

Duty to accommodate:

A CHECKLIST FOR COLLECTIVE AGREEMENT LANGUAGE

This document provides a checklist of ways to advance accommodation rights through the collective agreement.

Every worker has the right to be accommodated and protected by human rights legislation. Specific collective agreement language is not necessary to enforce this right. However, it is always helpful to have such language in our collective agreements.

Good collective agreement language should:

- Prohibit discrimination on the basis of disability and other grounds.
- Provide for accommodation of members who face barriers at work related to human rights grounds. For example, work schedule changes for religious observances and holidays, family status accommodations for such responsibilities as breastfeeding and child care, accommodations for transgender members such as safe washrooms and paid leave, and accommodations for persons with disabilities.
- Define disability broadly to include disabilities that are physical, mental, developmental or learning; temporary, episodic or permanent; evident at birth or acquired later in life; and acquired at work or elsewhere.

- Contain a comprehensive procedure on the duty to accommodate that clearly lays out the responsibilities of the employer, union and worker seeking accommodation.
- Require the employer to modify the workplace and workstations, modify shifts, adapt equipment, restructure or re-bundle jobs, allow individualized rates of absenteeism, allow flexible productivity rates, provide safe medication storage and take other steps to accommodate persons with disabilities.
- Provide training for members who are accommodated in new and reassigned positions.
- Allow for additional accommodation, if the earlier accommodation is found to be unsuitable.
- Respect the right to privacy of the worker seeking accommodation, to the extent possible.

For more detail on the duty to accommodate, see these CUPE fact sheets:

- *What is the duty to accommodate?*
- *The duty to accommodate: How far does an employer have to go?*

Find these fact sheets, as well as more information on discrimination, harassment, disability rights, transgender rights and other equality-related issues at cupe.ca.