



Customs and Immigration Union  
Syndicat des Douanes et de l'Immigration

**NATIONAL OFFICE MEMORANDUM  
NO-19-2009**

<b>DATE</b>	April 20, 2009	<b>PRIORITY</b>	4. For your information only
<b>TO</b>	National Board of Directors and Branch Contacts		
<b>RE</b>	<b>Duty to Accommodate Fact Sheet</b>		

Sisters and Brothers,

As I had committed during the March 2009 National Board of Directors meeting, you will find attached a "Duty to Accommodate Fact Sheet".

If you have any questions, please do not hesitate to contact me.

In solidarity,

Karen Church  
Equal Opportunity Representative

Attachment

# **DUTY TO ACCOMMODATE**

## **Fact Sheet**

### **Duty to Accommodate Definition:**

The duty to accommodate in the workplace is the legal requirement for employers to proactively eliminate employment standards, practices, policies, requirements, procedures or rules that discriminate against individuals or groups on the basis of a prohibited ground, such as race, sex, disability, age, and family status.

### **The Employee's Duty:**

- The employee must make the first move in requesting an accommodation.
- The employee must prove that they have a disability.
- The employee must provide evidence of disability.
- The employee will have to produce medical evidence sufficient to allow the Employer to search for, consider and implement appropriate accommodation measures.
- The employee has to cooperate in the accommodation process. Human Rights Law clearly states that employees who are seeking an accommodation must reasonably cooperate with the employer and the union to search for a suitable accommodation. An employee who otherwise may have a medically required accommodation can lose his or her claim because of lack of cooperation.

### **The Employer's Duty:**

- The employer has an obligation to accommodate up to the point of undue hardship.
- The employer is to maintain confidentiality and limit requests for information to those reasonably related to the nature of the limitations or restrictions so as to be able to respond to the accommodation request.
- The employer adopts the most appropriate accommodation... that respects the dignity of the individual, meets the individual needs, best promotes integration and full participation, and ensures confidentiality.
- The employer cannot turn a blind eye. The employer must accommodate an employee showing signs of needing accommodation, even if they haven't asked. An employer should first approach the employee in a discreet manner to discuss the potential need for accommodation.