



## **Workplace Accommodation Fact Sheet – Family Status**

### **Family Status Definition**

Family status is defined in the Human Rights Act of Alberta as the status of being related to another person by blood, marriage or adoption.

Family status protection can extend to a person's family caregiving responsibilities.

### **The Role of the Employee**

When an employee is unable to perform their job duties due to family caregiving they must first show that there is a legal obligation to provide care to a member of their family as opposed to a personal choice. For example, leaving work early to attend a child's hockey game would be considered a personal choice. Leaving work to take an injured child to the hospital when no other caregiver is available would be considered an obligation.

Employees must also demonstrate that they have exhausted other reasonable alternatives for care. This can include exploring realistic alternatives and available caregiving options such as other family members, friends, social programs, and community supports.

An employee should be prepared to discuss his or her relationship to the person receiving care, the specifics of the care they require, and how long the person will need care. The employee should also be able to demonstrate what efforts have been made to reconcile work and caregiving obligations, why these efforts were unsuccessful, and what accommodation is needed from the employer.

### **The Role of the Employer**

When an employee's obligation to care for a family member interferes with their ability to participate fully at work, an employer's duty to accommodate may arise.

#### *Duty to Accommodate*

The duty to accommodate refers to the obligation of an employer to take reasonable measures to eliminate disadvantages to employees and prospective employees that result from rules, policies, practices, standards, terms of employment or decisions that have or may have an adverse impact on individuals or groups based on a characteristic or perceived characteristic protected under the *Human Rights Act of Alberta*.

#### *Undue Hardship*

Employers are required to accommodate to the point of undue hardship. Undue hardship refers to when accommodation creates unreasonable and excessive challenges for the institution, which may include but are not limited to:

- (i) substantial financial cost; and/or
- (ii) extensive disruption of operations; and/or

- (iii) significant interference with the rights of others; and/or
- (iv) health and safety concerns; and/or
- (v) compromise of a bona fide occupational requirement as defined below.

*Bona Fide Occupational Requirement(s) ("BFOR")*

Bona fide occupational requirements are those requirements that are justifiable components of an occupation or specific job.

If it is deemed that an accommodation request interferes with a bona fide occupational requirement of the job an employer may not have to accommodate the employee's request.

**Other Resources**

- Process for Workplace Accommodation Requests
- Workplace Accommodation Request Form

**Contact Us**

For further information about workplace accommodations at Mount Royal University please contact [Employee Wellness](#).