



What you need to know about the duty to accommodate

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Across the federal public service, a troubling trend is emerging. Departments are increasingly conflating duty to accommodate requests with return-to-office (RTO) exception processes. Whether through confusion or deliberate misapplication, this practice erodes fundamental workplace rights and creates confusion, stress, and potential discrimination.

As the pressure to implement RTO intensifies with the new fiscal year, it is essential that all CAPE members understand that duty to accommodate and RTO processes are separate, distinct, and governed by different obligations.

The duty to accommodate is a fundamental right

The duty to accommodate is a legal obligation derived from the [Canadian Human Rights Act](#), the [Policy on people management](#), the [Directive on the duty to accommodate](#), and the [Accessible Canada Act](#).

It requires employers to adjust the workplace to ensure employees are not disadvantaged due to protected grounds such as:

- Disability
- Family status
- Religion
- Gender identity
- Pregnancy
- Age
- Other considerations

The obligation to accommodate extends up to the point of **undue hardship** and employers must demonstrate clear, evidence-based reasons if claiming that providing an accommodation is impossible.

Key principles of the duty to accommodate process include:

- You are not required to disclose medical diagnoses. Only your functional limitations must be shared.
- Accommodations, once granted, must be respected and maintained unless there is a justified reason for review.
- Both the employer and member must engage cooperatively and respectfully to identify solutions.

Remote work (telework) is a recognized accommodation and must be assessed through the duty to accommodate lens not through RTO exemption procedures.

RTO exemptions are not accommodations

RTO exemptions or exceptions are policy-based administrative measures, they are not human rights accommodations.

An RTO exemption is designed for operational or temporary flexibility in workplace presence. It cannot replace or limit the employer's legal obligation to accommodate protected needs.

Important

If your request for remote work arises from a medical need, disability, family status, or other protected ground, it must be assessed through the duty to accommodate process, not simply be filtered through an RTO management directive.

Managers cannot refuse or delay a legitimate accommodation request by redirecting it into RTO exemption committees or departmental processes not designed to respect human rights obligations.

Protect yourself: Know your rights

- You have the right to confidentiality regarding your accommodation needs.
- You can request accommodation based on functional limitations; diagnoses are not required.
- For permanent disabilities, repeated medical revalidation is unnecessary and discriminatory.
- If your accommodation request is denied, you are entitled to a written explanation citing undue hardship if applicable.
- You have the right to union representation at every stage of the accommodation process.

Resources to support you

CAPE has developed a full guide to help you navigate the duty to accommodate process:

[Duty to Accommodate: A Guide for CAPE Members in the Federal Public Sector](#)

We strongly encourage all members, especially stewards, to review this resource carefully to ensure consistent application across all departments.

You can also consult:

- [Duty to accommodate](#) - General Process for Managers (Treasury Board Secretariat)
- [GC Workplace Accessibility Passport](#) (supporting consistent accommodation)
- [Directive on telework](#)
- [Direction on the prescribed presence in the workplace](#)
- [Functional abilities form](#)
- [Your labour relations officer](#)

CAPE's commitment

CAPE is actively monitoring this issue and supporting all affected members.

Please contact your CAPE labour relations officer immediately if you experience any of the following:

- Your accommodation request is mishandled as an RTO exemption
- You are asked for diagnosis-level medical details
- Your established accommodation is being "reviewed" without clear justification
- You are facing retaliation, delay, or intimidation in the process

Document everything. Keep communications in writing. You do not have to navigate this alone.

Final word

The employer's legal duty to accommodate is clear, binding, and essential to workplace equity.

No departmental policy, including the [telework directive](#), can override your human rights.

We will not tolerate the erosion of accommodation rights under the guise of operational requirements.

Together, we will hold the employer accountable and defend an inclusive federal public service.



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