Self-Accommodation?

In the Ontario human rights context, employees are not required to completely self-accommodate before seeking help from their employer. This differs from the federal framework, where federally regulated employees are expected to take greater steps to resolve the issue themselves.

### What Happens if an Employer Fails to Accommodate?

If you believe you've been discriminated against due to your caregiving responsibilities, you may have grounds to file a complaint with the Ontario Human

Rights Tribunal. This process can help address the discrimination and hold employers accountable for failing to meet their duty to accommodate.

## **A Note for Employers**

While the duty to accommodate caregiving obligations is a legal requirement, it also presents an opportunity to foster a positive workplace culture. Employees who feel supported and valued are more likely to be engaged, productive, and loyal. Treating requests for accommodation with respect and fairness—even beyond legal requirements—can benefit the team and the organization as a whole.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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