Return to Work

Return to Work - Accommodation

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What is the "duty to accommodate"?

An accommodation is a modification to rules, policies, practices, or tasks to ensure that a person can fully participate in the workplace without discrimination. Human rights legislation specifies that employers have a "duty to accommodate" a worker's needs in relation to a disability (either mental or physical). Each situation is unique, and any accommodation would need to be evaluated on a case-by-case basis.

Employers are required to make every reasonable effort, short of undue hardship, to accommodate a worker. This statement means that there is a reasonable limit to how far an employer needs to go to accommodate. If accommodation is not possible due to a health and safety risk or if costs are unreasonable, the employer can claim undue hardship. An employer would need to provide sufficient evidence that an accommodation would cause undue hardship. This hardship would be evaluated on a case-by-case basis.

For more information on return to work programs, please see the following OSH Answers documents:

- Return to Work – Program Overview
- Return to Work – Job Demands Analysis
- Return to Work – Functional Abilities Evaluation
- Mental Health – Return to Work

How are appropriate accommodations and modified work determined?

Accommodations should be based on the worker's current functional abilities. Depending on the type of injury or illness, these abilities may relate to physical or mental abilities.

Discussing accommodation options is a cooperative process and involves the individual with input from their health care professional. Sharing completed physical demands descriptions with the health care professional can help determine the best "fit to work" status. Remember that diagnosis or details of treatment do not need to be disclosed.

Focus on the individual's current abilities and functionality as well as the organization's needs. Create benchmarks and check-in dates. When discussing accommodations, if possible, ask what some of the challenges were before the absence and what could potentially be a challenge as the worker returns to work.

Requests for accommodations should be made in good faith and every effort should be made to accept the request. However, it may not be possible for the employer to accommodate a request, and equally, not every request may be appropriate. It is important to work collaboratively to determine suitable work and accommodations for the individual, the situation, the team, and the workplace involved.

What are some examples of accommodations?

Examples of accommodations include:

- Flexible scheduling for medical appointments, working reduced hours, or allowing for more frequent breaks.
- Changes to the workspace that consider the needs of the individual with regard to ease of access, noise, light and other factors that may impact mental health, concentration, and well-being.
- Providing equipment and software to meet the needs of people with visual, hearing, or other impairments.
- Meaningful work, for example, paperwork, ordering materials, etc.
- Consider the energy and concentration levels of the individual and schedule the work accordingly throughout the day.
- Help the individual prioritize work and activities. This step may involve breaking work into small, achievable tasks, or to remove any non-essential tasks.
- Have more frequent meetings to ensure success with the work or the return to work plan.
- Review training needs and provide any necessary re-training or reorientation.
- Adjusting a worker's schedule or location to help balance their work and caregiving obligations.
- Modifying the workspace to accommodate people living with physical disabilities.

- Modified work hours to accommodate religious practices.

Where can I get more information?

Sample resources* include:

- Mental Health Works: Mental Health in the Workplace: An Accommodation Guide for Managers and Staff
- Canadian Human Rights Commission:
  - Accommodation Works!
  - Workplace accommodation - A guide for federally regulated employers

(*We have mentioned these organizations as a means of providing a potentially useful referral. You should contact the organization(s) directly for more information about their services. Please note that mention of these organizations does not represent a recommendation or endorsement by CCOHS of these organizations over others of which you may be aware.)

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