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K.C. Wysynski

K.C. Wysynski is an associate in the Workplace Law and Education Law groups with SimpsonWigle LAW LLP. The Workplace Law group provides advice and representation to clients on all matters arising from the employment relationship, including restructuring and downsizing, policy development, human rights, disability management, collective bargaining, grievance arbitrations, workplace safety and insurance and occupational health and safety matters.

Q Does an employer's duty to accommodate on the basis of family status under the *Human Rights Code* include a requirement to amend an employee's work schedule so that an employee can take his/her child to extra-curricular activities?

A Human rights law in Canada recognizes "family status" (i.e., the status of being in a parent-child relationship) as a prohibited ground of discrimination. The primary obligation is on employees to balance work and family responsibilities in a way that does not interfere with work. But if a workplace obligation prevents an employee from fulfilling a parental legal duty, the employer's duty to accommodate will be triggered. For example, if an unusual shift schedule prevents an employee from finding safe and suitable day care for his/her child, the employer has a duty to modify the employee's schedule in an appropriate manner if the employee asks to be accommodated. However, not every conflict between work and family engages an employer's duty to accommodate on the basis of "family status". Although taking one's child to extra-curricular activities is a common (and important) parental role, it is not considered to be a legal obligation. Rather, it is a matter of personal choice and does not give the employee a right to be accommodated. These issues can be complex. The key to successfully navigating workplace accommodation requests is for employers to discuss the request with their employees in a thoughtful, informed and respectful manner and, if necessary, to obtain legal advice regarding the respective rights and obligations of the workplace parties before making a final decision.



SimpsonWigle
LAW LLP

SimpsonWigle LAW LLP

1 Hunter Street East,

Suite 200

Hamilton, ON

L8N 3W1

905-528-8411

www.simpsonwigle.com