

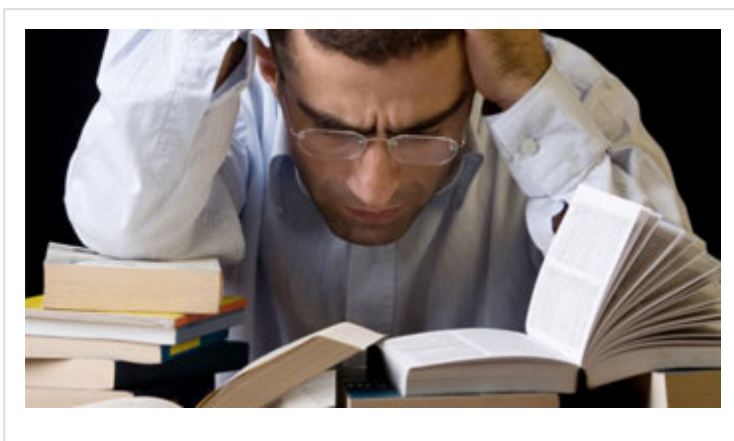


Benefits

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How to handle a workplace accommodation

Kim Siddall | June 23, 2015



Your employee has come to you to tell you that they're having a difficult time with tasks at work. They don't want time off, but they need your assistance in doing their job due to an undisclosed medical condition. You had no idea they were struggling with their health, and don't really know what you can and cannot ask this employee. You certainly want to accommodate them to help them stay at work and remain effective. What should you do?

A workplace accommodation is any change in the working environment that allows a person with

limitations in their abilities to do their job. These can include changes to physical workspace, adaptations to the equipment or tools used, flexible work hours or job sharing, relocation of the workspace within the greater workplace, the ability to work from home, reallocation or exchange of some non-essential tasks for others, or time off for medical appointments. Accommodations can be temporary, periodic or long term, depending on the employee's medical condition.

Read: [Manage workplace absenteeism](#)

In Canada, employers have a duty to accommodate employees with limitations due to a medical condition. This obligation is set out in human rights legislation enacted both federally in the *Canadian Human Rights Act* and at the provincial level, as well as the *Employment Equity Act*.

As an employer, you absolutely have the right to request medical information in order to support a request for workplace accommodation. This could mean asking for documentation about the employee's functional limitations and the prognosis from his or her treating physician, or depending on the extent of the accommodation request, a medical exam performed by an independent third-party medical practitioner.

While your employee may choose to share more information with you or their colleagues, employers may only request information that's relevant to the work situation and the accommodation request at hand: You may not ask for the diagnosis itself or for details of the treatment unless it has a bearing on the accommodation request. And, of course, any medical information received must be kept confidential.

Read: [A delicate balance: Disability management and privacy](#)

Employees requesting an accommodation should be both specific and reasonable in their request. They should be clear that they're requesting an accommodation due to a barrier or limitation, identify what the barriers are, and make suggestions about what the accommodation could be in order to remove these barriers.

Employers have an obligation to do everything they can in order to accommodate a disability to the point of undue hardship. In order to prove undue hardship, an employer would need to prove that they received information about the employee's limitations due to their medical condition and explored all possible options, but that either the proposed accommodation posed an undue risk to the health and safety of the organization's other employees, or that the related cost of the proposed accommodation would greatly impact the viability of the organization.

An employer can also decline a proposed accommodation if the functional limitation is a bona fide work requirement. For example, the management team of a manufacturing plant where specialized equipment is used in an assembly line could refuse a request to have a person on that line work from home while doing their current job.

While a request for accommodation is being explored, both the employer and employee should stay open to potential options, and be flexible. Employees need to cooperate with their employers as they gather information, explore alternatives and develop the accommodation plan.

Read: Supporting an employee through trauma

If an employer offers a reasonable option for accommodation that both addresses the limitation and allows an employee to carry out the essential duties of their job and the employee rejects it, the employer may be absolved of their duty to accommodate.

Once a request for accommodation has been accepted, both the employer and employee have a responsibility in ensuring that the accommodation plan is successful and that the essential requirements of the job are being met. Clear communication is key. Employers could:

- keep a written record about the key elements of the plan, including what was agreed to, who is responsible for what, with milestones detailed;
- while respecting the accommodated employee's confidentiality, communicate the parameters of the plan with the coworkers it will impact; and
- regularly review the effectiveness of the plan and make adjustments as the need for accommodation changes.

The decision to ask for help at work is generally not an easy one. An employee asking for an accommodation might be concerned with how "tipping his hand" about the limitations caused by his medical condition might be viewed by his coworkers, or how his opportunities for job advancement might be affected. He might even be concerned about losing his job. Sensitivity about how the employee might be feeling about their disclosure and request will go a long way to building trust.

Kim Siddall is an associate vice-president with Aon. She has more than 20 years of experience in the health and benefits industry. These are the views of the author and not necessarily that of Benefits Canada.