

HOW TO WRITE AN ACCOMMODATION POLICY

This information sheet explains how to write an accommodation policy for your workplace.

1. Write an introductory statement that outlines what the policy is about.

- Explain that the duty to accommodate is a requirement under human rights law and that the policy helps to ensure the specific needs of employees are taken into consideration.
- Explain that the employer will accommodate specific needs based on the characteristics listed in the Yukon *Human Rights Act*. This includes needs based on a physical or mental disability, sex (including pregnancy), religion and other protected grounds.
- Specify to whom the policy applies, such as employees, supervisors managers, and job applicants.

2. Explain how your work place will respond to a request for accommodation. For example:

- The employer will respond to requests quickly and look for solutions that meet people's needs as required by the Yukon *Human Rights Act*.
- List the types of accommodation solutions that might work:
 - Making changes to the work space or to equipment.
 - Changing the way a job is done such as doing tasks differently or changing the work schedule.
 - Changing the rules about how people are hired, trained or promoted to ensure they are fair to everyone.
 - Providing services such as an interpreter, equipment and assistance with a specific part of the job.

- Finding a different job for the employee or reorganizing current tasks in a way that enables an employee to meet the job requirements.
- Waiting until after the employee has been appropriately accommodated to begin their probationary period.

3. Explain what tasks employees are responsible for doing such as:

- Letting their employer know that they need help with an accommodation.
- Making sure they provide their employer with all the medical and other relevant information they need to find a good solution.
- Cooperating with the employer by making suggestions about possible accommodation options and being willing to try them out. Failure to cooperate may lead to the employer turning down the request.
- If the employer turns down the request because of “undue hardship”, asking for an explanation and providing more information if necessary. (For more information on “undue hardship”, refer to Information Sheet #1.)
- Letting the employer know if their needs change or if they no longer need to be accommodated.

4. Explain what tasks employers are responsible for, such as:

- Letting employees know who they can talk to if they need to be accommodated.
- Paying attention to their employee’s need for accommodation and doing what they can to help. For example, if a supervisor notices a change in an employee’s behaviour or performance, he or she should take steps to determine whether a physical or mental disability may be the cause.
- Listening to their employee’s request and finding out whether there is a legal requirement under the Yukon *Human Rights Act* to accommodate the employee’s needs.

- Asking employees to provide them with medical or other relevant documentation to better understand and support their need and to identify a workable solution.
- Requesting only what private information is necessary for understanding the employee's need and ensuring it is only shared with those who need to know about it.
- Doing everything human rights law requires to accommodate the employee's need up to the point of "undue hardship". (For more information, refer to Information Sheet #1.)
- If they can't find a solution, explaining why and suggesting other ways they can help or at least meet part of the employee's needs.
- Being willing to make changes from time to time if the situation changes.

5. Explain how you will ensure everybody knows about and understands the policy.

- By providing everyone with a copy of the policy.
- By offering training that explains the policy and why it is important to support and assist employees who need accommodation.

6. Explain how you will make sure that personal information is kept private.

- By making sure that any files or papers that contain personal information are kept in a safe place.
- By only asking for information that has to do with the employee's needs.
- By making sure that private information is only given to people who really need to know about it.

7. Clarify what kind of personal information the employer is allowed to request, such as information about:

- What kinds of tasks an employee can and can't do.
- How well an employee is expected to recover (prognosis).
- Whether an employee is fit to return to work.
- Whether an employee is still able to perform certain tasks.
- How long the employee will have restrictions or limitations after they return to work.

8. Explain how you will monitor the situation:

- By checking in with the employee periodically to find out how they are doing.
- By making any adjustments that are needed to ensure the accommodation is successful.

9. Explain how people can appeal a decision that has been made.

- Let people know who they can talk to within the organization and inform them of the internal options available such as the grievance process in a unionized environment.
- Inform employees that they may also choose to make a formal complaint through the Yukon Human Rights Commission.

(Adapted from *A Place for All: A Guide to Creating an Inclusive Workplace*, Canadian Human Rights Commission, 2006.)

To learn more about accommodation please refer to our other information sheets:

- #1: Understanding the Duty to Accommodate
- #2: Accommodation in the Workplace

Or contact Yukon Human Rights Commission by email:

humanrights@yhrc.yk.ca or phone 667-6226 or 1-800-651-0535.

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