

School's Out!

Now that the schools in Ontario are closed post March Break for two weeks and the likelihood other provinces will adopt a similar approach, employers need to be prepared for innumerable requests from parents to work remotely, reduce working hours, or miss work altogether to permit them to undertake their parenting obligations.

Apart from the considerable empathy all employers will demonstrate to employees involuntarily subject to this circumstance, most employers need to understand they are also subject to a significant legal obligation

Briefly stated, the vast majority of employers across Canada are subject to the onerous human rights obligation not to discriminate against employees on the basis of family status. This prohibited ground of discrimination means, in part, that employers are obligated to accommodate employee childcare requirements up to what is called undue hardship to the employer.

Given the anticipated flood of requests by parents to have the employer permit them to do what they consider necessary to take care of their kids, employers will be required to devote a tremendous amount of time to figuring out how to accommodate each and every employee. To the extent any employee perceives his or her treatment is different than a coworkers', the employer can expect both considerable human resources ramifications as well as potential human rights applications with provincial and federal human rights commissions/tribunals which in some provinces can be made online.

Such applications typically result in employers paying considerable costs for legal representation as well as significant settlement payouts.

Yes, there are employer strategies to effectively respond to such claims and employee requests but they require very careful planning. To discuss these strategies further or family status obligations in general, please reach out to us to speak with an e2r® Advisor.