

Madawaska Valley

Association For

Community Living

**POLICY: ACCOMODATION BASED ON FAMILY STATUS**

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**CATEGORY: HUMAN RESOURCES**

Policy:

MVACL is a complex work environment which requires shift work and flexibility as the schedules of work are dependent on the needs of the population we support.

MVACL appreciates the commitment of our employees to our organization, and we recognize that work-life challenges arise for most, if not all employees, at some point during their employment.

Every person has a right to equal treatment with respect to employment without discrimination because of Family Status. Family Status has been defined in the Human Rights Code to mean “the status of being in a parent and child relationship”. Parent-child relationships include adoptive, non-biological and foster. Family status situations may arise when an employer has changed a term or condition of employment or it may arise due to the birth of a child or a family illness.

MVACL will give all requests for accommodation on the basis of child care needs very careful consideration. There is never a one size fits all approach, and we cannot treat family status as an open ended concept for accommodation, or our organization would be in for great disruption.

The responsibility for resolving such conflicts lies first and foremost with the employee. However MVACL understands that there will be times when employees have legitimate family obligations that cannot be met without reasonable accommodation from the employer.

Before looking to MVACL for accommodation, the employee must first demonstrate that they have exhausted all reasonable means of resolving their conflicting family and work responsibilities.

When seeking a formal accommodation, the Accommodation committee rep, Employee, Manager, Executive Director and Bargaining Unit representative will meet to begin dialogue.

The following questions will be addressed:

* What are the relevant characteristics that establish the family status of the employee?
* What are the adverse effects complained of?
* Is it reasonable to expect that the Human Rights Code offers protection against the particular adverse effect of the employer’s action on the employee?
* What caused the adverse effect on the employee? A change in employers rule, or a change in the characteristics of the employee’s family status?
* What efforts has the employee made to self-accommodate their conflict? Have they rejected options for self-accommodation that they should reasonably be expected to have made? (i.e. preferences vs. reasonable)

Once the answers to the above have been full considered, the Employer will determine if the accommodation shall be granted, or denied.

After the above process, if the employee still alleges there has been a violation of the Collective Agreement, the grievance procedure may be initiated.