

Attention CUPE Members

What is “Duty to Accommodate”?

The duty to accommodate is an obligation upon employers and unions, to adapt work and workplaces to allow persons with disabilities the right to work without discrimination. This obligation comes from two sources: the applicable human rights legislation (in our case the Saskatchewan Human Rights Code) and rulings from the Supreme Court of Canada.

What is an Accommodation?

In circumstances where an employee is unable to perform the regular duties of their position due to a mental or physical disability, an accommodation can be required. An accommodation can mean anything from modification of duties, shifts, and equipment, up to and including, retraining if necessary.

Who plays a part in duty to accommodate?

The primary responsibility rests with the employer, because it has the ultimate control over the workplace. Once it receives a request, the employer must initiate the accommodation search.

The union must co-operate with the accommodation process, and not unreasonably block a viable accommodation option. **The union is there to protect your interests and the interests of the other bargaining unit members.**

The employee is expected to participate in the accommodation process, and cannot refuse a reasonable accommodation offer. The employee must provide sufficient information to the employer concerning restrictions or limitations including necessary information from health professionals. The employee doesn't have to reveal the actual diagnosis so long as sufficient information about restrictions and accommodation needs is provided.

What does this mean for me as a union member?

You should inform your principal of your need for accommodation and cooperate in providing the necessary information. **When you inform your principal of your request you should also tell them that you want your union involved in any discussions or meetings about your accommodation. You should contact the local and advise them of your request – you can count on them to advocate on your behalf and follow-up to make sure the solution is really working.**

A message from your Executive, CUPE local 3766