**FAMILY STATUS ACCOMMODATION PROCESS GUIDELINES– MEMBERS OF CUPE 3903**

**These guidelines for CUPE 3903 members are in accordance with the York University Accommodation Procedures for Family Status and Breastfeeding –based needs.**

In accordance with the Ontario Human Rights Code (the “Code”) York University recognizes the dignity and worth of every person. The Code is a law that provides for equal rights and opportunities and freedom from discrimination for everyone in Ontario. York is committed to ensuring that all York community members receive equal treatment without discrimination on the basis of the enumerated Code grounds, including family status and sex (which includes breastfeeding).

“Family Status” is defined by 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.

“Marital status” is defined by the Code as the status of being married, common-law, single, widowed, divorced or separated.

The Code provides protection for relationships covered by the grounds of marital and family status against discrimination, which includes different or preferential treatment and the failure to accommodate certain care-giving needs.

Family status accommodation is usually associated with caregiving needs. 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 status, 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. Accommodations of family status usually involve a certain degree of flexibility that may be exercised by an employer/service provider to alleviate disadvantages that a caregiver may face.

Some examples of accommodations are:

* 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.

Persons Requesting a Family Status Accommodation should:

* 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
* The individual may request details of the cost of accommodation if undue hardship may be a factor

Person/Organization Responsible should:

* 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
* From the CHR Website

With the foregoing as context, members of CUPE 3903 who have family status accommodation needs should direct their request to the Chair of their Hiring Unit in writing. The Chair will advise the member of her right to union representation, if there is no union representative involved in the member’s request. The Chair will also take care to provide a copy of the accommodation request to the Department of Faculty Relations to the attention of Rob Lawson, Associate Director.

Upon receipt of the accommodation request, the Department of Faculty Relations will convene a meeting to discuss the accommodation required. The parties invited to the meeting will be the employee, her union representative (if requested), the Chair (or UPD if appropriate), and the Associate Director, Faculty Relations. All reasonable accommodation options will be explored and evaluated, to the point of undue hardship.

Where the accommodation request is being made by a full-time graduate student member of CUPE 3903 Unit 1 or 3, in addition to the fore-noted, the Associate Dean FGS charged with oversight of CUPE 3903 matters (or designate) will also be included in the meeting.

Through the Department of Faculty Relations, the Employer will provide a response with a proposed accommodation within 14 calendar days of the fore-noted meeting.

Where the request for a family status accommodation is of an immediate nature (E.g, an ill child requiring an emergency hospital procedure), the Chair of the Hiring Unit and the Associate Director of Faculty Relations will provide an expedited resolution to the request.