

Duty to Accommodate

Welcome to the first in a series of monthly entries that focuses on **Workers with Disabilities**. My name is Phil Wachel and I am a H&S Officer for the Local. With the start of a new school year, I thought that an ideal topic to explore is the Employer's **Duty to Accommodate** its workers.

In Canada, laws around accommodating worker injuries and / or disabilities are quite stringent. The Employer has a **Duty to Accommodate** the worker as long as there is no **Undue Hardship** for the Employer. What does this mean? Let's look at two examples.

Example # 1: A server is one of three employees at a restaurant. She cannot do every part of her job after an injury because she can't climb the stairs to the second floor to serve patrons. She would like an elevator installed to accommodate her injury.

Does the Employer have a Duty to Accommodate the worker?

The answer is '**No**' because the cost of installing an elevator would cause an undue hardship to the restaurant owner.

Example # 2: A Teaching Assistant at a university requires \$7500 of computer software to do marking because of a disability that makes it impossible to grade essays by writing comments on the essay or by typing them.

Does the Employer have a Duty to Accommodate the worker?

The answer is '**Yes**' because \$7500 will not cause an undue hardship to a university. This is important to note as we are university workers ! In almost every case, a university has to accommodate a worker's disability because the cost of the accommodation would not put the university into a financial predicament.

Do you require an accommodation to do your job?

If the answer is 'Yes', then talk to your Supervisor. You will have to fill out some forms and submit a medical note. As your H&S Officer, I can definitely assist with the process. I can be reached by email (cupe4207@brocku.ca) or phone (905) 688 -5550 x 4766

Sometimes, accommodations are no cost (or minimal cost) and the process is actually as easy as having a conversation with your Supervisor.

The key is to get the process started as soon as possible.

Want to know more about Duty to Accommodate?

Check out the Ontario Human Rights Commission website.

<http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate>

What is Accessibility Training (AODA) & why should I do it?

Every employee at Brock must complete Accessibility training once as a condition of employment. The training can be found at my.brocku.ca

If AODA training isn't on your Allocation of Hours form, then you are then eligible for one hour of pay for completing the online training. Present your certificate of completion to your Supervisor (or the Admin Assistant) and ask about the process for payment.

I hope that you will check back next month as we explore a new topic !