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# e2r Alert!

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## Family Status Accommodation

Balancing the obligations of both work and home is a constant juggle for employees. As we approach the summer and children are out of school, there may be an increase in employees requesting accommodations to care for their families. In provinces/territories across Canada, family status is a protected ground and employers have a legal obligation to accommodate up to the point of undue hardship. Both employees and employers have the shared responsibility to work together to find a viable solution.

### **Employees are required to:**

- Demonstrate that there is a genuine obligation to provide care for their family (not just a personal choice) and provide clear information in a timely manner;
- Provide supporting documentation to show that they have explored all realistic alternatives, such as alternative camps/daycares, babysitting services, family members, and community supports; and
- Participate in the discussion, consider alternative solutions, and agree with their employer on an accommodation, even if it is not their preferred choice.

### **Employers are required to:**

- Accommodate to the point of undue hardship and participate in the accommodation process;
- Offer reasonable alternative accommodations so that an employee can continue to successfully fulfil the essential duties of their position; and
- Work towards removing barriers that limit the employee's ability to perform their job.

There is no "one-size fits all" when it comes to family status accommodation and you may need to get creative to find the appropriate solution. It is important to keep in mind that the appropriate accommodations may be temporary in nature or may require a more permanent change, depending on the needs of the employee and viable alternatives. All parties involved need to remain flexible and open to adjusting the accommodation plan as circumstances change.

Reasonable accommodative measures could include:

- Allowing additional paid/unpaid time off for an employee to tend to family care obligations;
- Allowing for flexibility in start and end times;
- Transferring the employee to a different work location or allowing remote work; and
- Proposing an unpaid leave of absence if paid leaves have been exhausted.

A successful accommodation plan works for everyone and allows an employee to perform the duties of their job. Maintaining open communication and working collaboratively will allow everyone to move forward productively.

If you have any questions about employee accommodations and/or what constitutes “undue hardship”, please reach out to ClientCare to schedule a call with an Advisor.