

# Accommodating Family

A Guide for Students, Faculty, and Staff

## WHAT ARE FAMILY STATUS AND SEX?

“Family Status” is defined by the Ontario Human Rights Code (the “Code”) as “the status of being in a parent and child relationship”. This can also mean a parent and child “type” of relationship that may not be based on blood or adoption ties, but that is based on care, responsibility and commitment. This includes relationships of dependence between adult children and elderly parents.

“Sex” includes a broader notion of “gender”, which can be described as the biological and social characteristics attributed to each sex, such as breastfeeding.

## YORK UNIVERSITY POLICY

York University is committed to ensuring that all York community members, including students, staff, faculty, and visitors to the university, receive equal treatment without discrimination on the basis of family status. It is also committed to providing the York community with a supportive environment for breastfeeding.

*There is no set formula for accommodating or for deciding what is required to grant an accommodation.*

## WHAT IS THE DUTY TO ACCOMMODATE?

Where rules, requirements, standards or factors of an employer/service provider have the effect of disadvantaging persons who have significant caregiving responsibilities related to their family, either by imposing burdens that are not placed on others or withholding or limiting access to opportunity, benefits or advantages available, the impact may be discriminatory.

There is no set formula for accommodating or for deciding what is required to grant an accommodation. It will depend on the particular circumstances of each individual such as the academic nature and requirements of a university course or the bona fide occupational requirements of an employment position.

Accommodation of family usually involves a certain degree of flexibility that may be exercised by an employer/service provider to alleviate disadvantages that a caregiver may face.

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*An accommodation should result in equal opportunity for the caregiver to attain and enjoy the same level of performance, benefits, and privileges experienced by others and acknowledge the practical realities of caregiving.*

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## Examples of accommodations:

- Allowing employees to take an appropriate leave of absence to care for family members who are aging, ill, or have a disability
- Providing flexible work hours so an employee can pick up their child from daycare
- Allowing a mature student to switch tutorials to be able to care for an elderly parent
- Allowing a student to defer an exam due to their ill child requiring an emergency hospital procedure
- Providing flexibility for employees to take lactation breaks during their workday
- Allowing a care-giver to bring the baby into the workplace to be breastfed
- Providing appropriate storage facilities for breast milk and for the storage of breast milk expression equipment (pump)
- In exceptional circumstances, allowing quiet infants and young children into lecture theatres and seminar rooms

## PRACTICING ACCOMMODATION

The Ontario Human Rights Commission's (OHRC) guidelines on accommodation are a useful reference tool in guiding accommodation requests:

### Person Requesting:

- Take the initiative to request accommodation
- Explain why accommodation is required
- Provide notice of request in writing, and allow a reasonable time for reply
- Explain what measures of accommodation are required
- Deal in good faith
- Be flexible and realistic
- If desired, request details of the cost of accommodation if undue hardship may be a factor

### Person/organization Responsible:

- Respect the dignity of the person seeking accommodation
- Assess the need for accommodation based on the needs of the group of which the person is a member
- Reply to the request within a reasonable time
- Grant requests related to the accommodation of family status and breastfeeding.
- Deal in good faith
- Consider alternatives
- If accommodation is not possible because of undue hardship, explain this clearly to the person concerned and be prepared to demonstrate why

## LINKS TO YORK RESOURCES

Accommodation concerns and complaints should be directed to the Centre for Human Rights.

### EXTERNAL RESOURCES

Ontario Human Rights Commission:

#### Policy and Guidelines on Discrimination Because of Family Status

<http://www.ohrc.on.ca/en/policy-and-guidelines-discrimination-because-family-status>

#### Policy on Discrimination Because of Pregnancy and Breastfeeding

<http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-pregnancy-and-breastfeeding>

#### Human Rights and Family Status (fact sheet)

<http://www.ohrc.on.ca/en/human-rights-and-family-status-fact-sheet>

### SOURCES

Sources used in the creation of this document are those listed under External Resources above.

## MAKING YORK UNIVERSITY REDI

The Centre for Human Rights (CHR) contributes to York University's vision of social justice and accessible education. We strive to build a respectful, equitable, diverse and inclusive (REDI) community at York by advancing, promoting, and upholding human rights at York in accordance with provincial human rights legislation and the University's policies.

### Contact the Centre for Human Rights if you:

*Have questions or concerns about human rights on campus*

*Are seeking human rights education*

*Are interested in human rights research*

### CENTRE FOR HUMAN RIGHTS

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Web: [www.yorku.ca/rights](http://www.yorku.ca/rights)

*This fact sheet provides general information about human rights related accommodation to York University students, staff, and faculty members and should not be construed as legal advice.*