

# DUTY TO ACCOMMODATE AND COVID-19

# COVID-19



## Does an employer have to accommodate a worker that tests positive or becomes sick because of COVID-19?

- » The OHRC's policy position is that the *Code* ground of disability is engaged in relation to COVID-19, as it covers medical conditions or perceived medical conditions that carry significant social stigma.
- » Employers have a duty to accommodate employees under the *Code* in relation to COVID-19, unless it would amount to undue hardship based on cost or health and safety.
- » Employers should also be sensitive to other factors such as any particular vulnerability an employee may have (for example, if they have a compromised immune system).

## Does an employer have to accommodate a worker if they need to stay home with kids or an ill family member?

- » An employer must accommodate an employee who has care-giving responsibilities up to the point of undue hardship.
- » These care-giving responsibilities, which relate to the *Code* ground of family status, could include situations where another family member is ill or in self-isolation, or where their child's school is closed due to COVID-19.
- » Potential accommodations can include allowing employees to work from home where feasible, permitting employees to work alternate hours, allowing employees to take leaves from work or other flexible options.

## Is a medical note required to support an accommodation request?

- » Consistent with the OHRC's *Policy on ableism and discrimination based on disability* and its *Policy position on medical documentation to be provided when a disability-related accommodation request is made*, employers should take requests for accommodation in good faith.
- » Employers should be flexible and not overburden the health care system with requests for medical notes. Unnecessarily visiting medical offices increases risk of exposure for everyone.
- » On March 19, 2020, Ontario passed Bill 186, ***Employment Standards Amendment Act (Infectious Disease Emergencies), 2020***, which provides that an employee will not be required to provide a medical note if they need to take a leave related to COVID-19.

### FOR MORE Q&A ON DUTY TO ACCOMMODATE:

[www.ohrc.on.ca/en/news\\_centre/covid-19-and-ontario%E2%80%99s-human-rights-code-%E2%80%93-questions-and-answers-0](http://www.ohrc.on.ca/en/news_centre/covid-19-and-ontario%E2%80%99s-human-rights-code-%E2%80%93-questions-and-answers-0)



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