

REASONABLE ACCOMMODATION

Definition: **Reasonable accommodation** is an expression that refers to modern societies' attempt to accommodate the requirements of different minorities within civil society in order to foster equal opportunity. The expression was born in Quebec but is also used in other Francophone countries.

Any accommodation request must be based on one of the grounds provided in the relevant section of the *Charter of Human Rights and Freedoms*. The section reads:

10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.
Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

Reasonable accommodation is an obligation of means and not of results.

There is no obligation to make an accommodation if the constraints of “accommodating” constitute undue hardship. Undue hardship is examined according to the context, but fundamentally revolves around three broad themes:

How does it work?	
Who is asking for an accommodation?	Person or group of people (for example, an employee or a customer).
Who is responsible for managing it?	An employer or its representatives and/or a service provider.
What might this mean?	Setting up a rule or a practice, or granting an exemption in the case of a discriminatory situation.
What are the subjects of the requests?	The vast majority are for disabilities (90%), some are for religious reasons (4.8%) and others fall into various other categories.

Once a request is made, the process is as follows:

1. Receipt of the request;
2. Examination of the request;
3. Joint search (with the requester) for solutions (means to implement);
4. Decision, which is subsequently communicated to the requester;
5. Implementation of the accommodation and follow-up.

References:

The Human Rights Commission website gives a good overview of the topic and even advice regarding the obligation surrounding accommodations.

<http://www.cdpdj.qc.ca/en/droits-de-la-personne/responsabilites-employeurs/Pages/accommodement.aspx>

The Commission also offers an Information Guide for processing an accommodation request.

http://www.cdpdj.qc.ca/Publications/Guide_virtuel_accommodement_En.pdf