

# 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](mailto:humanrights@yhrc.yk.ca) or phone 667-6226 or 1-800-651-0535.**

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